
FLORIDA

JOURNAL
OF THE
SENATE

VOLUME I

ORGANIZATION SESSION
November 21, 2000

SPECIAL SESSION A
December 8-14, 2000

REGULAR SESSION
March 6
through
May 4, 2001

Available on
Florida Legislature's home page
<http://www.leg.state.fl.us>

Journal
of the
S E N A T E
State of Florida

VOLUME I

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JOURNAL OF THE SENATE

Faye W. Blanton
Secretary of the Senate

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Journal
of the
S E N A T E
State of Florida



ORGANIZATION SESSION

November 21, 2000

**At an Organization Session of the Florida Legislature convened
under the Constitution of the State, as revised in 1968.**

MEMBERS OF THE SENATE

(25 Republicans, 15 Democrats)

ORGANIZATION SESSION

November 21, 2000

- District 1: Durell Peaden, Jr. (R), Crestview****
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton
- District 2: Betty S. Holzendorf (D), Jacksonville***
Parts of Alachua, Clay, Duval, Putnam and St. Johns
- District 3: Alfred "Al" Lawson, Jr. (D), Tallahassee****
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla, and parts of Bay, Jefferson, Leon and Madison
- District 4: Richard Mitchell (D), Jasper***
Baker, Dixie, Gilchrist, Hamilton, Lafayette, Nassau, Taylor and parts of Alachua, Bradford, Citrus, Columbia, Jefferson, Leon, Levy, Madison, Marion, Suwannee and Union
- District 5: Rod Smith (D), Alachua****
Parts of Alachua, Bradford, Clay, Columbia, Levy, Marion, Putnam, Suwannee and Union
- District 6: Jim Horne (R), Orange Park***
Parts of Clay, Duval and St. Johns
- District 7: Charlie Clary (R), Destin****
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton
- District 8: James E. "Jim" King, Jr. (R), Jacksonville******
Flagler, and parts of Duval, Marion, St. Johns and Volusia
- District 9: Lee Constantine (R), Altamonte Springs****
Parts of Orange and Seminole
- District 10: Ginny Brown-Waite (R), Brooksville***
Hernando, and parts of Pasco, Polk and Sumter
- District 11: Anna P. Cowin (R), Leesburg****
Lake and parts of Citrus, Marion, Seminole and Sumter
- District 12: Daniel Webster (R), Winter Garden***
Parts of Orange, Osceola, Seminole and Volusia
- District 13: Victor D. Crist (R), Tampa****
Parts of Hillsborough and Pasco
- District 14: Buddy Dyer (D), Orlando***
Parts of Orange and Seminole
- District 15: Bill Posey (R), Rockledge****
Parts of Brevard, Indian River and St. Lucie
- District 16: Locke Burt (R), Ormond Beach***
Part of Volusia
- District 17: John F. Laurent (R), Bartow****
Parts of Highlands, Okeechobee and Polk
- District 18: Charlie Bronson (R), Indian Harbour Beach***
Parts of Brevard and Osceola
- District 19: Jack Latvala (R), Palm Harbor****
Parts of Pasco and Pinellas
- District 20: Jim Sebesta (R), St. Petersburg***
Parts of Hillsborough and Pinellas
- District 21: Lesley "Les" Miller, Jr. (D), Tampa****
Parts of Hillsborough, Manatee and Pinellas
- District 22: Donald C. Sullivan, M.D. (R), St. Petersburg***
Part of Pinellas
- District 23: Tom Lee (R), Brandon****
Parts of Hillsborough and Polk
- District 24: Lisa Carlton (R), Osprey***
Parts of Charlotte, Lee and Sarasota
- District 25: Burt L. Saunders (R), Naples****
Parts of Collier and Lee
- District 26: John M. McKay (R), Bradenton***
DeSoto, Hardee, and parts of Highlands, Manatee and Sarasota
- District 27: Ken Pruitt (R), Port St. Lucie****
Parts of Indian River, Martin, Palm Beach and St. Lucie
- District 28: Ron Klein (D), Delray Beach***
Parts of Broward and Palm Beach
- District 29: Steven A. Geller (D), Hallandale Beach****
Hendry, and parts of Broward, Collier and Palm Beach
- District 30: M. Mandy Dawson (D), Ft. Lauderdale***
Parts of Broward and Palm Beach
- District 31: Debby P. Sanderson (R), Fort Lauderdale****
Parts of Broward and Palm Beach
- District 32: Debbie Wasserman Schultz (D), Pembroke Pines*****
Parts of Broward and Dade
- District 33: Walter G. "Skip" Campbell, Jr. (D), Ft. Lauderdale****
Part of Broward
- District 34: Alex Diaz de la Portilla (R), Miami*******
Part of Dade
- District 35: Tom Rossin (D), Royal Palm Beach****
Glades, and parts of Charlotte, Lee, Martin, Okeechobee and Palm Beach
- District 36: Kendrick B. Meek (D), Miami***
Part of Dade
- District 37: J. Alex Villalobos (R), Miami****
Part of Dade
- District 38: Ronald A. Silver (D), North Miami***
Part of Dade
- District 39: Rudy Garcia (R), Hialeah****
Part of Dade
- District 40: Daryl L. Jones (D), Miami***
Monroe and part of Dade
- * Holdovers
** Elected General Election November 7, 2000, for a four-year term
*** Elected General Election November 7, 2000, for a term expiring November, 2002
**** Elected Special General Election March 9, 1999, for a term expiring November 2002
***** Elected Special General Election January 25, 2000, for a term expiring November 2002

OFFICERS OF THE SENATE

John M. McKay, *President*
Ginny Brown-Waite, *President Pro Tempore*
James E. "Jim" King, Jr., *Majority (Republican) Leader*
Tom Rossin, *Minority (Democratic) Leader*

Non-member Officers

Faye W. Blanton, *Secretary*
Donald Severance, *Sergeant at Arms*

MEMBERS AND OFFICERS OF THE SENATE

ORGANIZATION SESSION

November 21, 2000

President



John M. McKay (R)
Bradenton
District 26

President Pro Tempore



Ginny Brown-Waite (R)
Brooksville
District 10

Majority (Republican) Leader



James E. "Jim" King, Jr. (R)
Jacksonville
District 8

Minority (Democratic) Leader



Tom Rossin (D)
Royal Palm Beach
District 35



Charlie Bronson (R)
Indian Harbour Beach
District 18



Locke Burt (R)
Ormond Beach
District 16



Walter G. "Skip" Campbell, Jr. (D)
Ft. Lauderdale
District 33



Lisa Carlton (R)
Osprey
District 24



Charlie Clary (R)
Destin
District 7



Lee Constantine (R)
Altamonte Springs
District 9



Anna P. Cowin (R)
Leesburg
District 11



Victor D. Crist (R)
Tampa
District 13



M. Mandy Dawson (D)
Ft. Lauderdale
District 30



Alex Diaz de la Portilla (R)
Miami
District 34



Buddy Dyer (D)
Orlando
District 14



Rudy Garcia (R)
Hialeah
District 39



Steven A. Geller (D)
Hallandale Beach
District 29



Betty S. Holzendorf (D)
Jacksonville
District 2



Jim Horne (R)
Orange Park
District 6



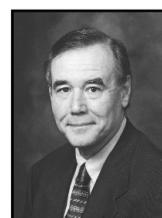
Daryl L. Jones (D)
Miami
District 40



Ron Klein (D)
Delray Beach
District 28



Jack Latvala (R)
Palm Harbor
District 19



John F. Laurent (R)
Bartow
District 17



Alfred "Al" Lawson, Jr. (D)
Tallahassee
District 3

MEMBERS AND OFFICERS OF THE SENATE

ORGANIZATION SESSION

November 21, 2000



Tom Lee (R)
Brandon
District 23



Kendrick B. Meek (D)
Miami
District 36



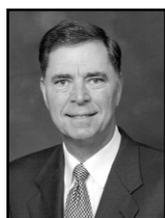
Lesley "Les" Miller, Jr. (D)
Tampa
District 21



Richard Mitchell (D)
Jasper
District 4



Durell Peaden, Jr. (R)
Crestview
District 1



Bill Posey (R)
Rockledge
District 15



Ken Pruitt (R)
Port St. Lucie
District 27



Debby P. Sanderson (R)
Ft. Lauderdale
District 31



Burt L. Saunders (R)
Naples
District 25



Jim Sebesta (R)
St. Petersburg
District 20



Ronald A. Silver (D)
North Miami
District 38



Rod Smith (D)
Alachua
District 5



Donald C. Sullivan, M.D. (R)
St. Petersburg
District 22



J. Alex Villalobos (R)
Miami
District 37



Debbie Wasserman Schultz (D)
Pembroke Pines
District 32



Daniel Webster (R)
Winter Garden
District 12

Non-member Officers



Faye W. Blanton
Secretary



Donald Severance
Sergeant at Arms



Journal of the Senate

ORGANIZATION SESSION

Tuesday, November 21, 2000

Journal of the Senate for the Organization Session of the Seventeenth Legislature to be convened under the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, the twenty-first day of November, 2000 A.D., being the day fixed by the Constitution for the purpose of organization.

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CALL TO ORDER

The Senate was called to order by Faye W. Blanton, Secretary of the Senate, at 10:00 a.m.

PRAYER

The following prayer was offered by the Rev. Frederick A. Buechner, Rector, All Saints Episcopal Church, Thomasville, Georgia.

Most gracious God, the fountain of all wisdom, Whose statutes are good and gracious and Whose Law is Truth; we humbly beseech Thee for the State of Florida in general, and so in particular for its Senate here assembled; that Thou wouldest be pleased to direct, sanctify, and prosper all their consultations to the advancement of Thy Glory, the good of Thy Church, and the honor and welfare of Thy people and that they may ordain for our governance only such things as please Thee.

We ask thy blessing upon this Senate body, her members and officers to be sworn in today. Grant that all things may be so ordered and settled by their endeavours, upon the best and surest foundations: that peace and happiness, truth and justice, religion and piety, may be established among us for all generations.

These and all other necessities, for them and for us, we humbly beg in Thy Name.

Amen.

Adapted from the *Book of Common Prayer, 1928*

PLEDGE

Senator Sebesta led the Senate in the pledge of allegiance to the flag of the United States of America.

CERTIFICATE RECEIVED

The Secretary announced that The Honorable Katherine Harris, Secretary of State, had certified to the election of 21 Senators as follows:

STATE OF FLORIDA OFFICE OF SECRETARY OF STATE

I, Katherine Harris, Secretary of State of the State of Florida, do hereby certify that the following Members of the State Senate were elected at the General Election held on the Seventh day of November, A.D., 2000, as shown by the election returns on file in this office:

SENATE DISTRICT NUMBER

- 1 Durell Peaden, Crestview
- 3 Alfred "Al" Lawson, Tallahassee
- 5 Rod Smith, Alachua
- 7 Charlie Clary, Destin
- 9 Lee Constantine, Altamonte Springs
- 11 Anna Cowin, Leesburg
- 13 Victor Crist, Tampa
- 15 Bill Posey, Rockledge
- 17 John Laurent, Bartow
- 19 Jack Latvala, Palm Harbor
- 21 Lesley "Les" Miller, Tampa
- 23 Tom Lee, Brandon
- 25 Burt Saunders, Naples
- 27 Ken Pruitt, Port St. Lucie
- 29 Steven A. Geller, Hallandale Beach
- 31 Debby P. Sanderson, Ft. Lauderdale
- 32 Debbie Wasserman Schultz, Weston
- 33 Walter "Skip" Campbell, Jr.,
Ft. Lauderdale
- 35 Tom Rossin, Royal Palm Beach
- 37 J. Alex Villalobos, Miami
- 39 Rodolfo "Rudy" Garcia, Jr., Hialeah

GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 16th day of November, A.D., 2000.

Katherine Harris
SECRETARY OF STATE



OATH OF OFFICE ADMINISTERED

The oath of office was administered by The Honorable Major B. Harding, Justice, Florida Supreme Court, to the recently-elected Senators.

ROLL CALL

The roll of the Senate, as then constituted by the 21 newly elected members and 19 holdover members, was called by the Secretary in alphabetical order and the following members of the Senate were recorded present:

Bronson	Diaz de la Portilla	Laurent	Rossin
Brown-Waite	Dyer	Lawson	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	McKay	Sebesta
Carlton	Holzendorf	Meek	Silver
Clary	Horne	Miller	Smith
Constantine	Jones	Mitchell	Sullivan
Cowin	King	Peaden	Villalobos
Crist	Klein	Posey	Wasserman Schultz
Dawson	Latvala	Pruitt	Webster

builders if you will, must be nurtured and encouraged in order to maintain and ensure our healthy prosperity.

There is no question that the next few years will be times of great challenge. But, with great challenge there is always tremendous opportunity. The people of this state, indeed this nation, have shown us how little they care about the partisanship of political parties. By their votes they have yelled, loud and clear, that they want us all—rich, poor, black, white, urban, agricultural—to pull together for them!

The man whose name I place in nomination today is superbly suited to embrace the challenge of the conflicts some say will confront us, and lead us all in rising above those conflicts to the greater good. His tenure as President of the Florida Senate will enhance the character and reputation of the political process in our great state.

John McKay knows well that this august body is the steward of this state's future and of its prosperity. He acknowledges the fact that as Senators—truly representatives of the people—our responsibilities extend far beyond the political rhetoric of the moment. John knows that in Florida, conflict and the intrigues of history have always led, inevitably, to a greater and a stronger resolution.

He knows that within our prosperity there are those in need of help; in need of hope! He knows that there are those in quest of simple shelter. There are those who are old, sick and weak, who must be cared for as we would want to be cared for ourselves. There are young children in desperate need of the compassionate arms a loving home provides, and there are deserving youths who have limiting abilities, but who desire, like all of us, to lead productive and fulfilling lives. There are also the troubled young citizens who need strong, but loving, disciplined direction.

As a successful small business man, John understands that there are Florida citizens willing to ensure the continuation of our prosperity if we but give them the economic encouragement and the freedom to pursue their dreams. One need only look at Senator McKay's previously-passed legislation to understand that he has a strong feeling and commitment about all these challenges.

Indeed he has formulated his agenda, once elected, to address each and every one!

Thomas Jefferson, in a caution to government, stated that "... no more good must be attempted than the public can bear."

Today, Floridians are expecting us to do more "good" than ever before. Florida is a magnificent state, blessed with far more good than we can consume and strong enough to bear the greatest responsibility for the care of our own people.

Can we rise to the occasion? Of course. Will we? That truly depends on all of us; but to get there, we need great leadership, and it is my honor and privilege to nominate John McKay as the person who is best able to lead this body in the new century in quest of a return to Florida's greatness.

The Secretary recognized Senator Silver who seconded the nomination of Senator McKay.

Senator Silver: I am particularly pleased and privileged to second the nomination of John McKay for President of the Florida Senate.

I was thinking about where I've been in the past. I have been privileged that the people of my district have been good enough to send me up here where I have served under seven presiding officers in the Florida House of Representatives and now this will be the fifth presiding officer in the Florida Senate. I really believe that all of them have something in common. They emphasize a particular issue that they want to accomplish. They care about every issue, obviously, but there is emphasis on a particular issue.

I think Senator McKay has it right when he has concerns about human services. Why does he have concerns about human services? Because simply, he cares about people. He cares about people who cannot help themselves, people who want the opportunity to succeed, the opportunity to have a fruitful life. And he cares deeply about those people. He will, and it has already been demonstrated by his sponsorship of certain bills, go forward and carry that passion that we need and direct us in the way to accomplish those objectives.

INTRODUCTION OF FORMER PRESIDENTS

The Secretary announced that the Senate was honored by the presence of former Presidents Mallory Horne, Philip Lewis, John Vogt, Commissioner of Agriculture Bob Crawford, and James Scott and his wife, Janice.

INTRODUCTION OF SPECIAL GUESTS

The Secretary introduced the following special guests: Governor Jeb Bush; Lieutenant Governor Frank Brogan; Attorney General Robert A. Butterworth; Commissioner of Education Tom Gallagher, Insurance Commissioner-elect; Secretary of State Katherine Harris; Comptroller Robert F. Milligan; and Insurance Commissioner Bill Nelson, U.S. Senator-elect.

The Secretary also introduced former Senators Charlie Crist, Commissioner of Education-elect; Congressman Mark Foley; John Grant; George Kirkpatrick; Van Poole and Javier Souto.

ORGANIZATION

The Senate proceeded to the organization of the body.

NOMINATIONS FOR PRESIDENT

The Secretary announced that nominations would be received for President of the Senate, pursuant to Article III, Section 2 of the Constitution, for a term of two years.

The Secretary recognized Senator King who placed in nomination the name of Senator John McKay of the 26th Senatorial District.

Senator King: Fellow Senators, honored guests, visitors and all the people across this great country watching all or part of this today, I am honored to place Senator John McKay's name in nomination for President of Florida's Senate.

Like all of you, I'm dismayed with our state's negative portrayal nationally. We finished October as one of the most aggressive and progressive states in the history of these United States, and we are leaving November as the target of jokesters and political pundits everywhere.

Though we are all, Democrat and Republican alike, castigated and vilified by all of this national attention, we must not forget what Florida truly has been and, in fact, still is. Under the leadership of John McKay, the Florida Senate (and for that matter our state as a whole), will continue to be a compelling laboratory of democracy—a democracy that works.

In four centuries, the flags of five different nations have flown over the Land of Flowers. Today, our Florida, the nation's fourth largest state, is home to a dynamic and diverse population that reflects the very best ambitions of America.

- We are the favorite tourist destination of the world.
- We are the commercial and cultural gateway to the hemisphere.
- We are the threshold of mankind's journey to space, the stars and distant galaxies.
- We are both the past and the future of all that is best in America. We are a state blessed with great wealth, and we acknowledge the fact that wealth requires a corresponding sense of great compassion.
- We are the inheritors of the great American entrepreneurial spirit and we know that the energy and creativity of the entrepreneurs, the

He has already sponsored bills that created the Commission on the Homeless, a study on children with developmental delays, a task force on victims of self-inflicted crimes, and a task force on the availability and affordability of long-term care. That is all evidence of the type of person that is going to lead us in the proper direction for the next two years.

He also is deeply concerned about another issue, foster care. How we deal with our children who don't have particularly anybody, that in some instances don't want them, don't love them, or don't care about them. But we are going to change that all around because we are going to have the appropriate direction to do so. We are going to have a leader who is going to emphasize that particular issue and move us forward. I am looking forward to working with Senator McKay.

I stand up here as a Democrat nominating a Republican to be President of the Senate. I hope that serves, as Senator King has just mentioned, as an indication of how this body is going to proceed for the next two years. We are going to proceed in a bipartisan way, regardless of what is going on out there in the streets or what's happening nationally. This body has always, under the leadership of great presidents that I've served under—Senator Crenshaw, Senator Thomas, Senator Scott and Senator Jennings—come together and has done the work of the people of the State of Florida.

I want to tell you, if you think there is controversy now, this will be my third reapportionment session that I've gone through. That truly is a nonpartisan situation where people really rise to the occasion. So we will be able to see what happens in that regard. We have made it through all those. We have survived. And I can tell you, we can survive whatever is going on now. We will, in this body, under the leadership of Senator McKay.

Now there is one issue that I am going to differ with Senator McKay on. This is more important, quite frankly, than what is going on over there, or out there. That is the Bowl Championship Series Poll. Now we all know how that is figured out. Some computer is out there doing these figures and going forward. Well, I want you to know that I am insisting upon and I hope Senator McKay will join with me in asking for a manual recount of those particular figures.

On behalf of the University of Miami, I am pleased and privileged to second the nomination of Senator John McKay as President of the Florida Senate.

The Secretary recognized Senator Sullivan who further seconded the nomination of Senator McKay.

Senator Sullivan: I rise to second the nomination of Senator McKay to be the next President of the Florida Senate.

Senator McKay brings to this office a family tradition of community service, a distinguished record of political involvement and an extraordinary legislative record of accomplishment. He has the qualities of leadership and he has the experience to lead us for the next two years as we work for the benefit of all Floridians.

The McKay family tradition of community leadership and service is woven into the history of the State of Florida and the city of Tampa.

The tradition begins in the early 1800s with the arrival in Tampa of a Scotsman, a sea captain, James McKay. With his shipping line, he established the first regular contacts with the "outside world" for the new city of Tampa.

In 1848, after a devastating hurricane, he brought lumber from Mobile aboard his steamship and rebuilt a permanent house in Tampa. He opened the cattle trade with Cuba. Later, he was elected Mayor in 1858 and was responsible for building the courthouse. During the Civil War, he was a blockade-runner and, serving as Tampa's commissary officer, he organized the "Cowboy Cavalry" to protect and move cattle to the Southern troops.

In the aftermath of the Civil War, the state economy was in shambles and the McKay family had been devastated financially and their enterprises ruined. Captain McKay's son, and John's great uncle, Donald, or DB as he was known, began work at the age of 14 as a reporter for the local newspaper, the *Tampa Times*. Eventually he served as editor, and later owner of the local paper. He was elected Mayor in 1910, and over the next 30 years, he served 16 years. During Mayor DB McKay's lifetime, he received numerous degrees and awards, founded the Tampa

Historical Society and introduced the first radio station in the Tampa Bay area.

The prestigious DB McKay award, and part of Tampa Bay called McKay Bay, remain today as monuments to his memory.

Senator McKay's great uncle, James McKay, was a member of the Florida Senate from 1881 through 1893. Senator McKay's grandfather served as Clerk of the Criminal Court and Deputy Clerk of the Circuit Court in Tampa.

In 1993, John eulogized his father on the floor of the Senate, describing a lifetime of service to his community.

At an early age, it was apparent that John was a thoughtful man. He was a sharp dresser—an early protagonist of the parallel theory of dress and tooth arrangement.

John M. McKay was raised in Winter Haven. Some have claimed that he had an early desire to attract attention.

He was President of the Polk Junior College Student Government, and in a fit of bipartisanship, represented then-State Senator Lawton Chiles on the campus when the latter was running for reelection. As a student in college, John served as the intern for the House Education Committee. College student John McKay was a Young Republican activist at the Republican convention in 1968 supporting Rockefeller against Nixon as part of the "New Majority," working for a "change." Bad choice, John.

Early on, John took a personal stand for personal freedom for cowboy hats and against bicycle helmets and motorcycle helmets. But he always supported law and order.

John's interest in sports and football go back to his early years. An early interest in bass fishing consolidated his support for conservation issues culminating in his support for preservation of the Kirkpatrick Dam.

Growing up in Winter Haven, he developed a love for the outdoors. This has shaped his strong position on the right to bear arms. An early picture shows him demonstrating his support for that position.

My personal connections with John began in 1990. I met then-candidate John McKay at the foot of Air Force One while greeting President George Bush during one of the President's campaign stops.

We were candidates in 1990 and, while I was unsuccessful, John went on to win by a comfortable margin. Two years later, I was elected and we found ourselves together again, our aging fathers sitting proudly with us on the floor for the organizational session. Unknown to me at the time, my brother, who is an orthopedic surgeon, was taking care of John's father's orthopedic problems. Both of our fathers died shortly after that session. We were both pleased that they had met and enjoyed the sight of their sons serving in the legislature.

John has a wonderful family. His mother Ann, his wife Michelle, and three beautiful daughters provide him with the love and support that he will need in the next two years.

For the last eight years, I have served with John. I look forward to doing that for another two years. I can think of no other person whom I would rather have as President of the Florida Senate. Those of us who have been here for some time have seen the President of the Senate ask John to take on a laundry list of tough issues, including health care, foster care, prepaid health care, vouchers and tort reform.

When I was chairman of Appropriations, I worked with him as he represented his district—and to my great distraction, he did that tirelessly. He is a dedicated legislator who knows the system and who will make the system work.

We all like dealing with people who are focused, but open to honest discussion. John is like that. I like the opportunity to disagree with people who are interested and open, people who freely express their views and who respect yours—for then both of us learn and grow. John is like that.

Many of you are new to the Senate. John is a team captain, and he wants and expects everyone on the team to contribute. All of us will be

invited to play a part for the next two years. His will be an inclusive Presidency.

John has the courage to grow in his opinions. He has the wisdom to know what he does not know, and the candor to admit it. He has the courage to stand up to his enemies and, when necessary, to stand up to his friends. He is a man of dedication, not mortgaged to any individual or group, uncompromised by the desire for attention or by the need to receive credit. He is devoted to serving the public good.

John McKay has a family history of contributing. He has a personal record of involvement. He has the strength of his convictions and direction. I am pleased to second the nomination of John McKay as President of the Florida State Senate for the next two years.

On motion by Senator Sullivan, nominations for President were closed.

ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying "John McKay."

The vote was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Clary that a committee be appointed to escort Senator McKay to the bar of the Senate and to the rostrum, the Secretary appointed Senators Clary, Jones, Klein and Saunders. Senator McKay was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Major B. Harding, Justice, Florida Supreme Court, and then to the rostrum where he was seated.

On motion by Senator Horne that a committee be appointed to escort Mrs. McKay to the rostrum of the Senate, the Secretary appointed Senators Campbell, Carlton, Lee and Peaden. Mrs. McKay was received by the President, presented to the Senate and seated.

The Secretary presented the gavel to President McKay.

PRESIDENT MCKAY PRESIDING

INTRODUCTION OF PRESIDENT'S FAMILY AND GUESTS

The President introduced his family, who were seated in the chamber: his wife Michelle Dodson McKay; his daughter and son-in-law Tricia and Scott May and granddaughter Healey Jane May; his daughters Sara Jane and Meredith McKay; his mother Mrs. John W. McKay; his wife's parents Joe and Beverly Whitley; his sister-in-law Lynn Dodson; his wife's aunt and uncle, former House Speaker Don Tucker and his wife Joan. The President also introduced family friends Frank Rosenblum and Stan Stephens; Chairman of the Republican Party of Florida, Al Cardenas; and other friends and staff who were present in the chamber.

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would now be received for President Pro Tempore for a term of two years and recognized Senator Latvala who placed in nomination the name of Senator Ginny Brown-Waite of the 10th Senatorial District.

Senator Latvala: It is a great honor to place in nomination for the office of Senate President Pro Tempore the name of my friend, Senator Ginny Brown-Waite of Hernando County.

I think Senator Brown-Waite could well be characterized as the conscience of the Florida Senate. Time after time she has demonstrated characteristics to which we all aspire, but don't always achieve—integrity, courage, hard work on behalf of her constituents and on issues to which she is assigned and complete independence.

I've been on the same side and on opposite sides of Senator Brown-Waite. No one stands taller or fights harder for what he or she believes than the Senator.

We are accused of making decisions for many different reasons, because of how special interests want us to vote, because of how editorial boards want us to vote or because of rigid philosophical predispositions. Ginny Brown-Waite makes decisions on one basis—what is right.

I think it is right for the Florida Senate to have Ginny Brown-Waite to be our President Pro Tempore.

The President recognized Senator Laurent who seconded the nomination of Senator Brown-Waite.

Senator Laurent: It is my honor and it is with great pleasure that I rise to second the nomination of Senator Ginny Brown-Waite as President Pro Tempore of the Florida Senate.

I have worked with Senator Brown-Waite as an individual Senator and as Chairman of the Polk County delegation, of which Senator Brown-Waite is a member. I have worked with Senator Brown-Waite and I have worked against Senator Brown-Waite on issues. It is with personal knowledge and experience that I can state that Senator Brown-Waite has shown that she has the integrity, the strength and toughness, the courage to be part of the leadership team to help lead this Senate into the next century. So it is with great pleasure that I second the nomination of Senator Brown-Waite as Senate President Pro Tempore.

The President recognized Senator Carlton who further seconded the nomination of Senator Brown-Waite.

Senator Carlton: Mr. President, fellow Senators and guests in the chamber and gallery, I consider it a very special honor to second the nomination of Senator Ginny Brown-Waite as President Pro Tempore of the Florida Senate. What can I say about the tough lady in the Senate? She has a reputation for taking on the hard and controversial issues, of giving it her all and refusing to back down. She has earned the respect of her peers for her tenacity.

You know from a woman's perspective, Senator Brown-Waite, the only real drawback in the world of government is that you have to deal with men. Ginny is known for her diplomacy. A diplomat is a person who can tell you to get lost in such a way that you actually look forward to the trip. She is a woman of integrity steeped in wisdom who has fought for consumer rights and women and children's issues. She is involved and determined and, as we all know, this job entails long hours, frustration and an infinite amount of patience.

That is why her roles as a wife, mother and even a grandmother make her uniquely qualified to serve in this position. She often tells us that her children got so old so fast because she was born pregnant. I'm not sure if that is true, but in the past few years I have grown to understand that statement. She has earned the reputation as someone who cares about children, and has helped craft public policy to protect children and women.

Ginny secured the first legislative appropriation for a spouse abuse shelter in her area. It was a result of her vote on the tobacco third-party liability lawsuit that Florida is receiving millions of dollars each year for health care, especially for children. That money funds the Kidcare Health Insurance Program, which she sponsored while she was the Health Committee Chairman. Children statewide are healthier today as a result of that program.

In addition to the two daughters she gave birth to, Ginny also adopted an older special needs child. That experience gave her a valuable insight into the foster care and adoption problems facing our state. Realizing the problems, she took on the system and she demanded changes in child

protective services and the privatized foster care program statewide to allow the community social service groups, not H.R.S. and Children and Families, to perform this important function.

Ginny has the ability to work with all parties and think about compromise and progress by using a nonpartisan approach to the issues. She knows that the aim of an argument or discussion should not be victory, but progress. I've worked with Ginny on a number of issues and have come to realize that one woman with courage makes a majority and her strong beliefs and desire to do the right thing will guide us through the next two years.

On motion by Senator Carlton, nominations for President Pro Tempore were closed.

ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying "Ginny Brown-Waite."

The vote was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Geller that a committee be appointed to escort Senator Brown-Waite to the bar of the Senate and to the rostrum, the President appointed Senators Constantine, Holzendorf, Sanderson and Smith. Senator Brown-Waite was escorted to the bar of the Senate where the oath of office was administered to her by The Honorable Major B. Harding, Justice, Florida Supreme Court, and then to the rostrum where she was received by the President and seated.

On motion by Senator Burt that a committee be appointed to escort Mr. Waite to the rostrum of the Senate, the President appointed Senators Crist, Dawson, Garcia and Wasserman Schultz. Mr. Waite was received by the President, presented to the Senate and seated.

INTRODUCTION BY THE PRESIDENT PRO TEMPORE

The President Pro Tempore introduced her husband, Harvey Waite.

ADDRESS BY THE PRESIDENT PRO TEMPORE

The President presented the President Pro Tempore who addressed the Senate as follows:

Senator Brown-Waite: First of all, I want to thank you for your vote of confidence. I look forward to working with each and every one of you. We have some new members, so we promise not to harass you too much. Despite the rumors, I'm not all that tough.

I remember once I said to my husband, "Harvey, how come people say that I'm tough?" He looked at me and he said "Because you are." I guess that's just a burden that I'll have to carry. I promise to be tough but very, very fair and also very bipartisan as many of you know.

I look forward to working with our President, John McKay, and with each and every one of you. I would be very remiss if I didn't also thank my family. I have two daughters out-of-state. The daughter who's in-state had to work last night. She wanted to drive up early this morning. I told her, "Absolutely not." She's a nurse who works twelve hours and I told her, "No." We are going to all be together for Thanksgiving.

My husband, Harvey, is often referred to as "Saint Harvey." Now I don't know if it's any reflection on the fact that I have to be away so much

or the fact that he has to have me for a wife. I don't know but I would be very remiss if I didn't thank my husband for so much of his sacrifice and so much of his always being there and always being extremely supportive. I'm very fortunate to have a wonderful family.

I look forward to the next two years working with you all. Thank you.

CERTIFICATE RECEIVED

By direction of the President, the Secretary read a certificate from the Minority (Democratic) Party certifying the name of Senator Tom Rossin as Minority Leader, Senator Daryl L. Jones as Minority Leader Pro Tempore and Senators Richard Mitchell and Kendrick Meek as Minority Whips for the 2000-2002 term.

President McKay: Congratulations, Senator Rossin, I'm pleased to call you my friend. I'm looking forward to working closely with you over the next two years. Would you honor us by making a few comments to the body?

Senator Rossin: Thank you, Mr. President. It's my pleasure. First, if I could have a word with my colleagues in the Democratic Caucus who honored me earlier this morning by electing me as the Democratic Leader of the Florida Senate. Thank you. I am honored and I'm humbled. I'll do my very best to live up to the confidence that you have placed in me. I'll work every day to fulfill that promise. Mr. President, in the spirit of friendship and respect—with all the Democrats—I congratulate you on your election to the Florida Senate Presidency.

Mr. President and members of the majority, you have our assurance that in the finest tradition in the Florida Senate and on behalf of the people of Florida who have sent us here to do their business, we Democrats will work with you in a bipartisan and collegial fashion to make our state a better place and build a more secure future for our children. You can also be assured, Mr. President, that we will conduct ourselves in a manner befitting this awesome institution. I look forward to working with you and with every member of the Senate. Thank you very much.

President McKay: Thank you, Senator Rossin, I'm confident we will work well together as we have in the past.

ELECTION OF SECRETARY

The President recognized Senator Bronson, who placed in nomination the name of Faye Blanton as Secretary of the Senate.

Senator Bronson: Thank you, Mr. President. It is my great honor and pleasure to rise and nominate Secretary Faye Blanton to return as our Secretary of the Florida Senate. Faye has been our Secretary for the last four years. She served as Assistant Secretary for 14 years and began her career with the Senate during the organization session in 1970, which means she will have served the Florida Senate for 30 years as of today. I think we ought to congratulate her on those years of service. Faye knows the legislature, the process that we go through, and she's proud to be a part of the Senate institution that she has so proudly served for 30 years.

Two years ago, Faye served dual roles as the Secretary of the Senate and the Secretary of the 1997-1998 Constitution Revision Commission. She and her staff supported both the Senate and the Revision Commission at the same time for more than a year, and what a job that had to be.

Faye currently serves on the Executive Committee of the American Society of Legislative Clerks and Secretaries, the national organization of her peers from all over the United States. We are proud of Faye's accomplishments and all of the improvements she has made in the way that we do business in the Florida Senate. She and her staff serve the entire Senate loyally and well. It is an honor to nominate Faye Wester Blanton to serve as Secretary of the Florida Senate for the 2000-2002 term.

The President recognized Senator Jones who seconded the nomination of Faye Blanton as Secretary of the Senate.

Senator Jones: As Senator Bronson just said, Faye and her staff have worked tirelessly and loyally for the entire state Senate. She has represented this position with the dignity and class that this position should be afforded. She has demonstrated continuously her expert

knowledge and managerial ability in running the Office of Secretary of the Senate. One of the finest things about Faye is that she treats each and every one of us, every Senator, with the same level of responsiveness and respect.

Mr. President, I would also like to introduce members of Faye's family who are here with us today. Seated in the east gallery are her husband Ed, her daughter Laurel McDaniel, her son Wade McDaniel and guest Amy White, and her son Doug McDaniel.

Therefore, Mr. President, it is my honor and pleasure to second the nomination of Faye Wester Blanton as the Secretary of the Senate for the 2000-2002 term.

On motion by Senator Jones, the nominations for Secretary of the Senate were closed.

By unanimous consent of the membership, Faye W. Blanton was elected Secretary of the Senate for the 2000-2002 term.

OATH OF OFFICE ADMINISTERED

On motion by Senator Mitchell that a committee be appointed to escort Secretary Blanton to the bar of the Senate, the President appointed Senators Bronson, Meek, Mitchell and Pruitt. Secretary Blanton was escorted to the bar of the Senate where the oath of office was administered to her by The Honorable Major B. Harding, Justice, Florida Supreme Court.

COMMITTEES APPOINTED

On motion by Senator Webster that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Miller, Posey, Villalobos and Webster. The committee was excused.

On motion by Senator Diaz de la Portilla that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Diaz de la Portilla, Dyer, Horne and Lawson. The committee was excused.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Diaz-Balart, Diaz de la Portilla, Pickens, Romeo, Mayfield, Ryan and Goodlette was received and informed the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the chamber.

ADDRESS BY PRESIDENT JOHN MCKAY

Congratulations to the newly elected members. Welcome to the Florida Senate—an institution steeped in tradition and instilled with the greatest sense of responsibility to those it serves.

Allow me to express my heartfelt appreciation for the tremendous honor you have bestowed on me as your Senate President. I am humbled by your respect and trust. It is indeed a very personal honor as the state means a great deal to my family and me. We have been in Florida since the mid-1800s, and have always sought to serve our community. Since my work as an aide in the Senate in 1969, I aspired to the office of Florida State Senator. It is the only political office that has captured and held my imagination. To have the opportunity to serve as your President during my last two years of elective office is both humbling and gratifying. I take very seriously this charge, and the confidence you have placed in my ability to lead this body.

We have seen fundamental change in Florida's government during the last six years, under the leadership of Presidents Scott and Jennings. Florida has become the yardstick by which other states measure themselves. We recognized that Florida must improve its education system, and to achieve that goal, enacted education competition. We directed money toward school construction and have worked to achieve reductions in class size. We have ended social promotion in our schools and continue to seek innovative ways for our children to learn. Since 1995 the crime rate is down—we are keeping prisoners in jail and dealing realistically with juvenile crime. We have worked to enhance Florida's economic climate in order to insure meaningful jobs are available now and in the future. We have embarked upon bold initiatives that are not only changing the foster care system in Florida, but are demonstrating to the nation what can be accomplished when common sense is combined with compassion.

Over the next two years, we will continue to work diligently to improve our gains in these areas. Yet much remains to be done because there are still many being left behind. My goals for this body have little to do with partisanship—and everything to do with our future.

First—I believe simplification and modernization of our tax system is crucial to our continued prosperity. Consumers should not have to be a tax attorney or an accountant to understand what is taxable. Our tax code should not entrap taxpayers with large audit assessments and penalties because of its complexities. Further, our tax structure should not create economic disadvantages for Florida-based businesses as they compete in the 21st century. Just as we combined seven taxes and fees into one telecommunications tax last year, we must now embark on a similar—revenue-neutral—journey to bring other components of our “horse and buggy” tax system into our technological age. Citizens deserve a tax structure that is simple and fair—yet also encourages economic growth in our state. We must also finish what we have begun—Florida's intangible tax punishes savers, and we must continue to reduce this onerous tax until it is totally repealed. Tax reform in Florida is not a tax increase: True tax reform requires revenue-neutral tax simplification and technological modernization. The revolution in information technology has transformed business—it now can transform government.

We will continue to empower the citizens of Florida by making their government more responsive and efficient. We have implemented budget prioritization and performance-based budgeting and have seen mixed success. In that process, we have too often been manipulated by the bureaucracy, whose primary goal is to perpetuate itself. That is why, through an amendment passed last year, Florida will become one of the first states in the nation to implement zero-based budgeting. We will have the opportunity to weed out institutionalized and inefficient programs by restructuring our budget methodically over an eight-year period. It will be a challenge to accomplish—and certainly will require everyone's resolve.

It has been said that one of the measures by which a society will be judged is the way it cares for its most vulnerable. Therefore, I ask for your help to address those issues that do not often capture the public's attention. Last year, in preparation for the 2001 Legislative Session, I sponsored bills to establish several commissions to study issues we face on a daily basis, but are not often at the forefront. Issues such as senior care, homelessness, children with developmental disabilities and continuing the reform of our foster care system demand our attention. Florida has the highest percentage of elderly in the nation, with 3.5 million people over the age of 65. “Baby boomers” will add one million to that number when they begin retiring in just ten years. The number of elderly in need of long-term-care services is expected to increase by 42 percent over that same period. While many of Florida's elderly live independent and healthy lives, there are those who are far less fortunate. The high cost of prescription drugs and the risk of neglect are unacceptable in a society such as ours. The Senate must work to reform our delivery systems to provide these individuals with the care and treatment they deserve—in a manner that encourages and supports their independence, yet provides quality care when they cannot care for themselves.

On any given day in our state, there are at least 52,000 Floridians without food, a home or appropriate shelter. One-third of Florida's homeless are families. Another one-third are veterans. Twenty-five percent are children 18 years and younger. Once believed a problem for “big cities,” a walk around many small towns demonstrates that this heart-

wrenching problem is permeating our society at every level. Local communities have done much. From the front lines, they provide for essential needs—needs we often take for granted like a hot meal and a shower. These organizations will serve as vital partners as we strive to end homelessness in our state. Our solution will be multi-faceted. It will incorporate the work of the commission and will confront the underlying issues of homelessness, such as drug abuse and mental health.

Lack of education is at the core of many of the problems in our society. Florida is leading the way to insure that all of our children receive the education necessary to insure their lives are meaningful and productive. We will continue to build on our success in education reform, with higher standards and better accountability and an expansion of meaningful education choices for Florida's families. Our approach will be inclusive, involving parents, teachers and members of our Education Governance Task Force in the process of further improving Florida's education system. We will focus on children with developmental disabilities such as dyslexia and attention deficit disorder in order to better their chances for success. We must also render a heightened focus to those in our foster care system, through an increased emphasis on residential group care, because every child deserves a loving home with a sense of safety and permanency. These items, though numerous, are not enough.

Over the next two years, we will also work diligently on Article V funding, the revision of our education funding formula, Cabinet reorganization, growth management and review of our health care delivery system and there will be many more.

Since November 7, we have witnessed considerable controversy in our state. Regardless of the outcome of the Presidential election, and without commenting on specific events, I believe that all Floridians would be reassured by a comprehensive review of the state's election procedures, standards and technology. That review must begin soon and must be conducted in a non-partisan manner that will ensure the highest level of public confidence. We will all work together in this endeavor.

Senators, none of you sought this position for the salary, but for a chance to make a difference—to improve our state, our country and our world. You will have plenty of opportunity to make improvements, because this will be an inclusive Senate. For example, I have reviewed the proposed Senate Rules changes with the Democratic Leader and he is in agreement. A crucial key to our success is the way we govern our activities. Our Senate Rules serve as a guide and help to set the broad parameters for our actions. As has been the case in the past, I am proposing the adoption of our rules for the years 2000-2002. Most of the changes are designed to do away with any ambiguity that now exists.

There are also substantive changes. Our committee structure is redefined. We will now have a Committee on Appropriations and a Committee on Finance and Taxation. The number of subcommittees reporting to the Appropriations Committee is reduced and the responsibilities of those subcommittees are heightened. My desire is to eliminate unnecessary steps from the process while still providing a comprehensive review of each issue.

Reapportionment is a subject that will require considerable time. That committee will have two subcommittees, one dealing with legislative apportionment, the other focusing on congressional apportionment. Provisions have been added to the rules to make sure that all members have equal access to information and the equipment needed to generate that information.

Finally, new members of the Senate, who have been excluded from sponsoring claim bills in the past, will now be given that opportunity. As I have said before, the process of getting elected is partisan and competitive by its nature, but the process of governing is collegial, and shall remain so during my tenure as your President.

We will work together to create the best public policy possible. In doing so, the most important example we can set for ourselves and future leaders is to continue the Senate's tradition of cooperation and mutual respect. For when we respect each other as elected officials, we show respect for the people who elected us. I believe today as I did when first elected, that together we can indeed make a difference.

God bless you and your families. Thank you for your confidence in me—I will not let you down.

ADOPTION OF SENATE RULES

On motion by Senator Campbell, the Senate Rules, with amendments indicated, as printed and distributed to each Senator and to the Secretary, were adopted to govern the Senate for the ensuing two years.

On motion by Senator Campbell, the Secretary was instructed to make technical changes in the Senate Rules as necessary.

[Rules Summary and full text of Senate Rules, as adopted, beginning on page 12.]

CONSIDERATION OF RESOLUTIONS

On motion by Senator Lee, by unanimous consent—

By Senator Rossin—

SCR 2-Orig.—A concurrent resolution repealing present Joint Rule 7 and creating Joint Rules 7 and 8 of the Joint Rules of the Legislature.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That present Joint Rule 7 of the Joint Rules of the Legislature is repealed and Joint Rules 7 and 8 of the Joint Rules of the Legislature are created to read:

JOINT RULES

JOINT RULE SEVEN

JOINT LEGISLATIVE BUDGET COMMISSION

7.1—General Responsibilities

(1) *The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.*

(2) *Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.*

(3) *To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.*

(4) *The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.*

(5) *The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.*

(6) *The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.*

(7) *The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.*

7.2—Zero-based Budgeting

(1) *The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.*

(2) *By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.*

(3) *The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.*

(4) *By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.*

7.3—Organizational Structure

(1) *The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.*

(2) *The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.*

(3) *The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.*

(4) *A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.*

(5) *Action by the commission shall require a majority vote of the members present of each house.*

(6) *The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.*

7.4—Notice of Commission Meetings

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

JOINT RULE EIGHT CONTINUING EXISTENCE OF JOINT RULES

8.1—Continuing Existence of Joint Rules

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.

—was introduced and read by title. On motion by Senator Lee, by two-thirds vote **SCR 2-Org.** was read the second time in full, adopted and certified to the House.

SUMMARY OF CHANGES TO JOINT RULES

(Implementing the Joint Legislative Budget Commission as created by the 2000 Legislature.)

Joint Rule 7.1 - General Responsibilities

This section defines the overall responsibilities of the commission, including reporting responsibilities, who may assign additional functions and who may appoint subcommittees of the commission. This rule also instructs the commission to develop policies and procedures.

Joint Rule 7.2 - Zero-Based Budgeting

This section requires the commission to develop a schedule and apply zero-based budgeting principles to an agency's budget at least once every 8 years.

Joint Rule 7.3 - Organizational Structure

This section defines the membership of the commission, meeting requirements and staffing.

Joint Rule 7.4 - Notice of Commission Meetings

This section details notice requirements.

Joint Rule 8.1 - Continuing Existence of Joint Rules

This rule is renumbered to accommodate the inclusion of Joint Rule Seven.

On motion by Senator Geller—

By Senator Geller—

SR 4-Org.—A resolution authorizing the sale of unused chairs from the Senate Chamber to Senators and certain former Senators.

WHEREAS, the Office of the Senate Sergeant at Arms has on hand as excess furniture 40 chairs from the Senate Chamber, each of which has a fair market value of \$70, and

WHEREAS, the Senate resolves to authorize a current member of the Senate or an immediate past member of the Senate, upon a written request, to purchase the chair, and

WHEREAS, it is desirable that the President of the Senate determine the priority of disposition when more than one request is received for a particular chair, NOW, THEREFORE,

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

That upon written request filed in the Office of the Senate President, any current member of the Senate or an immediate past member of the Senate may purchase his or her chair from the Senate Chamber for the sum of \$70.

BE IT FURTHER RESOLVED that if a particular chair is not requested by a current or immediate past member of the Senate, any Senator may purchase that chair.

BE IT FURTHER RESOLVED that the President of the Senate shall determine the priority of disposition if more than one Senator requests a particular chair.

—was introduced and read by title. On motion by Senator Geller, **SR 4-Org.** was read the second time in full and adopted.

ADOPTION OF RESOLUTION IN MEMORIAM

On motion by Senator Holzendorf, **SR 6-Org.** was introduced, and read by title.

**IN MEMORIAM
SENATOR PAT FRANKLIN THOMAS**

By Senators Holzendorf, McKay, Bronson, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dyer, Garcia, Geller, Horne, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebesta, Silver, Smith, Sullivan, Villalobos, Wasserman Schultz and Webster—

Senate Resolution No. 6-Org.

A resolution expressing the esteem of the Senate for Senator Pat Franklin Thomas and designating Room 412 of the Knott Building as the Pat Thomas Committee Room.

WHEREAS, Senator Pat Thomas served with distinction in the Florida Senate from 1974 until his death in June of 2000, and served as its President from 1993 through 1994, and

WHEREAS, Senator Thomas was beloved by his family, his constituents, and his Senate colleagues, and

WHEREAS, it is most appropriate that on this 21st day of November, 2000, the birthday of the late Senator Pat Thomas, the Florida Senate fondly remembers and commemorates its esteemed colleague who diligently served the people of Florida, NOW, THEREFORE,

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

That this legislative body pauses in its deliberations to pay its respect to the late Senator Pat Thomas and that the Florida Senate records this testimonial of esteem and gratitude for his service:

**IN MEMORIAM
SENATOR PAT FRANKLIN THOMAS**

Pat Thomas was born in Quincy, Florida, on November 21, 1933, received a degree in Agricultural Economics from the University of Florida in 1957, and served in the United States Army during the Korean Conflict. While building a successful insurance business in Quincy, Pat Thomas was a confidant of Governors and Cabinet members and served as State Chairman of the Democratic Party of Florida from 1966 until 1970. In 1972, Pat Thomas was elected to the Florida House of Representatives and, in 1974, to the Florida Senate. Senator Thomas served as President, as President Pro Tempore, and as chairman of the Rules and Calendar Committee, and served as the chair or vice chair of numerous other committees. Throughout his Senate tenure, Senator Pat Thomas was known as a tireless advocate for his constituents; and he conveyed dignity as the ultimate Southern Gentleman who valued and upheld the traditions and collegiality of the Florida Senate.

BE IT FURTHER RESOLVED that the Senate Sergeant at Arms place suitable markers to designate Room 412 of the Knott Building as the "Pat Thomas Committee Room."

BE IT FURTHER RESOLVED that copies of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be presented to Mrs. Mary Ann Thomas, widow of Senator Pat Thomas, and to Anne Jolley Byrd and John Pat Thomas, the children of Senator Pat Thomas, as a tangible token of the sentiments and appreciation of the Florida Senate and as a symbol of the enduring respect of the members of the Florida Senate.

On motion by Senator Holzendorf, **SR 6-Org.** was read the second time in full and adopted.

FAMILY OF SENATOR PAT THOMAS

The President introduced the following members of Senator Thomas' family who were present in the chamber: his widow Mrs. Mary Ann Thomas; his daughter Anne Jolley Thomas Byrd and son-in-law Bobby Byrd; his grandson Corbett Thomas Proctor; and his son John Pat Thomas and daughter-in-law Martha Thomas.

The President recognized the following members for remarks:

Senator Holzendorf: Mr. President, I know that some people have prepared some notes for me but I'm going to speak about Pat Thomas from the heart.

I met Pat Thomas in 1991. There was a reapportionment fight going on over here in the Senate and, of course, my district was up for reapportionment along with a district that eventually ended up being the district now represented by Senator Clary. The fight was over that district. Senator Thomas, being the compromising person he was, asked the Senator who was serving in the 7th District, "What is the problem?" The Senator said, "Well, it has to do with who runs in two years and who runs in four years." Senator Thomas said, "Well, Senator, since you won't be here, what do you care about the next person if it helps us to get this bill out?" What Senator Thomas didn't know was that I was the next person. When I acknowledged that to him, he turned around and said, "Daughter, what you have to understand about the Senate is that it's seniority and it's statesmanship, and our responsibility in the Senate is to get the job done with the least amount of friction that can possibly be."

I learned that lesson from him as I came into the Senate the following year in 1992. The Senate was deadlocked 20-20. Ander Crenshaw, who you see up there, was my home boy who was running for President of the Senate. When I looked up into those galleries, everybody from Jacksonville was there. But I had made a commitment to Pat Thomas and I held that commitment. He said to me, "That took courage." I was a neophyte Senator. I knew nothing about this body, but he became my mentor. As I was saying to John Pat, Anne Jolley and Mary, I adopted him from them because he taught me so much about how to conduct myself in the Senate.

Pat Thomas was the person that, if he gave you his word, then you didn't need to discuss that any more. He was committed. He was a statesman. He felt very, very strongly about this body. When we got to the point that we could not be congenial with each other, it was Pat Thomas who came and said, "This is the Senate." He never said this is the Democratic Senate or this is the Republican Senate. He always said, "This is the Senate." He gave me a statement once. He said, "The House proposes and the Senate deposes." He said, "We don't have to do anything the House says because the final word rests with this Senate." He believed that and he conducted himself that way.

To name 412 Knott Building after Pat Thomas is to say that all of the education that he imparted and all of his knowledge that he shared with us is the reason that many of us are capable of standing on this floor and talking about issues and being able to conduct ourselves in a manner that makes us true Senators. I respected the man, but more than that, I hold dear the institution he created and that was the institution of Senate statesmanship that we cannot afford to let go by the wayside. Pat Thomas believed in this institution. He believed in this legislative body. He was an advocate for the poor. Rural counties meant just as much to him as the urban city counties. The littlest person in his district had as much respect from him as the millionaire. He never distinguished between people based on what they did or did not have. He was a man of principle. We will miss him. This body will miss him. When we get to reapportionment, we will miss him. We will not have that compromising element to help us get through this. But, hopefully, we will have the memory that we can share with one another that makes us strong, and education was his thing.

I remember the last time we shared on a bill. Teenagers were driving cars into stores, stolen cars, through the windows, jumping out, robbing the stores and running away. Pat Thomas felt strongly that something needed to be done. I said to him, "Let's build a jail, put them in it, throw away the key. Lock them up. We need a jail for teenagers." He said, "Now, daughter, you don't mean that. You really don't mean that. But

we do need to do something." That's when we created the Department of Juvenile Justice, so that we could provide prevention and intervention for youths prior to incarceration. That's the kind of President, that's the kind of Senator, that's the kind of father, that's the kind of friend Pat Thomas was. I am honored to stand for this resolution to name Room 412 of the Knott Building after Pat Thomas. Thank you, Mr. President.

President McKay: Outside of renaming Gadsden County for Pat Thomas, the only thing that hadn't been named for him, I figured, was that committee room in the Knott Building. Since he had so much to do with it, I thought that was appropriate. I hope that you agree with me. As did many of you, all of you, perhaps, I drank a lot of brown liquor and broke a lot of bread with Pat. He was my friend. I'll miss him. I would like to invite anybody who would like to rise and make any comments to please do so. In a little departure from the norm, I would like any of our visitors, our guests, who all knew him so well to also grab a mike and say whatever you'd like to say.

Senator Campbell: Mr. President, you know we're talking about Pat in the past tense and, certainly, we're not going to see him in that seat over there anymore, but I think all of us will realize that Pat is still with us. Somewhere his spirit is in this body. I think Senator Holzendorf hit on it when she said, "The Senate was so important to him." I can remember last year when we got a little testy toward the end of the session, it was Senator Thomas that brought us all together.

When I first got elected, Pat Thomas came back to me and said, "Son," even though I had gray hair, white hair, he said, "Son, the thing you've got to learn is none of us is as smart as all of us together. You're going to learn the collegiality of this body, everybody has something to add. Everybody has something to give back to our citizens. And we as a group will make Florida better." He also told me, "You know, it's interesting how much you can achieve if you don't try to take credit for it." I thought that was a great saying from Pat. When I went to his funeral last year, I drove up to the funeral, I didn't know there were so many "Pat Thomas" buildings and streets. He deserves the credit, though. He will be with us always and I hope that, if we do have testy times, someone will stand up and say, "Pat Thomas is looking," and together we, as a body, will work for the benefit of the citizens of the State of Florida, just like Pat did. We're going to miss him, but he'll be with us.

Senator Latvala: Thank you, Mr. President. Because of term limits I think this will be the first session in quite some time that there isn't a former President among our ranks. In the House, Speakers usually move on at the end of their terms. In the Senate we've had, I think, as many as four former Presidents in here at one time during the last few years. Those former Presidents always helped give advice to the new guys, helped keep order, helped keep decorum, helped keep the traditions of the Senate alive with the new people as they came in. I think that's one of the things that we're going to miss.

I want to use Pat Thomas to illustrate one real fact, a point of history in the Senate. Just prior to being sworn in six years ago in 1994, I was a victim of the same kind of campaign that a lot of the new people that just came in here feel that they're a victim of. There was no one, probably, when I was elected in 1994, that had a tougher campaign from the state Democratic party than I did. When I got here, I didn't know Pat Thomas. The very first day I was here, he came up to me and said, "Son, you know I only did what I had to do," because he was the leader of the Senate Democrats. He said, "That's just the way it is. But from here on out, you're a colleague." And he stuck out his hand, and that's exactly the way it was. He was a living example of how, when we got sworn into the Senate, we became colleagues. We became friends and we worked together from that day forward and put partisanship aside.

Senator Dyer: Thank you, Mr. President. Senator Lawson, you have some pretty big shoes to fill over there. I'm sure you're going to do a great job at it. Senator McKay, it must look fairly odd looking down at that front row. Other than Senator Clary, because we had about, I guess, over a hundred years of Senate experience represented in the other four chairs, so all of you in that front row have some big shoes to fill. I know each one of you is capable of doing that.

I think it's particularly appropriate to name the committee room over there after Pat Thomas. I'm sure that he would be extremely proud of that because he would want each one of us to be mindful of the history and the traditions in the Florida Senate because I think he revered those. There's not a person in the Senate that served with him that I

think can say that they didn't learn an awful lot from Pat. A lot of us come from different areas of the state than where Senator Thomas did. The Panhandle is a little different from Miami-Dade or Broward County in how you run elections. I remember when I was elected in 1992, Pat Thomas was the Senate President-designate then and he was running the campaigns. I was in the primary run-off so I wasn't getting any help from Senate victory quite at that time. But as soon as I won the primary, I was able to make the trip to the mecca of Quincy. I had never been to Quincy before. I went over to the insurance office to meet with Senator Thomas and I had my whole entourage of consultants and my spouse. We sat down with Senator Thomas for about an hour and talked about the campaign and everything and talked about walking neighborhoods and knocking on doors. He said, "Now, how do you do that again? You walk up the side of one street and back down the other?" So he had done things a little differently than I had to get elected, but at the end of the meeting, we were there to see if we couldn't get that \$50,000 or whatever it was that they were willing to parcel out. He took me back in his private office and it was just he and I and somehow, when we concluded the meeting, I had a hundred-dollar bill, crisp hundred-dollar bill, and he had my signature on a pledge sheet. So the extent of that meeting was, I walked out with \$100 and he had my pledge for the 20-20 Senate. I learned a lot that day before I even got to the Senate, and I continued to learn throughout my career, from Senator Thomas.

I was the Vice Chair of Agriculture last year with him, and probably some of my fondest memories, it's hard to think of Pat without thinking about W.D. Childers. If anybody came to the Agriculture Committee and listened to some of the exchanges in there last year, and any of you who didn't, have truly missed an experience in the Florida Senate, and I'll miss that. But probably my most vivid memory of Pat will be the same as Senator Campbell and Senator Latvala talked about. Last year, things got a little more personal in here than we've had in the past. Senator Thomas stood up and was a calming voice in a sea of emotions, and hopefully, we will have others that rise to the occasion.

Senator Silver: Thank you, Mr. President. I will always be very grateful to Pat for naming me the Majority Leader when he was President, and working with him closely. But the times I really remember are the times when I served as Sub C and Sub D chairs for Criminal Justice and Health and Human Services because, if there was anybody who had a passion for his constituency and wanting to help out his constituents, it was Pat Thomas. That's why I want to make sure—and Al, you do have a big job to do—you have to explain it the same way Pat came in to explain it. He would always come in a very low-key way and talk to you and say, "We just need a little, little, little bit more over here for these folks, and we need just a little, little bit more here and, you know, we have a little problem about the jobs in the area. We need to make sure we maintain just a little bit longer."

It was always just that little bit more and that little bit longer that made him so distinctive from a lot of us because he truly was what you think of when you talk about the representative democracy we have, working on behalf of your constituents, because that's what Pat's life was. He wanted to help the people of his district, just like we all should be doing and, to a great extent, we do. Pat had a way of doing it that explained it so greatly. You couldn't say "no" to him, you know, you wouldn't do that. That's what comprised most of my budget. People thought I was doing a lot for South Florida, Miami-Dade County, and that stuff, but most of it was going to Quincy because of Pat. That's what occurred. But I'll always remember Pat as he was such a kind person, such a caring person and we will always remember him. Thank you, Mr. President.

President McKay: Thank you, Senator Silver. Senators, with the departure of so many Senators and House members from this legislature, I would like to make you aware, if you're not already aware, that the Dean of the Florida Legislature is now Senator Ron Silver. He's been around longer than anybody else. Senator Rossin, you're recognized.

Senator Rossin: Thank you, Mr. President. I had a little different experience with Senator Thomas. He recruited me. I'm in the Florida Senate because of Pat. I remember so distinctly when I first met Pat. I was thinking, why should I do this? Why should I put myself and my family through this horrendous campaign we'd have to run? The Florida Senate, at that time, was 20-20 and both sides needed the 35th District to win the 21st seat. Pat looked me right in the eye and he said, "Tom, has Florida been good to you?" I said, "Yes, sir." He said, "Then you owe it to your constituents and to your family and to the State of Florida to

do this." He was so sincere and his words were so compelling that I really never thought much about it after that, and I ran for the Senate. That's his belief, his sincerity, his real understanding of what it meant to be a citizen of Florida and your obligation was so clear. This was a great man and we'll all miss him.

Senator Sullivan: Thank you, Mr. President. Pat Thomas, to me, was a collection of very fond memories. I had the pleasure one day of getting a tour of Quincy from Senator Thomas. He was so proud of that community and he was so proud of all his friends. I have this memory of Pat Thomas putting on one of his lunches back in the Senate and the smile on his face and how happy he was to be doing that for all of his colleagues in the Senate.

I have this memory of Pat Thomas at his lake house catching fish off the dock and how proud he was and how happy that he could have all his friends out to visit him.

I also have these memories of Pat who came to me as a physician and talked about all of his illnesses. I have this memory of this man who was very sick and, at times, needed blood transfusions, who never complained, who loved being here, that's all he wanted.

This is the same man who stood as President of the Senate and said, "I want everyone to address each other by their district numbers because we are gentlemen and this is a wonderful organization and we should preserve all its traditions."

Those little vignettes kind of sum up what kind of a man he was. He was so generous, he was so uncomplaining, he was a gentleman through and through and he loved the Senate. I think Senator Latvala brings up a great point. You don't grow to love the Senate without someone telling you where the Senate has been, what has happened, what has gone before, and transmitting that love. We've lost something with this term-limit business. We've lost those people who dedicated their entire life to this. Maybe walking by a plaque in Room 412 will remind us all that there is a great history.

The Senate is different from the House because there is this great love for the institution. I hope that maybe eight years is enough to transmit that. But Pat kind of personified that. We are going to miss all the guys that are term-limited out and Pat was kind of symbolic because he left us right at the end of term limits. He was a wonderful man. We are going to miss all of them, but we're going to especially miss him.

Senator Lawson: Thank you very much, Mr. President. Sixteen years ago, as a House member, I tried to speak on the Senate floor. We were working on a lab school bill and I thought we had it all worked out. I came down to the Senate and Senator Peterson was throwing in amendments all over the place. I reached over and grabbed Senator Thomas' mike and said, "Senator Thomas, we've got to stop him." He said, "Son, you can't speak on the Senate floor." But truly, if he was alive today, I am certain that he would be very proud to know that I was successful in winning his seat.

Many years ago my grandmother and I were driving to Quincy to his office in order for her to get car insurance. It was a very thrilling moment for me because Quincy is about 10 miles from where I grew up, but it also gave me the opportunity to drive. When we got to the office they really embraced. I learned that day how close my grandmother was to Senator Thomas and how much she cherished him. Then I learned that my grandfather had worked in many of his campaigns. Little did I know then that I would have the opportunity to work with him in the legislature. From the day I first encountered him, he gave me the name of "Too Tall." The way he addressed me all the time was "Too Tall." I am very honored to be here with his family; especially Mary Ann, his wife, that I've shared many moments with. I can remember when he was thinking about not running for the Senate. I drove there and had lunch with him to encourage him to run. I didn't recognize the fact that he was going to run against a very good friend of mine. I, too, in the insurance business, had a lot of insurance with this person. So he asked me, "Too Tall, what are you going to do?" I said, "Well, I'm going to be with you, Senator." Later on that client that I had, canceled all his insurance after Senator Thomas had a landslide vote over here. He just said, "Don't worry about it; one day I am going to take care of you." I said, "It's more important to have you representing the people of Gadsden County and North Florida than the business that I lost." Several years later, and John Pat would know about this; he called me in on a case that was more beneficial to me than the case I lost. He never did forget.

But I can tell you that he is an institution in Gadsden County and in North Florida. During the course of my campaign, as I traveled from Madison and to Bay and to Jackson Counties, everyone told me what I had to do. When I first got elected, they started telling me what I needed to do in order to follow Senator Thomas. But when we think of Senator Thomas, it is even more fitting today—for the family and for all of us—to remember the words of one of our country's Democratic Presidents, "People will little notice nor long remember what we say here but they will never forget what we did here." Thank you.

Senator Jones: Thank you, Mr. President. I just want to make a brief comment. When I first met Senator Thomas, he was obviously here and I was in the House. I viewed him as a person who was the complete southern gentleman. He reached out his hand to a freshman House member and greeted me with great warmth. One of the things that he always joked with me about was that while we were going through reapportionment during that first two years I was here, and I was creating a problem for the Senate in that a Senator who was representing the Keys at that time was reacting to the concept that I might actually run for the Senate. He was creating a little problem with some of the votes that we have in the Senate. I won't call any names, but I think a few of us here know who that guy was.

Pat always did some things with all of us, I think, that made us feel good. You know, the way he would always hold on to you and the way he would always bring you close and whisper in your ear and tell you things that made them seem like they were important but really they were just little nuggets of information. The way he always complimented every single one of us. He was very magnanimous in his approach and just the epitome of statesmanship and an example that I think all of us should strive to follow.

Certainly when I saw him, as a freshman in the House and he as a Senator, I thought to myself if I should ever rise to this body, he was the kind of person I would like to emulate. If I can leave this body after two more years and be one-tenth of the Senator that he was then to this body, then I feel I will have succeeded as well.

MOMENT OF SILENCE

On behalf of the Senate, the President led the body in a moment of silence in memory of the late Senator Pat Thomas.

Upon request of the President, Senators Clary, Holzendorf, Lawson and Rossin escorted the Thomas family to the rostrum where they were presented a copy of the resolution. The President presented Mrs. Thomas who addressed the Senate:

Mrs. Thomas: Senators and family members. This has been a real special day for us. I remember in 1972 it was Pat's birthday that day when he was sworn into the House. Then today has been a very special day for President McKay and his family and for us. You know Pat was always very interested in restoring the Capitol Complex and preserving the buildings. We have the Old Capitol out front that he had a hand in and the Knott Building was very special to him, so designating this room in his honor I think is very, very special. Especially on today, he would have been 67 today. He loved this Senate, as you've all talked about this morning, and your words were so eloquent. We are all very touched and honored with your tribute to him. Thank you so much. I also would like to introduce my only grandson, Corbett Thomas Proctor, Anne Jolley's son. He has been with us over there today and this is a very big day for him also. Thank you very much.

President McKay: Senator Sullivan, I intend to, and have always intended to, take some of the comments you just made and put them into practice in the Senate. It is the dignity with which Pat held it and the way he tried to treat other Senators and the dignity with which he thought we all ought to conduct ourselves within this body. To restore the decorum, if we possibly can, in addressing Senators by their district number, I think that brings a lot to this body. If you will work with me, each and every one of you, I think it will do wonders for us, particularly as we go through the tough times of reapportionment.

Anne Jolley, John Pat and Mary Ann, we will continue the Pat Thomas luncheon. Senator Sullivan continues to plant quail out at his farm in South Georgia and we can shoot them. We can bite down on some of that bird shot every now and then, they are so close. We will continue that. I hope you will join us this year and next year. After I am through, somebody else will pick up that mantle I am sure too, so come on back.

On motion by Senator Saunders, the remarks offered during the Organization Session were ordered published in the Journal.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable John McKay, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 2-Org.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

SUMMARY OF CHANGES AND FULL TEXT OF SENATE RULES AS ADOPTED

[SEE PAGE 7]

Rule 1.3 - Control of Chamber

Changes language to clarify that the President may order the chamber cleared.

Rule 1.27 - Transition From Office

Clarifies that in the event of a vacancy in office, and until the vacancy is filled, the President may approve a transitional period for staff.

Rule 1.30 - Duties and Hours

Clarifies that the Senate President sets the hours of employment for all permanent staff of the Senate and that Senators' district staff hours are those prescribed by their department heads.

Rule 1.33 - Secretary; Supervision of Employees

Changes the various class titles used in the Secretary's office to that of "employees" for purposes of determining who is under the supervision of the Secretary.

Rule 1.44 - Notice Required for Certain Meetings

Deletes and adds appropriate titles.

Rule 1.443 - Reapportionment Information

Specifies that the current equal access provisions also apply to systems, data and information available to, not just promulgated or maintained by, the apportionment or redistricting committees.

Rule 2.1 - Standing Committees; Standing Subcommittees

Deletes, adds and reorders the listing of standing committees and subcommittees of the Senate.

Rule 2.3 - Committee Reports

Clarifies that proposed legislation by committees and standing subcommittees can only be based on an authorized interim project.

Rule 2.14 - Time for Consideration of Bills

Deletes and adds appropriate titles.

Rule 2.16 - Standing Subcommittee Reports

Provides a technical change removing the reference of parent committee and changing that reference to full committee.

Makes appropriate committee title changes.

Rule 2.18 - Prefiled Bills

Deletes and adds appropriate titles.

Rule 2.19 - Conference Committee in Deliberation

Deletes and adds appropriate titles.

Rule 2.28 - Taking the Vote

Technical change by the Secretary of the Senate. Conforms Rule 2.28 to provisions of Article III, Section 4(c) of the State Constitution, and makes Rule 2.28 consistent with Rule 2.15 which was amended in 1991.

Rule 2.33 - Motions; Precedence

Changes the motion of “temporarily pass” to “temporarily postpone” to more adequately express the actual action taken.

Rule 3.9 - Printed Copies of Bills

Deletes and adds appropriate titles.

Rule 3.10 - Identification of Bills

Two technical changes are made to address current practice.

Rule 3.12 - Introducers of Bills

Deletes and adds appropriate titles.

Rule 4.6 - Reference Generally; Final Days for Introduction of Bills and Resolutions

Clarifies local bill referencing procedure.

Adds Senate resolutions to the list of items not affected by the deadline for introduction of bills.

Rule 4.8 - Reference of Bills Affecting Appropriations, Revenue, Retirement or County or Municipal Spending

Changes wording to reflect revised committee structure and names. Changes the word “referred” to “reviewed” for the purpose of referral.

Rule 4.10 - Reference to Different Committee or Removal

Clarifies bill removal process. Authorizes chairman of Committee on Appropriations to withdraw bills from that committee under certain circumstances.

Rule 4.15 - Referral or Postponement on Third Reading

Deletes and adds appropriate titles.

Rule 4.17 - Special Order Calendar; Consent Calendar

Technical change to reflect change in terminology.

Rule 4.81 - Claim Bills

Provides an opportunity for new members of the Senate to file a claim bill(s) outside of the current deadline. Defines the term new Senator. Clarifies under what circumstances a claim bill hearing and consideration may be held in abeyance.

Rule 6.2 - Motions; Precedence

Conforms to previous technical change in rule.

Rule 12.7 - Procedure

Deletes and adds appropriate titles.

Rule 14.1 - Seal and Insignia

Clarifies that the Senate Seal, Coat of Arms, official stationery, calling cards and facsimiles may be used only in connection with official Senate business.

a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the daily order of business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President’s control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may *order the area cleared* ~~clear the area~~.

1.4—The President’s authority and signature; questions of order; travel

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a Member of the Senate (whether in the legal capacity of Senator or taxpayer), a former Member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—Appointment of committees

The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

1.6—The President’s vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President’s name shall be called last.

1.7—Vacating chair; duties of President Pro Tempore

(a) The President may name any Senator to perform the duties of the chair.

(b) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(c) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(d) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

RULES OF THE SENATE**RULE ONE****OFFICERS, SENATORS, EMPLOYEES, AND ETHICS****PART ONE—OFFICERS OF THE SENATE****1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader**

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At

1.8—Designation of the Secretary of the Senate

The Senate shall designate a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Secretary's duties at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first day of each session of the legislature and shall be distributed by the Secretary for the information of the legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

The Secretary shall prepare a daily calendar that shall set forth: (1) the order of business; (2) the committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute; (3) the status of each bill, i.e., whether on second or third reading; (4) notices of committee meetings; and (5) notices of meetings required pursuant to Rule 1.44. The Secretary shall distribute the daily calendar for the information of the legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

1.17—Transmits bills to House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay; and each shall be accompanied by a message stating the title of the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills

The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the Senate Legal Research and Drafting Services where they may be held a maximum of two days for research and summary. Special notice of the summaries shall be given to each Senator.

The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS**1.20—Attendance and voting**

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the legislature shall be entitled to an amicable transition period not to exceed one month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. *In the event of a vacancy in office, and until that vacancy is filled, a ~~Upon proper application by the legislative assistant of a deceased Senator, a one-month~~ transitional period with pro rata salary for the staff may be approved by the President to close out the ~~vacant deceased's~~ Senate office affairs.*

PART THREE—EMPLOYEES OF THE SENATE**1.28—Dismissal of employees; services of spouse**

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the ~~same~~ hours of employment *set by the President as regular Capitol employees*. Part-time employees and Senator's *district staff* ~~personal aides~~ shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, Florida Statutes.

1.33—Secretary; supervision of employees

All ~~employees secretaries, stenographers, typists, verifiers, and other clerical assistants~~ not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS**1.35—Legislative conduct**

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation of campaign contributions

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of this Rule.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The Committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; hearings, penalties

Any person may file a sworn complaint with the chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar.

PART FIVE—PUBLIC MEETINGS AND RECORDS**1.43—Open meetings**

(a) All meetings at which legislative business is discussed among any two or more Senators shall be open to the public except meetings

between two Senators to exchange information provided the purpose of the meeting between the two Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this rule.

(b) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(c) For purposes of this rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee.

1.44—Notice required for certain meetings

(a) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

1. meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);
2. meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;
3. steering meetings of the chairman of the Committee on *Appropriations Budget* with the chairmen of the standing subcommittees of the Committee on *Appropriations Budget*; and
4. meetings called by the President or the President's designee, of a majority of the chairmen of the Senate's standing committees.

(b) Notices of meetings required by Rule 1.44 shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

In the event the times required for notice under Rule 1.44 are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(c) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader or a Minority Leader Pro Tempore need not be open or noticed.

1.45—Violations of rules on open meetings and notice

Intentional violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

1.441—Constitutional requirements concerning open meetings

All legislative committee and subcommittee meetings and joint conference committee meetings, shall be open and noticed to the public.

All prearranged gatherings, between more than two members of the legislature, or between the Governor, the President of the Senate, or the

Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

In cases of conflict between this rule and any other rule of the Senate the rule providing greater notice or public access shall prevail.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, or maintained by, or available to, the former Committee on Reapportionment for the analysis of legislative and congressional redistricting plans.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

The following standing committee, standing subcommittee and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such a special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate rule to be created.

Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

For the purpose of this rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

RULE TWO

COMMITTEES, OFFICERS, MEMBERS, VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees

Permanent standing committees and standing subcommittees, when created and designated, by rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the following named standing committees and standing subcommittees provided that each standing committee shall consist of not less than five (5) members:

Agriculture and Consumer Services
~~Banking and Insurance~~
~~Appropriations Budget~~
 Subcommittee on Education
 Subcommittee on General Government
 Subcommittee on Health and Human Services
 Subcommittee on Public Safety and Judiciary
~~Subcommittee on Transportation and Economic Development~~
~~Banking and Insurance~~
 Children and Families
 Commerce and Economic Opportunities
 Comprehensive Planning, Local and Military Affairs
 Criminal Justice
 Education
 Ethics and Elections
~~Fiscal Policy~~
~~Finance and Taxation~~ ~~Fiscal Resource~~
 Governmental Oversight and Productivity
~~Gubernatorial Appointments and Confirmations~~
 Health, Aging and Long-Term Care
 Judiciary
 Natural Resources
~~Reapportionment~~
~~Subcommittee on Congressional Apportionment and Redistricting~~
~~Subcommittee on Legislative Apportionment and Redistricting~~
 Regulated Industries
 Rules and Calendar
 Transportation

Each standing committee or the chairman thereof may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate shall be promptly notified of the appointment of select subcommittees, their assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules of Procedure regulating standing subcommittees, except that select subcommittees shall exist only for the time necessary to complete their assignments and report to their standing committees, and not to exceed thirty (30) days. The advisory reports by select subcommittees whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those present.

2.2—Powers and responsibilities of committees

Permanent standing committees and standing subcommittees are authorized: (a) to maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area; (b) to invite public officials, employees and private individuals to appear before the committees or subcommittees to submit information; (c) to request reports from departments performing functions reasonably related to the committees' jurisdictions; and (d) to complete the interim projects assigned by the President.

In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

In order to carry out the committee's duties, the chairman of each standing committee, standing subcommittee, and select committee may

The following public records are exempt from inspection and copying:

Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, Florida Statutes, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), Florida Statutes, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

Records prepared for or used in executive sessions of the Senate until 10 years after the date on which the executive session was held.

Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committee's records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

For purposes of this section, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chairman. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

Before a regular session of the legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation *on its authorized interim projects*, and file same with the President of the Senate and the Secretary of the Senate.

Before a regular session of the legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation *on its authorized interim projects*, and submit same to the chairman of the standing committee for consideration by such committee.

Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

2.6—Notice of committee meetings

Notice of meetings of standing committees, standing subcommittees and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the two legislative days preceding and the day of such committee meeting. Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his or her absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting. The chairman of a committee or subcommittee or in his or her absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

At least seven (7) days prior to the meeting of a standing committee or standing subcommittee, while the legislature is not in session, a notice of the meeting, stating the number of each bill to be considered, date, time, and place, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of hearing; publication

For publication in the daily calendar, notice of standing committee or standing subcommittee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Hearing notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after 50th day

Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

The Committee on Rules and Calendar or the Special Order Calendar designees provided for in Rule 4.17 shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m. This scheduling shall not limit the powers of the chairman of a standing committee or subcommittee as provided in these Rules.

Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant or committee staff member, or any other representative having written permission to speak for the bill. Unless a majority of the committee members present shall decide otherwise, bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his or her behalf.

2.12—Order of business

Bills shall be considered in the order appearing in the notice required by these Rules, except that the chairman may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

A bill shall be considered out of its order on the committee calendar on unanimous consent of those present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those present shall be given or refused without further debate.

2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chairman to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Time for consideration of bills

A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those present. However, any bill that has been in committee fifteen (15) legislative days or more without an extension of time having been granted may be removed from committee on motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee on a point of order, providing no bill may be thus withdrawn from the Committee on *Appropriations Budget* during the first thirty (30) days of a regular session.

Except by unanimous consent of those present, no bill shall be considered by the Senate after the fiftieth (50th) day of a regular session if the bill or a companion measure has not been first reported favorably by at least one Senate committee.

2.15—Standing committee duties in deliberation

It shall be the duty of standing committees to report all matters referred to them either (a) favorably, (b) favorably with committee amendment(s), (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably. The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommended to a committee except by two-thirds (2/3) vote of those present in session.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the committee on the motion to report each bill or resolution. A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report required by items (e) and (f). Reports of committees shall be preserved pursuant to law.

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee administrative assistant no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee administrative assistant, and made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

All standing committee reports shall be signed by the chairman or, in his or her absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than

4:30 p.m. of the second legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee reports

It shall be the duty of standing subcommittees to report all measures referred to them directly to the ~~full parent~~ standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either (a) favorably, (b) favorably with committee amendments, (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the subcommittee on the motion to report each bill or resolution.

In reporting a bill to the ~~full parent~~ standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the ~~full parent~~ standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the ~~full parent~~ standing committee in the same manner as a favorable report.

All standing subcommittee reports shall be signed by the chairman or, in the chairman's absence, the vice-chairman and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure.

All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of the committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except on vote of two-thirds (2/3) of the standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. This Rule shall also apply to reports on budgetary matters by the standing subcommittees of the Committee on *Appropriations Budget* for inclusion in the general appropriations bill.

2.17—Quorum of committee

A committee or standing subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. Any bill or resolution reported in violation of this Rule shall be recommended by the President when it is called to the President's attention by a Senator.

2.18—Prefiled bills

On receipt from the Secretary of each prefiled bill and if the President has not previously designated a standing subcommittee of reference, the chairman of a committee shall either refer to a standing subcommittee, refer to a select committee as otherwise provided in these Rules, or place on the agenda for a meeting of the standing committee. In any event, the chairman shall concurrently notify the Secretary of the Senate of his or her action on forms provided for such report. The chairman of the standing subcommittee, select committee, or of the standing committee thus possessing jurisdiction of a prefiled bill shall, with the concurrence of the President, determine the time and place for the hearing during which such bill is to be considered and notify the Secretary as required by these Rules.

Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on *Appropriations Budget* shall not be required to file such report of a prefiled bill defined in these Rules.

A prefiled bill introduced solely by a Senator who will not be a Senator at the next regular session of the legislature shall be reported unfavorably without notice or hearing.

2.19—Conference committee in deliberation

All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least two (2) hours in advance of the meeting, and after the fiftieth (50) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the Committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

1. meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);
2. meetings between a majority of the members of any subcommittee of the conference committee;
3. meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and
4. meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on *Appropriations Budget*.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, the Knott Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the Constitution for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chairman and Vice-Chairman

A chairman and a vice-chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chairman for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chairman, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chairman or, in the chairman's absence, the vice-chairman, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

2.22—Chairman's control

The chairman or vice-chairman shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chairman or vice-chairman may require participants in the disturbance to clear the room.

2.23—Chairman's authority; appeals

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chairman shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chairman may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chairman, Vice-Chairman; vote

The chairman and vice-chairman shall vote on all matters before such committee. The name of the chairman shall be called last.

2.25—Temporary alternate to Chairman

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chairman's absence and/or omission to make such appointment, the vice-chairman shall act during his or her absence.

2.26—Vice-Chairman's duties

On the death, incapacitation, or resignation of the chairman, the vice-chairman shall perform the duties of the office until the President shall appoint a successor. In the absence of the chairman, the vice-chairman shall act as chairman.

PART THREE—COMMITTEES—MEMBERS**2.27—Members' attendance, voting, proxy**

Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

The chairman may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chairman of the committee, shall constitute automatic withdrawal from the committee.

No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING**2.28—Taking the vote**

The chairman shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by ~~three (3)~~ *two (2)** members the chairman shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

**[Technical change by the Secretary of the Senate. Conforms Rule 2.28 to provisions of Article III, Section 4(c) of the State Constitution, and makes Rule 2.28 consistent with Rule 2.15 which was amended in 1991.]*

A Senator may request to (a) change his or her vote or (b) vote before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chairman shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chairman. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE**2.32—Motions; how made, withdrawn**

Every motion may be made orally. On request of the chairman, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chairman, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote

of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

2.33—Motions; precedence

When a question is under debate, the chairman shall receive no motion except:

1. To rise
2. To take a recess
3. To reconsider
4. To limit debate
5. To temporarily *postpone pass*
6. To postpone to a day certain
7. To commit to a select subcommittee
8. To amend

which shall have precedence in the descending order given.

The chairman shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS**2.39—Amendments; form, notice, manner of consideration**

No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee administrative assistant at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee administrative assistant before the

meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chairman, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to “Mr. or Madam Chairman” and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the surname of the Senator referred to or addressed.

2.46—Chairman’s power to recognize

When two (2) or more Senators speak at once, the chairman shall name the Senator who is to be first recognized.

2.47—Interruptions; when allowed

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by rising to a question of privilege, a point of order requiring an immediate ruling, an appeal from the decision of the chairman concerning a point of order (if the appeal is made immediately following the decision), a parliamentary inquiry requiring

an immediate reply, or to question the existence of a quorum. The chairman shall strictly enforce this Rule.

2.48—Speaking rights

When a member is speaking and another member interrupts to request recognition, the chairman may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

The member making a debatable motion or the primary introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those present.

2.50—Limitation on debate

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chairman.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chairman is by appeal. An appeal from a decision of the chairman must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chairman. This second decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chairman on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

All bills shall contain a proper title, as defined in Article III, Section 6 of the Constitution, and the enacting clause, “Be It Enacted by the Legislature of the State of Florida.”. The title of each bill shall be prefaced by the words, “A bill to be entitled An act”. Standard rules of capitalization shall apply.

The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chairman, enough of the title for identification.

Bills that propose to amend existing provisions of the Florida Statutes (as described in section 11.242, Florida Statutes) or the Laws of Florida shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended.

In general bills and joint resolutions that propose to create or amend existing provisions of the Florida Statutes, Chapter Laws of Florida, or of the Florida Constitution, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the Constitution, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:". Each joint resolution shall be prefaced by the words: "A Joint Resolution. . . .".

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:".

3.6—Form of resolutions; Senate and concurrent

All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:". Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:".

Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—Introduction during session

To facilitate processing and committee referencing, all bills shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first day of the regular session.

Between regular sessions of the Legislature, bills may be prefiled by delivery to the Secretary of the Senate.

3.8—Prefiled bills

A prefiled bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules. A bill received by the Secretary within three (3) weeks next preceding the convening of a regular session shall be numbered but otherwise withheld from the operation of this

Rule. Such a bill shall be treated as if it had been delivered for introduction on the first day of the succeeding regular session.

The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the chairman of the first or only committee of reference. A copy of each prefiled bill shall be provided each Senator. The Secretary shall mail regularly to each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to the Constitution, Laws of Florida, and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

If a committee fails to deliver its report of a prefiled bill prior to seven (7) days next preceding the convening of a regular session or, if a prefiled bill has received a reference to more than one (1) committee and less than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been prefiled.

Notwithstanding these Rules, a Senator may, during the day of introduction of prefiled bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those present.

3.9—Printed copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be printed by the Secretary for the information of the Senate and the public. The absence of a printed copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on *Appropriations Budget* shall be made available to the members and upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on *Appropriations Budget* meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered *with even numbers* as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by ~~machines as used in banks for validating or canceling checks or other documents, or made by any other device~~ to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second or third reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the rules by two-thirds (2/3) vote of those present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as

automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills

Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chairman of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on *Appropriations Budget*.

3.13—Fiscal notes

Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn. The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily order of business

The daily order of business shall be as follows:

1. Roll call
2. Prayer
3. Reports of committees
4. Motions relating to committee reference
5. Messages from the Governor and other executive communications
6. Messages from the House of Representatives
7. Matters on reconsideration
8. Consideration of bills on third reading
9. Special Order as determined by the Committee on Rules and Calendar
10. Consideration of bills on second reading
11. Correction and approval of Journal

The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be

omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

On the first legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

First reading of bills shall be accomplished by publication of the title thereof in the journal pursuant to Article III, Section 7 of the Florida Constitution as amended.

4.4—Committee of the whole

By a majority vote of those present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only on two-thirds (2/3) vote of those present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the Constitution, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

4.6—Reference generally; final days for introduction of bills and resolutions

All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees.

Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall

be referred within seven (7) days. Upon failure of the President to refer such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose.

The reference of a bill that *appears to be* local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, ~~in fact and function,~~ local in nature for reference purposes and whether it responds to the legal requirements of a local bill. A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one county or relates to a special district that is located wholly within no more than two counties. When the Committee on Rules and Calendar, through staff analysis, has determined that the a bill is not local in nature for referencing purposes ~~in fact and law a local bill,~~ the committee it shall report such determination be reported and referred to the calendar on local bills. ~~When the Committee on Rules and Calendar, through staff analysis, determines a bill is not local in nature, a report stating the reasons therefor shall be furnished to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such determination and report shall be made within fifteen (15) legislative days from date of reference to the Committee on Rules and Calendar. When the Committee on Rules and Calendar, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be reported and referred to the calendar on local bills.~~

All Senate bills filed for introduction after 12:00 noon on the first day of the regular session (except for the general appropriations bill, local bills, Senate resolutions, and joint resolutions) shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except on two-thirds (2/3) vote of those present. If a committee reports a committee substitute favorably, other committee consideration shall be directed to the substitute and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement or county or municipal spending

All bills authorizing or substantially affecting appropriations shall be reviewed by ~~referred to~~ the Committee on Appropriations or a standing subcommittee of that committee. ~~Fiscal Policy.~~ All bills authorizing or substantially affecting tax revenue shall be reviewed by ~~referred to~~ the Committee on Finance and Taxation ~~Fiscal Resource.~~ All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by ~~referred to~~ the Committee on Governmental Oversight and Productivity. All bills which are affected by the provisions of Article VII, Section 18, Florida Constitution shall be reviewed by ~~referred to~~ the Committee on Comprehensive Planning, Local and Military Affairs. A bill that is amended to substantially affect appropriations or

tax revenue, a state retirement program or expenditures or revenues as set forth in Article VII, Section 18, Florida Constitution shall, before being placed before the Senate for final passage, be reviewed ~~referred~~ along with all amendments by ~~to~~ the Committee on Appropriations or a standing subcommittee of that committee, ~~Fiscal Policy,~~ or the Committee on Finance and Taxation, ~~Fiscal Resource,~~ or the Committee on Governmental Oversight and Productivity, or the Committee on Comprehensive Planning, Local and Military Affairs, as appropriate for review and recommendation to the Senate which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

4.9—Reference of resolutions

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration that are of a statewide non-political significance, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide non-political significance, may be shown as introduced, read and adopted by publication in full in the Journal.

4.10—Reference to different committee or removal

When the President has referred a bill, ~~the chairman of the Committee on Rules and Calendar may a Senator may, no later than under the Order of Business of "Motions Relating to Committee Reference" on the following legislative day on which the Senate meets,~~ move for reference to a different committee or for removal from any committee after ~~the sponsor of the bill has filed~~ filing a card with the Rules Chairman signed by the chairman of the affected committee and the chairman of the Committee on Rules and Calendar. This motion may be adopted by a two-thirds (2/3) vote of those present.

~~The chairman of the Committee on Appropriations may move to withdraw a bill from that committee provided the bill has been reported favorably by a standing subcommittee and a card requesting such withdrawal has been filed with the committee by the sponsor and approved by the chairman. This motion may be adopted by a two-thirds (2/3) vote of those present.~~

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless two-thirds (2/3) of those present decide otherwise as provided in the Constitution under Article III, Section 7.

4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless two-thirds (2/3) of those present decide otherwise. If the reading on the second day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second time by title only.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration that are of a statewide non-political significance may be shown as introduced, read and adopted by publication in full in the Journal.

4.15—Referral or postponement on third reading

On the third reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Appropriations ~~Budget~~) or amended (except a corrective or title amendment) without consent of

two-thirds (2/3) of those present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those present shall be given or refused without further debate.

4.17—Special order calendar; consent calendar

Commencing on the first day of a regular session of the legislature permitted under the Constitution and during any extension directed by the membership of the legislature as permitted under the Constitution, the Chairman of the Committee on Rules and Calendar, the Vice-Chairman of the Committee on Rules and Calendar, the Majority Leader, the Minority Leader, and two (2) other members of the committee designated by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Except for the first day, each Special Order Calendar shall be for the second succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for special order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those present or any bill appearing on the general calendar of bills on second or third reading may be added to the end of the Special Order Calendar by the same vote. All bills set as special order for consideration at the same hour shall take precedence in the order in which they were given preference.

A vote of two-thirds (2/3) of those present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

The Committee on Rules and Calendar, with the approval of the President, may submit a consent bill calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the consent calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily *postponed* passed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his or her committee. All consent calendar bills must have appeared on the printed Senate calendar.

4.18—Calendar of local bills

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Committee on Rules and Calendar or its designees and approved by the President.

4.19—Order after second reading

The order of disposition of a bill that has been read the second time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third reading when it has been read a second time on a previous day and no motion left pending. Bills calendared for second or third reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 8, of the Constitution, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules and Calendar.

4.81—Claim bills

a. Claim bills are of two types: excess judgment claims filed pursuant to section 768.28(5), Florida Statutes, and equitable claims filed without an underlying excess judgment.

b. All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, *except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days.* A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by at least two-thirds (2/3) vote of those present.

c. All claim bills shall be referred by the President to one or more committee(s) for review. If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations no later than December 1. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

d. On receipt of the Special Master's report and recommendations, if any, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

e. Stipulations entered into by the parties are not binding on the Special Master, the Senate or its committees.

f. *The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement. The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.*

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?" And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

After the result of the vote has been announced by the President, a Senator with unanimous consent of those present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote wrongfully in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

Pairing shall be permitted only on the absence of a Senator excused from attendance and shall specifically state, in writing, the bill or bills to which the pair applies.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to

reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

When a question is under debate, the President shall receive no motion except:

1. To adjourn
 - (a) Instantly
 - (b) At a time certain
2. Questions of privilege
3. To take a recess
4. To proceed to the consideration of executive business
5. To reconsider
6. To limit debate
7. To temporarily *postpone pass*
8. To postpone to a day certain
9. To commit to the Committee of the Whole
10. To commit to a standing committee
11. To commit to a select committee
12. To amend
13. To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one substitute shall be entertained and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

6.4—Reconsideration generally

When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets. If the question has been decided by voice vote, any Senator may so move. Such motion may be made pending a motion to adjourn or if it is time to adjourn. Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those present. During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day. When a majority of those present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those present is necessary for adoption or passage, any Senator may move for reconsideration.

6.5—Reconsideration; vote required

A majority of the affirmative votes of those present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the Constitution for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the Constitution for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

No amendment to a bill on the Special Order Calendar prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in the chairman's absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending.

No proposition on a subject different from that under consideration shall be admitted under color of amendment. The following bills are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate.

1. Bills which have received an unfavorable committee report.
2. Bills which have been withdrawn from further consideration by the sponsor.
3. Bills the substance of which have not been reported favorably by all committees of reference.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

Amendments may be adopted on second reading by a majority vote of those present and on third reading by a two-thirds (2/3) vote of those

present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those present on third reading.

7.3—Sequence of amendments to amendments

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. Only one amendment to the amendment is in order. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

After the reading of a House amendment to a Senate bill, the Senate may: (1) amend the House amendment, (2) concur in the House amendment, (3) refuse to concur in the House amendment and ask the House to recede, or (4) request a conference committee. The adoption of all the foregoing motions shall be by majority vote of those present.

7.9—House refusal to concur in Senate amendment

If the House shall refuse to concur in a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named: (1) that the Senate recede, (2) that the Senate insist and ask for a conference committee, or (3) that the Senate insist. The adoption of any of the foregoing motions shall be by majority vote of those present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President", and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except:

1. by rising to a question of privilege;
2. by rising to a point of order requiring an immediate ruling;
3. by appeal from the decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
4. a parliamentary inquiry requiring an immediate reply; or
5. a question of no quorum.

The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member then is entitled to resume the floor.

The Senator making a debatable motion or the primary introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those present.

8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by two-thirds (2/3) vote of those present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

Questions of privilege shall be: first, those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and second, the rights, reputation, and conduct of Senators individually, in their representative capacity only. These shall have precedence over all other questions except motions to adjourn. The question shall

not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE**LOBBYING****9.1—Those required to register**

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida House and Senate.

9.2—Obligations of lobbyist

A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.4—Advisory opinions

A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

9.6—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate and on recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of this Rule, the Joint Rules and the laws of Florida, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

None of the persons entitled to admission shall be admitted if registered pursuant to Rule 9.

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All male persons on the main floor of the Senate and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear coats and ties at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of all Senators present. The motion, when made, shall be decided without debate. A motion to waive a rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those present.

11.3—Changes in Rules

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of the members present.

11.4—Majority action

Unless otherwise indicated by these Rules or the Constitution of Florida, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in these Rules reference is made to “two-thirds (2/3) of those present”, “two-thirds (2/3) vote”, “two-thirds (2/3) of the Senate”, “two-thirds (2/3) of those voting”, etc., these shall all be construed to mean

two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the Constitution.

11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word “bill” or “measure” means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVEEXECUTIVE SESSIONS, APPOINTMENTS,
SUSPENSIONS, AND REMOVALS**PART ONE—EXECUTIVE SESSIONS****12.1—Executive session; authority**

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the Constitution of Florida.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the Constitution of Florida, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators and the Secretary of the Senate, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept a secret except information on which the bans of secrecy were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rule as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS**12.7—Procedure**

(a) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on *Ethics and Elections* ~~Gubernatorial Appointments and Confirmations~~, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received

by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(b) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on *Ethics and Elections* ~~Gubernatorial Appointments and Confirmations~~, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(c) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(d) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(e) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(f) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(g) Subject to the limitations of Rule 12.7(b) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(b), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(b). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the legislature.

(h) For the purposes of Article IV, Section 7(b) of the Constitution of Florida, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(i) If the Governor files an amended suspension order, the attention of the Senate, the committee or the Special Master shall be directed at the amended suspension order.

(j) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that

party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chairman and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule 12 and Part V of chapter 112, Florida Statutes, the Rule, derived from Article III, Section 4(a) of the Constitution of Florida, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following an announcement by the chairman while the Senate is in session, and by posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the committee meeting, and short title and the bill number of each bill to be considered. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third calendar day from the day of reference (the day of reference not being counted as the first day) unless otherwise ordered by the Senate by majority vote of those present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chairman of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once.

The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House.

When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special order calendar

The Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills.

RULE FOURTEEN**SEAL AND INSIGNIA****14.1—Seal and insignia**

There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal". At the bottom shall be the date: "1838". The perimeter of the seal shall contain the words: "Senate" and the "State of Florida".

There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate".

The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

ADJOURNMENT

On motion by Senator Cowin, the Senate in Organization Session adjourned sine die at 12:32 p.m.



Journal of the Senate

Final Report After Adjournment Sine Die — 2000 Organization Session

ENROLLING REPORT

SCR 2-Org has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on December 4, 2000.

Faye W. Blanton, Secretary

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 32, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida, in Organization Session, convened at 10:00 a.m. on the 21st day of November, 2000 and adjourned at 12:32 p.m. on the 21st day of November, 2000. Additionally, there has been included a record of the transmittal of a Resolution to the Secretary of State subsequent to the sine die adjournment of the Organization Session.

A handwritten signature in cursive script, reading "Faye W. Blanton".

Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
December 5, 2000

JOURNAL OF THE SENATE

ORGANIZATION SESSION 2000

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JOURNAL OF THE SENATE

**SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER
WITH SUBJECT, SPONSOR AND DISPOSITION**

**ORGANIZATION SESSION
November 21, 2000**

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

Adopted
CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
Vetoed
WNI — Withdrawn, Not Introduced
WS — Withdrawn from the Senate

SCR
2-Org. Joint Rules of the Legislature (Rossin) (FR)7, **8** Adopted
SR
4-Org. Sale of chairs (Geller) (FR)**8** Adopted

SR
6-Org. Pat Thomas Committee Room (Holzendorf and others)
(FR)8, **10** Adopted

Journal
of the
S E N A T E
State of Florida



SPECIAL SESSION A

December 8 through December 14, 2000

**At a Special Session of the Legislature, convened by proclamation
of the President of the Senate, John M. McKay, and the
Speaker of the House of Representatives, Tom Feeney**

MEMBERS OF THE SENATE

(25 Republicans, 15 Democrats)

SPECIAL SESSION A

December 8-14, 2000

- District 1: Durell Peaden, Jr. (R), Crestview****
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton
- District 2: Betty S. Holzendorf (D), Jacksonville***
Parts of Alachua, Clay, Duval, Putnam and St. Johns
- District 3: Alfred "Al" Lawson, Jr. (D), Tallahassee****
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla, and parts of Bay, Jefferson, Leon and Madison
- District 4: Richard Mitchell (D), Jasper***
Baker, Dixie, Gilchrist, Hamilton, Lafayette, Nassau, Taylor and parts of Alachua, Bradford, Citrus, Columbia, Jefferson, Leon, Levy, Madison, Marion, Suwannee and Union
- District 5: Rod Smith (D), Alachua****
Parts of Alachua, Bradford, Clay, Columbia, Levy, Marion, Putnam, Suwannee and Union
- District 6: Jim Horne (R), Orange Park***
Parts of Clay, Duval and St. Johns
- District 7: Charlie Clary (R), Destin****
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton
- District 8: James E. "Jim" King, Jr. (R), Jacksonville*******
Flagler, and parts of Duval, Marion, St. Johns and Volusia
- District 9: Lee Constantine (R), Altamonte Springs****
Parts of Orange and Seminole
- District 10: Ginny Brown-Waite (R), Brooksville***
Hernando, and parts of Pasco, Polk and Sumter
- District 11: Anna P. Cowin (R), Leesburg****
Lake and parts of Citrus, Marion, Seminole and Sumter
- District 12: Daniel Webster (R), Winter Garden***
Parts of Orange, Osceola, Seminole and Volusia
- District 13: Victor D. Crist (R), Tampa****
Parts of Hillsborough and Pasco
- District 14: Buddy Dyer (D), Orlando***
Parts of Orange and Seminole
- District 15: Bill Posey (R), Rockledge****
Parts of Brevard, Indian River and St. Lucie
- District 16: Locke Burt (R), Ormond Beach***
Part of Volusia
- District 17: John F. Laurent (R), Bartow****
Parts of Highlands, Okeechobee and Polk
- District 18: Charlie Bronson (R), Indian Harbour Beach***
Parts of Brevard and Osceola
- District 19: Jack Latvala (R), Palm Harbor****
Parts of Pasco and Pinellas
- District 20: Jim Sebesta (R), St. Petersburg***
Parts of Hillsborough and Pinellas
- District 21: Lesley "Les" Miller, Jr. (D), Tampa****
Parts of Hillsborough, Manatee and Pinellas
- District 22: Donald C. Sullivan, M.D. (R), St. Petersburg***
Part of Pinellas
- District 23: Tom Lee (R), Brandon****
Parts of Hillsborough and Polk
- District 24: Lisa Carlton (R), Osprey***
Parts of Charlotte, Lee and Sarasota
- District 25: Burt L. Saunders (R), Naples****
Parts of Collier and Lee
- District 26: John M. McKay (R), Bradenton***
DeSoto, Hardee, and parts of Highlands, Manatee and Sarasota
- District 27: Ken Pruitt (R), Port St. Lucie****
Parts of Indian River, Martin, Palm Beach and St. Lucie
- District 28: Ron Klein (D), Delray Beach***
Parts of Broward and Palm Beach
- District 29: Steven A. Geller (D), Hallandale Beach****
Hendry, and parts of Broward, Collier and Palm Beach
- District 30: M. Mandy Dawson (D), Ft. Lauderdale***
Parts of Broward and Palm Beach
- District 31: Debby P. Sanderson (R), Fort Lauderdale****
Parts of Broward and Palm Beach
- District 32: Debbie Wasserman Schultz (D), Pembroke Pines*****
Parts of Broward and Dade
- District 33: Walter G. "Skip" Campbell, Jr. (D), Ft. Lauderdale****
Part of Broward
- District 34: Alex Diaz de la Portilla (R), Miami*******
Part of Dade
- District 35: Tom Rossin (D), Royal Palm Beach****
Glades, and parts of Charlotte, Lee, Martin, Okeechobee and Palm Beach
- District 36: Kendrick B. Meek (D), Miami***
Part of Dade
- District 37: J. Alex Villalobos (R), Miami****
Part of Dade
- District 38: Ronald A. Silver (D), North Miami***
Part of Dade
- District 39: Rudy Garcia (R), Hialeah****
Part of Dade
- District 40: Daryl L. Jones (D), Miami***
Monroe and part of Dade
- * Holdovers
** Elected General Election November 7, 2000, for a four-year term
*** Elected General Election November 7, 2000, for a term expiring November 2002
**** Elected Special General Election March 9, 1999, for a term expiring November 2002
***** Elected Special General Election January 25, 2000, for a term expiring November 2002

OFFICERS OF THE SENATE

John M. McKay, *President*
Ginny Brown-Waite, *President Pro Tempore*
James E. "Jim" King, Jr., *Majority (Republican) Leader*
Tom Rossin, *Minority (Democratic) Leader*

Non-member Officers

Faye W. Blanton, *Secretary*
Donald Severance, *Sergeant at Arms*



Journal of the Senate

Number 1—Special Session A

Friday, December 8, 2000

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Friday, December 8, 2000, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President McKay at 12:00 noon. A quorum present—38:

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	

Excused: Senators Garcia and Laurent

PRAYER

The following prayer was offered by the Rev. Frederick A. Buechner, Rector, All Saints Episcopal Church, Thomasville, Georgia.

Let us pray for our country.

Almighty God, who hast given us this good land for our heritage, we humbly beseech thee that we may always prove ourselves a people mindful of thy favour and glad to do thy will. Bless our land with honourable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to thy law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail.

Most gracious God, we humbly beseech thee, for the State of Florida and her Senate here assembled—that thou wouldest be pleased to direct and prosper all their consultations to the advancement of thy glory, the good of thy Church, and the safety, honour, and welfare of thy people; that all things may be so ordered and settled by their endeavours, upon the best and surest foundations, that peace and happiness, truth and

justice, religion and piety may be established among us for all generations.

We beseech thee to bless and guide the Senators of this state, that they may deliberate and ordain for our governance—only such things as please thee, to the glory of thy Name, and the welfare of thy people.

These and all other necessities, for them and for us and for our country, we humbly beg in thy Name.

Amen.

Adapted from the *Book of Common Prayer, 1928*

PLEDGE

Senator Latvala led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamation:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, it is of critical importance to the citizens of the State of Florida that they be represented by electors appointed to the electoral college and voting on December 18, 2000, and

WHEREAS, the election of electors for President and Vice President of the United States on November 7, 2000, has led to numerous recounts and challenges, and it is increasingly less likely that all legal challenges will have reached finality prior to December 12, 2000, as is necessary to make those election results conclusive when Congress counts the electoral votes, and

WHEREAS, actions by the courts may have rewritten provisions of the Florida Election Code and policies, procedures, or practices of local and state election officials after November 7, 2000, creating serious doubt as to whether the conduct of certain aspects of the recounting and reporting of the 2000 election for electors for President and Vice President of the United States were conducted in accordance with the laws, policies, procedures, and practices in existence prior to November 7, 2000, as required by Title 3, Section 5 of the United States Code, which could jeopardize the conclusiveness of Florida's electors and possibly result in all of the voters of the State of Florida being disenfranchised, and

WHEREAS, there remains serious doubt as to the validity and conclusiveness of any appointment of electors arising out of an election process which failed to fully comply with the laws, practices, and procedures in existence prior to November 7, 2000, and

WHEREAS, Article II, Section 1 of the United States Constitution provides that the Legislature of Florida shall provide for the manner in which electors shall be appointed to the electoral college to represent the voters of the State of Florida, and

WHEREAS, Title 3, Section 2 of the United States Code provides that in the event that an election for presidential electors fails to produce a choice of electors, the electors may be appointed on a subsequent day in such a manner as the legislature of such state may direct, and

WHEREAS, failure of the Florida Legislature to prepare for the possibility that the results of the 2000 General Election may still be in doubt on December 12, 2000, may disenfranchise and deny the citizens of Florida any voice in the selection of the 43rd President of the United States of America,

NOW, THEREFORE, We, John M. McKay, President of The Florida Senate, and Tom Feeney, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, at 12:00 noon on Friday, the 8th day of December 2000, for a period of 11 days ending on Monday, the 18th day of December, 2000.

2. That the Legislature is convened for the sole and exclusive purpose of exercising its power by resolving or enacting legislative measures:

Providing for the manner in which electors shall be appointed if the 2000 General Election fails to produce a final, constitutional choice of electors, conclusive under Title 3, Section 5, of the United States Code, in accordance with the Constitution of the United States and with statutes enacted, and policies, procedures, and practices in existence, prior to November 7, 2000.

Providing for the appointment of electors for President and Vice President of the United States.

Providing for any other matter necessary to fulfill the duty of the Florida Legislature under Article II, Section 1 of the United States Constitution or federal laws incidental thereto.

Making a final determination of any controversy or contest concerning the appointment of all or any of Florida's Electors for President and Vice President of the United States, appointed by the Legislature.



John M. McKay, President
The Florida Senate
December 6, 2000



Tom Feeney, Speaker
The Florida House of Representatives
December 6, 2000



Duly filed with and received by the Florida
Department of State this 6th day of December,
2000 by:
Katherine Harris
Secretary of State

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Sullivan—

SCR 2-A—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States; providing for the appointment of such electors; providing for the filling of vacancies.

—was referred to the Committee on Ethics and Elections.

REMARKS BY PRESIDENT JOHN M. MCKAY

Senators, when we left here on November 21st not one of us expected to be back so soon, especially not on an issue so critically important to our nation as the one in which we find ourselves involved today.

As I shared my agenda for the Senate with you on Organizational Day, it did not include involvement with the highest office in this land. My agenda for this Senate was, and still is, zero-based budgeting, meaningful tax reform, appropriate elder housing and services, the challenge of the homeless, foster care, residential group care, and children with developmental disabilities.

These issues are, of course, in addition to our normal challenges of improving our education system, protecting the environment, and promoting economic development, just to name a few.

As I look across our chamber and the gallery today, for many, I guess, these issues pale in comparison to what we will do here in the next few days. I would like to tell you that in my mind they do not, because these are the issues that are most important to the citizens of our state. These are the issues this Senate will be working on long after the television satellite trucks have departed.

Nevertheless, we are here today to begin a journey that has not been taken by any state legislature since the late 1800s. No one should confuse my cautious and deliberate approach in evaluating this issue with timidity. Let me tell you why I have decided that it is necessary that we act. I will not attempt to explain that journey by leading you through the labyrinth of constitutional provisions and federal laws that govern the appointment of Florida's electors. There will be plenty of time for that next week.

What I must tell you today is that the commonly perceived mechanism for electing this country's leaders may be about to fail. For the votes cast by our citizens at the polls on November 7th to be conclusively accepted by Congress, three things must occur.

First, the appointment of electors based on the results of that election must have been done in accordance with the laws of Florida, as they existed on election day. Second, all lawsuits regarding the election must be resolved by December 12, just four days away. Third, the electors must be appointed in time to ensure that they can vote when the Electoral College meets on December 18th.

I do not think there is a member of this body who, in his or her most honest moments, believes that the controversies swirling around the courtrooms of this city can be put to rest, decidedly and without further challenge, within the next 96 hours. Particularly since new lawsuits have been filed just in the past few days.

If such finality cannot be achieved, and I hope that it is, there is a significant risk that this state's electoral votes may not be counted. I cannot abandon my constitutional duty and let the six million Floridians who voted for the candidate of his or her choice four weeks ago not be heard. Although others have suggested earlier action, now is the time to be prepared to exercise the unique authority and responsibility given directly to this body by the United States Constitution to call this special session for the purpose of making those votes heard.

While some will say that our actions over the next few days will be a partisan exercise, my view is that they are not. Rather, I am here performing my constitutional responsibility as I see it. Nothing more, nothing less.

Let me read a portion of a letter that I received from Senator Rossin the other day. I think that contemplation of his words will benefit this body. He wrote as follows, "It is my true belief that great men are not born great. Rather, they are put in positions of historic proportions, and then, make decisions no one expected they had the capacity to make."

If events unfold that require me to vote for someone other than George W. Bush, so be it. I am prepared to do so if that is what it takes to protect Florida's 25 electoral votes. I will not allow Florida's 6 million voters to be disenfranchised.

Our journey will, at times, take us into uncharted waters. But we must not let ourselves be drawn into personal squabbles, for that would negatively affect our ability to work together.

Once the television cameras have been turned off, we will have much work to do and we must do it together if we are going to effectively address the needs of our state. A comment I made nearly three weeks ago when I assumed the office of Senate President bears repeating. When we show respect for each other, we show respect to those who elected us.

The task ahead of us will, at times, be arduous. But it should, at all times, be in the manner that reflects the respect and friendships that have been made on this floor.

I would again like to remind you of the spirit of our friend, Senator Pat Thomas, who believed that cordiality, decorum, and respect were not just words used to describe the Florida Senate but were, in fact, the very heart of the Florida Senate. I look forward to your joining with me in Senator Thomas' spirit over the next week. Thank you for your attention.

ANNOUNCEMENTS

Senator Lee announced that the Committee on Ethics and Elections will meet Monday, December 11 from 11:00 a.m. until 7:00 p.m. to consider **SCR 2-A**.

Senator Lee announced a deadline of 9:00 a.m. Monday, December 11, for filing amendments to be considered at the Committee on Ethics and Elections meeting that day.

Senator Lee announced that in the event the Senate receives a message from the House of Representatives containing a Concurrent Resolution passed by the House, the Committee on Ethics and Elections will meet Wednesday, December 13 from 9:00 a.m. until 11:00 a.m. to consider any measures received from the House and referred to this committee.

Senator Lee announced a deadline of 7:00 a.m. Wednesday, December 13, for filing amendments to be considered at the Committee on Ethics and Elections meeting that day.

Senator Lee announced that the Special Order Subcommittee of the Committee on Rules and Calendar will meet Monday, December 11 at 7:30 p.m., or 30 minutes following the adjournment of the Committee on Ethics and Elections meeting, until completion, to set the Special Order Calendar for a session on Wednesday, December 13, at 1:00 p.m.

Senator Lee announced a deadline of 12:00 noon Wednesday, December 13, for filing amendments to be considered at the 1:00 p.m. session that day.

POINT OF ORDER

Senator Geller raised a point of order which addressed four issues: failure to follow Senate precedent; violation of Article II, Section 1 of the U.S. Constitution; violation of Title III, Section 5 of the United States Code; and violation of the internal procedures of the Senate. The President requested Senator Geller provide the point of order in writing.

The President referred the point of order to the Chairman of the Committee on Rules and Calendar for evaluation.

POINT OF ORDER

Senator Campbell raised a point of order as to the method by which action is being proposed for this special session. The President requested Senator Campbell provide the point of order in writing.

The President referred the point of order to the Chairman of the Committee on Rules and Calendar for evaluation.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2000 REGULAR SESSION

The Honorable Katherine Harris
Secretary of State

June 14, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 114, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000 and entitled:

An act relating to discretionary sales surtaxes; . . .

Under current law, "small counties" are authorized to levy a sales surtax for operating purposes at a rate of either 0.5 percent or 1 percent. These taxes may be levied by an extraordinary vote of the governing board of the county. For this purpose "small county" is defined as a county that had a population of 50,000 or less as of April 1, 1992. Senate Bill 114 expands the definition of "small county," and the ability to levy the sales surtax, to include any county with a population of 75,000 or less as of October 1, 2000. This applies to only one county.

The effect of Senate Bill 114 is to allow a single county to impose an additional sales tax on its citizens without the approval of the voters in that county. This is not the appropriate way to create new taxing authority and should not be encouraged. The county currently has the authority to raise an additional 1 percent surtax, by referendum, for infrastructure purposes such as transportation. The government's authority to tax must ultimately rest with the people. Instituting a new tax without voter approval, as proposed in Senate Bill 114, bypasses the most direct and clearest expression of the will of the people.

For these reasons I am withholding my approval of Senate Bill 114, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 14, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Senate Bill 714, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to solid and hazardous waste management; . . .

Committee Substitute for Committee Substitute for Senate Bill 714 relates primarily to waste disposal and transfer in the State of Florida. On its face, it provides added protections to the regulation of hazardous waste transfer facilities. Specifically, Committee Substitute for Committee Substitute for Senate Bill 714 defines hazardous waste transfer facilities as storage facilities and requires that these facilities be permitted like other hazardous waste storage facilities in the state.

At the same time, however, Committee Substitute for Committee Substitute for Senate Bill 714 includes a provision that runs up against the Administration's position on budgeting and contracting. Currently, Florida provides funding to the Southern Waste Information Exchange, Inc (SWIX), a not-for-profit corporation, to serve as a clearinghouse for information on waste recycling, use, and reuse opportunities for Florida waste generators. These services are offered to encourage sound environmental and cost-effective alternatives to landfilling, incineration and the treatment of solid waste. Arguably, the assistance provided by SWIX to public and private businesses is worthwhile and important to our environment. Where Committee Substitute for Committee Substitute for Senate Bill 714 goes too far, however, is in specifically naming in

statute SWIX as the provider of solid and hazardous waste management assistance to Florida's public and private sector. Furthermore, it requires the Department of Environmental Protection to request legislative funding for SWIX in its annual legislative budget request.

By writing this organization into law as the state's provider and by requiring the Department of Environmental Protection to include SWIX in its legislative budget request, Committee Substitute for Committee Substitute for Senate Bill 714 essentially discourages alternatives to these particular services or competition from other providers for these services. It also provides SWIX with an unfair advantage over any other entity that currently provides or would like to provide these services in the future.

For the last three budget cycles, SWIX has received state funding, and most recently received \$300,000 to render services to the state and private entities. So long as SWIX continues to perform in a manner acceptable to the state and so long as the state determines that this is a necessary public service, SWIX should remain in good standing.

Nevertheless, by restricting the state's flexibility as it relates to waste management assistance programs, Committee Substitute for Committee Substitute for Senate Bill 714 unfairly provides something akin to a "guarantee" to one provider. In the final analysis, that is not something that we should encourage among providers and other entities receiving state funding.

I encourage the Department of Environmental Protection and the legislative sponsors and co-sponsors of this bill to return next year to pass legislation that would include the hazardous waste transfer facility provisions of this bill. For the reasons provided above, I am withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 714, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 9, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, subsections (b), (c), (d), (e) and (f) of Section 8, comprising specific appropriations and related proviso, of Committee Substitute for Committee Substitute for Senate Bill 862, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to innovative transportation financing; . . .

The specific appropriations and accompanying proviso which comprise subsections (b), (c), (d), (e) and (f) of Section 8 of Committee Substitute for Committee Substitute for Senate Bill 862 are hereby vetoed. Committee Substitute for Committee Substitute for Senate Bill 862, which provides financial resources for the state's transportation program, is a substantive bill containing appropriations related to transportation projects. Although the appropriations provided in Committee Substitute for Committee Substitute for Senate Bill 862 are well-intended, earmarking dollars for specific transportation projects outside the priorities established through existing evaluation processes, takes away from the Department of Transportation's ability to administer the state's transportation program based on the authority given the department by s. 339.135, Florida Statutes, regarding how transportation resources should be specifically allocated to produce the most effective results possible.

Section 8.

- (b) 79th Street Station—Hialeah—Dade Co. (\$2,000,000);
- (c) Hollywood Intermodal Initiative—Broward Co.—(\$1,000,000);
- (d) Melbourne Airport—New Hanger Construction—Brevard Co. (\$834,937);
- (e) South Florida Rail Feasibility Study—Palm Beach/Broward/Dade (\$500,000). Funds provided for the South Florida Rail Corridor Feasibility Study are to review the CSX, FEC and I-95 Corridors and their relation to land use in Palm Beach, Broward and Dade

Counties. The department shall contract with the South Florida Regional Transportation Organization. The study shall be competitively bid under chapter 287;

(f) Atlantic Corridor—City of Miami Beach—Dade Co. (\$450,000).

The portions of Committee Substitute for Committee Substitute for Senate Bill 862 which are set forth herein with my objections are hereby vetoed. All other portions of Committee Substitute for Committee Substitute for Senate Bill 862 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 21, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 990, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to education; . . .

Senate Bill 990 revises the reporting of student grades on report cards and substantially revises the high school grading system currently established in law. While the bill has a number of provisions, most of the discussion and debate has focused on the statewide grading scale provisions. Senate Bill 990 deletes the current high school grading system and scale (which 94% to 100% equates to an A; 85% to 93% a B; 77% to 84% a C; 70% to 77% a D; and below 70% equates to an F) and stipulates that for the purposes of interpreting grades when teachers do not assign letter grades, school districts should use a grading scale that is similar to those used by other states ("A" equals 90-100%, has a grade point average value of 4, and is defined as outstanding progress). It is this provision that gives me concern.

The education reforms that have been implemented over the last few years, have been grounded on four key components: high academic standards and expectations; annual assessment of progress toward mastery of the Sunshine State Standards; a benchmark goal that students gain at least a year's worth of knowledge in a year of schooling; and accountability for student performance. Posted up against these components, I believe Senate Bill 990 has the very real potential of negatively affecting the high academic standards and expectations teachers have worked so diligently to implement. Therefore, I have decided to exercise my authority to veto this bill for the following reasons.

First, Senate Bill 990 takes us back to the original problem that led to the creation of a statewide grading scale. In 1987, the Florida Legislature enacted a statewide grading scale in which 94% to 100% equates to an A; 85% to 93% a B; 77% to 84% a C; 70% to 77% a D; and below 70% would equate to an F. The purpose of this change was to end the perceived inequity and unfairness caused by different school districts using different grading scales. By making a new grading scale permissive for school districts, Senate Bill 990 returns us to the original problem—the possibility of each school board setting its own grading scale in a way that treats students inconsistently throughout the state. Supporters of the bill argue that providing for a new grading scale is necessary to level the playing field with other states that use the suggested scale. Yet in trying to create consistency with the rest of the nation, we will end up creating inconsistent grading scales throughout Florida's own public school system. In our own conversations with school districts, this much is clear. Many school systems are comfortable with the current grading scale system and have adjusted to its requirements, while on the other hand, some school districts would like to move to a new grading scale.

Second, by enacting a new grading scale, we send the wrong message to our children and ignore the limited impact the current grading scale may have. Last year, the Florida Senate conducted a study of high school grading practices concluding that teachers tend to adjust their assignments and tests to the grading scale, thus producing a similar number of A's, B's, etc., with one scale as with another. This finding indicates that the grading scale matters little in the overall outcome of student grades. If this is true, in a best-case scenario, Senate Bill 990 will not affect the distribution of grades. Nevertheless, if this finding is correct,

why then suggest a replacement scale in law that provides a lower threshold for each grade? What message does that send to teachers, students and parents?

On the other hand, if the grading scale does matter, which some proponents of this bill believe, we would see more A's and B's as a result of the change. Today's C would become tomorrow's B, and today's B would become tomorrow's A. According to the Senate study, 53% of the grades issued by Florida's public high schools in 1997/1998 were A's and B's. Under Senate Bill 990, it is quite possible that this percentage would increase even further. With Florida's lower than average SAT scores and high rate of students (41%) who are not prepared for college level courses, it does not make sense to have more students earning higher grades with the same level of achievement, or more students earning higher grades while mastering less content than last year. Unfortunately, if this is the impact of Senate Bill 990, it encourages the very thing it set out to eliminate—grade inflation.

I understand that supporters of this legislation believe strongly that something should be done with Florida's current grading scale. In response to that concern, Senator Anna Cowin and I have agreed to work together in the interim for a better solution. In addition, I am asking the Commissioner of Education to further study this complex issue and make recommendations to the 2001 Florida Legislature.

In summary, Senate Bill 990 fails to contribute positively to our goal of raising standards and improving student achievement. It sends a mixed signal that may have a negative impact on grading policies and practices throughout the state. At its best, Senate Bill 990 will have little impact on grade distribution. At its worst, it will lead to grade inflation.

For these reasons, I am withholding my approval of Senate Bill 990, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 7, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provision of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval and transmit to you my objections, Committee Substitute for Senate Bill 1230, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to eminent domain; . . .

Committee Substitute for Senate Bill 1230 gives municipalities the authority to exercise eminent domain for the purpose of obtaining lands for a public school and provides a hospital district with the authority to take possession and title in advance of the entry of a final judgment in eminent domain actions. First, municipalities would be authorized to exercise the power of eminent domain for obtaining lands to be conveyed by the municipality to the school board of the school district for the county within the municipality is located, if the school board requests in writing that the municipality obtain such lands for conveyance to the school board and promises to use the land to establish a public school. Both entities currently have eminent domain authority. This provision would be repealed January 1, 2003. Second, Committee Substitute for Senate Bill 1230 temporarily expands the eminent domain authority to take private property under quick-take provisions to a specific hospital district created by a special act of the Legislature. The quick-take authority will allow the hospital to take possession and title in advance of the entry of final judgment on the value of the property. This provision would be repealed July 1, 2003.

The power of government to take property is perhaps the most severe of all governmental powers. Eminent domain often runs in direct conflict with the rights of private property owners, and though our laws provide for just compensation, state government must be frugal in the exercise of this power, and conscientious when it is expanded.

In this particular bill, eminent domain authority is expanded to benefit the North Broward Hospital District. Essentially, the district's current eminent domain authority would be broadened to include the right to take possession and title to property in advance of the entry of a final judgment for a specific situation—the expansion of Broward General

Hospital. Broward General Hospital serves many indigent citizens in Broward County and is in need (sic) of major expansion. It has planned to expand to provide improved services to a growing population. This is undoubtedly a worthwhile and needed project. The hospital has begun negotiations with local property owners to purchase their properties.

My objection to this well-intended bill, however, is that the hospital has begun this process under the current set of rules governing their eminent domain authority. To change these rules, giving them an expanded advantage over local property owners, would not be in the spirit of fair play. Withholding approval of the bill would still allow the project to continue to move forward under existing law. The needed property can be acquired successfully to make this needed expansion a reality.

Additionally, allowing this bill to become law would set a precedent inviting other specific governmental entities currently prohibited from exercising quick-take proceedings to seek one-time expansions of eminent domain authority. I believe this sets a dangerous precedent and is a poor basis for creating new statutes. If the expansion of quick-take authority is an issue that needs addressing, the Legislature should do so as a policy debate for statewide application. The Legislature has historically prided itself in ensuring that state laws were only created as a last resort to address local concerns. Thus, in turn, local entities should seek assistance through state law only after all options and avenues have been exhausted.

The use of eminent domain authority is one of the most harsh proceedings known therefore the justification for expanding the scope of existing eminent domain authority must be proven to be essential, not just convenient or economical. For reasons provided above and out of concern over the precedent this bill might set, I am withholding my approval of Committee Substitute for Senate Bill 1230, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 16, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objection to Section 6, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 1412, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to public swimming and bathing places; . . .

Although the appropriations provided in Committee Substitute for Senate Bill 1412 are well intended, there are funds provided to the Department of Health in the Fiscal Year 2000-2001 General Appropriations Act for a similar purpose. Moreover, the Ecosystem Management and Restoration Trust Fund, which funds the appropriation, does not have a positive fund balance that would allow it to meet this additional obligation.

The objectionable appropriations provided in Committee Substitute for Senate Bill 1412 are as follows:

Section 6. *The sum of \$745,000 is appropriated from the Ecosystem Management and Restoration Trust Fund to the Department of Environmental Protection, Division of Water Resource Management, Beach Management Program, for fiscal year 2000-2001. These funds shall be transferred to the Department of Health. The sum of \$745,000 is appropriated from the County Health Department Trust Fund in the Department of Health during fiscal year 2000-2001 for a 2-year "Healthy Beaches" study in the coastal waters of Escambia and Santa Rosa Counties and the Tampa Bay area of Pinellas County. The purpose of the study is to determine which indicator organism is best suited to be used with respect to Florida's waters and to establish a statewide model to help predict when possible water-quality problems will occur.*

The portion of Committee Substitute for Senate Bill 1412 that is set forth herein with my objection is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1412 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 21, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Section 9, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 1604, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000 and entitled:

An act relating to community-based development organizations; . . .

Committee Substitute for Senate Bill 1604 creates the Community-Based Development Organization Grant Program. This program is essentially the same as the Community Development Support and Assistance Program which the Legislature allowed to sunset on June 30, 1998. The program was determined to be inefficient by the Office of Program Policy Analysis and Government Accountability and the grants served primarily to augment other sources of government assistance. Further, the loan program was not widely used or when it was used had experienced high loss rates. The bill requires the Department of Community Affairs to administer this new program without providing program administrative resources. In addition, based on further analysis, funding for the grant program is premature as the rule-making/public hearing process must be accomplished before funds can be distributed. It is doubtful that any funds can be disbursed during the upcoming 2000-01 Fiscal Year.

The objectionable appropriations provided in Committee Substitute for Senate Bill 1604 are as follows:

Section 9. There is hereby appropriated from the General Revenue Fund the sum of \$1 million to be distributed as grants to community-based development organizations as provided by this act.

The portion of Committee Substitute for Senate Bill 1604 that is set forth herein with my objection is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1604 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

May 30, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, subsections (3), (5), (6), and (7) of Section 163, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 2050, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to workforce innovation; . . .

The specific appropriations and accompanying proviso which comprise subsections (3), (5), (6), and (7) of Section 163 of Committee Substitute for Senate Bill 2050 are hereby vetoed. Committee Substitute for Senate Bill 2050, which makes substantial changes to the state's workforce development program, is a substantive bill containing appropriations related to workforce development, economic development, and welfare transition services. Committee Substitute for Senate Bill 2050 also creates a new entity, Workforce Florida, Inc., that is given responsibility for policy development and planning for Florida's workforce development system. Although the appropriations provided in Committee Substitute for Senate Bill 2050 are well-intended, earmarking dollars for specific workforce-related programs takes away from Workforce Florida, Inc.'s ability to utilize the authority provided by this bill to make decisions regarding how workforce development resources should be specifically allocated to produce the most effective results possible.

The objectionable appropriations provided in Senate Bill 2050 are as follows:

Section 163.

(3) For diversion services for needy families authorized by section 445.018, Florida Statutes, the sum of \$8 million is appropriated from recurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

(5) For the Careers for Florida's Future Incentive Grant Program established pursuant to sections 445.012-445.0125, Florida, Statutes, the sum of \$12 million in recurring General Revenue is appropriated to the Agency for Workforce Innovation.

(6) For the Small Business Workforce Service Initiative established pursuant to section 445.014, Florida, Statutes, the sum of \$500,000 in nonrecurring General Revenue is appropriated to the Agency for Workforce Innovation.

(7) For grants to support local economic development projects that lead to jobs for needy Florida families pursuant to section 445.015, Florida Statutes, the sum of \$5 million is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

The portions of Committee Substitute for Senate Bill 2050 which are set forth herein with my objections are hereby vetoed. All other portions of Committee Substitute for Senate Bill 2050 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 16, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 2368, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to traffic control; . . .

Committee Substitute for Senate Bill 2368 was intended by its sponsors to promote traffic safety and reduce motor vehicle accidents through increased driver improvement education. For the most part, the bill increases the occasions when a Florida driver *must* attend a driver improvement course. While some of these provisions could have a positive impact on driver safety, other provisions were overly-broad with the potential to weaken penalties for bad drivers as well as mandate driving school for those who do not warrant such a sanction.

For example, Florida is currently one of the few states in the nation that allows drivers who commit a traffic violation to "elect" to attend driving improvement school in lieu of a court appearance. If the driver takes this election, points are not assessed and adjudication is withheld. While this election provides drivers with more education, it can also be viewed as an opportunity for a driver to avoid tough penalties such as increased insurance rates or suspension of his or her license. For that reason, drivers are limited to taking the election only one time a year and only five times over the course of an individual's driving history. Originally, under state law, drivers could take this election only three times over the course of one's driving history. Committee Substitute for Senate Bill 2368, however, would not only increase the current limit of five elections but eliminate the cap altogether, thereby allowing for an unlimited amount of driving school elections over a driver's lifetime.

Unfortunately, by allowing an unlimited amount of elections over one's life, we would be weakening penalties for the worst drivers on the road. Drivers can avoid points, increased insurance rates, and adjudication by electing to attend driving school. But at some point, and certainly after five trips to driving school, there must be a greater penalty or a greater disincentive for poor driving. In cases where a driver has already used up his or her five opportunities to go to driving school and is still driving carelessly, the only effective deterrent at that point may be the very real threat of rising insurance rates or the loss of a driver's license. While driving schools can certainly have a positive impact, there does come a point where we must admit their ineffectiveness to influence the driving of some individuals, especially drivers who have high recidivism rates in spite of attending driving school on numerous occasions. Leniency for consistently bad drivers, even in the name of more driver's education, is something that causes me concern.

Additionally, another provision of Committee Substitute for Senate Bill 2368 would change Florida's current law in a way that would make driving school mandatory for first time offenders if that offender was the cause of a traffic accident. Currently, the law requires mandatory driving school for an individual who has been the cause of a traffic accident *twice* within a period of two years and caused property damage of at least \$500 in the second crash. The policy behind this provision is to require driver's education for drivers who have been the cause of repeat accidents. This policy can be justified on the basis that an individual who causes two accidents within a limited amount of time should probably receive additional driving education.

Committee Substitute for Senate Bill 2368, however, would change this policy so that those who have been the cause of a traffic accident only once would be required to attend driving school if the damages amount to at least \$2,500. This change would most certainly sweep in drivers who have had good driving records with the exception of one isolated accident or drivers who have been unfortunate enough to be involved in a one-time "fender bender" with an expensive car. Again, I believe in this circumstance the bill sweeps to (sic) broadly in mandating that first time offenders attend driving school.

At the same time, there are other provisions of Committee Substitute for Senate Bill 2368 that ostensibly can accomplish some good. The bill provides for increased awareness of the option Floridians have to "elect" driving school over points and adjudication. In addition, the bill also requires driving school for drivers under 21 years of age who are guilty of or plead no contest to two non-criminal moving infractions within the period of one year. In many cases, however, these young drivers will already be required to attend driving school. In the end, however, it was the overly-broad nature of this bill in terms of mandatory driving attendance and the potential to weaken penalties for consistently bad drivers that has convinced me to withhold my support.

For the reasons provided above, I am withholding my approval of Committee Substitute for Senate Bill 2368, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

MAJORITY LEADER APPOINTED

On November 27, 2000, the President appointed Senator Jim King, of District 8, Jacksonville, as Senate Majority Leader.

COMMITTEES APPOINTED

ETHICS AND ELECTIONS

On December 7, 2000, the President announced the appointment of Senator Carlton, Chairman; Senator Smith, Vice Chairman; Senators Holzendorf, Horne, Laurent, Rossin and Webster to the Committee on Ethics and Elections.

RULES AND CALENDAR

On December 7, 2000, the President announced the appointment of Senator Lee, Chairman; Senator Brown-Waite, Vice Chairman; Senators Burt, Campbell, Clary, Geller, Holzendorf, Jones, King, Laurent, Rossin, Saunders, Silver, Sullivan and Webster to the Committee on Rules and Calendar.

JOINT SELECT COMMITTEE APPOINTED

On November 25, 2000, the President announced the appointment of Senator Carlton, Co-Chairman; Senators Webster, Laurent, Horne, Rossin, Holzendorf and Smith to the Joint Select Committee on the Manner of Appointment of Presidential Electors.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 21, 2000 was corrected and approved.

RECESS

On motion by Senator Lee, the Senate recessed at 12:44 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Wednesday, December 13 or upon call of the President.



Journal of the Senate

Number 2—Special Session A

Tuesday, December 12, 2000

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bill to be placed on the Special Order Calendar for Wednesday, December 13, 2000: SCR 2-A

Respectfully submitted,
Tom Lee, Chairman

The Committee on Ethics and Elections recommends the following pass: SCR 2-A

The bill was placed on the calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John McKay, President

I am directed to inform the Senate that the House of Representatives has adopted as amended HCR 1-A; has adopted HCR 3-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Cantens, Byrd, Goodlette, Diaz Balart and others—

HCR 1-A—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States; providing for the appointment of such electors; providing for the filling of vacancies.

—was referred to the Committee on Ethics and Elections.

By Representative Byrd—

HCR 3-A—A concurrent resolution providing for adjournment of the House of Representatives for more than 72 consecutive hours.

—was referred to the Committee on Rules and Calendar.



Journal of the Senate

Number 3—Special Session A

Wednesday, December 13, 2000

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 [See end of Journal for Bill Action Summary]

PLEDGE

Senator Jones led the Senate in the pledge of allegiance to the flag of the United States of America.

DISPOSITION ON POINTS OF ORDER

Senator Campbell withdrew the pending point of order he raised on Friday, December 8.

Senator Geller withdrew the pending point of order he raised on Friday, December 8.

CALL TO ORDER

The Senate was called to order by President McKay at 1:00 p.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Senator Klein

MOMENT OF SILENCE

On behalf of the Senate, the President led the body in a moment of silent prayer for Senator Klein who was unable to be here today due to a death in his family.

The President also asked the body to take a moment to remember the family of Senate employee Margaret Lamb, whose son, Melvin Lamb, passed away Saturday.

PRAYER

The following prayer was offered by Rabbi Jackie Wexler, Congregation Shomrei Torah, Tallahassee:

In the Five Books of Moses, we have several instances of different groups of people working together for the sake of the common good. We have Joseph, one of the sons of Jacob, who comes to act as a management consultant to Pharaoh, helping save the Egyptian people from great famine; and then we have Jethro, the Midianite father-in-law of Moses, who also works as a management consultant to Moses, establishing a more efficient judiciary for the children of Israel. In each case, it is the partnership of differing people that bring about positive resolution for the sake of the people.

Heavenly Father, guide the leaders of this great state and nation, as they look to You for wisdom and support. Grant them the insight to lead us in understanding; may their hearts be filled with awe at the sacred task before them. May they walk in the light of your spirit; as Your light illumines our lives. Grant that their labors be a source of blessing for all people. And let us say, Amen.

REMARKS BY PRESIDENT JOHN M. MCKAY

Senators, our next order of business would be, and was expected to be, the consideration of the Special Order Calendar that was approved Monday by the Special Order Subcommittee of the Rules Committee. However, in view of the opinion issued by the United States Supreme Court last night, I have a few comments that I would like to offer you.

I believe that you have been exemplary in the patience and the cooperation that you have shown over the past week, and for some of you, periods earlier than that. You conducted yourselves in a thoughtful and respectful manner and in a manner befitting the tradition of the Senate which is most important to me. I will tell you that I am completely in awe of our Founding Fathers because over two hundred years ago they crafted a document that has withstood the test of time and the test of the last few weeks. Our Constitution has endured and has guided us down the path toward resolution of this issue.

Reasonable people can disagree reasonably. We all know that. And, although some of us have disagreed with the actions of this legislature or the need for action on the part of this legislature, I think we can all agree that our measured approach was the right course to take.

Last night the U.S. Supreme Court recognized the legislature's responsibility to choose its electors. If necessary, we must be in a position to act. Our goal must remain to protect Florida's six million voters and to ensure that the twenty-five electoral votes are counted. With last night's ruling it appears that we may have reached the point of finality, but at this point I don't believe any of us can say with complete assurance that that is correct.

The Senate staff and outside counsel are continuing to review the ruling to determine if further action is warranted by this body. As I previously said, we must be deliberate and cautious in charting our course. Since I'm a sailor, I'll tell you that we've successfully negotiated uncharted waters in the past few weeks and it is my intention that we will not run aground as we continue.

Therefore, out of respect for the Vice President, we will wait to hear his comments this evening before taking further action.

ANNOUNCEMENTS

Senator Lee announced that the Special Order Calendar established for this day would carry over until the Senate reconvenes.

Senator Lee announced a deadline of 5:00 p.m. this day for filing amendments to the Special Order Calendar to be considered Thursday, December 14.

REPORTS OF COMMITTEES

The Committee on Ethics and Elections recommends the following pass: HCR 1-A with one amendment

The bill was placed on the calendar.

RECESS

On motion by Senator Lee, the Senate recessed at 1:12 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Thursday, December 14 or upon call of the President.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of December 8 and 12 were corrected and approved.



Journal of the Senate

Number 4—Special Session A

Thursday, December 14, 2000

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CALL TO ORDER

The Senate was called to order by President McKay at 2:00 p.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Senator Klein

PRAYER

At the request of the President, Secretary Blanton read the following devotional entitled *Through the Fire*:

When you pass through the waters, I will be with you; and when you pass through the rivers, they will not sweep over you. When you walk through the fire, you will not be burned; the flames will not set you ablaze.

Isaiah 43:2 (NIV)

“Lately, I understand how Job must have felt,” the woman said. “Sometimes I think if I knew why I was having to face problems, I could deal with them better.”

But in the back of my mind, I wondered, “Would knowing the whys of hardship and suffering really satisfy me? Would understanding ease the pain?”

There are many difficult situations in our lives. It may be years before understanding comes, if ever. Maybe it is less important to know why we suffer and more important to know that we can trust God to bring us safely through the bad times, to know that we can depend on God’s grace and sufficiency.

In the middle of a crisis, sometimes the only prayer we can articulate is, “Lord, help me.” And I have learned that even in the fires of life, we can depend on God’s promise, “I will be with you.”

Lord, help us to sense your presence even in the bad times. Keep us safe and bring us through the fires of life. Thank you for your strength. Thank you for being our refuge and may we ask for your continued blessing on the United States of America. Amen.

PLEDGE

Senator Bronson led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senate President James Scott who was present in the chamber.

ADOPTION OF RESOLUTIONS

On motion by Senator Silver—

By Senators Silver, McKay, Bronson, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dyer, Garcia, Geller, Holzendorf, Horne, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebesta, Smith, Sullivan, Villalobos, Wasserman Schultz and Webster—

SR 4-A—A resolution recognizing the hard work of the citizens of this state following the election held on November 7, 2000, and urging the discontinuation of partisan attacks.

WHEREAS, this state and the United States of America experienced on November 7, 2000, the closest presidential election in history, and

WHEREAS, since November 8, 2000, thousands of Floridians have worked tirelessly and effectively to ensure that the votes cast in this state were counted accurately and completely under extreme circumstances and with the entire world watching, and

WHEREAS, the results of this 2000 Presidential Election were contested in the state and federal courts, and

WHEREAS, understandably, this election contest has stirred partisan passions on all sides of the issue and across the political spectrum, and

WHEREAS, these partisan passions have led to increasing and repeated attacks on members of the legislative, executive, and judicial branches of government, including members of county canvassing boards throughout the state, and

WHEREAS, the balance of government provides for a system of checks and balances and invites debate and scrutiny of the decisions made by officers of these branches of government, but does not invite personal attacks, and

WHEREAS, these attacks have become personal in nature and have gone beyond the acceptable realm of debate, NOW, THEREFORE,

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

That the Florida Senate finds these attacks to be harmful, offensive, divisive, unnecessary, and unwarranted.

BE IT FURTHER RESOLVED that the Florida Senate recognizes the hard work of its citizens, does not condone these personal attacks on the three branches of government, and urges all those involved in this public debate to cease the malicious ad hominem attacks.

—was introduced out of order and read in full. On motion by Senator Silver, **SR 4-A** was read the second time by title and adopted.

The vote on adoption was:

Yeas—39

Mr. President	Burt	Clary	Crist
Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla

Dyer	Latvala	Peaden	Silver
Garcia	Laurent	Posey	Smith
Geller	Lawson	Pruitt	Sullivan
Holzendorf	Lee	Rossin	Villalobos
Horne	Meek	Sanderson	Wasserman Schultz
Jones	Miller	Saunders	Webster
King	Mitchell	Sebesta	

Nays—None

REMARKS BY PRESIDENT JOHN M. MCKAY

Senators, we have had an extraordinarily close glimpse at history. Our state was faced with the almost unprecedented task of having to protect Florida's electoral votes—and without the benefit of any historical guidelines to mark the way. Rather than losing our way, we have followed our instincts.

As events unfolded on a sometimes-hourly basis and were broadcast to the nation, the gravity of the situation and the import of our actions hit home. We said time and again that we would be cautious in our words and actions. We relied on the sound counsel of our members. We engaged experts with insight and expertise in this complex legal area.

All advised us that we must be ready to provide a “safe harbor” so Florida's voters were not disenfranchised. Don't misunderstand what happened here in these chambers. Although we did not take legislative action, your time and efforts were wisely invested.

If not for the Legislature's participation, specifically the amicus briefs with the U.S. Supreme Court, I firmly believe that we could not stand here today with the conviction that this issue is resolved. Vice President Gore, in an undeniably difficult speech, was gracious and conciliatory. President-elect Bush was articulate in expressing the need to heal our country and work on issues important to Americans.

I would like to thank Speaker Feeney and the House of Representatives for their efforts to ensure that Florida's votes were protected. And please allow me to extend my sincere appreciation to each of you for the manner in which you have handled this matter.

It is now time for all of us to turn our attention back to the issues that are most important to the people we serve. I look forward to working side-by-side with each of you to improve the lives of Floridians. In the New Year, we will gather with a renewed spirit to achieve our many common goals. But for now, it's time for all of us to enjoy the holidays with our families and friends. Best wishes to you and your families for a happy and healthy holiday season and New Year.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of December 13 was corrected and approved.

ADJOURNMENT

On motion by Senator Lee, the Senate in Special Session adjourned sine die at 2:16 p.m.

JOURNAL OF THE SENATE

MEMBERS OF THE SENATE; BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED; AND
COMMITTEE ASSIGNMENTS

SPECIAL SESSION A
DECEMBER 8 - 14, 2000

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

BRONSON, CHARLIE—18th District

Co-sponsored: **4-A**

BROWN-WAITE, GINNY—10th District

Co-sponsored: **4-A**

Committees: Rules and Calendar, Vice Chairman

BURT, LOCKE—16th District

Co-sponsored: **4-A**

Committees: Rules and Calendar

CAMPBELL, WALTER G. "SKIP", JR.—33rd District

Co-sponsored: **4-A**

Committees: Rules and Calendar

CARLTON, LISA—24th District

Co-sponsored: **4-A**

Committees: Ethics and Elections, Chairman; *Joint Select Committee on the Manner of Appointment of Presidential Electors, Co-Chairman*

CLARY, CHARLIE—7th District

Co-sponsored: **4-A**

Committees: Rules and Calendar

CONSTANTINE, D. LEE—9th District

Co-sponsored: **4-A**

COWIN, ANNA P.—11th District

Co-sponsored: **4-A**

CRIST, VICTOR D.—13th District

Co-sponsored: **4-A**

DAWSON, M. MANDY—30th District

Co-sponsored: **4-A**

DIAZ DE LA PORTILLA, ALEX—34th District

Co-sponsored: **4-A**

DYER, BUDDY—14th District

Co-sponsored: **4-A**

GARCIA, RUDY—39th District

Co-sponsored: **4-A**

GELLER, STEVEN A.—29th District

Co-sponsored: **4-A**

Committees: Rules and Calendar

HOLZENDORF, BETTY S.—2nd District

Co-sponsored: **4-A**

Committees: Ethics and Elections; Rules and Calendar; *Joint Select Committee on the Manner of Appointment of Presidential Electors*

HORNE, JIM—6th District

Co-sponsored: **4-A**

Committees: Ethics and Elections; *Joint Select Committee on the Manner of Appointment of Presidential Electors*

JONES, DARYL L.—40th District

Co-sponsored: **4-A**

Committees: Rules and Calendar

KING, JAMES E. "JIM", JR.—8th District

Co-sponsored: **4-A**

Committees: Rules and Calendar

KLEIN, RON—28th District

Co-sponsored: **4-A**

LATVALA, JACK—19th District

Co-sponsored: **4-A**

LAURENT, JOHN F.—17th District

Co-sponsored: **4-A**

Committees: Ethics and Elections; Rules and Calendar; *Joint Select Committee on the Manner of Appointment of Presidential Electors*

LAWSON, ALFRED "AL", JR.—3rd District

Co-sponsored: **4-A**

LEE, TOM—23rd District

Co-sponsored: **4-A**

Committees: Rules and Calendar, Chairman

MCKAY, JOHN M.—26th District

Co-sponsored: **4-A**

MEEK, KENDRICK B.—36th District

Co-sponsored: **4-A**

MILLER, LESLEY "LES", JR.—21st District

Co-sponsored: **4-A**

MITCHELL, RICHARD—4th District

Co-sponsored: **4-A**

PEADEN, DURELL, JR.—1st District

Co-sponsored: **4-A**

POSEY, BILL—15th District

Co-sponsored: **4-A**

PRUITT, KEN—27th District

Co-sponsored: **4-A**

ROSSIN, TOM—35th District

Co-sponsored: **4-A**

Committees: Ethics and Elections; Rules and Calendar; *Joint Select Committee on the Manner of Appointment of Presidential Electors*

SANDERSON, DEBBY P.—31st District

Co-sponsored: **4-A**

SAUNDERS, BURT L.—25th District

Co-sponsored: 4-A

Committees: Rules and Calendar

SEBESTA, JIM—20th District

Co-sponsored: 4-A

SILVER, RONALD A.—38th District

Prime Sponsored: 4-A

Committees: Rules and Calendar

SMITH, ROD—5th District

Co-sponsored: 4-A

Committees: Ethics and Elections, Vice Chairman; *Joint Select Committee on the Manner of Appointment of Presidential Electors***SULLIVAN, DONALD C., M.D.—22nd District**

Prime Sponsored: 2-A

Co-sponsored: 4-A

Committees: Rules and Calendar

VILLALOBOS, J. ALEX—37th District

Co-sponsored: 4-A

WASSERMAN SCHULTZ, DEBBIE—32nd District

Co-sponsored: 4-A

WEBSTER, DANIEL—12th District

Co-sponsored: 4-A

Committees: Ethics and Elections; Rules and Calendar; *Joint Select Committee on the Manner of Appointment of Presidential Electors*

**JOURNAL OF THE SENATE
SPECIAL SESSION A**

December 8 - 14, 2000

MISCELLANEOUS SUBJECT INDEX

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Joint Select Committee Appointments	7	VETOED BILLS RECEIVED	
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JOURNAL OF THE SENATE

Subject Index of Senate and House
Bills, Resolutions and Memorials

[Source: Office of Legislative Services]

This index embraces all measures introduced in both the Senate and House. The house of origin is identified by the letter preceding each bill: S-Senate, H-House. House bills shown in this index include those never received by the Senate, and their inclusion here is only for the convenience of the user interested in all bills introduced in the Legislature on a particular subject.

(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

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Journal
of the
S E N A T E
State of Florida



THIRTY-THIRD REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
MARCH 6 THROUGH MAY 4, 2001

MEMBERS OF THE SENATE

(25 Republicans, 15 Democrats)

REGULAR SESSION 2001

- District 1: Durell Peaden, Jr. (R), Crestview****
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton
- District 2: Betty S. Holzendorf (D), Jacksonville***
Parts of Alachua, Clay, Duval, Putnam and St. Johns
- District 3: Alfred "Al" Lawson, Jr. (D), Tallahassee****
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla, and parts of Bay, Jefferson, Leon and Madison
- District 4: Richard Mitchell (D), Jasper***
Baker, Dixie, Gilchrist, Hamilton, Lafayette, Nassau, Taylor, and parts of Alachua, Bradford, Citrus, Columbia, Jefferson, Leon, Levy, Madison, Marion, Suwannee and Union
- District 5: Rod Smith (D), Alachua****
Parts of Alachua, Bradford, Clay, Columbia, Levy, Marion, Putnam, Suwannee and Union
- District 6: Jim Horne (R), Orange Park***
Parts of Clay, Duval and St. Johns
- District 7: Charlie Clary (R), Destin****
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton
- District 8: James E. "Jim" King, Jr. (R), Jacksonville*******
Flagler, and parts of Duval, Marion, St. Johns and Volusia
- District 9: Lee Constantine (R), Altamonte Springs****
Parts of Orange and Seminole
- District 10: Ginny Brown-Waite (R), Brooksville***
Hernando, and parts of Pasco, Polk and Sumter
- District 11: Anna P. Cowin (R), Leesburg****
Lake, and parts of Citrus, Marion, Seminole and Sumter
- District 12: Daniel Webster (R), Winter Garden***
Parts of Orange, Osceola, Seminole and Volusia
- District 13: Victor D. Crist (R), Tampa****
Parts of Hillsborough and Pasco
- District 14: Buddy Dyer (D), Orlando***
Parts of Orange and Seminole
- District 15: Bill Posey (R), Rockledge****
Parts of Brevard, Indian River and St. Lucie
- District 16: Locke Burt (R), Ormond Beach***
Part of Volusia
- District 17: John F. Laurent (R), Bartow****
Parts of Highlands, Okeechobee and Polk
- District 18: Charlie Bronson (R), Indian Harbour Beach***
Parts of Brevard and Osceola
- District 19: Jack Latvala (R), Palm Harbor****
Parts of Pasco and Pinellas
- District 20: Jim Sebesta (R), St. Petersburg***
Parts of Hillsborough and Pinellas
- District 21: Lesley "Les" Miller, Jr. (D), Tampa****
Parts of Hillsborough, Manatee and Pinellas
- District 22: Donald C. Sullivan, M.D. (R), St. Petersburg***
Part of Pinellas
- District 23: Tom Lee (R), Brandon****
Parts of Hillsborough and Polk
- District 24: Lisa Carlton (R), Osprey***
Parts of Charlotte, Lee and Sarasota
- District 25: Burt L. Saunders (R), Naples****
Parts of Collier and Lee
- District 26: John M. McKay (R), Bradenton***
DeSoto, Hardee, and parts of Highlands, Manatee and Sarasota
- District 27: Ken Pruitt (R), Port St. Lucie****
Parts of Indian River, Martin, Palm Beach and St. Lucie
- District 28: Ron Klein (D), Delray Beach***
Parts of Broward and Palm Beach
- District 29: Steven A. Geller (D), Hallandale Beach****
Hendry, and parts of Broward, Collier and Palm Beach
- District 30: M. Mandy Dawson (D), Ft. Lauderdale***
Parts of Broward and Palm Beach
- District 31: Debby P. Sanderson (R), Fort Lauderdale****
Parts of Broward and Palm Beach
- District 32: Debbie Wasserman Schultz (D), Pembroke Pines*****
Parts of Broward and Dade
- District 33: Walter G. "Skip" Campbell, Jr. (D), Ft. Lauderdale****
Part of Broward
- District 34: Alex Diaz de la Portilla (R), Miami*******
Part of Dade
- District 35: Tom Rossin (D), Royal Palm Beach****
Glades, and parts of Charlotte, Lee, Martin, Okeechobee and Palm Beach
- District 36: Kendrick B. Meek (D), Miami***
Part of Dade
- District 37: J. Alex Villalobos (R), Miami****
Part of Dade
- District 38: Ronald A. Silver (D), North Miami***
Part of Dade
- District 39: Rudy Garcia (R), Hialeah****
Part of Dade
- District 40: Daryl L. Jones (D), Miami***
Monroe and part of Dade
- * Holdovers
** Elected General Election November 7, 2000, for a four-year term
*** Elected General Election November 7, 2000, for a term expiring November 2002
**** Elected Special General Election March 9, 1999, for a term expiring November 2002
***** Elected Special General Election January 25, 2000, for a term expiring November 2002

OFFICERS OF THE SENATE

John M. McKay, *President*
Ginny Brown-Waite, *President Pro Tempore*
James E. "Jim" King, Jr., *Majority (Republican) Leader*
Tom Rossin, *Minority (Democratic) Leader*

Non-member Officers

Faye W. Blanton, *Secretary*
Donald Severance, *Sergeant at Arms*



Journal of the Senate

Number 1—Regular Session

Tuesday, March 6, 2001

Beginning the Thirty-third Regular Session of the Legislature of Florida convened under the Florida Constitution as revised in 1968, and subsequently amended, and the 103rd Regular Session since Statehood in 1845, at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the 6th of March, A.D., 2001, being the day fixed by the Constitution of the State of Florida for convening the Legislature.

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in their work—that they, knowing whose ministers they are may above all things seek thy honor and glory. And that we and all the people, duly considering whose authority they bear, may faithfully and obediently honor them according to thy blessed word and ordinance, world without end. Amen.

Adapted from *The Book of Common Prayer*

PLEDGE

Senate Pages LéTisha Dorsey of Havana and Meriam Kling of Sarasota, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Daniel Roberts of Rockledge, sponsored by Senator Posey, as doctor of the day. Dr. Roberts specializes in Dermatology.

SPECIAL PERFORMANCE

The President introduced Lizbet Martinez, the special guest of Senator Villalobos. Ms. Martinez, a sophomore at Florida International University, majoring in music education, performed a violin solo of “The Star-Spangled Banner” for the Senate. Ms. Martinez and her family fled Cuba on a raft in 1995. When the Coast Guard rescued them, she wanted to somehow thank those Americans who had brought them from harm’s way. Not speaking a word of English and bringing little else from her homeland but her violin, she gave thanks through the universal language of music by playing “The Star-Spangled Banner.”

SPECIAL GUESTS

The President introduced his wife, Michelle McKay.

The President recognized the following former Senate Presidents: Mallory E. Horne, 1972-74; John W. Vogt, 1986-88, Gwen Margolis, 1990-92; James Scott, 1994-96, and his wife, Janice Scott.

The President recognized Lieutenant Governor Frank Brogan; Comptroller Robert Milligan; Secretary of State Katherine Harris; Treasurer and Insurance Commissioner Tom Gallagher; Commissioner of Agriculture Terry Rhodes; Commissioner of Education Charlie Crist; Attorney General Robert Butterworth; and U.S. Secretary of Housing and Urban Development Mel Martinez.

The President also recognized former Senators William Bankhead and Curtis Kiser.

COMMITTEES APPOINTED

On motion by Senator Brown-Waite that a committee be appointed to notify the House of Representatives that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators Pruitt, Miller, Sanderson, Villalobos and Wasserman Schultz. The committee was excused.

CALL TO ORDER

The Senate was called to order by President McKay at 10:00 a.m. A quorum present—39:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	

Excused: Senator Webster until 11:00 a.m.

PRAYER

The following prayer was offered by the Rev. Frederick A. Buechner, Rector, All Saints Episcopal Church, Thomasville, Georgia:

O God, the fountain of wisdom, whose statutes are good and gracious and whose law is truth; we beseech thee so to guide and bless the Senate of the State of Florida, that it may ordain for our governance only such things as please thee, to the glory of thy name and the welfare of thy people.

Save them from all error, ignorance, pride, prejudice; and of thy great mercy vouchsafe, we beseech thee, so to direct, sanctify, and govern them

On motion by Senator Carlton that a committee be appointed to notify the Governor that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators King, Bronson, Holzendorf, Lawson, Rossin and Laurent. The committee was excused.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

ADDRESS BY PRESIDENT JOHN M. MCKAY

Welcome back to the Florida Senate. It is appropriate to begin this session by showing our appreciation to the special people in our lives. Each of us here today owes a tremendous debt of gratitude to our family members whose sacrifice is, at times, far greater than our own. We thank you all so very much.

I would like to again thank each member of the Senate for your decorum during the special session in December. No matter what your party, or candidate preference, you conducted yourself in a manner that made all Floridians proud.

Let us now address the business of our state, and the needs of our constituents because today is truly a day of new beginnings. As we convene Florida's first legislative session of the 21st Century, we are presented with a humbling challenge—laying a solid foundation that will improve the lives of all Floridians.

It is with this in mind that we embark on a 60-day journey, heartened by the belief that together we can accomplish great things.

The Senate will work together to provide innovative solutions to the problems facing our state. We will have open and meaningful dialogue. We will have lively yet respectful debate. We will agree, and we will disagree.

It will be this exchange of differing views that will best serve those we represent and it will be through this process that we, as the Senate, will reach consensus.

While there are many issues at the forefront of our debate each session, there remain critical issues that demand solutions but receive little attention—the care of our elderly, children with developmental disabilities, those in foster care, as well as the plight of the homeless.

We will also continue our efforts to improve our education system, preserve our precious environment, and protect our citizens. We will go ever further. We will deal with election reform, cabinet reform, zero-based budgeting and begin the much-needed modernization of our antiquated tax system.

Let us begin with our most vulnerable.

In his inaugural address, President Bush made a reference that will serve as a guide to us this session: "When we see that wounded traveler on the road to Jericho, we will not pass to the other side."

Our seniors deserve the best quality of care in any setting, whether through nursing homes, assisted living facilities, community-based care or in their own homes whenever possible. Support must be provided not only to the individual, but to the family as well.

We will be diligent in finding a delicate balance between protecting our most fragile from abuse, while providing for a healthy nursing-home industry.

As we provide care for our parents, we must not forget that the future lies within the hearts and minds of our children. To that end, we will weave a strong fabric of care for those children unable to help themselves—children in the foster care system.

When these children are removed from their homes as a result of abuse or neglect, they are too often placed in overcrowded foster homes. These children, who at times have little chance of being adopted or returned to their biological parents, deserve a loving home with a sense of safety and permanency. That is a goal we all share and for which we must strive.

One issue that is close to my heart is that of children with developmental disabilities, such as dyslexia and attention deficit disorder. Training is needed to help teachers and families recognize the symptoms of a disability.

Once disorders are identified and understood, we can greatly improve a child's chance of success throughout his or her educational experience. We will need to channel these children. We must provide the incentives to insure that teachers are ready and willing to accept this challenge.

Unfortunately, too often the chances of educational success elude families. We must erase the educational gap that exists for many families struggling to provide opportunities for their children.

We will accomplish this by providing more choices so that everyone, regardless of means, can attain their educational goals.

We will have the opportunity to modernize the governance of our higher education system. We should welcome it. There are those who wish to protect this status quo, but recent years have shown that that management system has not served us well.

Change is constant, and if our management systems do not evolve with that change, we will be left behind. That is something we simply cannot afford.

Opportunities mean different things to different people. While a book may open a young person's mind to the world, it may not provide the same turning point for those who live in the hardened world of drug abuse and prostitution.

Such individuals bring upon themselves and their families the hardship and heartbreak of a world filled with disappointment and regrets. We must help break this self-imposed cycle and destructive pattern of behavior by providing a strong support system that will allow these individuals to become productive members of society.

Each day in our state, there are thousands of Floridians without food, a home, or appropriate shelter. As each of you know, homelessness is no longer a problem reserved for major cities, but one that permeates all communities.

We will focus on local housing incentives, common sense coordination of services, as well as the underlying causes that lead to and perpetuate this condition—drug abuse and mental illness.

These issues affect each and every one of us on both a social and economic level. The time is now for innovative ideas and a commitment to give those in need a fighting chance.

There is more to be done.

Various commissions have examined areas of critical concerns. To those who served on the Growth Management Study Commission, the Energy 2020 Commission, the Select Task Force on Election Procedures, and the Education Governance Task Force, we thank you for your efforts and leadership.

We will take those work products and carefully review their findings and recommendations in order to sculpt legislation to address these pressing needs.

To support all these efforts, it is imperative that we take a new approach to our budgeting process. We will accelerate our zero-based budgeting efforts to ensure taxpayer dollars are allocated responsibly and effectively to meet the needs of our state.

This process will not be easy. To the contrary, it will be one of the most challenging, yet worthwhile, tasks we undertake. And it will be accomplished in the Senate's thorough and deliberate manner.

I believe that the simplification and modernization of our tax system is critical to Florida's future. Citizens deserve a tax structure that is simple and fair—yet also encourages economic growth in our state.

This process may take more than two years; but it begins today. My goal is to commence the discussion in order to bring our tax structure into the technological age. And while too often people confuse tax reform with tax increase, let me assure you that nothing could be farther from the truth.

The needs of our state are wide and varied. As we address these issues in this Senate, there will be no rush to judgment. There will be ample discussion and deliberation.

The leaders of the Florida Senate will be the Senators from each district. It will take a team effort, along with tough decisions, to provide a framework in which to govern.

Our constituents, who put their faith in us with their vote, will be represented by each of the forty voices they sent to this chamber to work on their behalf—and on behalf of the Florida we all hold dear.

History has judged those who have served before and will certainly judge us. Let each of us here today pledge to place ideals before rhetoric, principles before politics, and respect before criticism.

If we do so, not only will we be able to provide comfort to that wounded traveler on the road to Jericho, we will also set the tone for governing in the 21st Century.

Ladies and gentlemen, thank you for your commitment to the Senate and our great state.

Let us now begin.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Negron, Benson, Clarke, Ross, Diaz-Balart, Paul, Justice, Richardson, Bucher and Meadows was received and informed the Senate that the House of Representatives was convened and ready to proceed to the business of the session. The committee then withdrew from the chamber.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1-**Org.** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Byrd—

HCR 1-Org.****—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Governor.

WHEREAS, His Excellency, Governor Jeb Bush, has expressed a desire to address the Legislature in Joint Session, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the House of Representatives and the Senate convene in Joint Session in the Chamber of the House of Representatives at 11:00 a.m. this day, March 6, 2001, for the purpose of receiving the message of the Governor.

—was read the first time in full. On motion by Senator Lee, by two-thirds vote **HCR 1-**Org.**** was read the second time by title, unanimously adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **SB 544, SB 546, SB 548, SB 550, SB 552, SB 554, SB 556, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 570, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 588, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614** and

SB 616 which have been reported favorably by the Appropriations Subcommittee on General Government were withdrawn from the Committee on Appropriations; and **CS for SB 618** which has been reported favorably by the Appropriations Subcommittee on General Government with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **SB 484** was removed from the calendar and referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

MOTIONS

On motion by Senator Lee, the rules were waived and by two-thirds vote Trust Fund Bills **SB 544, SB 546, SB 548, SB 550, SB 552, SB 554, SB 556, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 570, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 588, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614, CS for SB 616** and **CS for SB 618**; and Reviser's Bills **SB 276, SB 278, SB 280, SB 282, SB 284, SB 288** and **SB 290** were established as the Special Order Calendar for Wednesday, March 7.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committees on Banking and Insurance; Criminal Justice; and Education were granted permission to meet this day from 2:30 p.m. until 5:00 p.m.

On motion by Senator Lee, the rules were waived and the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Judiciary; and Natural Resources were granted permission to meet March 7 from 2:00 p.m. until 5:00 p.m.

MOTIONS

Senator Lee moved that following the joint session, the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Wednesday, March 7 at 9:00 a.m. The motion was adopted.

(See remainder of Senate business following the joint session.)

JOINT SESSION

Pursuant to **HCR 1-**Org.****, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where it was received in due form. The joint session was called to order by The Honorable Tom Feeney, Speaker of the House of Representatives.

The Lieutenant Governor, members of the Cabinet and justices of the Supreme Court were received and seated.

Senator McKay, President of the Senate, and Senator Brown-Waite, President Pro Tempore of the Senate, were seated at the rostrum. The Secretary of the Senate joined the Clerk of the House at the front desk. The Speaker requested the President to preside over the joint session.

THE PRESIDENT PRESIDING

The President declared a quorum of the joint session present.

The Reverend Frederick A. Buechner, Rector, All Saints Episcopal Church, Thomasville, Georgia, delivered the prayer.

Senator Peaden and Representative Lerner led the pledge of allegiance to the flag of the United States of America.

COMMITTEE APPOINTED

On motion by Representative Byrd that a committee be appointed to notify the Governor that the joint session was assembled to receive his message, the President appointed Senators Clary, Campbell, Cowin, Crist, Geller, Latvala and Lawson; and on behalf of the Speaker, appointed Representatives Brummer, Green, Harrell, Bennett, Berfield,

Ritter, Jennings and Bullard. The committee withdrew from the chamber.

SPECIAL CEREMONY

At the direction of the President, Faye Blanton, Secretary of the Senate, read the following proclamation:

PROCLAMATION

Joint proclamation of the Florida Senate President and Speaker of the Florida House of Representatives, recognizing State Senator Ronald A. Silver as Dean of the Florida Legislature.

WHEREAS, Ronald A. Silver was born in Cambridge, Massachusetts in 1943, and moved to Florida as a young man of 15 years of age, and

WHEREAS, after graduating from the University of Miami in 1965, Ronald A. Silver earned a law degree from the School of Law at the University of Miami in 1968, and

WHEREAS, prior to his election to the Florida Legislature, Ronald A. Silver built a notable career as an attorney, during which time he served as the Prosecuting Attorney for North Miami Beach from 1968 until 1972, as the Assistant Attorney for the City of Miami from 1972 until 1975, and as a Municipal Judge of Lauderdale Lakes from 1975 until 1977, and

WHEREAS, Ronald A. Silver was elected to the Florida House of Representatives in 1978, where he served the citizens of Miami with distinction, and

WHEREAS, during his distinguished tenure in the Florida House of Representatives, Ronald A. Silver served on numerous committees, received many awards, and served in many leadership positions, including as Chairman of the Dade County Legislative Delegation from 1982 until 1983, as the Majority Whip from 1984 until 1986, as the Majority Leader from 1986 until 1988, and as the House Floor Leader for the Governor from 1990 until 1992, and

WHEREAS, after serving with distinction in the Florida House of Representatives, Ronald A. Silver was elected by the people of Miami to the Florida Senate in 1992, and

WHEREAS, as a State Senator, he has continued to work with his fellow legislators to improve the lives of the people of this state through his passionate work with health and human services issues and his tireless efforts to ensure that Florida is a safe place to live and work, and

WHEREAS, because of his leadership and dedication to the people of Florida, Ronald A. Silver was elected as Minority Leader of the Florida Senate during the 1994 Session and served as Chairman of the Dade County Legislative Delegation from 1995 until 1996, and

WHEREAS, throughout his tenure in the Florida Legislature, Ronald A. Silver has brought humor, levity, and collegiality to the legislative process, yet he always remains a statesman, and

WHEREAS, Ronald A. Silver has been a friend, mentor, confidant, and teacher to countless speakers, presidents, leaders, chairmen, legislators, and staff, and

WHEREAS, having served in the Florida Legislature for 23 years, the longest tenure of any state legislator currently serving, Senator Ronald A. Silver has earned the designation of "Dean of the Florida Legislature," NOW, THEREFORE,

We, Senator John M. McKay, President of the Florida Senate, and Representative Tom Feeney, Speaker of the Florida House of Representatives, on behalf of the members of the entire Florida Legislature, do congratulate Senator Ronald A. Silver, Dean of the Florida Legislature, for his dedicated and distinguished service in the Legislature for the people of Florida, bestow upon him the title of Dean of the Florida Legislature, and recognize him for his extraordinary career in public service.

ADOPTED at the Joint Session of the Florida Legislature on March 6, 2001.

s/John M. McKay
President of the Senate
s/Faye W. Blanton
Secretary of the Senate
s/Tom Feeney
Speaker of the House of Representatives
s/John B. Phelps
Clerk of the House of Representatives

PRESENTATION OF THE GOVERNOR

The committee appointed to notify the Governor subsequently returned to the chamber escorting The Honorable Jeb Bush, Governor, who was seated at the rostrum.

SPECIAL GUESTS

The President recognized the following guests: First Lady Columba Bush; Michelle McKay, wife of President McKay; Ellen Feeney, wife of Speaker Feeney; Mel Martinez, U.S. Secretary of Housing and Urban Development.

The President recognized the following agency secretaries: Cynthia Henderson, Department of Management Services; Kathleen Kearney, Department of Children and Families; Steven Seibert, Department of Community Affairs; Michael Moore, Department of Corrections; Gema Hernandez, Department of Elder Affairs; David Struhs, Department of Environmental Protection; Ruben King-Shaw, Agency for Health Care Administration; William Bankhead, Department of Juvenile Justice; David Griffin, Department of Lottery; Thomas McGurk, Agency for Workforce Investment; Kimberly Binkley-Seyer, Department of Business and Professional Regulation; Thomas Barry, Department of Transportation; and Bob Brooks, Department of Health.

The President also recognized Major General Ronald Harrison, National Guard; Lt. Col. Robin Higgins, Department of Veterans' Affairs; Director Fred Dickinson, Florida Highway Patrol; Commissioner James Moore, Florida Department of Law Enforcement; and Dr. Jim Zingale, Department of Revenue.

SPECIAL PERFORMANCE

The President introduced Lizbet Martinez, the special guest of Senator Villalobos. Ms. Martinez, a sophomore at Florida International University, majoring in music education, performed a violin solo of "The Star-Spangled Banner" for the Senate. Ms. Martinez and her family fled Cuba on a raft in 1995. When the Coast Guard rescued them, she wanted to somehow thank those Americans who had brought them from harm's way. Not speaking a word of English and bringing little else from her homeland but her violin, she gave thanks through the universal language of music by playing "The Star-Spangled Banner."

The President presented the Governor to the joint assembly.

MOMENT OF SILENCE

The Governor asked that the joint session observe a moment of silence in memory of the National Guard members who died Saturday, March 2, when the army aircraft they were flying in, crashed in Georgia.

ADDRESS BY GOVERNOR JEB BUSH

Good morning. Mr. President, Mr. Speaker, members of the Legislature, honored guests, and my fellow Floridians. Good morning to you all.

Let me begin by saluting the new legislators who join us today. For many in this room, this is a day of long-awaited fulfillment. You and your families should be proud of what you have accomplished. In some ways your journey ends today. In others, it is just beginning.

Despite your justifiable pride, personal satisfaction shouldn't blind you to your greater purpose here. You should pause to consider the events that propelled you into public service.

Eight years ago, the people of Florida took to the polls and changed our constitution. Tired of the paralysis in government, sickened by the way

special interests had inculcated themselves into the machinery of state, we said this: No politician should spend more than eight years in office. And in so doing, Floridians made room for the new legislators here today.

You should deeply consider and respect what Floridians were saying by making this choice. We were saying that new ideas are more important than experience. We were saying that the courage to act on them is more important than perks of entrenched public service. And we were saying that you should never forget that it is the people, and not the process, whom you serve.

This class of freshmen legislators is the first to carry forward that charge. This year, we have 62 new legislators—well more than a third of this body. In two years, every single legislator will stand for reelection. Each of you here today, freshman and experienced legislator alike, is called upon to meet the challenges of a future that is rushing to meet us.

As I said, this is a day of fulfillment—and in that sense an ending—but it is also a day of new beginnings. For today you have been given the power to change the face of Florida and even the nation.

I believe in the next two years we can enact reforms that will serve Floridians for generations. We can achieve this if we set ambitious goals and pursue them with clear policies and single-minded determination.

Many people will come to you, our freshmen legislators, like they did to me, and tell you to slow down, to kill some time, and learn the system. But you should know this: If you take too long, time and the system will kill your ability to cause meaningful change.

People will tell you that two years is not enough time to gain experience and change things for the better. But I know, and many of the returning legislators in this chamber know, what can be accomplished in two short years.

A little more than two years ago I stood a few hundred feet from here under those beautiful oaks near the old Capitol. I raised my hand and took the oath of office.

That day, I said we needed to revolutionize the way we view public education, elevating children above bureaucracies. I said we needed to be relentless in our drive to stop violent crime and reduce drug abuse. I said we needed to cut taxes and give back to Floridians what is justifiably theirs. I said we needed to build a world-class business climate to bring to our state the high-wage jobs of tomorrow. I said we needed to protect the most vulnerable Floridians—the children, the frail elders, and the disabled. And I said we needed to bring opportunity to our cities, while protecting what is best about Florida's natural environment.

And what has happened as a result of setting these goals and working with a visionary Legislature?

Because of the A+ plan, Florida leads the nation in innovation and improvement in education. Two years ago, there were 78 F schools in our state. Last year there were only four. And this, too, is astonishing. Last year, more than forty percent of Florida's schools were A schools or improved at least one letter grade. These teachers and students have earned our thanks and admiration.

Grades and test scores continue to climb—particularly among minorities—as students and teachers reap the benefits of a system that measures and rewards positive performance. Just a few weeks ago, a Harvard study concluded that Florida's system of accountable education is working—and working extraordinarily well.

While we should take heart in the statistics that show this system-wide change, we should not lose sight of the fact that the real change is occurring on a human scale, student by student. Is there any greater reward to give a child than the tools to prosper, in some cases to salvage gifts that would otherwise be lost? There simply is not.

And let's look at how we've protected Floridians from violent crime.

Many legislators in this room were instrumental in putting into place the 10-20-Life program, a law that imposed clear penalties for the use of a firearm in a crime. As a result, gun crimes dropped an astonishing twenty percent in the first year following the law's enactment. In 1999,

Florida experienced the largest drop in crime since 1971. With the help of the men and women of law enforcement, we are reversing a trend that ravaged Florida for decades. Let us thank them for their service.

And let us reward, not punish, Floridians for their thrift and success.

In the past two years, the Legislature has made tax cuts now totaling more than \$1.5 billion, allowing a broad segment of our citizenry to keep more of what they earn and to spend it the way they choose. Six hundred and fifty thousand taxpayers enjoyed intangibles tax relief, and 3.7 million households (or 9.2 million people) saw property tax relief. The burden of state taxes will be reduced to its lowest level in a decade.

By showing fiscal restraint and advancing regulatory reform, we have also helped create a climate where businesses can prosper. Consider these extraordinary facts: For the year ending June 2000, one in 9 new jobs and one in 12 new businesses in the nation were created in Florida. Through their efforts and creativity, Floridians are building a magnificent economic engine in this new century.

With little fanfare, we have elevated to the top of our priority list the interests of our most vulnerable and needy. By the end of this fiscal year, 84 percent of the 1.5 million eligible children in Florida will have health insurance, compared to 55 percent two years ago. In two years, we have increased our financial commitment to the child welfare system by \$313 million or 77 percent. And with our continued commitment next year, 28,000 Floridians with developmental disabilities will have received vital services after they languished on waiting lists for years and years and years.

We are also balancing industry with stewardship, with our obligation to protect Florida's fragile natural environment. With the recent enactment of the Florida Forever program, we have continued a legacy of environmental stewardship that is the best in the nation. After decades of in-fighting and impasses, in the past two years we have also put in place a plan for restoring the Everglades, our greatest natural treasure. Indeed, restoration of the Everglades and other projects like it around the state will also help keep more fresh water in our ecosystem, making the drought conditions we are currently facing less likely to occur in the future.

These are but some of the accomplishments of the past two years. There are many others, too many to mention here today. But taken in whole, and bearing in mind that the success of our state ultimately rises or falls with the will and work of its people, I am pleased to say that the state of our beloved state is good. Indeed, it is *very* good.

It is very good today, and we should be thankful for our blessings. But what about tomorrow? Look over the horizon: What will Florida look like? Will we have schools where the command focus is on children learning? Will we have enough teachers to show our children the way? Will we have well-planned, vibrant communities with a sense of purpose and identity? Will we have enough electricity to meet our needs? Will we have prepared our economy for the next burst of prosperity? Will state government be an institution that harnesses technology, and more importantly, that is known for its passionate and efficient service?

These questions—and dozens more like them—are basic questions, but questions that are too often ignored or relegated to one more task force, one more study commission. But if we ignore them now, we do so at our peril.

We can answer these questions, and we must. We must have the commitment and courage and the genuine desire to reach across the political divide and work for all the people we represent.

It is time—no, it is past time—to accept responsibility and share accomplishments as one, as a group committed to the higher principles of public service. The choice is simple for all of us: Would we rather be known for the enormity of the challenges we conquered or for the pettiness of partisan bickering?

You have my commitment to each of you in this room to strive for excellence and achievement that will better serve the people of Florida.

And as we work together, I hope we can focus on what lasts, what endures beyond our brief time in this building. Although you will consider many laws this year, the one I hope you most consider is taken from the great law of the Iroquois Nation: "In our every deliberation, we must consider the impact of our decisions on the next seven generations."

And with this in mind, let us begin where the future is formed: Let us begin with our public schools. This year, we need to continue to build on the successes of the A+ plan.

As you know, one key component of the plan is to test children so we can be sure that they have learned a year's worth of knowledge in a year's time. This is an element of the plan that has been the subject of much detailed and technical intellectual debate. Having listened to much of it, nothing has been as helpful to me as the thoughts of a teacher, a principal, and a student from Bent Tree Elementary School in Miami. Let's listen to Beryl Grant, Bart Christie, and Jesus Alvarez as they discuss the FCAT test.

Beryl Grant: *The FCAT really is preparing them for life and life beyond school, which is work, and also college. We have to read, think and explain. And that to me is what FCAT is all about.*

Bart Christie: *Through this initiative we were able to move our school from a D School to a B school. We missed an A school by about three percentile points, which is about four or five students. We are going to be an A school this year.*

Jesus Alvarez:

The Extraordinary FCAT

*FCAT oh FCAT, we work for you every year
Sometimes you scare us, but it's only our fear
We learn to solve problems, and also to read
Our teachers make sure, that in life we'll succeed*

*Hurray for Bent Tree, 'cause we got a B
We thought you're a monster, but now we are brave
We'll make that A, so Bent Tree can rave!*

When I shaked Governor Bush's hand, he said, 'Good job, you can take that poem on the road' and Mr. Christy congratulated me. . . .

Well, Jesus has taken it on the road, and he is with us today in the gallery. Please stand, Jesus.

When I visited Bent Tree Elementary, Jesus reminded me, and I think reminds us all, that change and new ideas can seem pretty scary at first. But he also reminds us what can be achieved when we challenge ourselves, what can be achieved in just two years.

Jesus and others like him will be pleased to know that in my proposed budget this year, we have asked that you provide more than \$6 million to provide computerized tutoring for the reading, writing and math skills measured by the FCAT so that studying can take place anytime, anywhere.

This is only a small part of the \$531 million I have requested in increased K-12 funding this year, and an even smaller part of the \$2 billion in increased funding we will then have appropriated in the last three budgets.

I have also asked that we refocus our efforts on bringing more and better teachers to Florida's classrooms.

Our growing student population has created an unprecedented demand for teachers in this state. Our teacher shortage threatens to undermine the academic improvements we have made. We must begin a ten-year project to recruit and retain 160,000 teachers to meet the projected demand in Florida.

Last year, almost 9 percent of Florida's teaching force needed to be replaced, and the need for new teachers only grows. Let's hear from Claude Archer as he shares his perspective on this problem.

Claude Archer: *My name is Claude Archer. I was a teacher at Marjorie Stoneman Douglas Elementary for the last ten years. Now I recruit and hire teachers for the county. We're trying to attract mid-career professionals looking for a change, looking for some more meaning to what they're doing. They're looking for something a little bit more meaningful. They want to make a difference in lives of children. We're looking for them. When I talk to people who are thinking about changing careers, I always tell them this is the most important job there is. You have a chance to touch the life of a child and what you do will impact them for the rest of their lives. But there is no greater feeling than one day having a student walk into your classroom and say, 'You don't remember me, do you? But you were*

my first grade teacher, or you were my English teacher, and some of the things you said to me have really touched me and made a difference, and I'm here today, where I am, because of you.' I think it's critical that we do everything we can to recruit and retain teachers. I really would like to thank Governor Bush for all his efforts and for making education his top priority.

After listening to Claude and many dedicated educators like him, we have developed a comprehensive plan for increasing the number of Florida's classroom teachers. The plan contains more than twenty separate initiatives aimed at getting and keeping great teachers.

This year, I have asked for \$169 million in total funding of new and ongoing teacher-recruitment and retention initiatives. Among other things, these funds will provide for teacher signing bonuses to attract new teachers. We must also offer alternatives to current teacher certification policies to enable qualified Floridians with diverse backgrounds to teach our children and enhance professional development opportunities for teachers to increase job satisfaction. These changes will help our young. But what about those Floridians who are elderly, or have special needs? This session I ask you to bring an unparalleled focus on long-term care for Floridians.

Several months ago I met Jerry Price and his beautiful wife, Jeanne. They provide a compelling reminder of why you and I have been sent to Tallahassee. Through a program that we have implemented, Jeanne was diverted from a nursing home and given the resources to live with her beloved husband and their pet bird, Shakespeare.

We saved the taxpayers money and we dramatically elevated Jeanne's quality of life. I'd like you to meet them and hear their experience.

Jerry Price: *This is Jeanne, my beautiful wife, Jeanne Price and I'm Jerry Price. And we've been married going on 51 years. Jeanne has been diagnosed with Alzheimer's, with Parkinson's, she's a diabetic, she's had two open-heart surgeries. She relies upon being home for her happiness and she wouldn't have that in a nursing home. So I know that if we didn't have what we have now, if we didn't have the long-term care and the Beacon helping us, it would not work out for us at all. It's provided her with counseling, and it's provided her with meals, and it's provided her with homecare. . . . And there isn't anything that we need that we don't get from this program. All I can say is thank you from the bottom of our hearts because that means that we're together and without you, we would not be together. She would be in a nursing home, I would be working six jobs to pay for her. The quality of life would have gone down the drain. And I thank you, thank you, thank you and that's all we can say.*

I have to say, it's a little embarrassing that Shakespeare behaves so much better than my dog, Marvin.

For Jeanne and folks like her, I propose that we continue to expand community-based programs that allow them to function within their homes and neighborhoods in the least restrictive way.

With the more-than-\$50-million increase I have suggested in my recommendations to you, we will have increased funds for community-based care by more than 60 percent over the last three years. These monies will help seniors age with dignity in places they cherish, near people they love. We will also dedicate \$30 million to help low-income seniors buy the prescription drugs they need.

For those seniors who need nursing homes, I have proposed \$46 million in new funding this year to improve the quality of nursing-home care by decreasing staff turnover and increasing staff-to-resident ratios.

But more money alone will not solve the crisis in nursing-home care. Nursing homes teeter on the verge of bankruptcy in Florida, and many will go under if we do not take decisive action to stabilize their insurance premiums by providing lawsuit relief.

If nursing homes close their doors, seniors could be left without the services they vitally require at this vulnerable time in their lives. Even if the nursing homes survive, but are financially weakened, the quality of care they provide could decline, and harm our elders.

Nursing homes in Florida are three times more likely to be sued than in other states, putting the costs of liability insurance at eight times the national average. Wouldn't it be better for nursing homes to spend

money on improving quality of care rather than paying insurance premiums and lawyers' bills?

Your agenda this year should also include elevating the quality of life for all Floridians.

There is perhaps no state program that has more potential for accomplishing this than the Growth Management Act, and none that has remained more distant from its goal. Despite decades of implementation, our roads remain clogged with traffic, important natural resources are threatened or destroyed, and community needs like public schools are not fully met.

Last year, I formed a commission to address the gaps in the Growth Management Act. I carefully considered who should lead the task force, and I concluded that there was one person who possessed the stature and courage to squarely confront the implications of development.

I chose then-Orange County Chairman Mel Martinez, who had strongly pushed to limit growth in areas of his county until school overcrowding was dealt with. Although Mel has since gone on to become the Secretary of Housing and Urban Development in Washington, he's been kind enough to join us today to show his support for his commission's proposals. Mel, please stand. Thank you.

Mel and the other commission members have proposed that we not blindly permit development ahead of our ability to build schools. I agree. It is time to stop doing business as usual. Today is the day we say, "We will not allow our residential communities to swell without new classrooms. We will no longer allow Florida to be sold on the cheap."

I also ask that you continue to make gains in providing tax relief for our citizens. This year, we propose the third cut, in a series of four cuts, aimed at ultimately eliminating the intangibles tax, a tax that punishes seniors and savers. Let's hear from Judy Clark of Lake Mary about this problem.

Judy Clark: *Hi, my name is Judy Clark and I live in Lake Mary, Florida. All of my working years and most of the time, two jobs since I raised four children alone, and I paid tax on every dollar I earned. And then I saved some money and I inherited money and I had to pay taxes at that time, and now I'm still paying taxes on that same money. I would like to thank Governor Jeb Bush and our legislators for reducing this tax by percentages each year. And hopefully, in the very near future, it will be abolished completely.*

Judy, you seem pretty focused on getting rid of the intangibles tax, and so should we. You can be sure that we will do everything in our power to let you keep your life savings.

Among individuals, seniors over 60 pay almost three-quarters of this tax. We must stop punishing them for their thrift. This year, we propose raising the individual exemption from \$20,000 to \$250,000, the joint exemption from \$40,000 to \$500,000, and the exemption for Florida's businesses from zero to \$250,000. These will have the remarkable effect of removing more than 500,000 Floridians from the tax rolls.

I think we all can agree that taxing people on fixed incomes or taxing the capital that grows small businesses is bad public policy, that it harms people and businesses when they can least afford to be taxed by government.

When we sought and achieved similar tax cuts in the Legislature over the past two years, over 90 percent of the members of both parties voted in favor of them. I urge you to continue this bipartisan approach with the goal of ultimately eliminating the tax altogether.

Improving public schools, providing quality long-term care, dealing with development, cutting taxes—these are all issues that should be at the forefront of the public agenda. Appropriately, they focus on the needs that directly confront those we are bound to serve.

But there is one issue that is more internally focused, and yet, just as important, and unless we adequately address it, state government jeopardizes its ability to deliver in all other areas. I speak of civil service reform.

Before you hear my thoughts, I'd like you to hear the thoughts of Gov. Roy Barnes of Georgia.

Gov. Roy Barnes (D-GA): *Hi, my name is Roy Barnes, Governor of your neighbor to the north, the great state of Georgia. We all know we are living in a changing society. In the last few years, personnel policies in the private sector and not-for-profit world have evolved dramatically making organizations more competitive and efficient. State governments must do the same if we are to deliver the services our citizens demand with the same speed and service they've come to expect from the private sector. Five years ago Georgia took a giant step when we instituted performance-based compensation instead of the inflexible constraints of the merit system. Over half of our state employees are now employed and compensated based on performance rather than status. And that number is growing every day. Government can never have the full confidence of its people if it does not keep in step with the rest of society. Performance-based employment is not only desired, it is essential if states are going to continue as economic generators of prosperity. Based on Georgia's experience, I encourage Florida in its efforts to modernize its state workforce.*

And we will, Governor.

Over the last two years, in partnership with you, we have made significant reforms in the budget process. We are also beginning to transform state government through the strategic use of technology.

Now it is time to reform our employment system so that, like the world-class service organizations that are driving Florida's economy, state government can provide the effective and efficient service that its 16 million citizens rightfully expect.

Last week, we announced a comprehensive reform proposal named Service First, and today I ask for your support of that initiative. I also ask, despite the relative austerity that will characterize our budget this year, that we begin to move to a compensation system that is competitive and rewarding for our dedicated state workers. I urge you to maintain our recommendations to reward better our hard-working state employees.

And finally, we must make reliable and accurate the very machinery of democracy, the voting process. For 37 days last fall, Florida was thrust onto the world stage as we waited for the outcome of the presidential election. Some would say that many in this room solidified their place in history from their roles in that event.

But neither the history of the 2000 Campaign nor your own history is fully written, and the action you take this session will provide a lens through which the election can be better judged.

I say let us be known as a people who are humble enough to acknowledge our shortcomings, and principled enough to seek to correct them. I ask that we dedicate the resources that are needed to modernize our voting systems and move forward with confidence into the next election cycle.

I appreciate your allowing me to share my thoughts today, outlining some changes we might consider. More importantly, I hope you've listened to the thoughts of the others who have spoken today. I look forward to listening to your ideas for change as we work together during the session.

Dr. Martin Luther King said, "The soft-minded man always fears change. He feels security in the status quo, and he has an almost morbid fear of the new. For him, the greatest pain, is the pain of a new idea." Looking among you today, I see no fear of the new. Every revolution necessarily begins with one person, relentlessly pursuing a deep and compelling internal vision. Why shouldn't that revolution begin with you?

Thank you for your time. I look forward to working with you all. God bless you and God bless Florida.

DISSOLUTION OF JOINT SESSION

Following the Governor's address, the committee previously appointed escorted the Governor from the rostrum and from the House chamber, followed by the Lieutenant Governor, members of the Cabinet and justices of the Supreme Court.

On motion by Senator Lee, the joint session was dissolved at 12:17 p.m. and the Senators were escorted from the House chamber by the Senate Sergeant at Arms.

(Remainder of Senate Business taken up prior to joint session.)

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Burt and Smith—

SB 2—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term “average final compensation” with respect to the Florida Retirement System; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Appropriations.

By Senator Bronson—

SB 4—A bill to be entitled An act relating to the Department of Transportation; providing for the relief of Angelo Juliano for injuries he sustained as a result of the negligence of the department; providing an effective date.

—was referred to the Special Master; and the Committees on Transportation; and Finance and Taxation.

By Senator Campbell—

SB 6—A bill to be entitled An act relating to the Department of Health; providing for the relief of Minouche Noel, a minor, and her parents and natural guardians, Jean and Flora Noel, for injuries sustained due to the negligence of Children’s Medical Services of the Department of Health and Rehabilitative Services; providing an effective date.

—was referred to the Special Master; and the Committees on Health, Aging and Long-Term Care; and Finance and Taxation.

By Senator Clary—

SB 8—A bill to be entitled An act relating to the Department of Transportation; providing for the relief of Billie Jo McIntire, Sarah McIntire, and Christian McIntire for the wrongful death of Jeffrey McIntire due to the negligence of the department; providing an effective date.

—was referred to the Special Master; and the Committees on Transportation; and Finance and Taxation.

By Senator Dyer—

SB 10—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea, for injuries and damages sustained by Ms. Benjumea as a result of the negligence of the Orange County Sheriff’s Office; providing for a reversionary interest to the Orange County Sheriff’s Office; providing legislative intent with respect to expenditures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Klein—

SB 12—A bill to be entitled An act relating to the Department of Transportation; providing for the relief of Russell Allen; providing for an

appropriation to compensate him for injuries sustained as a result of the negligence of the department; providing an effective date.

—was referred to the Special Master; and the Committees on Transportation; and Finance and Taxation.

By Senator Meek—

SB 14—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jack Brett Lemonik; authorizing and directing Miami-Dade County to compensate Mr. Lemonik for injuries sustained as a result of the actions of county employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Sullivan—

SB 16—A bill to be entitled An act for the relief of the Estate of Alice Berdat, deceased; providing an appropriation to compensate the Estate of Alice Berdat for the death of Alice Berdat due to the negligence of the Department of Corrections; providing an effective date.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Sullivan—

SB 18—A bill to be entitled An act for the relief of Mary Beth Wiggers; providing an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections; providing an effective date.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senators Holendorf and Villalobos—

SB 20—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, Sean Ryan Calderon, and Lily Ann Calderon; authorizing and directing Miami-Dade County to compensate them for the death of Roberto Luis Calderon which was caused by the negligence of a Miami-Dade County employee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Silver—

SB 22—A bill to be entitled An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; directing the City of Vero Beach to compensate Mr. Arvay for injuries caused by the negligence of a city police officer; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senators Holendorf and Lawson—

SB 24—A bill to be entitled An act relating to Gulf County; providing for the relief of Elizabeth Linton, as personal representative of the estate

of her father, Harold Armstrong; providing an appropriation in compensation for the death of Mr. Armstrong as a result of the negligence of Gulf County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Rossin—

SB 26—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and directing the City of West Palm Beach to compensate Ms. Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senators Holzendorf and Diaz de la Portilla—

SB 28—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Jose Pena, as Personal Representative of the Estate of Carmen Pena, deceased, and individually, as surviving father of Katherine Pena and Richard Pena, minor children of Carmen Pena and Jose Pena, deceased; providing for the relief of Johannes Pena, surviving son of Carmen Pena; providing for an appropriation to compensate them for the death of Carmen Pena, Katherine Pena, and Richard Pena as a result of the negligence of the City of Hialeah; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Jones—

SB 30—A bill to be entitled An act relating to the Monroe County School District; providing for the relief of Joshua England, a minor, by and through his natural and custodial parent and next best friend, Zerhade Jackson; authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due to the negligence of school board employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Education; and Finance and Taxation.

By Senator Rossin—

SB 32—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kharmilia Ferguson, a minor, and for the relief of Angela Jones and Raymond Ferguson, individually and as the natural parents and guardians of Kharmilia Ferguson; authorizing and directing the Palm Beach County Sheriff's Office to compensate them for injuries they suffered as a result of the negligence of an employee of the sheriff's office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Klein—

SB 34—A bill to be entitled An act relating to the Sheriff of St. Lucie County; providing for the relief of William Hennelly and Anne Hennelly; authorizing and directing the St. Lucie County Sheriff's Office to compensate them for personal injuries they suffered due to the negligence of employees of the sheriff's office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Campbell—

SB 36—A bill to be entitled An act relating to Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center; providing for the relief of Steven Mitchell; authorizing and directing Halifax Hospital Medical Center to compensate Mr. Mitchell for personal injuries that he suffered while at Halifax Medical Center; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health, Aging and Long-Term Care; and Finance and Taxation.

By Senator Dawson—

SB 38—A bill to be entitled An act relating to the City of Key West; providing for the relief of James Fink; authorizing and directing the City of Key West to compensate him for personal injuries that he suffered due to the negligence of an employee of the City of Key West; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Campbell—

SB 40—A bill to be entitled An act for the relief of Laura D. Strazza; providing an appropriation to compensate her for injuries she sustained as a result of the negligence of an employee of the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Special Master; and the Committees on Agriculture and Consumer Services; and Finance and Taxation.

By Senators Campbell and Diaz de la Portilla—

SB 42—A bill to be entitled An act for the relief of the Guardianship of Kimberly Godwin; providing an appropriation to compensate her for injuries she sustained as a result of the negligence of the Department of Children and Family Services; providing an effective date.

—was referred to the Special Master; and the Committees on Children and Families; and Finance and Taxation.

By Senator Holzendorf—

SB 44—A bill to be entitled An act relating to Volusia County; providing for the relief of Terri Yost, individually and as Personal Representative of the Estate of Joseph Michael Colopy and for the relief of Michael Colopy; authorizing and directing Volusia County to compensate them for the wrongful death of Joseph Michael Colopy, a minor, due to the negligence of an employee of the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Sullivan—

SB 46—A bill to be entitled An act relating to the Pinellas County School Board; providing for the relief of Jane Doe, a minor; authorizing and directing the District School Board of Pinellas County to compensate her for personal injuries suffered due to the negligence of the school board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Education; and Finance and Taxation.

By Senators Meek and Mitchell—

SB 48—A bill to be entitled An act relating to the City of Hallandale; providing for the relief of Lawrence Gizzi for injuries and damages resulting from the negligence of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Diaz de la Portilla—

SB 50—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Geller—

SB 52—A bill to be entitled An act relating to Orange County; providing for the relief of Pamela McMahan San Juan; authorizing and directing Orange County to compensate her for personal injuries that she suffered due to the negligence of Orange County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Campbell—

SB 54—A bill to be entitled An act relating to the City of Coral Springs; providing for the relief of Helene Rippe; authorizing and directing the City of Coral Springs to compensate her for personal injuries she suffered due to the negligence of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Campbell—

SB 56—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Lawrence Douglas Bigney; authorizing and

directing the Sheriff's Office of Palm Beach County to compensate him for personal injuries suffered due to the unlawful acts of an employee of the sheriff's office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Latvala—

SB 58—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek as the widow of Wieslaw Skowronek and as personal representative of the Estate of Wieslaw Skowronek and for the relief of Anna Marie, Victor, and Hubert Alexander Skowronek, the minor children of Wieslaw Skowronek, for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Clary—

SB 60—A bill to be entitled An act for the relief of Santa Rosa County; providing an appropriation to compensate the county for losses sustained by the inappropriate actions of employees of the Department of Business and Professional Regulation; providing an effective date.

—was referred to the Special Master; and the Committees on Regulated Industries; and Finance and Taxation.

By Senator Dyer—

SB 62—A bill to be entitled An act relating to the Hillsborough County School Board; providing for the relief of Alana Kelly and Richard F. Taylor, Sr.; providing for an appropriation to compensate them for the death of their son, Richard F. Taylor, Jr., caused by the negligence of a Hillsborough County School Board employee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Education; and Finance and Taxation.

By Senator Mitchell—

SB 64—A bill to be entitled An act for the relief of Kathleen McCarthy individually and Kathleen McCarthy as personal representative of the Estate of Laura Bailey, deceased; George Decker and Joan Decker individually and as co-personal representatives of the Estate of Christina Decker; William Chapman and Geraldine Chapman individually, and William Chapman, as personal representative of the Estate of Patricia Chapman, deceased; Rasha Williams as legal guardian for Pauline Hodge; providing an appropriation to compensate them for losses sustained as a result of the actions of the Department of Children and Family Services; providing an effective date.

—was referred to the Special Master; and the Committees on Children and Families; and Finance and Taxation.

By Senator Sullivan—

SB 66—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Jones—

SB 68—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Hilda De Paz; authorizing and directing Miami-Dade County to compensate Hilda De Paz for personal injuries she suffered due to the negligence of county employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senators Holzendorf and Dawson—

SB 70—A bill to be entitled An act relating to the City of Belle Glade; providing for the relief of Willie Police, III, Cora Donaldson, Willie Police, Sr., and the Estate of Willie Police, Jr.; authorizing and directing the City of Belle Glade to compensate them for injuries suffered as a result of the death of Willie Police, Jr., due to the negligence of employees of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Lawson—

SB 72—A bill to be entitled An act relating to Escambia County; providing for the relief of Clyde Kilpatrick; authorizing and directing Escambia County to compensate Clyde Kilpatrick for injuries sustained as a result of the negligence of Escambia County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senators Holzendorf and Pruitt—

SB 74—A bill to be entitled An act relating to the Palm Beach County Health Care District; providing for the relief of James Torrence; authorizing and directing the Palm Beach County Health Care District to compensate him for personal injuries resulting from surgery negligently performed by a health care district employee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health, Aging and Long-Term Care; and Finance and Taxation.

By Senator Campbell—

SB 76—A bill to be entitled An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages caused by the negligence of the Martin County Volunteer Fire Department; specifying the use of funds appropriated; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Judiciary; and Finance and Taxation.

By Senator Campbell—

SB 78—A bill to be entitled An act relating to the Florida Board of Regents, the University of South Florida, and the USF Health Sciences Center Insurance Company; providing for the relief of Towanna Denise Hopkins, incompetent, by and through Willie Lee Hopkins, her father and legally appointed guardian, and of Robert Keith Bowman, Jr., her son; authorizing and directing the Board of Regents and the insurance company to compensate them for injuries and damages caused by employees or agents of the University of South Florida; specifying use of the funds; providing an effective date.

—was referred to the Special Master; and the Committees on Health, Aging and Long-Term Care; and Finance and Taxation.

By Senator Forman—

SB 80—A bill to be entitled An act relating to Broward County; providing for the relief of Nicholas Maracic; providing an appropriation to compensate him for injuries sustained as a result of the negligence of Broward County; providing an effective date.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Klein—

SB 82—A bill to be entitled An act relating to Broward County; providing for the relief of Eric Brady; authorizing and directing the Sheriff's Office of Broward County to compensate him for personal injuries caused by the sheriff's office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senator Meek—

SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing restrictions on the use of data collected under the act; providing membership, terms, and organization; requiring state and local law enforcement agencies to develop policies and procedures that prohibit bias profiling or discriminatory practices as a primary factor in determining whether the driver of a motor vehicle should be stopped for a routine traffic violation; providing for submission to the task force of such policies and procedures; requiring the task force to develop specified statewide guidelines; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include within the criminal justice and standards training curriculum guidelines and instructions that address prohibited bias profiling and discriminatory practices with respect to motor vehicle stops; providing an appropriation; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Meek—

SB 86—A bill to be entitled An act relating to traffic safety; amending s. 316.2045, F.S.; prohibiting certain minors from standing or approaching vehicles on any public street, highway, or road for purposes of soliciting or collecting contributions from or distributing materials to the occupant of a motor vehicle; providing that a first-time violation results in a warning and that subsequent violations will be cited as pedestrian violations; prohibiting persons from directing such minors to unlawfully stand or approach motor vehicles on the road; providing that a first-time violation results in a warning and that subsequent violations will be

cited as noncriminal traffic infractions; amending s. 318.18, F.S.; providing penalties; amending s. 318.121, F.S.; conforming a cross-reference; amending s. 318.21, F.S.; providing a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; and Comprehensive Planning, Local and Military Affairs.

By Senator Meek—

SB 88—A bill to be entitled An act relating to court costs in domestic violence cases; creating s. 938.14, F.S.; providing for imposition of an additional mandatory court cost upon a person found to have committed an act of domestic violence; providing for waiver of the court cost; providing for collection by the clerk of the court; providing for deposit of such court costs in the Domestic Violence Trust Fund; providing for certain disbursements in accordance with specified provisions; providing for the clerk to retain a service charge; amending s. 39.903, F.S.; directing that funds generated pursuant to s. 938.14, F.S., be used for legal services for victims of domestic violence; providing for the Department of Children and Family Services to contract with a statewide nonprofit association to offer the legal services; providing that a predominant consideration in the allocation of funds be achievement of specific outcome measures; providing for the department to develop outcome measures; providing for the department to determine which services will be provided based on funding generated; providing for the department to adopt rules; amending s. 39.904, F.S.; providing for the inclusion of additional provisions in the annual report on domestic violence; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Meek—

SB 90—A bill to be entitled An act relating to the Voting System Technology Task Force; creating a Voting System Technology Task Force; providing for membership, officers, organization, per diem, and staffing; providing duties; providing for a report and termination of the task force upon submission of the report; providing an appropriation; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Meek, Campbell, Dawson, Dyer, Jones, Klein and Mitchell—

SJR 92—A joint resolution proposing an amendment to Section 4 of Article III of the State Constitution, relating to quorum and procedure, to require that open meetings rules apply to meetings between the Governor and the President-Designate of the Senate or the Speaker-Designate of the House of Representatives.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Laurent—

SB 94—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; prohibiting certain communications with a debtor who is represented by an attorney; prohibiting the causing of charges to be made to a debtor; amending s. 559.77, F.S.; revising civil remedies for engaging in prohibited collection practices; providing for damages in class actions; prescribing circumstances under which liability does not attach; providing a limitation on bringing an action for a remedy for unlawful collection practices; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By Senator Campbell—

SB 96—A bill to be entitled An act relating to cross-reporting of family violence; amending ss. 39.201 and 828.073, F.S.; requiring animal control officers or other agents appointed under s. 828.03, F.S., to report known or suspected child abuse, abandonment, or neglect; reenacting s. 39.205, F.S.; providing a penalty; requiring a training component; creating s. 39.208, F.S.; requiring persons who are required to report or investigate child abuse, abandonment, or neglect under ch. 39, F.S., to report known or suspected animal abuse, neglect, cruelty, or abandonment; specifying information to be reported; providing a penalty; requiring a training component; providing an effective date.

—was referred to the Committees on Children and Families; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Campbell—

SB 98—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Campbell—

SB 100—A bill to be entitled An act relating to child custody jurisdiction and enforcement; creating the “Uniform Child Custody Jurisdiction and Enforcement Act”; providing purposes of act; providing definitions; specifying proceedings not governed by the act; providing application to Indian tribes; providing international application of the act; providing the effect of a child custody determination; providing priority for questions of jurisdiction under the act; providing for notice to persons outside the state; providing for appearance at proceedings and limited immunity; providing for communication between courts of this state and courts of other states; providing for taking testimony in another state; providing for cooperation between courts and the preservation of records; providing for initial child custody jurisdiction; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a child custody determination; providing for temporary emergency jurisdiction; providing for notice, opportunity to be heard, and joinder; providing procedures with respect to simultaneous proceedings; providing for determination of an inconvenient forum; providing procedures for a decline of jurisdiction by reason of conduct; specifying information to be submitted to the court; providing for the appearance of the parties and the child at proceedings; providing definitions relating to enforcement; providing for enforcement under the Hague Convention; providing duty of the court to enforce child custody determinations of a court of another state; providing for temporary visitation; providing for registration of out-of-state child custody determinations; providing for enforcement of registered determinations; providing procedures with respect to simultaneous proceedings; providing for expedited enforcement of a child custody determination; providing for service of petition and order; providing for hearing and order; providing for issuance of a warrant to take physical custody of a child under certain circumstances; providing for award of costs, fees, and expenses to the prevailing party; providing for recognition of enforcement orders of a court of another state; providing for appeals; providing for actions by the state attorney; providing for actions by law enforcement officers; providing for assessment of costs and expenses incurred by the state attorney and law enforcement officers; providing for application and construction of the act; providing severability; providing for transition; amending ss. 39.502, 61.13, and 741.30, F.S.; conforming references and cross-references; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and 61.1348, F.S., relating to the “Uniform Child Custody Jurisdiction Act”; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Geller—

SB 102—A bill to be entitled An act relating to Indian gaming activities; providing for ratification by the Legislature of Tribal-State compacts; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Regulated Industries; Finance and Taxation; and Rules and Calendar.

By Senator Geller—

SB 104—A bill to be entitled An act relating to the operation of cardrooms; amending s. 849.086, F.S.; prescribing licensing requirements when more than one permitholder uses the same facility; providing cardroom license fees; revising standards on when cardrooms may be operated and the amount of bets allowable for each round, hand, or game; authorizing facilities to award prizes; revising the rate of the gross receipts tax on admissions; revising the amount of cardroom receipts that must be used to supplement greyhound and jai alai purses; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Campbell and Cowin—

SB 106—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney’s fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents’ visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent’s right to adopt; amending s. 61.13, F.S.; providing for great-grandparents’ visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Geller—

SB 108—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court or judge of compensation claims; requiring that the court or judge make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing that the act does not authorize transfers that contravene other applicable law; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Geller—

SB 110—A bill to be entitled An act relating to local government code enforcement; amending s. 162.09, F.S.; providing that money judgments on liens apply to specified real and personal property; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Judiciary.

By Senator Geller—

SB 112—A bill to be entitled An act relating to food product dating; requiring that food products display shelf-life expiration dates; providing exceptions; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 114—A bill to be entitled An act relating to school personnel; requiring the Department of Education to limit the number of noninstructional personnel that may be employed by school districts; defining the term “noninstructional personnel”; requiring that the department classify school districts based on the number of full-time-equivalent students enrolled in the district; requiring that the department establish ratios within each district classification for the maximum percentage of noninstructional personnel to full-time-equivalent students; limiting the maximum ratios that the department may establish; requiring a reduction in state funds for any school district that exceeds the maximum percentage of noninstructional personnel; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Sullivan—

SB 116—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing requirements relating to home inspection services; providing legislative intent; providing definitions; providing certain inspector qualifications and practice standards; providing exemptions; requiring, before inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report to the client on the results of the inspection and requiring provision of relevant portions thereof to homeowners under certain circumstances; prohibiting certain acts for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; providing for injunction against use of the title “board-certified home inspector” under certain circumstances and requiring notice thereof to potential clients; providing for the filing of complaints; requiring maintenance of records regarding complaints and compilation of statistics regarding such complaints; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sullivan—

SB 118—A bill to be entitled An act relating to the College Fast Start Program; creating s. 239.515, F.S.; establishing the College Fast Start Program; providing legislative intent; defining terms; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; requiring an advisory council to review proposals and recommend an order of priority for funding; providing membership of the advisory council; providing for funding of the program; providing methodology for

competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance and the Postsecondary Education Planning Commission to develop specifications and procedures for the transmission of such data; requiring the alliance to report to the Governor, the Legislature, and the Commissioner of Education annually on the effectiveness of the program; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senators Rossin, Campbell, Dyer, Klein, Mitchell and Geller—

SB 120—A bill to be entitled An act relating to pharmaceutical expense assistance; amending s. 409.9065, F.S.; revising the eligibility requirements for the pharmaceutical expense assistance program; deleting a requirement that a participant be eligible for the Medicaid program; requiring that the Agency for Health Care Administration notify Medicare recipients of the program; requiring the agency to establish a toll-free telephone number for obtaining information about the program; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Burt—

SB 122—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Burt—

SJR 124—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution, relating to excessive punishment.

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

By Senator Brown-Waite—

SB 126—A bill to be entitled An act relating to Xeriscape; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; prohibiting certain restrictions on the practice of Xeriscape; providing an effective date.

—was referred to the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

By Senators Lee and Cowin—

SB 128—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the rate of such tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities

in a Florida's Future Investment Fund to conform; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Silver—

SB 130—A bill to be entitled An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Education.

By Senator Silver—

SB 132—A bill to be entitled An act relating to mining activities; repealing s. 552.30, F.S.; deleting provisions authorizing the State Fire Marshal to adopt standards for the use of explosives in conjunction with the mining of construction materials; deleting provisions authorizing the State Fire Marshal to establish statewide ground-vibration limits for the mining of construction materials; eliminating the authority of the State Fire Marshal to delegate certain monitoring and enforcement duties; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Banking and Insurance; and Transportation.

By Senator Campbell—

SB 134—A bill to be entitled An act relating to firearm manufacturer product liability; creating s. 790.0653, F.S.; providing definitions; defining the term "integrated safety device"; limiting product liability actions against firearm manufacturers or firearm dealers if the firearm has an integrated safety device when sold or delivered to the initial purchaser or user; providing that the act does not prohibit specified actions; clarifying requirements of the act; providing for a one-time waiver of the firearm license fee if the owner retrofits a firearm with an integrated safety device; amending s. 790.174, F.S.; clarifying application of the term "secured firearm" for purposes of provisions requiring the safe storage of firearms; providing an effective date.

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

By Senator Campbell—

SB 136—A bill to be entitled An act relating to rules of evidence; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Campbell, Latvala and Sebesta—

SB 138—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption pro-

ceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for post-judgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.182, F.S.; providing a 1-year statute of repose for actions to set aside or vacate a judgment of adoption or a judgment terminating parental rights pending adoption; providing a 2-year statute of repose for an action in fraud to set aside or vacate a judgment of adoption or a judgment terminating parenting rights; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or affidavit or nonpaternity; amending ss. 984.03, 985.03, F.S.; conforming cross-references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Senator Geller—

SJR 140—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution, relating to finance and taxation, to allow the Legislature by general law to exclude from assessed value for ad valorem tax purposes value attributable to improvements made for purposes of disaster preparedness.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

By Senator Geller—

SB 142—A bill to be entitled An act relating to health insurance coverage for infertility; creating ss. 627.64062 and 627.65742, F.S., and amending s. 641.31, F.S.; requiring coverage by health insurance policies, group, franchise, and blanket health insurance policies, and health maintenance contracts for diagnosis and treatment of infertility under certain circumstances; providing requirements and criteria; providing limitations; providing definitions; providing an exception for certain religious organizations; providing application; excluding payments for donor eggs or certain medical services; amending ss. 627.651, 627.6515, and 627.6699, F.S.; providing for application to group contracts and plans of self-insurance, out-of-state groups, and standard, basic, and limited health benefit plans; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 144—A bill to be entitled An act relating to improper activity over the Internet; amending s. 847.001, F.S.; defining the term "child pornography" for purposes of ch. 847, F.S.; clarifying the definition of the term "sexual conduct"; defining the term "transmit"; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Geller—

SB 146—A bill to be entitled An act relating to high-occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in such lanes, regardless of occupancy; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Meek—

SB 148—A bill to be entitled An act relating to protection of children's health; providing legislative findings and intent; providing definitions; providing for appointment of the Children's Health and Environmental Protection Advisory Committee; providing for organization and meetings and for termination of the advisory committee; providing for staff support by the Department of Environmental Protection; providing for reimbursement of members' per diem and travel expenses; providing duties of the advisory committee; requiring a report and recommendations; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Horne—

SB 150—A bill to be entitled An act relating to property exempt from legal process; amending s. 222.25, F.S.; exempting certain debtor's interests from attachment, garnishment, or legal process; providing an effective date.

—was referred to the Committees on Judiciary; and Finance and Taxation.

By Senators Dawson and Campbell—

SB 152—A bill to be entitled An act relating to elections; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, 98.0975, F.S., to conform; providing a conditional effective date.

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

By Senator Dawson—

SB 154—A bill to be entitled An act relating to wage discrimination; creating the "Fair Pay Act"; amending s. 760.02, F.S.; providing definitions; amending s. 760.06, F.S.; providing an additional duty of the Florida Commission on Human Relations; providing for the adoption of specified rules; amending s. 760.10, F.S.; clarifying provisions governing discrimination against individuals with respect to compensation, terms, conditions, or privileges of employment which constitutes an unlawful employment practice; providing administrative and civil remedies; creating s. 760.105, F.S.; specifying wage disclosure, recordkeeping, and reporting requirements; providing for relief and damages for violations; amending s. 760.11, F.S., relating to administrative and civil remedies under the Florida Civil Rights Act of 1992; including s. 760.105, F.S., within the scope of the act; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Cowin—

SB 156—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and school supplies shall be exempt from such tax; defining the terms "clothing" and "school supplies" for purposes of the exemption; providing for rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 158—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senators Brown-Waite, Latvala, Sullivan, Campbell and Cowin—

SJR 160—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution, relating to finance and taxation, to

allow counties to provide for a reduction in the assessed value of residential property equal to the increase in such value which results from constructing living quarters for certain persons over the age of 62 years.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

By Senators Brown-Waite, Latvala, Sullivan, Campbell and Cowin—

SB 162—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.703, F.S.; providing for a reduction in assessment for living quarters of parents or grandparents of property owners or of their spouses; providing limitations; providing application procedures; providing penalties for making a willfully false statement in the application; providing a contingent effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

By Senator Geller—

SB 164—A bill to be entitled An act relating to governmental reorganization; creating the Department of Banking and Insurance; repealing ss. 20.12, 20.13, F.S.; abolishing the Department of Banking and Finance and the Department of Insurance; amending ss. 17.011, 17.02, 17.03, 17.031, 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.06, 17.075, 17.076, 17.08, 17.09, 17.10, 17.11, 17.12, 17.13, 17.14, 17.16, 17.17, 17.20, 17.21, 17.22, 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.32, 17.325, 17.41, 17.43, F.S.; providing conforming changes; transferring, renumbering, and amending ss. 18.01, 18.02, 18.021, 18.06, 18.07, 18.091, 18.10, 18.101, 18.103, 18.104, 18.125, 18.15, 18.17, 18.20, 18.23, 18.24, F.S.; providing conforming changes; transferring the duties, powers, functions, records, personnel, property, unexpended balances of appropriations, and other funds of the Department of Insurance and the Department of Banking and Finance to the Department of Banking and Insurance; transferring the duties, powers, functions, records, personnel, property, unexpended appropriations, and other funds of the Division of State Fire Marshal of the Department of Insurance to the Department of Agriculture and Consumer Services; repealing s. 18.03, F.S., relating to residence and office of the Treasurer; repealing s. 18.05, F.S., relating to annual report to Governor; repealing s. 18.08, F.S., relating to warrants turned over to the Comptroller; repealing s. 18.09, F.S., relating to annual report to the Legislature; repealing s. 18.22, F.S., relating to rulemaking authority of the Department of Banking and Finance; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 166—A bill to be entitled An act relating to parent-child privilege; creating s. 90.5045, F.S.; creating a parent-child privilege to prevent disclosure of communications that were intended to be made in confidence; providing proceedings in which the privilege does not exist; providing for waiver of the privilege; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Geller—

SB 168—A bill to be entitled An act relating to health insurance; creating the "Equity in Prescription Insurance and Contraceptive Coverage Act"; providing legislative findings and intent; providing requirements with respect to plans provided by religious health plan sponsors; creating ss. 627.64061, 627.65741, F.S., and amending 641.31, F.S.; requiring certain health insurance policies and health maintenance contracts to provide coverage for prescription oral contraceptives; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; amending s. 627.6699, F.S.; applying certain re-

quirements for group coverage relating to prescription oral contraceptives to small employer carriers issuing health benefit plans; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 170—A bill to be entitled An act relating to citrus canker eradication; amending s. 581.184, F.S.; revising requirements with respect to compensation for citrus trees removed as part of an eradication program; providing appropriations; directing the department to compensate certain owners of citrus trees removed as part of eradication programs; providing retroactive applicability; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 172—A bill to be entitled An act relating to elections; creating the Voting Integrity Act; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Saunders—

SB 174—A bill to be entitled An act providing for the study of elections procedures; creating the Elections Task Force within the Department of State; providing for its membership and duties; providing for per diem and travel expenses of its members; requiring a report; providing for abolition of the commission; providing an appropriation; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 176—A bill to be entitled An act relating to DUI programs; amending s. 322.292, F.S.; providing that governmental agencies and not-for-profit corporations may operate DUI programs licensed and regulated by the Department of Highway Safety and Motor Vehicles; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; and Appropriations.

By Senator Brown-Waite—

SB 178—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing an effective date.

—was referred to the Committees on Judiciary; and Finance and Taxation.

By Senator Silver—

SB 180—A bill to be entitled An act relating to computer crimes; providing a short title; providing legislative intent and findings; providing definitions; prohibiting specified activities that, if performed knowingly and without permission, constitute the offense of computer interference; specifying penalties to be imposed for the offense of computer

interference; authorizing an action for compensatory damages against a person convicted of the offense of computer interference; providing that certain actions of a minor be imputed to the minor's parent or legal guardian for purposes of obtaining a civil remedy; providing for an award of attorney's fees to the prevailing party; requiring colleges and universities to include computer-related crime as a violation of rules governing student conduct; providing for disciplinary sanctions; providing that property used in connection with an offense of computer interference is subject to forfeiture under the Florida Contraband Forfeiture Act; providing circumstances under which a person may be convicted under the act in multiple jurisdictions; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Silver—

SB 182—A bill to be entitled An act relating to insurance; amending s. 627.0628, F.S.; providing that insurers may not use a model to determine hurricane-loss factors for use in a rate filing until the Florida Commission on Hurricane Loss Projection Methodology finds that a publicly owned model developed by the State University System is reliable to determine such factors; amending s. 627.351, F.S.; modifying membership of the board of directors of the Florida Windstorm Underwriting Association; providing for assignment by the association of personal lines residential policies located in a deauthorized area to authorized insurers; providing criteria for distributing assigned policies; providing procedures; providing that assignment of a policy does not affect the producing agent's entitlement to unearned commission; providing for appeals of assignment of policies to the Department of Insurance; providing that a failure to accept residential policies assigned by the association is a willful violation of the Florida Insurance Code; authorizing the department to adopt rules; repealing s. 627.062(6), F.S., relating to rate standards; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Governmental Oversight and Productivity.

By Senator Silver—

SB 184—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that a publicly owned facility meeting certain criteria at which a collegiate football team is based may use those proceeds for the purpose of renovating the facility; providing for reporting of sales to the Department of Revenue; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; and Governmental Oversight and Productivity.

By Senator Clary—

SB 186—A bill to be entitled An act relating to the Florida Uniform Balloting Act; expressing the legislative intent to enact a Florida Uniform Balloting Act; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 188—A bill to be entitled An act relating to the Florida Retirement System; declaring legislative intent to revise the laws governing the system; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 190—A bill to be entitled An act relating to building codes; expressing the legislative intent to revise the laws relating to building codes; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 192—A bill to be entitled An act relating to education; expressing the legislative intent to revise the laws relating to education; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 194—A bill to be entitled An act relating to environmental protection; expressing the legislative intent to revise the laws relating to environmental protection; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 196—A bill to be entitled An act relating to education; expressing the legislative intent to provide for improved safety in schools; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 198—A bill to be entitled An act relating to election reform; declaring legislative intent to revise the Florida Election Code; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator King—

SB 200—A bill to be entitled An act relating to absentee ballots; creating the Military Voter Protection Act; declaring legislative intent to enact legislation to ensure the integrity of absentee ballots cast by military personnel; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senators Lee and Latvala—

SB 202—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Taxation; and Agriculture and Consumer Services.

SR 204—Not referenced.

By Senator Villalobos—

SB 206—A bill to be entitled An act relating to motor vehicle airbag replacement; creating s. 860.146, F.S.; prohibiting the replacement of an airbag with anything other than a bona fide new airbag; providing a penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 208—A bill to be entitled An act relating to consumer protection; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; eliminating an exemption from regulation under part II of ch. 501, F.S., for persons regulated under laws administered by other agencies; providing an effective date.

—was referred to the Committees on Criminal Justice; and Commerce and Economic Opportunities.

By Senators Saunders and Carlton—

SB 210—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Klein—

SJR 212—A joint resolution proposing the repeal of Section 19 of Article X of the State Constitution, which requires the development and operation of a high-speed ground transportation system.

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

By Senator Brown-Waite—

SB 214—A bill to be entitled An act relating to public-school instruction in human sexuality; requiring written parental consent prior to such instruction; requiring the provision of alternative instruction; prohibiting schools from penalizing nonparticipation in such instruction; requiring recordkeeping; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Villalobos—

SB 216—A bill to be entitled An act relating to motor vehicles; amending s. 860.145, F.S.; requiring that motor vehicle airbags be identified with a number; prohibiting certain acts regarding airbags; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Horne—

SB 218—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Dawson—

SB 220—A bill to be entitled An act relating to health insurance; creating ss. 627.6414, 627.65753, F.S., and amending s. 641.31, F.S.; requiring health insurance policies and health maintenance contracts to provide for one routine eye examination for certain children by a licensed ophthalmologist or licensed optometrist selected by the patient; providing for medically necessary followup visits; providing for the cost of the examination to be covered by the insurer or health maintenance organization; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Dawson—

SB 222—A bill to be entitled An act relating to health insurance; creating ss. 627.6410 and 627.65747, F.S., and amending s. 641.31, F.S.; prohibiting certain health insurance policies and health maintenance contracts from applying certain payments to certain limits specified in the policies or contracts; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Dawson and Sanderson—

SB 224—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Productivity.

By Senator Dawson—

SB 226—A bill to be entitled An act relating to prisons; creating the “Protection Against Sexual Violence in Florida Jails and Prisons Act”;

amending ss. 944.35, 951.23, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; authorizing the department and county and municipal detention facilities to provide an orientation program and counseling; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; creating s. 951.223, F.S.; prohibiting an officer or employee of a county or municipal detention facility from receiving any gift or other compensation from a prisoner or making any gift or present to a prisoner without the permission of the administrator of the facility; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Latvala and Posey—

SB 228—A bill to be entitled An act relating to the surcharge on alcoholic beverage sales; amending s. 561.501, F.S.; eliminating the surcharge on beverages sold for on-premises consumption; amending s. 561.121, F.S.; providing for deposit of certain beverage excise tax revenues into the Children and Adolescents Substance Abuse Trust Fund; amending s. 561.025, F.S.; conforming a cross-reference; providing effective dates.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Villalobos—

SB 230—A bill to be entitled An act relating to voting methods and procedure; creating s. 101.005, F.S.; providing for a uniform statewide voting system and ballots; providing rulemaking authority to the Department of State to adopt standards for the system and requirements for the ballots; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 232—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding certain mixtures containing hydrocodone to the substances listed under Schedule III as a controlled substance; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Burt, Latvala, Posey, Peaden, Campbell, Holzendorf, Bronson, Pruitt, Smith, Crist, Diaz de la Portilla, Lawson, Miller, Rossin, Wasserman Schultz, Mitchell, Webster, Cowin and Sanderson—

SB 234—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 236—A bill to be entitled An act relating to motor fuel marketing practices; amending s. 526.303, F.S.; repealing the definitions of the terms “direct labor cost,” “nonrefiner,” “nonrefiner cost,” “reasonable rental value,” and “refiner cost” with respect to regulating motor fuel marketing practices; repealing s. 526.304, F.S., relating to unlawful predatory practices; repealing s. 526.309, F.S., relating to exempt sales; amending s. 526.305, F.S.; deleting an obsolete cross-reference; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Commerce and Economic Opportunities; and Judiciary.

By Senators Mitchell, Sullivan, Sebesta, Jones, Dawson, Holzendorf, Wasserman Schultz, Latvala, Horne, Clary, Rossin, Meek, Dyer, Lawson, Garcia, Lee, Silver, Campbell, Smith and Miller—

SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting the imposition of a sentence of death on a defendant who suffers from mental retardation if the mental retardation is directly related to the defendant’s conduct at the time of the crime; providing requirements for raising mental retardation as a bar to the death sentence; providing for a separate proceeding to determine whether the defendant suffers from mental retardation; providing for an determination of mental retardation to be appealed; providing for application of provisions prohibiting imposition of a sentence of death; amending ss. 921.141, 921.142, F.S.; providing for a defendant’s mental retardation to be considered as a mitigating circumstance by the jury for purposes of the advisory sentence recommended by the jury in a capital felony or a capital drug-trafficking felony; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Smith—

SB 240—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system serve the sentence for such crime in the state system, regardless of the length of sentence imposed; requiring that the sentence be served consecutive to any sentence previously imposed on the prisoner; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Brown-Waite—

SB 242—A bill to be entitled An act relating to nursing home facilities; creating s. 400.0223, F.S.; providing that a nursing home facility may not prohibit the installation of audio or video recording devices in residents’ rooms; providing a restriction; providing immunity from claims and legal actions for facilities that install recording devices in residents’ rooms, unless negligence on the part of the facility is a cause of a resident’s accident or injury; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Comprehensive Planning, Local and Military Affairs; and Judiciary.

By Senator Lawson—

SB 244—A bill to be entitled An act for the relief of Patsy Baucio and Valentino Baucio; providing an appropriation to compensate them for injuries and damages they sustained as a result of the negligence of a Department of Transportation employee; providing an effective date.

—was referred to the Special Master; and the Committees on Transportation; and Finance and Taxation.

By Senator Brown-Waite—

SB 246—A bill to be entitled An act relating to the crime of contributing to the delinquency or dependency of a child; amending s. 827.04, F.S.; defining the terms “child in need of services,” “delinquent child,” and “dependent child”; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Saunders—

SB 248—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 28.101, F.S.; increasing the fee charged by the clerk of the circuit court in dissolution of marriage cases; providing that the fee be deposited in the Domestic Violence Trust Fund; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers’ intervention program; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; providing legislative intent that ex parte temporary injunctions protect a victim as long as he or she is in danger; requesting the Supreme Court to adopt rules to require extensions of temporary injunctions; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; requiring the Batterers’ Intervention Program to provide notification of discharge; providing that respondents must complete the Batterers’ Intervention Program if ordered; providing for the court not to modify or dissolve an injunction unless failure to complete the Batterers’ Intervention Program is justified; providing for recording of proceedings; directing the Office of State Court Administrator to examine and develop recommendations concerning certain court practices; providing for a report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Brown-Waite—

SB 250—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; providing that in certain criminal prosecutions involving domestic violence, evidence of prior acts of domestic violence by the defendant may be admissible; providing an effective date.

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

By Senator King—

SB 252—A bill to be entitled An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the term “employment information”; providing for injunctive relief; providing a presumption; providing for fees to cover certain costs incurred by the employer; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Senator Saunders—

SB 254—A bill to be entitled An act relating to public medical assistance; amending s. 395.701, F.S.; reducing the annual assessment on

hospital outpatient services to fund public medical assistance; amending s. 395.7015, F.S.; reducing the annual assessment on certain other health care entities to fund public medical assistance; providing for annual appropriations to replace funds lost due to such reductions; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Mitchell, Latvala, Miller, Campbell, Clary, Sullivan and Dawson—

SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—was referred to the Committees on Transportation; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 258—A bill to be entitled An act relating to weapons and firearms; creating s. 790.0625, F.S.; requiring that a person obtain a license from the Office of the Attorney General before purchasing a handgun; defining the term “handgun”; requiring that a person undergo a background check and successfully complete a course on handgun safety in order to obtain a handgun license; providing for issuance of a renewal handgun license; authorizing the Office of the Attorney General to adopt rules; providing for fees; providing requirements for issuing licenses; providing a penalty for purchasing a handgun without a license; providing that certain law enforcement officers and correctional officers are exempt from licensure; amending s. 790.25, F.S., relating to the lawful ownership, possession, and use of firearms; conforming provisions to changes made by the act; providing an effective date.

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

By Senators Geller and Villalobos—

SB 260—A bill to be entitled An act relating to motor vehicles; amending s. 860.145, F.S.; increasing a criminal penalty under the Airbag Antitheft Act; requiring airbags to be marked with vehicle identification numbers; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

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

By Senator Bronson—

SB 262—A bill to be entitled An act relating to the placement of rip current warning signs; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the location, distribution, and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing for the responsibilities of governmental entities; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Judiciary.

By Senators Silver, Lawson, Miller, Mitchell, Wasserman Schultz and Smith—

SB 264—A bill to be entitled An act relating to educational benefits for children of slain law enforcement officers and firefighters; amending ss. 112.19, 112.191, F.S.; providing for graduate or postbaccalaureate educational expenses to be waived for children of officers and firefighters killed in the line of duty; providing for the waiver to apply to a child who attends a state institution as a full-time or part-time student; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Silver—

SB 266—A bill to be entitled An act relating to campaign financing; amending s. 106.021, F.S.; specifying that certain endorsements are not contributions or expenditures for purposes of ch. 106, F.S.; amending s. 106.08, F.S.; prohibiting contributions made during a certain period preceding the first primary election through the general election which exceed a specified amount; providing penalties; creating s. 106.293, F.S.; requiring the state executive committee of each political party to report contributions in excess of a specified amount to the Division of Elections within the Department of State; requiring the division to adopt rules governing such reports; providing penalties for failure to timely make reports; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Silver—

SB 268—A bill to be entitled An act relating to DNA testing; creating s. 943.3255, F.S.; requiring felony arrestees to provide blood samples for DNA testing; providing duties of law enforcement agencies and the Department of Law Enforcement; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Silver—

SB 270—A bill to be entitled An act relating to public records; exempting from public records disclosure the results of DNA testing and analysis of blood samples provided by persons arrested for felonies; prescribing entities to whom results may be disclosed; providing for destruction of such records in specified circumstances; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Klein—

SB 272—A bill to be entitled An act relating to law enforcement officers; amending s. 817.564, F.S.; providing an exemption from civil or criminal liability for the sale of imitation controlled substances by law enforcement officers and other persons acting at their direction; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Lee—

SB 274—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida

Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 1999 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 special session, the 2000 regular session, and the 2001 regular session are not repealed by this adoption act.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 276—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.45, 11.513, 17.26, 20.12, 20.18, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 278—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 215.5601, 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.3335, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 288.125, 290.0056, 290.0058, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 230.23025(2), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3., 288.7771(1), 333.07(3)(c), 348.83(5), and 364.025(4)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 280—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.3036, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 443.232, 445.024, 446.50, 456.025, 456.039,

458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 377.709(5)(b), 381.0045(3), 383.0112(2)(g), 403.854(2)(b), 411.019(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 282—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 519.101, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.351, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 284—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215, 985.225, and 985.228, F.S.; and reenacting ss. 985.23; and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 286—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 90.803, 627.736, 752.01, and 924.07, F.S., and repealing s. 874.04, F.S., to conform to judicial decisions holding said provisions or parts thereof unconstitutional.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 288—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 206.9825(2), 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105, 442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser’s bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 290—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was referred to the Committee on Rules and Calendar.

By Senator Wasserman Schultz—

SB 292—A bill to be entitled An act for the relief of the estate of Frank Lee Smith; providing an appropriation to compensate that estate for Mr. Smith’s having been the victim of a miscarriage of justice; providing for a waiver of any claims by the estate of Frank Lee Smith; providing an effective date.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Senators Sanderson and Geller—

SB 294—A bill to be entitled An act relating to the Fair Housing Act; amending s. 760.29, F.S.; providing that, to qualify for the exemption from said act with respect to familial status for housing for older persons, a facility or community shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Carlton—

SB 296—A bill to be entitled An act relating to marine biotechnology research, training, and industry development; establishing the Florida Marine Biotechnology Research, Training, and Development Program; providing for program focus; providing legislative intent; providing long-term goals; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

SR 298—Not referenced.

By Senator Silver—

SJR 300—A joint resolution proposing the creation of Section 19 of Article X of the State Constitution, relating to windstorm insurance, to limit rate increases allowed for windstorm insurance and to authorize the Legislature to provide by general law for rate increases in excess of the limit.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Pruitt—

SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the “Higher Educational Facilities Financing Act”; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Pruitt—

SB 304—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term “employee,” for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Comprehensive Planning, Local and Military Affairs.

By Senators Clary and Smith—

SB 306—A bill to be entitled An act relating to crime victims and witnesses; amending s. 947.175, F.S.; requiring that the Parole Commission notify a victim’s parent, guardian, or next of kin under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim’s parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a crime victim or witness be informed of the address confidentiality program; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Saunders—

SB 308—A bill to be entitled An act relating to the definition of “political committee”; amending s. 106.011, F.S.; modifying the definition of “political committee”; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Constantine—

SB 310—A bill to be entitled An act relating to growth management; providing that the Legislature intends to enact legislation to amend chapters 163 and 380, F.S., relating to the state’s system of growth management; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 312—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S.; deleting provisions authorizing certain associations to require rate arbitration of rate filings; repealing s. 627.062(6), F.S., relating to an insurer’s alternative under rate standards to require arbitration of rate filings; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; and Comprehensive Planning, Local and Military Affairs.

By Senator Campbell—

SB 314—A bill to be entitled An act relating to the Money Transmitter’s Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer’s check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an appropriation; providing effective dates.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Campbell and Smith—

SB 316—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; expanding the liability of the state and its agencies and subdivisions under specified circumstances; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 318—A bill to be entitled An act relating to water resources; amending s. 373.1501, F.S.; providing for restrictions on the sale or transfer of water rights; creating s. 373.255, F.S.; providing for restrictions on permits for the consumptive use of water; providing an effective date.

—was referred to the Committees on Natural Resources; Agriculture and Consumer Services; and Comprehensive Planning, Local and Military Affairs.

By Senator Campbell—

SB 320—A bill to be entitled An act relating to the practice of tattooing; creating part XV of ch. 468, F.S., the Tattoo Practice and Tattoo Establishment Act; providing legislative intent with respect to the regulation of the practice of tattooing; providing definitions; prohibiting the practice of tattooing unless a person is licensed or registered by the Department of Business and Professional Regulation; requiring the licensure of a tattoo establishment; requiring that the department establish requirements for licensure and registration; exempting physicians licensed under ch. 458 or ch. 459, F.S., from regulation under the act; specifying requirements for licensure and license renewal; providing requirements for registration as an intern tattooist or apprentice tattooist; requiring certain courses of continuing education; prohibiting the transfer of a license or registration; providing practice requirements for tattooists, intern tattooists, and apprentice tattooists; specifying fees for initial licensure and registration and annual renewal thereof; specifying acts that constitute grounds under which the department may take disciplinary action; providing for disciplinary proceedings and fines; authorizing the Department of Business and Professional Regulation to adopt rules to administer the act; requiring that the department provide legal and investigative services to administer the act; providing requirements for persons applying for registration as an intern tattooist or apprentice tattooist; prohibiting the tattooing of a minor without the presence and consent of the minor’s parent or guardian; prohibiting the tattooing of a minor under a specified age; providing penalties for certain violations involving the practice of tattooing; authorizing the department or the state attorney to enjoin a continuing violation of the act; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 322—A bill to be entitled An act relating to youthful offenders; amending s. 958.03, F.S.; redefining the term “youthful offender” to include any inmate under a specified age; amending s. 958.11, F.S.; requiring that the Department of Corrections continuously screen its institutions, facilities, and programs for the presence of inmates who are under that specified age; requiring that the department classify and assign any such offender as a youthful offender; amending s. 944.17, F.S., relating to commitments and classifications of prisoners; clarifying that inmates under that specified age are classified as youthful offenders and assigned to facilities for youthful offenders; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Geller—

SB 324—A bill to be entitled An act relating to the sentencing of juveniles; amending s. 985.233, F.S.; providing for the court to sentence a juvenile who has committed a criminal offense to a combination of juvenile and adult sanctions; requiring that the juvenile complete a juvenile commitment program as part of such a sentence; authorizing the court to impose adult sanctions if the juvenile violates any provision of the juvenile commitment program; deleting provisions prohibiting the court from imposing a combination of adult and juvenile punishments; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Saunders—

SB 326—A bill to be entitled An act relating to student transportation; amending ss. 234.021, 236.083, F.S.; amending criteria for determining the annual allocation to each school district of funds for transportation to public school programs of students who are in kindergarten through grade 12; providing for state or local governmental entities that have jurisdiction over hazardous conditions to make appropriate budgetary provision for correcting such conditions within a reasonable time; amending criteria used in designating a hazardous walking condition; providing an effective date.

—was referred to the Committees on Education; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Education; and Appropriations.

By Senator Geller—

SB 328—A bill to be entitled An act relating to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0628, F.S.; limiting authority of insurers to use findings of the commission in a rate filing under s. 627.062, F.S.; providing that such findings are not admissible and relevant in consideration by the Department of Insurance of a rate filing unless the department has access to all factors and assumptions used in developing the standards or models found by the commission to be reliable or accurate; repealing s. 627.062(6), F.S., which provides for arbitration of property and casualty insurance rate filings; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Governmental Oversight and Productivity.

By Senators Sullivan, Garcia, Latvala, Miller and Crist—

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Klein—

SB 332—A bill to be entitled An act relating to technology development; expressing the legislative intent to foster the economic development of high-technology industries, including the information-technology sector; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Klein—

SB 334—A bill to be entitled An act relating to the health-technology industry; expressing the legislative intent to foster the economic development of health-technology businesses; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Constantine—

SB 336—A bill to be entitled An act relating to a statewide unified building code; expressing the legislative intent to amend the provisions of the Florida Building Code; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 338—A bill to be entitled An act relating to criminal justice; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting a law enforcement officer with violence to the officer's person; providing penalties for specified murders involving the perpetration of or the attempt to perpetrate the act of resisting a law enforcement officer with violence to the officer's person; reenacting ss. 775.0823(1), (2), (3), (4), (5), and (6), 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges, relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 340—A bill to be entitled An act relating to moving companies; creating the "Movers Regulation Act"; providing definitions; providing construction and legislative intent; providing for the Department of Agriculture and Consumer Services to regulate businesses engaged in intrastate transportation of household goods; providing that the act does not supersede local ordinances; prohibiting a person from engaging in business as a mover without obtaining an operating permit from the Department of Agriculture and Consumer Services; requiring that a mover be bonded or establish financial security of a specified amount; providing application requirements; providing for a permit fee; authorizing the department to bring an action to recover against a mover's bond or financial security; specifying circumstances under which the department may deny or refuse to renew an operating permit; providing a procedure for a mover to appeal a denial or revocation of an operating permit; providing for issuance of a replacement permit; requiring that a permit be annually renewed; requiring a mover to provide a written estimate to a shipper; providing requirements for the written estimate; authorizing a mover to require a deposit before loading a shipper's household goods; specifying circumstances under which a mover may retain the deposit; requiring that a mover prepare a written contract before performing any service on behalf of a shipper; providing requirements for the written contract; requiring that the contract contain a disclosure statement; prohibiting a mover from charging a fee in excess of the written contract; providing an exception; requiring that a mover accept certain forms of payment; providing that a violation of the act is a civil infraction; providing penalties; providing procedures for contesting a citation issued by the department; providing that certain offenses involving the unlawful increase of the contract amount or failure to relinquish household goods are felony offenses; authorizing the Department of Legal Affairs to prosecute violations of the act under the Florida

Deceptive and Unfair Trade Practices Act; authorizing the Department of Agriculture and Consumer Services to enter into the business premises of a mover to enforce compliance with the act; providing that the act preempts conflicting local laws or ordinances; amending s. 895.02, F.S.; defining felony violations of the act as “racketeering activity” under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; providing for severability; providing an effective date.

—was referred to the Committees on Regulated Industries; Agriculture and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Clary, Latvala, Klein, Silver, Lee, Dyer, Brown-Waite, Geller, Campbell, Rossin and Smith—

SB 342—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician’s authority to prohibit generic drug substitution by writing “medically necessary” on the prescription; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Brown-Waite and Cowin—

SB 344—A bill to be entitled An act relating to water and wastewater systems; reenacting s. 350.0611, F.S., relating to duties and powers of the Public Counsel; providing an effective date.

—was referred to the Committees on Regulated Industries; Rules and Calendar; Appropriations Subcommittee on Education; and Appropriations.

By Senator Pruitt—

SB 346—A bill to be entitled An act relating to the sale of arms to minors; amending s. 790.18, F.S.; prohibiting a dealer in arms from selling or transferring a flare pistol to a minor; providing a penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Pruitt and Geller—

SB 348—A bill to be entitled An act relating to condominiums; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; providing for investigation and a formal hearing; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Dawson and Miller—

SB 350—A bill to be entitled An act relating to individual development accounts; providing purposes; providing definitions; requiring the Department of Children and Family Services to amend the Temporary Assistance for Needy Families State Plan to provide for use of funds for individual development accounts; specifying criteria and requirements for contributions to such accounts; specifying purposes for use of such accounts; providing for procedures for withdrawals from such accounts; specifying certain organizations to act as fiduciary organizations for certain purposes; providing for penalties for withdrawal of moneys for

certain purposes; providing for resolution of certain disputes; providing for transfer of ownership of such accounts under certain circumstances; providing for establishment of such accounts by certain financial institutions under certain circumstances; providing requirements; providing that account funds and matching funds do not affect certain program eligibility; providing an effective date.

—was referred to the Committees on Children and Families; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Miller—

SB 352—A bill to be entitled An act relating to the Commission on Human Relations; amending s. 110.205, F.S.; redefining the term “department” to include the commission for personnel purposes; amending s. 760.06, F.S.; providing for the acceptance of findings by the Equal Employment Opportunity Commission; providing a process for determining whether a state license should be revoked or suspended in specified cases; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Miller—

SB 354—A bill to be entitled An act relating to civil rights; amending 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the “Florida Civil Rights Act of 1992”; revising procedures for filing complaints; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Senator Campbell—

SB 356—A bill to be entitled An act relating to obscenity; requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; providing that the installation of software or technology in a library having only one public-access computer is within the library’s discretion; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Miller and Crist—

SB 358—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Regulated Industries; and Finance and Taxation.

By Senator Saunders—

SB 360—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0021, F.S.; revising the definition of the term “victim injury” to include animals in certain cases; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Saunders—

SB 362—A bill to be entitled An act relating to the Florida Patient’s Bill of Rights and Responsibilities; amending s. 381.026, F.S.; replacing references to the term “physical handicap” with the term “handicap”; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 364—A bill to be entitled An act relating to the State Lottery Commission; repealing ss. 24.103(3), 24.106, F.S., relating to the State Lottery Commission; abolishing the commission; amending ss. 24.105, 24.108, F.S.; deleting references to the commission, to conform; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Villalobos and Smith—

SB 366—A bill to be entitled An act relating to DNA evidence; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty or who has pled guilty may petition the trial court to order an examination of DNA evidence; specifying requirements for a motion to examine DNA evidence; requiring that the court make certain findings; limiting the period within which a defendant may file a motion to examine DNA evidence; providing that a defendant waives any objection to the introduction of DNA test results in any future proceeding; providing for the defendant to appeal an order denying a motion to examine DNA evidence; providing certain time limitations; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Miller—

SB 368—A bill to be entitled An act relating to state inmates; amending s. 944.024, F.S.; requiring human immunodeficiency virus testing as part of the process of intake to the state corrections system; requiring the Department of Corrections to provide treatment to persons testing positive for HIV; limiting placement of such persons; requiring HIV testing of inmates before their release from incarceration; requiring treatment of HIV infection to be included among conditions of parole, conditional release, or control release under ch. 947, F.S.; amending s. 947.175, F.S.; requiring notification to the county health department before the release of an inmate with HIV; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Miller—

SB 370—A bill to be entitled An act relating to public school instruction; amending s. 233.061, F.S., relating to required instruction; providing further requirements pertaining to instruction in African-American history; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Saunders—

SB 372—A bill to be entitled An act relating to environmental protection; requiring that the Department of Environmental Protection study the use in this state of MTBE as a gasoline additive; requiring that the department report its findings and recommendations to the Legislature; requesting that representatives of the petroleum industry participate in the study; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Carlton and Peaden—

SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; requiring that the Department of Children and Family Services select professional guardians on a rotating basis from a list of guardians who have agreed to serve; requiring that any such guardian agree to accept a certain proportion of indigent cases; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Senator Miller—

SB 376—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; revising the method of calculating the monthly benefit for members of the Regular Class of the Florida Retirement System; providing for contribution rate increases to fund this act; requesting the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; declaring that this act fulfills an important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Carlton—

SB 378—A bill to be entitled An act relating to benefits for district school instructional personnel; amending s. 121.021, F.S.; providing for a separate normal retirement date for personnel employed by district school boards under the Florida Retirement System; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Carlton—

SB 380—A bill to be entitled An act relating to growth management; expressing the legislative intent to amend ch. 163 and 380, F.S.; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Natural Resources; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Comprehensive Planning, Local and Military Affairs—

SB 382—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions that provide for repeal and legislative review of an exemption from public records law for a specified period which is provided for documents used by a municipal utility to prepare and submit certain sealed bids; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Comprehensive Planning, Local and Military Affairs—

SB 384—A bill to be entitled An act relating to public records exemptions; amending s. 365.171, F.S.; reenacting the public records exemption for information relating to “911” telephone calls; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Campbell—

SB 386—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller’s interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers’ rights to goods on a seller’s repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer’s right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under

which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary’s jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; Health, Aging and Long-Term Care; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 388—A bill to be entitled An act relating to the Parole Commission; amending s. 947.04, F.S.; authorizing commission staff to be located with staff of the Department of Corrections; amending s. 947.12, F.S.; providing for members of the parole qualifications committee to be reimbursed for per diem and travel expenses; amending s. 947.1405, F.S.; revising procedures for the review of an inmate’s record before the inmate is released on conditional release; requiring that the Department of Corrections conduct certain reviews and report to the Parole Commission; authorizing the Parole Commission rather than the court to impose curfews and require electronic monitoring; amending s. 947.24, F.S.; requiring that the Department of Corrections provide information to the Parole Commission for the purpose of reviewing the progress of persons placed on parole, control release, or conditional release; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Sebesta—

SB 390—A bill to be entitled An act relating to highway safety; expressing the legislative intent to revise laws relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 392—A bill to be entitled An act relating to highway safety; expressing the legislative intent to revise laws relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 394—A bill to be entitled An act relating to transportation; expressing the legislative intent to revise laws relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 396—A bill to be entitled An act relating to transportation; expressing the legislative intent to revise laws relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 398—A bill to be entitled An act relating to transportation; expressing the legislative intent to revise laws relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senators Horne and Campbell—

SB 400—A bill to be entitled An act relating to the support owed to a child or spouse; amending s. 827.06, F.S.; prescribing the elements of felony nonsupport of a child or spouse; providing penalties; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Burt—

SB 402—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising provisions with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising provisions with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising provisions with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising provisions with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising provisions with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; revising provisions with respect to escheat; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2085, F.S., relating to liability of direct recipients and beneficiaries; amending s. 732.2125, F.S.; revising provisions with respect to the right of election; amending s. 732.2135, F.S.; revising provisions with respect to time of

election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising provisions with respect to the order of contribution; amending s. 732.2155, F.S.; revising provisions with respect to the effective date of certain trusts; amending s. 732.218, F.S.; revising provisions with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising provisions with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising provisions with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising provisions with respect to pretermitted children; amending s. 732.401, F.S.; revising provisions with respect to descent of homestead; amending s. 732.4015, F.S.; revising provisions with respect to the definition of the terms "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising provisions with respect to exempt property; amending s. 732.403, F.S.; revising provisions with respect to family allowance; amending s. 732.501, F.S.; revising provisions with respect to who may make a will; amending s. 732.502, F.S.; revising provisions with respect to execution of wills; amending s. 732.503, F.S.; revising provisions with respect to self-proof of will; amending s. 732.505, F.S.; revising provisions with respect to revocation by writing; amending s. 732.507, F.S.; revising provisions with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising provisions with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising provisions with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising provisions with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising provisions with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising provisions with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising provisions with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills, eliminating provisions with respect to willful failure to deposit the will; transferring and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S., to chapter 765, F.S.; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising provisions with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising provisions with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising provisions with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising provisions with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising provisions with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising provisions with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising provisions with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising provisions with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising provisions with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising provisions with respect to the effect of the appointment of a

debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising provisions with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising provisions with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising provisions with respect to the release of surety; amending s. 733.406, F.S.; revising provisions with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising provisions with respect to curators; amending s. 733.502, F.S.; revising provisions with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising provisions with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising provisions with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising provisions with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising provisions with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising provisions with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising provisions with respect to the possession of the estate; amending s. 733.608, F.S.; revising provisions with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising provisions with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising provisions with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising provisions with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising provisions with respect to the personal representative's right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising provisions with respect to joint personal representatives; amending s. 733.616, F.S.; revising provisions with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising provisions with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising provisions with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising provisions with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising provisions with respect to notifying creditors; conforming cross-references; amending s. 733.702, F.S.; revising provisions with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising provisions with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising provisions with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising provisions with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising provisions with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising provisions with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising provisions with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising provisions

with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising provisions with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising provisions with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising provisions with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising provisions with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising provisions with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising provisions with respect to ancillary administration; amending s. 734.1025, F.S.; revising provisions with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising provisions with respect to the petition for summary administration; amending s. 735.206, F.S.; revising provisions with respect to summary administration distribution; amending s. 735.2063, F.S.; revising provisions with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising provisions with respect to income tax refunds in certain circumstances; amending s. 737.3054, F.S.; revising provisions with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising provisions with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising provisions with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; conforming cross-references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Miller and Meek—

SB 404—A bill to be entitled An act relating to elections; creating The Citizens' Empowerment Act; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions for such automatic restoration; requiring the Department of Corrections to complete necessary paperwork and file it with the Board of Executive Clemency; amending ss. 97.052, 97.053, and 98.0975, F.S., to conform; providing a conditional effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senators Miller and Meek—

SJR 406—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections; authorizing the Legislature to provide the conditions under which a convicted felon's right to register or vote may be restored.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Smith—

SB 408—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with a complete defense in certain actions for certain law enforcement assistance activities; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senators Dawson and Pruitt—

SB 410—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring the Department of Education to adopt rules for emergency drills which must be followed by each district school board; providing an effective date.

—was referred to the Committee on Education.

By Senators Bronson, Garcia, Posey and Peaden—

SB 412—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

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

By the Committee on Health, Aging and Long-Term Care—

SB 414—A bill to be entitled An act relating to public records; amending s. 408.185, F.S.; abrogating the repeal of provisions relating to confidential information submitted to the Office of the Attorney General for review of antitrust issues; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Health, Aging and Long-Term Care—

SB 416—A bill to be entitled An act relating to Medicaid; amending s. 409.904, F.S.; establishing the medically needy income level; providing for the annual increase of the medically needy income level; amending s. 409.914, F.S.; amending procedures relating to the Medicaid buy-in program to provide medical assistance to a specified category of individuals; amending criteria of eligibility for the buy-in program; allowing the Agency for Health Care Administration to apply for federal waivers to ensure that the buy-in program operates within specified constraints; providing legislative intent; directing the agency to seek approval from the Health Care Financing Administration of a specified methodology for calculating medical expenses under the medically needy program; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Education—

SB 418—A bill to be entitled An act relating to public records and meetings; repealing s. 240.2995(6), F.S., which contains a declaration that meetings of the governing board of a university health services support organization are public and a requirement that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S.; requiring such an organization to make certain records available to the Department of Insurance; revising those records of such organizations pertaining to marketing plans and managed care contracts and those committee, governing board, and peer review panel meetings which are exempted from open-records and open-meetings requirements; providing for recording proceedings at meetings; prescribing a schedule for release of records; providing findings of public necessity; providing for subsequent repeal and legislative review; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Brown-Waite and Klein—

SB 420—A bill to be entitled An act relating to a medication purchasing cooperative; establishing a medication purchasing cooperative to assist qualified individuals with the purchase of prescribed drugs at the lowest possible price; requiring the Agency for Health Care Administration to administer the cooperative; authorizing the agency to promulgate rules; providing for membership in the cooperative; requiring the cooperative to annually solicit competitive bids from licensed pharmacies to obtain discounts for members; authorizing the agency to charge a monthly membership fee to cover administrative costs; providing for the issuance of membership identification cards; requiring participating pharmacies to guarantee the discount on a prescribed drug at the rate quoted in their contract with the state; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Garcia—

SB 422—A bill to be entitled An act relating to prekindergarten early-intervention programs; amending s. 230.2305, F.S.; requiring the Florida Partnership for School Readiness to develop legislation to expand the prekindergarten early-intervention program to provide access to all 4-year-old children at no cost to the children’s parents; requiring a report; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; Children and Families; Appropriations Subcommittee on Education; and Appropriations.

By Senator Jones—

SB 424—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Education—

SB 426—A bill to be entitled An act relating to university health services support organizations; providing that such organizations may enter into specified arrangements with other entities for the benefit of university academic health sciences centers; providing for future review and repeal of s. 240.2995(1), F.S., relating to the establishment of university health services support organizations; providing an effective date.

—was referred to the Committee on Education.

By Senator Dyer—

SB 428—A bill to be entitled An act relating to construction contracting; amending s. 489.13, F.S.; providing for issuance of a notice of non-compliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Dyer—

SB 430—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; requiring that certain license suspensions remain in effect for a prescribed time period; providing for the assumption of the costs for substance-abuse education; defining the term “substance abuse”; providing for the admission of certain minors into county addictions-receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

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

By the Committee on Comprehensive Planning, Local and Military Affairs—

SB 432—A bill to be entitled An act relating to growth management; amending s. 163.3244, F.S.; providing for a livable-communities certification program; providing for certification criteria; eliminating state review of certain local comprehensive plan amendments within certified areas; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Dawson—

SJR 434—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections; authorizing the Legislature to provide the conditions under which a convicted felon’s right to register or vote may be restored.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 436—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination under s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Silver—

SB 438—A bill to be entitled An act relating to health care; creating s. 16.65, F.S.; creating the Office of Health Care Consumer Advocate in the Department of Legal Affairs; providing duties and responsibilities; requiring certain entities to publish toll-free telephone numbers and a prescribed statement; authorizing the Health Care Consumer Advocate to assign personnel and to contract with experts; authorizing the Health Care Consumer Advocate to have access to records maintained by certain state agencies; requiring the Attorney General’s Office to provide certain legal assistance to the Office of Health Care Consumer Advocate; requiring the Health Care Consumer Advocate to issue an annual report and to appear before the Legislature if requested; excluding health care consumer issues from the jurisdiction of the Division of Consumer Services of the Department of Agriculture and Consumer Services; amending s. 408.10, F.S., relating to consumer complaints handled by the Agency for Health Care Administration; transferring authority to act as consumer liaison from the Agency for Health Care Administration to the Office of Health Care Consumer Advocate; requiring the agency to coordinate its consumer-complaint activities with the Office of Health Care Consumer Advocate; amending s. 570.544, F.S.; excluding health care consumer issues from the jurisdiction of the Division of Consumer Services; transferring jurisdiction over health care consumer issues to the Health Care Consumer Advocate; amending s. 641.60, F.S.; transferring the statewide managed care ombudsman committee from the Agency for Health Care Administration to the Office of Health Care Consumer Advocate; amending s. 641.65, F.S.; revising the procedures for appointing district managed care ombudsmen; amending s. 641.70, F.S.; transferring certain oversight duties relating to the statewide managed care ombudsman committee and the district managed care ombudsman committees from the Agency for Health Care Administration to the Department of Legal Affairs; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Latvala—

SB 440—A bill to be entitled An act relating to Medicaid eligibility; amending s. 409.904, F.S.; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Latvala, Brown-Waite, Pruitt, Cowin, Posey, Carlton, Saunders, Campbell, Lee, Wasserman Schultz, Sullivan, Dyer, Burt, Geller, Sebesta, Miller, Mitchell, Constantine, Bronson and Crist—

SB 442—A bill to be entitled An act relating to the Florida Mobile Home Act; creating s. 723.0025, F.S.; establishing the mobile home owners’ bill of rights; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.005, F.S.; providing for regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 723.006, F.S.; providing for additional duties of the division; amending s. 723.011, F.S.; requiring park owners and the division to maintain specified records; amending s. 723.012, F.S.; providing that additional information be included in a prospectus; creating s. 723.015, F.S.; providing for notice of rental agreements, rules and regulations, and prospectuses; amending s. 723.021, F.S.; authorizing the division to impose a civil penalty for failure to meet the obligation of good-faith and fair dealings; amending s. 723.022, F.S.; requiring maintenance of trees and other vegetation by a mobile home park owner; amending s. 723.033, F.S.; declaring certain rental increases to be unreasonable; amending s. 723.035, F.S.; authorizing injunctive relief and a civil penalty; amending s. 723.037, F.S.; providing procedures for meetings that determine the status of changes in lot rentals, services, utilities, or rules and regulations; authorizing homeowners or park owners to petition the division

to investigate the obligation of good-faith and fair dealings; amending s. 723.059, F.S.; providing for the rights of a purchaser of a mobile home within a mobile home park; amending s. 723.061, F.S.; revising standards for determining a homeowner's rights when there is an eviction for change in land use; amending s. 723.071, F.S.; providing procedures for the sale of mobile home parks; amending s. 723.072, F.S.; providing for an affidavit of compliance with certain statutory requirements; amending s. 723.078, F.S.; providing quorum requirements for homeowners' associations; amending s. 320.77, F.S.; redefining the term "mobile home broker"; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Latvala—

SB 444—A bill to be entitled An act relating to offenses against children; amending s. 787.025, F.S.; revising provisions to prohibit certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 15 into a structure, dwelling, or conveyance without consent of parent or legal guardian; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Constantine and Wasserman Schultz—

SB 446—A bill to be entitled An act relating to homelessness; creating the State Office of Homeless Affairs within the Department of Children and Family Services; authorizing the Secretary of Children and Family Services to appoint an executive director for the State Office of Homeless Affairs; creating the Homeless Affairs Council; providing for council membership; providing for council members to be reimbursed for travel expenses; prescribing duties and responsibilities of the council; requiring an annual report; amending s. 420.5087, F.S., relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.609, F.S., relating to the Affordable Housing Study Commission; requiring the commission to analyze how to address the acute need for housing for the homeless; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Ethics and Elections; and Senators Posey, Smith, Carlton, Brown-Waite, Dyer, Lawson, Sebesta, Jones, Constantine and Bronson—

SB 448—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term "absent elector"; amending s. 101.657, F.S.; conforming provisions; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; amending s. 101.647, F.S.; prescribing information that an absent elector's designee must include with an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; repealing s. 101.685, F.S., relating to absentee ballot coordinators; providing an effective date.

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

By Senator Peadar—

SB 450—A bill to be entitled An act relating to child protection; amending s. 39.301, F.S.; clarifying that an authorized agent of the Department of Children and Family Services may continue to provide protective services for a child or a child's family following completion of the investigation report in a child-protection case; requiring that a case be designated as a backlog case if investigative activities continue after a specified period; providing an effective date.

—was referred to the Committee on Children and Families.

By Senator Peadar—

SB 452—A bill to be entitled An act relating to proceedings relating to children; amending the definition of the term "child who is found to be dependent," as the term is used in ch. 39, F.S.; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Commerce and Economic Opportunities—

SB 454—A bill to be entitled An act relating to public records; amending s. 288.12295, F.S.; abrogating the scheduled expiration of a public records exemption for the identity of donors or prospective donors to the direct-support organization authorized to promote the sports industry and amateur athletics; eliminating an obsolete reference to legislative review; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Commerce and Economic Opportunities—

SB 456—A bill to be entitled An act relating to public records; amending s. 288.1226, F.S.; abrogating the scheduled repeal of a public records exemption for trade secrets and for the identity of respondents to marketing or advertising research projects of the Florida Tourism Industry Marketing Corporation; eliminating an obsolete reference to legislative review; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Miller—

SB 458—A bill to be entitled An act relating to the Transition to Teaching Pilot Program; creating the Transition to Teaching Pilot Program with the intent of addressing the need of high-poverty school districts for teachers; defining terms; providing procedures for applying to participate in the program; providing for the award of stipends; requiring the Commissioner of Education to distribute awards equitably; requiring a program participant to serve in a high-poverty school district for 3 years; requiring the commissioner to establish requirements to ensure that eligible program participants fulfill their service obligation or repay any stipend or financial incentive received; providing funding for the award of stipends; providing for program evaluation; authorizing the adoption of rules; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senators Clary, Smith and Mitchell—

SB 460—A bill to be entitled An act relating to rural economic development; amending s. 212.096, F.S.; defining the term “jobs”; revising the computation of the enterprise zone credit against the sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; creating s. 218.077, F.S.; providing for reduction or waiver of financial match requirements in rural areas by Rural Economic Development Initiative agencies; amending s. 220.181, F.S.; revising the computation of the enterprise zone credit against the corporation income tax; amending s. 288.018, F.S.; providing for the administration of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Development Revolving Loan Fund Program; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; deleting obsolete definitions; amending ss. 290.0055, 290.0056, 290.0058, F.S.; conforming references to comply with previous governmental reorganization; amending s. 290.0065, F.S.; providing for rural enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines for the designation of enterprise zones; creating s. 290.00676, F.S.; providing for the amendment of boundaries of rural enterprise zones; creating s. 290.00677, F.S.; revising residency requirements for rural enterprise zones; creating s. 290.00694, F.S.; providing for the designation of rural champion communities as enterprise zones; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 462—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against the district’s nonexempt assessed property value; specifying funding eligibility of certain projects; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Wasserman Schultz—

SB 464—A bill to be entitled An act relating to health insurance coverage for infertility; creating ss. 627.64062 and 627.65742, F.S., and amending s. 641.31, F.S.; requiring coverage by health insurance policies, group, franchise, and blanket health insurance policies, and health maintenance contracts for diagnosis and treatment of infertility under certain circumstances; providing requirements and criteria; providing limitations; providing definitions; providing an exception for certain religious organizations; providing application; excluding payments for donor eggs or certain medical services; amending ss. 627.651, 627.6515, and 627.6699, F.S.; providing for application to group contracts and plans of self-insurance, out-of-state groups, and standard, basic, and limited health benefit plans; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Garcia—

SB 466—A bill to be entitled An act relating to public employment; providing a statement of guiding principles for the development of a new public workforce structure and ethic in state government; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Garcia—

SB 468—A bill to be entitled An act relating to state employees; requiring the Department of Management Services and the Board of Regents to contract with a private vendor for a tax-sheltered plan for state employees who are eligible for payment for accumulated sick leave, annual leave, and special compensation payment upon termination of employment; providing conditions; providing for continuous quality-assurance oversight; authorizing employees to withdraw such funds upon termination of employment; providing for a tax-sheltered plan for certain career service employees and employees participating in the Deferred Retirement Option Program; creating s. 110.1315, F.S.; providing for alternative benefits for other-personal-services employees; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Klein—

SB 470—A bill to be entitled An act relating to campaign financing; amending s. 106.09, F.S.; increasing penalties for making or accepting certain illegal campaign contributions; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Mitchell—

SJR 472—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to finance and taxation, to allow the Legislature to exempt from ad valorem taxation the homestead of a person who becomes totally and permanently disabled in the line of duty as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer, or as a full-time professional firefighter.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

By Senator Mitchell—

SB 474—A bill to be entitled An act relating to ad valorem homestead tax exemption; creating s. 196.032, F.S.; providing an exemption from the tax for law enforcement officers, correctional officers, correctional probation officers, and full-time professional firefighters who are totally and permanently disabled in the line of duty; providing applicability; providing definitions; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

By Senator Holzendorf—

SB 476—A bill to be entitled An act relating to education; creating the “Education Investment Act”; providing definitions; providing legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing a test-preparation program for certain students; providing for separation of open-enrollment programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; providing for rulemaking by the Department of Education; authorizing state-funded test-preparation courses for certain students; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Pruitt—

SB 478—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term “teacher member” for purposes of the system; amending s. 121.071, F.S.; providing contribution rates for teacher members; amending s. 121.091, F.S.; providing retirement benefits payable to teacher members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Pruitt—

SB 480—A bill to be entitled An act relating to beach designation; designating the beach at Ft. Pierce Inlet State Park as the “Richard Mashler Memorial Beach”; authorizing the Division of Recreation and Parks to erect appropriate markers; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Pruitt—

SB 482—A bill to be entitled An act relating to statutory accounting principles; creating s. 625.011, F.S.; defining the terms “statutory accounting principles” and “surplus notes”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining financial condition of an insurer; amending s. 625.041, F.S.; revising what constitutes a liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in valuation of real property; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; providing for what constitutes an asset or liability in determining the financial condition of a health maintenance organization; providing a retroactive effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Commerce and Economic Opportunities—

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term “economic development agency” to include, for purposes of confidentiality of records, any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committee on Commerce and Economic Opportunities—

SB 486—A bill to be entitled An act relating to public records; amending s. 288.1066, F.S.; abrogating the scheduled repeal of a public records exemption for specified business information received under the qualified defense contractor and qualified target industry tax refund programs; eliminating obsolete references to the Department of Commerce; making the listing of tax information covered by the public records exemption consistent with the program’s terms and conditions; providing confidentiality for information concerning taxes paid by businesses

while participating in the programs; providing confidentiality for information concerning jobs created and wages paid by such businesses; providing for future repeal and legislative review; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Finance and Taxation; and Rules and Calendar.

By Senator Rossin—

SJR 488—A joint resolution proposing amendments to Section 15 of Article III, Section 5 of Article IV, and Sections 4 and 7 of Article VI of the State Constitution; revising the terms of office for certain elected constitutional officers; providing for staggered terms of office; revising limitations on the number of consecutive years during which certain elected constitutional officers may hold office; limiting the amount that a person or other entity may contribute to a candidate for local or statewide public office or to a political party.

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

By Senator Rossin—

SB 490—A bill to be entitled An act relating to firearms; amending s. 790.33, F.S.; authorizing a board of county commissioners to adopt an ordinance requiring the installation of a trigger lock on any firearm purchased, sold, transferred, or possessed within the county; requiring that law enforcement officers be exempt from the ordinance; providing an effective date.

—was referred to the Committees on Criminal Justice; and Comprehensive Planning, Local and Military Affairs.

By Senator Rossin—

SB 492—A bill to be entitled An act relating to the offense of possessing a firearm at school; amending s. 230.235, F.S.; requiring that a child convicted of bringing a firearm to school, to any school function, or onto any school-sponsored transportation be assigned to a disciplinary program or second-chance school; requiring that the child be placed into secure detention and criminally prosecuted if the child fails to comply with the requirements of the disciplinary program or second-chance school; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Rossin—

SB 494—A bill to be entitled An act relating to elections; providing for nonpartisan election of sheriffs; amending ss. 105.031, 105.035, 105.041, 105.051, 105.061, 105.08, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Comprehensive Planning, Local and Military Affairs.

By Senator Jones—

SB 496—A bill to be entitled An act relating to the City of Marathon, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Wasserman Schultz—

SB 498—A bill to be entitled An act relating to school district capital outlay revenue; amending s. 199.292, F.S.; providing for transfer of a portion of nonrecurring intangible personal property tax revenues to the School District Capital Outlay Trust Fund; providing for distribution of a portion of such revenues to school districts that collected impact fee revenues in fiscal year 2000-2001 to supplant such impact fees; providing requirements for distribution of the remainder of such revenues to all school districts; amending ss. 212.055, 236.25, F.S.; providing that school boards may levy a local option sales surtax in lieu of levying all or a part of the nonvoted district school capital improvement millage; authorizing levy of such surtax by resolution and providing requirements with respect thereto; providing for uses of the surtax proceeds; amending s. 212.054, F.S.; providing for application of certain notice requirements for levy of the surtax; amending s. 125.01, F.S.; providing that a county in which the school board is receiving such intangible tax revenues or levying the local option sales surtax is prohibited from levying school impact fees; amending s. 235.056, F.S., relating to lease or rental of educational facilities and sites, s. 235.199, F.S., relating to funding of career educational facilities, and s. 235.435, F.S., relating to requests for funding from the Special Facility Construction Account, to conform; providing a contingent effective date.

—was referred to the Committees on Education; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Wasserman Schultz—

SB 500—A bill to be entitled An act relating to unemployment compensation for birth and adoption; creating s. 443.232, F.S.; prohibiting denial of unemployment compensation benefits for certain leaves of absence relating to adopting or giving birth to a baby; providing for reductions in the amount of compensation; requiring employers to post certain notices; specifying certain payments as not chargeable against employers; requiring the Secretary of the Department of Labor and Employment Security to report to the Governor and Legislature; providing application; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wasserman Schultz—

SB 502—A bill to be entitled An act relating to the School District Capital Outlay Trust Fund; amending s. 235.014, F.S.; providing for administration of the trust fund by the Department of Education; creating s. 235.45, F.S.; creating the trust fund within the department and specifying the moneys that comprise the fund; exempting the trust fund from service charges imposed by s. 215.20, F.S.; providing that balances remaining at the end of a fiscal year shall remain in the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Education; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Education; and Appropriations.

By Senator Diaz de la Portilla—

SB 504—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting

the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

—was referred to the Committees on Education; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Education; and Appropriations.

By Senator Diaz de la Portilla—

SB 506—A bill to be entitled An act relating to economic development; expressing the legislative intent to authorize the creation of an airport authority in a charter county in order to enhance the movement of passengers and cargo in support of economic development; specifying that the creation of such authority shall be subject to approval by referendum; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

SR 508—Not referenced.

By Senators Burt and King—

SB 510—A bill to be entitled An act relating to Volusia County; directing the Board of County Commissioners to issue a certificate of public convenience and necessity to an applicant for licensure as a basic life support or advanced life support service that will operate in a municipality within the county that has a population greater than 30,000 upon request of the municipality, under specified conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 512—A bill to be entitled An act relating to the Rural Economic Development Account; amending s. 288.095, F.S.; creating the Rural Economic Development Account; providing for review and termination or re-creation of the account; providing an appropriation; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 514—A bill to be entitled An act relating to public records; creating s. 817.569, F.S.; providing that it is a misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a misdemeanor of the first degree; providing that it is a felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Geller—

SB 516—A bill to be entitled An act relating to driver's licenses; amending ss. 322.055, 322.056, F.S.; prescribing duty of the Department of Highway Safety and Motor Vehicles to revoke or withhold a driver's

license or driving privilege when that penalty is prescribed by law; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Miller—

SB 518—A bill to be entitled An act relating to obtaining property by false personation; amending s. 817.02, F.S.; providing that obtaining property by false personation is a second-degree felony; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Miller—

SB 520—A bill to be entitled An act relating to reading instruction; providing legislative intent regarding required reading instruction; requiring each public elementary school to develop and implement programs for reading and literacy development in kindergarten through grade 4; requiring the Department of Education to provide technical support; providing an effective date.

—was referred to the Committee on Education.

By Senator Miller—

SB 522—A bill to be entitled An act relating to the Community-Based Development Organization Assistance Act; providing appropriations; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 524—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing enhanced penalties for certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Meek, Diaz de la Portilla and Rossin—

SJR 526—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

—was referred to the Committees on Ethics and Elections; Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Senator Burt—

SJR 528—A joint resolution proposing an amendment to Section 8 of Article IV of the State Constitution, relating to clemency, to revise the duties of the parole and probation commission.

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

By Senator Geller—

SB 530—A bill to be entitled An act relating to agricultural issues; expressing the legislative intent to revise the laws relating to agricultural issues regulated by the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Posey—

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 534—A bill to be entitled An act relating to consumer issues; expressing the legislative intent to revise the laws relating to consumer issues regulated by the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Bronson—

SB 536—A bill to be entitled An act relating to demineralization concentrate; amending s. 403.0882, F.S.; reorganizing and clarifying the section; directing the Department of Environmental Protection to enter into rulemaking; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Lawson—

SB 538—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “average final compensation” to be the average of the 3 highest fiscal years of compensation and the term “normal retirement date” to mean attainment of 5 years of creditable service; providing for funding of the revision of the system by this act; revising contribution rates; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 540—A bill to be entitled An act relating to criminal activities; creating the White-Collar-Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white-collar crime; providing that a person commits an aggravated white-collar crime if the white-collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white-collar crimes; requiring that a defendant convicted of an aggravated white-collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; providing for severability; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Posey—

SB 542—A bill to be entitled An act relating to health care; repealing ss. 408.031, 408.032, 408.033, 408.034, 408.035, 408.036, 408.0361, 408.037, 408.038, 408.039, 408.040, 408.041, 408.042, 408.043, 408.044, 408.045, 408.0455, 651.118, F.S., relating to requirements for certificate-of-need review and approval for health care facilities and services; repealing s. 154.245, F.S., relating to certificates of need required as a condition of certain bond validation; amending ss. 20.42, 154.205, 154.213, 154.219, 159.27, 164.1031, 186.503, 186.507, 186.511, 189.415, 383.216, 395.0191, 395.1055, 395.603, 395.604, 395.605, 400.071, 400.23, 400.602, 400.606, 400.6085, 408.05, 408.061, 408.063, 408.07, 408.09, 408.18, 409.9117, 430.705, 430.708, 458.345, 459.021, 641.60, 651.021, F.S., to conform to the repeal of certificate-of-need requirements and the process of certificate-of-need review, and the health planning process related thereto; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Clary—

SB 544—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 546—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 548—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 550—A bill to be entitled An act relating to trust funds; re-creating the Architects Incidental Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 552—A bill to be entitled An act relating to trust funds; re-creating the Bureau of Aircraft Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 554—A bill to be entitled An act relating to trust funds; re-creating the Communications Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 556—A bill to be entitled An act relating to trust funds; re-creating the Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 558—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 560—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 562—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Man-

agement Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 564—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 566—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 568—A bill to be entitled An act relating to trust funds; re-creating the State Agency Law Enforcement Radio System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 570—A bill to be entitled An act relating to trust funds; re-creating the Motor Vehicle Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 572—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 574—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification; carrying forward current

balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 576—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 578—A bill to be entitled An act relating to trust funds; re-creating the Pretax Benefits Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 580—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 582—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 584—A bill to be entitled An act relating to trust funds; re-creating the State Personnel System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 586—A bill to be entitled An act relating to trust funds; re-creating the Supervision Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 588—A bill to be entitled An act relating to trust funds; re-creating the Surplus Property Revolving Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 590—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 592—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 594—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 596—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 598—A bill to be entitled An act relating to the re-creation of the Florida Forever Program Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 20.3315(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 600—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund without modification; re-creating the trust

fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 602—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 604—A bill to be entitled An act relating to the re-creation of the Marine Resources Conservation Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 606—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 608—A bill to be entitled An act relating to the re-creation of the Save the Manatee Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 610—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 612—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 614—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.107(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 616—A bill to be entitled An act relating to the re-creation of the Conservation and Recreation Lands Program Trust Fund without modification; re-creating the Conservation and Recreation Lands Program Trust Fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.127(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 618—A bill to be entitled An act relating to trust funds; terminating a specified trust fund within the Department of Management Services and providing for the disposition of its remaining balance and revenues; declaring the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 110.151(7), F.S., relating to reestablishment of the State Employee Child Care Revolving Trust Fund, to conform; providing effective dates.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Senator Meek—

SB 620—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 16.57, F.S.; providing for the Attorney General to investigate violations of rights secured by state law; amending s. 760.02, F.S.; defining the terms “place of public accommodation” and “undue burden” for purposes of the Florida Civil Rights Act of 1992; creating s. 760.101, F.S.; prohibiting a place of public accommodation from discriminating against an individual or class of individuals on the basis of a disability; specifying landlord and tenant responsibilities with respect to such prohibition; defining the term “individual or class of individuals”; creating s. 760.102, F.S.; requiring that goods and other services be provided to an individual who has a disability in an integrated setting; creating s. 760.103, F.S.; prohibiting the exclusion or denial of goods and other services based on certain relationships with an individual who has a disability; creating s. 760.104, F.S.; providing certain exceptions if an individual poses a direct threat to health or safety; providing requirements for making such determination; amending s. 760.11, F.S.; providing for filing a complaint against a place of public accommodation with the Florida Commission on Human Relations; prohibiting discrimination against an individual who participates in an investigation or proceeding under part I of ch. 760, F.S.; amending s. 760.34, F.S.; authorizing the Attorney General to intervene in certain civil actions to enforce compliance with part I of ch. 760, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a violation of rights secured by the State Constitution or state law; providing for a civil penalty; providing for attorney’s fees and costs; amending s. 760.51, F.S.; authorizing the Attorney General to bring a civil or administrative action for certain violations of rights which involve coercion, intimidation, or threats; amending s. 760.60, F.S., relating to a prohibition against discriminatory practices by certain clubs; providing requirements for conciliation meetings and agreements; authorizing the Attorney General to conduct investigations and issue

subpoenas; providing for enforcement of subpoenas; extending the period for the Florida Commission on Human Relations or the Attorney General to take certain actions with respect to resolving a complaint; authorizing the court to issue certain orders following a finding that a discriminatory practice has occurred at a club; providing for attorney’s fees and costs; providing for certain administrative proceedings; providing for a final order of the commission to be appealed to the district court; amending s. 760.80, F.S.; including an individual who has a disability within the definition of the term “minority person” for purposes of provisions requiring that minorities be represented on boards, commissions, councils, and committees; amending s. 413.08, F.S.; providing for the rights of individuals who have a disability and who use service animals; eliminating certain exceptions to requirements that such individuals be afforded full and equal accommodation; deleting a requirement that a dog guide or service dog be identified as being from a recognized school; eliminating provisions that exempt certain rental property from modification for purposes of accommodating individuals who have a disability; eliminating provisions that exempt an employer under certain circumstances from penalties for discriminating with respect to employment against an individual who has a disability; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; and Appropriations.

By Senator Saunders—

SB 622—A bill to be entitled An act relating to the Florida Healthy Kids Corporation; eliminating the local-match requirement under the Healthy Kids Corporation under specified conditions; allowing voluntary contributions; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 624—A bill to be entitled An act relating to security of medical facilities and supplies; amending s. 784.07, F.S.; redefining the term “emergency medical care provider” for purposes of enhanced penalties for assaults on such persons; amending s. 812.014, F.S.; providing first-degree felony penalties for theft of certain medical equipment; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; including the offense of theft of medical equipment on the offense severity ranking chart; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Saunders—

SB 626—A bill to be entitled An act relating to driver improvement schools; amending s. 318.1451, F.S.; eliminating the prohibition against governmental entities providing or maintaining certain information or orders regarding such schools or course providers; providing an effective date.

—was referred to the Committees on Transportation; and Comprehensive Planning, Local and Military Affairs.

By Senator Mitchell—

SB 628—A bill to be entitled An act relating to water; creating the “Safe Water Assurance Act”; directing the Department of Environmental Protection to establish a Water and Wastewater Treatment Grant Program for local governments; providing standards; requiring that grant criteria be adopted by rule; providing funding; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Mitchell—

SB 630—A bill to be entitled An act relating to trust funds; creating the Water and Wastewater Treatment Grant Program Trust Fund; providing for its purposes; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Governmental Oversight and Productivity—

SB 632—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; abrogating the repeal scheduled under the Open Government Sunset Review Act of 1995 of the exemption from the public-records requirements for bank account numbers or debit, charge, or credit card numbers given to an agency for payment of a fee or debt; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Clary—

SB 634—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and polysaccharide pneumococcal vaccinations; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Pruitt—

SB 636—A bill to be entitled An act relating to high school grades; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Wasserman Schultz—

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees' sick leave by their family members who also are district employees; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Wasserman Schultz—

SB 640—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring any solid waste management facility that accepts construction and demolition debris for disposal to be constructed in compliance with certain rules of the Department of Environmental Protection, unless the facility owner or operator provides reasonable assurance that disposal at the facility is not expected to result in violations of groundwater standards; providing an effective date.

—was referred to the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

By the Committee on Banking and Insurance—

SB 642—A bill to be entitled An act relating to property insurance; amending s. 166.111, F.S.; eliminating authority of certain municipalities to issue bonds to assist the Florida Insurance Guaranty Association in paying claims related to Hurricane Andrew; creating s. 626.8741, F.S.; limiting fees that may be charged by public adjusters for claims arising from a hurricane or catastrophe; amending s. 627.7013, F.S.; extending the operation of the law limiting the number of personal lines residential policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; amending s. 627.7014, F.S.; extending the operation of the law limiting the number of condominium association property insurance policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; creating s. 627.7018, F.S.; authorizing the Department of Insurance to adopt rules after a hurricane or other catastrophe; requiring insurers to adjust personal lines insurance hurricane claims within specified time periods and to advance funds for additional living expenses; authorizing rules providing for the department to examine insurers and to adjust claims under certain circumstances; authorizing the department, by rule, to extend time limits upon an insured to perform any act or transmit information or funds with respect to his or her insurance coverage; amending s. 631.54, F.S.; redefining the terms "covered claim" and "member insurer" used in the laws relating to the Florida Insurance Guaranty Association; amending s. 631.57, F.S., relating to the powers and duties of the association; authorizing the Department of Insurance to impose an additional assessment on member insurers to pay for claims against insurers rendered insolvent by a hurricane; authorizing units of local government to issue bonds in conjunction with the association; authorizing the association to form an entity to issue bonds and incur other indebtedness; providing legislative intent that no action be taken to impair any bond indenture or financing agreement; providing that the security interest in any financing documents to secure bonds or other indebtedness of the association remains valid notwithstanding any bankruptcy or similar proceeding against the association; providing for the priority of the security interest in such bonds or indebtedness; exempting the Florida Residential Property and Casualty Joint Underwriting Association and the Florida Windstorm Underwriting Association from assessments made by the Florida Insurance Guaranty Association, except for assessments related to a hurricane; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Posey—

SJR 644—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution relating to a limitation on state appropriations.

—was referred to the Committees on Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Meek—

SJR 646—A joint resolution proposing the amendment of Section 1 of Article IX of the State Constitution, relating to education, to prescribe a maximum number of students in public school classrooms for various grade levels.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 648—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11, 562.111, F.S.; providing an exemption for giving or

serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Garcia—

SB 650—A bill to be entitled An act relating to commercial development and capital improvements; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a motorsports entertainment complex; creating s. 288.1170, F.S.; providing definitions; providing for certification of such facility by the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing requirements for certification; requiring specified notice; providing for annual recertification; providing for use of the funds distributed to a motorsports entertainment complex; providing for audits by the Department of Revenue; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senators Rossin, Miller and Lawson—

SB 652—A bill to be entitled An act relating to mental health hospitals; amending s. 394.453, F.S.; providing intent under the Florida Mental Health Act that the state shall maintain and operate mental health hospitals, including certain existing ones; amending s. 394.457, F.S.; providing that the Department of Children and Family Services is responsible for the maintenance and operation of the state mental hospitals, including certain existing ones; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Saunders, Latvala, Miller, Pruitt, Dyer, Peadar, Brown-Waite and Klein—

SB 654—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 656—A bill to be entitled An act relating to the Beverage Law; creating s. 561.585, F.S.; providing for certain direct shipments of wine from out of state; requiring shippers to have certain licenses; providing prohibitions; providing for administrative and criminal penalties; exempting charitable organizations from excise and sales and use taxes on sales made from direct shipments of wine from out of state, subject to restrictions; amending ss. 561.54, 561.545, F.S.; providing that those sections are inapplicable to wine shipped under s. 561.585, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Holzendorf—

SB 658—A bill to be entitled An act relating to surplus lines insurance; amending ss. 626.916, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; removing limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 660—A bill to be entitled An act relating to the Money Transmitters' Code; amending s. 560.119, F.S.; eliminating examination fees; shifting the deposit of funds from one trust fund to another; amending s. 560.205, F.S.; providing for application fees; amending s. 560.206, F.S.; providing for an extended registration period; amending s. 560.207, F.S.; revising renewal dates and fees; amending s. 560.208, F.S.; providing for notice of branch location openings and closings; providing fees for branch locations and authorized vendors; amending s. 560.307, F.S.; providing fees and notice of openings and closings of branch locations or authorized vendors; amending s. 560.308, F.S.; revising renewal dates and fees; repealing s. 560.118(1)(d) and (e), F.S., which provides for examination costs; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wasserman Schultz—

SB 662—A bill to be entitled An act relating to State Uniform Traffic Control; amending s. 316.655, F.S.; providing for enhanced penalties for certain violations of chapter 316, F.S.; creating s. 318.211, F.S.; providing for the disposition of such enhanced penalties; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sullivan—

SB 664—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising an exemption from taxation for machinery and equipment used in defense and space technology research and development and production; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Sullivan—

SB 666—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relat-

ing to creation and amendment of the formulary, to conform; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Carlton—

SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing for refund of sales and use taxes paid after that date which would have been eligible for certain exemptions or credits; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senators Brown-Waite, Latvala, Bronson, Saunders, Diaz de la Portilla, Campbell, Sullivan, Garcia and Miller—

SB 670—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; providing that increased retirement disability benefits for special risk members apply to all such special risk members regardless of retirement date; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Mitchell, Smith, Lee and Miller—

SB 672—A bill to be entitled An act relating to financial responsibility for indigent hospital patients; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 674—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the state to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Smith—

SB 676—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; redefining the term “prison releasee reoffender” to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Klein—

SB 678—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Cowin—

SB 680—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; requiring certain reports; amending s. 232.24521, F.S.; encouraging certain grading practices; requiring a grade-point-average calculation for the Bright Futures Scholarship Program; repealing s. 240.1163(4), F.S., relating to weighting of grades in dual-enrollment and advanced-placement courses; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Mitchell—

SB 682—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Cowin, Smith, Sullivan, Mitchell and Latvala—

SB 684—A bill to be entitled An act relating to certificates of need; amending s. 408.039, F.S.; allowing hospitals that have organ transplantation programs to intervene in certificate of need proceedings for such programs within the same service planning area; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Bronson—

SB 686—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.015, F.S.; defining “conservation lands”; directing the property appraiser to consider that the designation or delineation of lands as wetlands or conservation lands constitutes a constraint

on the property appraiser's ability to determine the highest and best use of the property; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By the Committee on Health, Aging and Long-Term Care—

SB 688—A bill to be entitled An act relating to health care; requiring the Agency for Health Care Administration to convene an interagency workgroup to study issues pertaining to certain background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; providing for composition of the workgroup; requiring a report; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Mitchell—

SB 690—A bill to be entitled An act relating to prescription drugs; creating the "Prescription Drug Fair Pricing Act"; providing legislative findings and purpose; providing definitions; creating the Reduced-Cost Prescription Program within the Agency for Health Care Administration; requiring drug manufacturers and labelers that sell prescription drugs through any state-funded program to enter into a rebate agreement with the agency and make certain rebate payments to state agencies; requiring that the Secretary of Health Care Administration negotiate the amount of the rebate; requiring retail pharmacies to provide a discount for drugs covered by the program and sold to program participants; requiring that the agency establish the discounted prices; providing program eligibility for state residents who do not have coverage for prescription drugs under any health insurance plan or public program; providing for an annual enrollment fee; requiring retail pharmacies to disclose the amount of savings to program participants; requiring that the agency reimburse retail pharmacies for discounted prices; providing a procedure for resolving any discrepancy in the rebate amount; requiring that the agency annually report to the Legislature on the Reduced-Cost Prescription Program; providing rulemaking authority; authorizing the agency to apply for federal waivers necessary to administer the program; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Clary, Peaden, Cowin and Silver—

SB 692—A bill to be entitled An act relating to public records; creating ss. 458.353, 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Saunders—

SB 694—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; revising criteria for membership in the special risk class to include emergency medical technicians and paramedics having supervisory or command authority over other emergency medical technicians and paramedics or having supervisory or

command authority over such supervisory or command personnel; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 696—A bill to be entitled An act relating to the criminal use of personal identification information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit resulting from such use is of a specified amount or more; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 698—A bill to be entitled An act relating to the statute of limitations for prosecuting certain sexual offenses; amending s. 775.15, F.S.; revising the date on which the applicable statute of limitations begins for certain sexual offenses committed against a minor; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 700—A bill to be entitled An act relating to health care; requiring health maintenance organizations to provide for the resolution of grievances brought by subscribers; specifying the services to be included in a grievance system; requiring health maintenance organizations to establish an informal appeal process; providing for a formal internal appeal process; providing for an external appeal when a subscriber is dissatisfied with the results of a formal appeal; providing for the grievance to be reviewed by an independent utilization review organization; providing for a party to appeal a decision by the utilization review organization to the Agency for Health Care Administration; requiring that the Agency for Health Care Administration enter into contracts with utilization review organizations for the purpose of reviewing appeals; authorizing the agency to adopt rules; providing for the right of a subscriber to maintain an action against a health maintenance organization; providing definitions; providing that a health maintenance organization has the duty to exercise ordinary care when making treatment decisions; providing that a health maintenance organization is liable for damages for harm caused by failure to exercise ordinary care; providing certain limitations on actions; providing for a claim of liability to be reviewed by an independent review organization; providing for the statute of limitations to be tolled under certain circumstances; requiring a health maintenance organization to disclose certain information to subscribers and prospective subscribers; specifying additional information that must be provided upon the request of a subscriber or prospective subscriber; requiring that a health maintenance organization provide notice if a provider is unavailable to render services; providing requirements for the notice; requiring health maintenance organizations to make certain allowances in developing provider profiles and measuring the performance of health care providers; providing for such information to be made available to the Department of Insurance, the Agency for Health Care Administration, and subscribers; prohibiting a health maintenance organization from taking retaliatory action against an employee for certain actions or disclosures concerning improper patient care; requiring that a health maintenance organization refer a subscriber to an outside provider in cases in which there is not a provider within the organization's network to provide a covered benefit; specifying circumstances under which a health maintenance organization must refer a subscriber to a specialist; limiting the cost of services provided by a nonparticipating provider; requiring that a health maintenance organization provide a procedure to allow a subscriber to obtain drugs

that are not included in the organization's drug formulary; prohibiting a health maintenance organization from arbitrarily interfering with certain decisions of a health care provider; prohibiting a health maintenance organization from discriminating against a subscriber based on race, national origin, and other factors; requiring health maintenance organizations to establish a policy governing the termination of health care providers; providing requirements for the policy; authorizing the Insurance Commissioner to suspend or revoke a certificate of authority upon finding certain violations by a health maintenance organization; providing for civil penalties; repealing s. 641.513, F.S., relating to requirements for providing emergency services and care; prohibiting coercion of provider selection; amending s. 627.419, F.S.; providing free choice to subscribers to certain health care plans, and to persons covered under certain health insurance policies or contracts, in the selection of specified health care providers; specifying conditions under which any health care provider must be permitted to provide services under a health care plan or health insurance policy or contract; providing limitations; providing for civil penalties; providing application; amending s. 641.28, F.S.; limiting the parties that may recover attorney's fees and court costs in an action to enforce the terms of a health maintenance contract; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 702—A bill to be entitled An act relating to consent to medical care or treatment of a minor; amending s. 743.0645, F.S.; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Judiciary.

By Senator Clary—

SB 704—A bill to be entitled An act relating to motor and other fuel taxes; amending s. 206.86, F.S.; redefining the term "local government user of diesel fuel" to include certain fire control districts; allowing such districts to be licensed to use untaxed diesel fuel in motor vehicles; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Finance and Taxation.

By Senator Campbell—

SB 706—A bill to be entitled An act relating to pawnbrokers and secondhand dealers; creating s. 943.0546, F.S.; requiring the Department of Law Enforcement to administer a statewide database of pawnshop transactions and acquisitions of secondhand goods; requiring local law enforcement agencies to submit records of such transactions to the department; authorizing a law enforcement agency to access the database only for investigative purposes and subject to specified conditions; requiring the department to submit an annual report to the Legislature; requiring the Department of Law Enforcement to adopt rules; amending s. 539.001, F.S., relating to the Florida Pawnbroking Act; specifying the form of a petition under which a claimant may bring an action to recover possession of misappropriated property; providing for a court to determine the disposition of misappropriated property as part of a criminal case; requiring the Department of Agriculture and Consumer Services to prescribe a pamphlet to describe a claimant's rights to recover misappropriated property from a pawnbroker; requiring that the department prescribe by rule a disclosure form; requiring that such form be provided to any person demanding the return of property from a pawnbroker; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Sullivan—

SB 708—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee's beneficiary under specified conditions; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Crist—

SB 710—A bill to be entitled An act relating to state government; creating the "Florida Customer Service Standards Act"; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; and Appropriations.

By Senator Mitchell—

SB 712—A bill to be entitled An act relating to road and bridge designations; redesignating the old Nassau Sound Bridge in Nassau and Duval Counties as the "George Crady Bridge"; designating a portion of U.S. Highway 17 as the "Doyle Parker Memorial Highway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Sebesta—

SB 714—A bill to be entitled An act relating to offenses by public servants; creating the "Citizens' Right to Honest Government Act"; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; amending ss. 112.3173 and 121.091, F.S.; deleting cross-references, to conform; providing an effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Burt—

SB 716—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; increasing the penalty for a third

conviction of driving under the influence to a third-degree felony; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator King—

SB 718—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Carlton—

SB 720—A bill to be entitled An act relating to criminal history records; amending ss. 943.0585, 943.059, F.S.; prohibiting a court from expunging or sealing the criminal history record of a person who has been found guilty of or pled guilty or nolo contendere to distributing or showing obscene material to a minor or who has been found guilty of or pled guilty or nolo contendere to certain activities involving computer pornography; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Diaz de la Portilla—

SB 722—A bill to be entitled An act relating to economic development; expressing the legislative intent to enact policies designed to promote the economic development of the state; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 724—A bill to be entitled An act relating to economic development; expressing the legislative intent to foster economic development in urban cores and other communities in the state; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 726—A bill to be entitled An act relating to international business; expressing the legislative intent to foster international trade and investment activities; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 728—A bill to be entitled An act relating to economic development; expressing the legislative intent to foster the growth of the sports and entertainment industries in the state; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 730—A bill to be entitled An act relating to enterprise zones; expressing the legislative intent to enhance the enterprise-zone program; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 732—A bill to be entitled An act relating to economic development; expressing the legislative intent to foster economic development in the state; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 734—A bill to be entitled An act relating to labor; expressing the legislative intent to enhance the labor and workforce systems of the state; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Klein—

SB 736—A bill to be entitled An act relating to traffic control programs; amending s. 318.21, F.S.; authorizing municipalities and counties to impose a surcharge on civil penalties for traffic infractions to fund traffic control and safety programs; prohibiting the levying of said surcharge on traffic infractions occurring on interstate highways; requiring the proceeds from such surcharge to be deposited in the Community Traffic Safety Trust Fund; providing for distribution of such funds; providing an exception; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Finance and Taxation.

By Senator King—

SB 738—A bill to be entitled An act relating to off-highway vehicles; amending s. 215.22, F.S.; exempting the Off-Highway-Vehicle Revolving Trust Fund from a required deduction; creating ch. 261, F.S.; creating the Florida Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for the duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and

lands; providing for contracts and agreements; providing criteria for recreation areas and trails; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an effective date.

—was referred to the Committees on Transportation; Agriculture and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 740—A bill to be entitled An act relating to trust funds; creating s. 261.11, F.S.; creating the Off-Highway-Vehicle Revolving Trust Fund; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Transportation; Agriculture and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Holzendorf—

SB 742—A bill to be entitled An act relating to firearms; amending s. 790.174, F.S.; requiring that, if a minor is likely to gain access to a firearm, the firearm must be stored in a locked box or container in a location that is secure and that the firearm be secured with a trigger lock; providing penalties for failure to store or leave the firearm in the required manner, under specified circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; and Judiciary.

By Senator Clary—

SB 744—A bill to be entitled An act relating to plans review and inspection of commercial buildings; amending ss. 471.015, 481.213, F.S.; requiring the Board of Professional Engineers and the Board of Architecture and Interior Design to establish by rule qualifications for certifying professional engineers and licensed architects, respectively, as commercial building inspectors; requiring the boards to also establish minimum qualifications for authorized representatives of commercial building inspectors; amending ss. 471.045, 481.222, F.S.; allowing professional engineers and licensed architects certified as commercial building inspectors to perform certain building code inspection services; providing for the conduct and applicability of complaint and disciplinary provisions; creating s. 553.791, F.S.; providing requirements for plans review and inspection of commercial buildings by commercial building inspectors; providing definitions; providing for inspection records and certificates of compliance; providing for resolution of disagreements; providing requirements for local enforcement agencies; providing for initiation of disciplinary proceedings; requiring certain minimum liability coverage; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sullivan—

SB 746—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher-education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.08106, F.S.; authorizing a salary bonus for teachers who complete certain training programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Clary—

SB 748—A bill to be entitled An act relating to elections; amending s. 100.011, F.S.; providing for opening and closing of the polls simultaneously in the state's eastern and central time zones; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Villalobos—

SB 750—A bill to be entitled An act relating to the Department of Corrections; expressing the legislative intent to revise the laws relating to the Department of Corrections; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Villalobos—

SB 752—A bill to be entitled An act relating to the Department of Corrections; expressing the legislative intent to revise the laws relating to the Department of Corrections; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Villalobos—

SB 754—A bill to be entitled An act relating to the Department of Law Enforcement; expressing the legislative intent to revise the laws relating to the Department of Law Enforcement; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Villalobos—

SB 756—A bill to be entitled An act relating to the Department of Law Enforcement; expressing the legislative intent to revise the laws relating to the Department of Law Enforcement; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Villalobos—

SB 758—A bill to be entitled An act relating to the Department of Juvenile Justice; expressing the legislative intent to revise the laws relating to the Department of Juvenile Justice; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Villalobos—

SB 760—A bill to be entitled An act relating to the Department of Juvenile Justice; expressing the legislative intent to revise the laws relating to the Department of Juvenile Justice; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Bronson—

SB 762—A bill to be entitled An act relating to defamation actions; allowing law enforcement officers to bring defamation actions against persons who have filed certain false complaints against the officers; providing an effective date.

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

By Senator Sanderson—

SB 764—A bill to be entitled An act relating to windstorm insurance; expressing the Legislature’s intent to enact legislation relating to windstorm insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sanderson—

SB 766—A bill to be entitled An act relating to driver’s licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

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

By Senator Sanderson—

SB 768—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Crist—

SB 770—A bill to be entitled An act relating to workers’ compensation; amending s. 440.092, F.S.; revising provisions relating to special requirements for compensability under the Workers’ Compensation Law; providing that, in specified circumstances, certain law enforcement officers, when they are in an official law enforcement vehicle, are considered to be acting in the course of their employment; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sanderson—

SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Dawson and Jones—

SB 774—A bill to be entitled An act relating to administrative expunction of arrest records; amending s. 943.0581, F.S.; requiring the Department of Law Enforcement to expunge any arrest record that pertains to an arrest made under a law that is subsequently declared to be unconstitutional by the court; providing an effective date.

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

By Senator Miller—

SB 776—A bill to be entitled An act relating to unclaimed property; amending s. 717.124, F.S.; providing that a person claiming property in the possession of the Department of Banking and Finance is not required to identify the property; requiring personal identification; authorizing a voluntary finder’s fee to be set by the department; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Taxation.

By Senator Rossin—

SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing a definition; providing immunity from civil liability for specified persons and programs for specified acts relating to such programs under specified conditions; providing that information provided to such programs is privileged and subject to the attorney-client privilege; providing that the records, proceedings, and communications of such programs are confidential and not subject to subpoena; providing an exception; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Dawson—

SB 780—A bill to be entitled An act relating to parental consent; amending s. 232.46, F.S.; revising provisions relating to the administration of medication by school district personnel; requiring district school boards to adopt policies and procedures governing the administration of nonprescription medication; requiring written parental permission for the administration of nonprescription medication; amending s. 232.465, F.S.; providing that a student is exempt from certain services under the school health services program if his or her parent or guardian requests

such an exemption in writing; amending s. 234.02, F.S.; limiting transportation of a student to a medical treatment facility without parental consent; providing an effective date.

—was referred to the Committee on Education.

By Senator Sanderson—

SB 782—A bill to be entitled An act relating to the Nursing Student Loan Forgiveness Program; amending ss. 240.4075, 240.4076, F.S.; including family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Geller—

SB 784—A bill to be entitled An act relating to consumer protection; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; creating s. 501.171, F.S.; providing definitions; requiring certain credit reporting agencies to provide reports to consumers; amending s. 539.001, F.S.; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wasserman Schultz—

SB 786—A bill to be entitled An act relating to opticianry; amending s. 484.013, F.S.; revising violations and penalties applicable to the practice of opticianry; amending s. 484.015, F.S.; revising inspection authority; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing an offense severity ranking for the offense of practicing opticianry without a license; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Silver—

SB 788—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified discriminatory acts based upon an applicant or insureds having been or likelihood

to become a victim of specified abuse; providing exceptions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Silver—

SB 790—A bill to be entitled An act relating to school safety; amending ss. 235.06, 633.01, F.S.; transferring responsibility for the adoption and administration of rules prescribing firesafety standards for educational facilities from the Commissioner of Education to the State Fire Marshal; providing an effective date.

—was referred to the Committees on Education; Banking and Insurance; Appropriations Subcommittee on Education; and Appropriations.

By Senator Silver—

SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; expressing the legislative intent to revise the laws relating to the Agency for Health Care Administration; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Silver—

SB 794—A bill to be entitled An act relating to the Department of Health; expressing the legislative intent to revise the laws relating to the Department of Health; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Silver—

SB 796—A bill to be entitled An act relating to the Department of Elderly Affairs; expressing the Legislature's intent to enact legislation relating to the department; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Silver—

SB 798—A bill to be entitled An act relating to the Department of Veterans' Affairs; expressing the Legislature's intent to enact legislation relating to the department; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Silver—

SB 800—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in cer-

tain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Criminal Justice; and Finance and Taxation.

By Senators Silver, Latvala, Sullivan, Peaden and Sanderson—

SB 802—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing that dues and fees paid to private physical fitness facilities are not subject to the tax; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; and Rules and Calendar.

By the Committee on Criminal Justice—

SB 804—A bill to be entitled An act relating to public records; repealing s. 539.003(2), F.S., relating to an exemption from the public records law which is provided for records of pawnbroker transactions delivered to law enforcement officials; deleting a requirement that such exemption be subject to the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Laurent—

SB 806—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Laurent—

SB 808—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Laurent—

SB 810—A bill to be entitled An act relating to law enforcement officers; amending s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Criminal Justice.

By Senator Crist—

SB 812—A bill to be entitled An act relating to capital sentencing proceedings; amending s. 921.141, F.S.; providing that the defendant may not waive a sentencing proceeding conducted before a jury in a capital case unless the state concurs in the waiver; providing additional aggravating circumstances that may be considered by a jury in determining whether to recommend that the defendant be sentenced to life imprisonment or sentenced to death; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Crist—

SB 814—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding the executive director of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from the council's appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of "eligible business" under the Urban High-Crime-Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Crist—

SB 816—A bill to be entitled An act relating to industrial development; amending s. 159.26, F.S., relating to the Florida Industrial Development Financing Act; revising legislative findings and purposes to include digital media as one of the industries to be enhanced and expanded under the act; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Smith—

SB 818—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; providing for a change in the boundaries of an enterprise zone; providing limitations; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Klein—

SB 820—A bill to be entitled An act relating to in-school suspension; amending s. 228.041, F.S.; revising the definition of the term "in-school suspension" to include an additional alternative program; creating s. 230.23155, F.S.; providing funding for the establishment of School-based Alternative to Suspension Programs (SASPs); providing a process for applying to the Commissioner of Education for funds to establish and conduct a SASP; providing program requirements; requiring an annual report; providing for future repeal; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Dyer—

SB 822—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien unless authorized by law; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 112.3185, F.S.; prohibiting a state employee from holding certain employment or contractual relationships following resignation of such employment;

amending s. 287.058, F.S.; requiring that certain state contracts be subject to cancellation upon refusal by the contractor to allow access to public records; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; providing for severability; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management Trust Fund; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar.

By Senator Wasserman Schultz—

SB 824—A bill to be entitled An act relating to hunting; prohibiting the Fish and Wildlife Conservation Commission from sponsoring or conducting, or setting aside special days for, hunting by youths under a certain age in any wildlife management area; providing an effective date.

—was referred to the Committees on Natural Resources; Judiciary; and Governmental Oversight and Productivity.

By Senator Dyer—

SB 826—A bill to be entitled An act relating to construction contracts; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; clarifying provisions relating to notice of claim against a bond; amending s. 713.06, F.S.; clarifying provisions relating to notice of claim against a lien; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; providing for service of notice on corporations or business entities; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; conforming a cross-reference; repealing s. 713.245, F.S., relating to conditional payment bonds; amending s. 713.235, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Judiciary; Commerce and Economic Opportunities; and Banking and Insurance.

By Senator Dyer—

SB 828—A bill to be entitled An act relating to safety standards for public health care employees; providing definitions; requiring that the Department of Health adopt a blood-borne-pathogen standard for public employees; requiring the use of needleless systems and sharps with engineered sharps injury protection; requiring that incidents of exposure be recorded in a sharps injury log; specifying the information to be included in the sharps injury log; authorizing the Department of Health to include additional requirements as part of the blood-borne-pathogen standard; requiring that the department compile a list of needleless systems and sharps with engineered sharps injury protection to assist employers in complying with the department's standard; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Geller, Bronson and Cowin—

SB 830—A bill to be entitled An act relating to health insurance coverage for autism spectrum disorder; requiring a health insurer or health maintenance organization that offers major medical coverage to include coverage for treating autism spectrum disorder; defining the term "autism spectrum disorder"; authorizing an insurer or health maintenance organization to confirm a diagnosis or review the appropriateness of a treatment plan; providing that the act does not affect the licensure of a health care professional or impair the right to reimbursement of a health care provider; making a legislative finding that the act fulfills an important state interest; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Mitchell and Lawson—

SB 832—A bill to be entitled An act relating to the Correctional Privatization Commission; abolishing the Correctional Privatization Commission; transferring the powers, duties, personnel, property, and unexpended balances of funds of the Correctional Privatization Commission to the Department of Corrections; repealing ch. 957, F.S., the Correctional Privatization Commission Act; amending ss. 394.9151, 395.002, 408.036, 943.053, 943.13, 943.133, 944.02, 944.023, 944.115, 944.72, 944.8041, 945.215, 946.5025, 946.503, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Bronson—

SB 834—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring an applicant for a permit for the construction, expansion, or increase in capacity of such a facility to provide documentation regarding compliance with local government zoning and land use regulations; providing requirements with respect thereto; providing an effective date.

—was referred to the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

By Senators Crist, Peaden, Wasserman Schultz, Dawson, Campbell, Saunders and Geller—

SB 836—A bill to be entitled An act relating to insurance and health care service organizations; amending ss. 626.9541, 641.3903, F.S.; prohibiting coercion or certain other actions against a provider who does not participate in other plans or programs of the insurer or organization; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health, Aging and Long-Term Care.

By Senator Saunders—

SB 838—A bill to be entitled An act relating to landlord and tenant; amending s. 83.49, F.S.; increasing the time period within which a landlord must return a security deposit; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Saunders—

SB 840—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Campbell—

SB 842—A bill to be entitled An act relating to the judiciary; creating ss. 43.201, 43.202, 43.203, 43.204, 43.205, 43.206, 43.207, 43.208, 43.209, F.S.; creating the Capital Case Staff Attorney Program; providing for statewide distribution of capital case staff attorneys; providing for hiring, supervision, and duties of such attorneys; providing for salaries, benefits, and training; providing for assignment of such attorneys across circuit lines; providing an annual report; providing an appropriation; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 844—A bill to be entitled An act relating to taxation; amending s. 72.011, F.S.; providing for the venue and jurisdiction of taxpayer actions in circuit court; amending s. 199.023, F.S.; redefining the term “intangible personal property”; amending s. 199.185, F.S.; revising exemptions from the intangible personal property tax; amending s. 212.12, F.S.; providing for methods of determining overpayments by persons paying the tax on sales, use, and other transactions; amending s. 213.21, F.S.; revising the process for review of a taxpayer's liability for tax and interest; amending s. 220.03, F.S.; providing for the tax classification of specified entities; amending s. 608.471, F.S.; providing for the tax treatment of certain types of limited liability companies; providing an effective date.

—was referred to the Committee on Finance and Taxation.

By Senator Campbell—

SB 846—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 812.014, F.S.; providing an enhanced penalty for the offense of motor vehicle theft if the defendant has more than a specified number of prior convictions for such offense; amending s. 812.16, F.S.; increasing the penalty for the offense of operating a chop shop; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Burt—

SB 848—A bill to be entitled An act relating to county law enforcement officers; amending s. 112.18, F.S.; including such officers under provisions for firefighters and state law enforcement officers which pro-

vide special presumptions with respect to disability resulting from certain diseases; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing for direct negotiations of certain leases; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sullivan—

SB 852—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S.; modifying time period for providers of certain medical services under personal injury protection coverage to provide an insurer with a statement of charges; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Pruitt, Bronson, Saunders, Garcia, Villalobos, Campbell, Klein, King, Horne, Smith, Latvala and Clary—

SB 854—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wasserman Schultz—

SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing a penalty; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Commerce and Economic Opportunities; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Children and Families—

SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services, contingent upon the appropriation of funds, to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the Florida Coalition Against Domestic Violence, contingent upon the appropriation of funds, to provide training to specified professionals by specified dates; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; providing for pilot programs of a Domestic Violence/Child Abuse Early Intervention Initiative; providing eligibility guidelines for families who are to be served by the program; providing components of the initiative; providing eligibility standards for communities that may be sites for such initiatives; requiring entities that enter into an Interagency Working Agreement to provide joint direction and oversight and to collaborate with the local one-stop delivery system; requiring the department to contract with the Florida Coalition Against Domestic Violence for the administration of the initiative; requiring the coalition to collaborate with the Agency for Workforce Innovation; requiring a third-party evaluation of the initiative; requiring a preliminary and a final report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer's intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the department to conduct an examination of current court processes for requiring domestic violence perpetrators to participate in the batterer's intervention program and of methods for requiring perpetrators who are not captured by the current court processes to participate in such a program; requiring collaboration with specified agencies; requiring a report to the Governor and the Legislature; requiring the Department of Corrections to examine the current mechanisms for monitoring participants' completion of the batterer's intervention program; requiring collaboration with specified agencies; requiring a report to the Governor and the Legislature; requiring collaboration and at least one joint meeting of various work groups; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.; amending the list of subject matter to be included in the department's annual report to the Legislature on the status of domestic violence cases; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

SR 860—Not referenced.

By Senators Bronson and Clary—

SB 862—A bill to be entitled An act relating to solid waste management; amending s. 403.706, F.S.; requiring the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals; providing that the department must issue a report; amending s. 403.7095, F.S.; providing that the Department of Environmental Protection may provide certain counties with solid waste management and recycling grants; deleting the provision that these grants be limited to certain funding received in fiscal year 1997-1998; requiring the department to provide a specified amount for recycling and waste-reduction grants available to all counties on a competitive basis

for innovative programs; providing for the expiration of the provision for innovative grants; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Bronson—

SB 864—A bill to be entitled An act relating to sports industry economic development projects; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Laurent—

SB 866—A bill to be entitled An act relating to teacher death benefits; creating the "Barry Grunow Act"; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers; providing for rules; amending s. 110.123, F.S.; directing the Department of Education to pay the entire premium for the state group health insurance program for the surviving spouses of certain deceased teachers; providing for funding; providing for retroactive application; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Webster—

SB 868—A bill to be entitled An act relating to disability in the line of duty; amending s. 112.18, F.S.; expanding the provisions of law with respect to disability in the line of duty to include all law enforcement officers and certain correctional officers; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Webster—

SB 870—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms “local government entity,” “purchase,” and “construction services” and defining the terms “payment request” and “agent” for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney’s fees under certain circumstances; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Comprehensive Planning, Local and Military Affairs.

By Senator Garcia—

SB 872—A bill to be entitled An act relating to efficient state government; expressing the legislative intent to revise the laws in order to promote efficiency state government; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 874—A bill to be entitled An act relating to effective state government; expressing the legislative intent to revise the laws in order to promote effective state government; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 876—A bill to be entitled An act relating to economical operation of state government; expressing the legislative intent to revise the laws in order to promote economical operation of state government; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Webster—

SB 878—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending such coverage at cost to part-time instructional personnel; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator King—

SB 880—A bill to be entitled An act relating to workforce development; expressing the legislative intent to enact policies to ensure the

successful implementation of the Workforce Innovation Act of 2000; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

Senate Bills 882—910—Not referenced.

By Senator Villalobos—

SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; providing for inmates to be informed of the availability of certain faith-based housing programs; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

Senate Bills 914—1016—Not referenced.

By Senator Pruitt—

SB 1018—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; providing for funding; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

Senate Bills 1020—1046—Not referenced.

By Senator Pruitt—

SB 1048—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a nonprofit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

Senate Bills 1050—1198—Not referenced.

By Senator Brown-Waite—

SB 1200—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Brown-Waite—

SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0069, F.S.; requiring local long-term care ombudsman councils to review shared-risk agreements of long-term-care facilities and residents; amending s. 400.0073, F.S.; clarifying duties of the councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms “controlling interest,” “shared-risk agreement,” and “voluntary board member” for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; amending s. 400.023, F.S.; providing for civil actions against a facility or facility staff licensed under part II of ch. 400, F.S., for personal injury, for death, or to enforce a resident's rights; specifying the required burden of proof; specifying the required standard of care; authorizing actions for medical negligence; specifying a statute of limitations for bringing an action; providing for expediting a trial; providing definitions; providing for admission of a shared-risk agreement into evidence; providing for recovery on behalf of a claimant's estate; prohibiting the concealment of information relating to the settlement or resolution of a claim or action; creating s. 400.0235, F.S.; providing requirements for a claimant prior to filing suit; creating s. 400.0236, F.S.; requiring a claimant to obtain a verified written medical opinion from a medical expert; creating s. 400.0237, F.S.; requiring a defendant to conduct certain investigations; creating s. 400.0238, F.S.; providing for voluntary binding arbitration of damages; providing for an arbitration panel; providing that arbitration precludes certain other remedies; creating s. 400.0239, F.S.; providing for arbitration to apportion financial responsibility among defendants; creating s. 400.024, F.S.; providing for dissolution of the arbitration panel and appointment of new arbitrators; creating s. 400.0241, F.S.; providing for payment of an arbitration award; creating s. 400.0242, F.S.; providing for appealing an arbitration award; providing for enforcement of an award in the circuit court; creating s. 400.0243, F.S.; specifying circumstances under which a claimant may file suit; providing certain limitations on economic and punitive damages; providing legislative findings with respect to the limitation on noneconomic damages; creating s. 400.0244, F.S.; specifying the basis under which a

defendant may be held liable for punitive damages; providing definitions; creating s. 400.0245, F.S.; providing the burden of proof with respect to punitive damages; creating s. 400.0246, F.S.; providing certain limitations on an award of punitive damages; providing for payment of attorney's fees; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; requiring that the Agency for Health Care Administration review a facility's internal risk management and quality assurance program; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; amending s. 400.191, F.S.; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; increasing the fines imposed for certain deficiencies; creating s. 400.275, F.S.; requiring the Agency for Health Care Administration to designate receivers to oversee the operation of certain facilities; providing for nursing home survey teams; amending s. 400.402, F.S.; revising definitions applicable to part III of ch. 400, F.S., relating to the regulation of assisted living facilities; amending s. 400.407, F.S.; revising certain licensing requirements; providing a bed fee for licensed facilities in lieu of the biennial license fee; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; revising requirements for license renewal; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; requiring that the Agency for Health Care Administration review a facility's internal risk management and quality assurance program; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for civil actions against a facility or facility staff licensed under part III of ch. 400, F.S., for personal injury, for death, or to enforce a resident's rights; specifying the required burden of proof; specifying the required standard of care; authorizing actions for medical negligence; specifying a statute of limitations for bringing an action; providing for expediting a trial; providing definitions; providing for admission of a shared-risk agreement into evidence; providing for recovery on behalf of a claimant's estate; prohibiting the concealment of information relating to the settlement or resolution of a claim or action; creating s. 400.4291, F.S.; providing requirements for a claimant prior to filing suit; creating s. 400.4292, F.S.; requiring a claimant to obtain a verified written medical opinion from a medical expert; creating s. 400.4293, F.S.; requiring a defendant to conduct certain investigations; creating s. 400.4294, F.S.; providing for voluntary binding arbitration of damages;

providing for an arbitration panel; providing that arbitration precludes certain other remedies; creating s. 400.4295, F.S.; providing for arbitration to apportion financial responsibility among defendants; creating s. 400.4296, F.S.; providing for dissolution of the arbitration panel and appointment of new arbitrators; creating s. 400.4297, F.S.; providing for payment of an arbitration award; creating s. 400.4298, F.S.; providing for appealing an arbitration award; providing for enforcement of an award in the circuit court; creating s. 400.4299, F.S.; specifying circumstances under which a claimant may file suit; providing certain limitations on economic and punitive damages; providing legislative findings with respect to the limitation on noneconomic damages; creating s. 400.430, F.S.; specifying the basis under which a defendant may be held liable for punitive damages; providing definitions; creating s. 400.4301, F.S.; providing the burden of proof with respect to punitive damages; creating s. 400.4302, F.S.; providing certain limitations on an award of punitive damages; providing for payment of attorney's fees; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; requiring the use of shared-risk agreements; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 95.11, F.S., relating to statutes of limitations; conforming provisions to changes made by the act; amending s. 415.1111, F.S.; limiting the application of provisions authorizing civil actions on behalf of vulnerable adults; amending s. 464.201, F.S.; authorizing an additional training program for certified nursing assistants; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 768.735, F.S.; providing for application of provisions governing punitive damages; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; requiring the Agency for Health Care Administration to contract for an actuarial analysis of the expected reduction in liability judgments, settlements, and related costs resulting from the provisions of the act; requiring a report to the Legislature; providing appropriations; providing for severability; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senator Laurent—

CS for SB 94—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; prohibiting certain communications with a debtor who is represented by an attorney; prohibiting the causing of charges to be made to a debtor; amending s. 559.77, F.S.; revising civil remedies for engaging in prohibited collection practices; providing for damages in class actions; prescribing circumstances under which liability does not attach; providing a limitation on bringing an action for a remedy for unlawful collection practices; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Geller—

CS for SB 112—A bill to be entitled An act relating to food product dating; requiring that food products display shelf-life expiration dates; providing exceptions; providing an effective date.

By the Committee on Natural Resources; and Senator Brown-Waite—

CS for SB 126—A bill to be entitled An act relating to Xeriscape; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term "Xeriscape"; prohibiting certain restrictions on the practice

of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; providing an effective date.

By the Committee on Judiciary; and Senators Campbell, Latvala and Sebesta—

CS for SB 138—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for post-judgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming

provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or affidavit of nonpaternity; amending ss. 984.03, 985.03, F.S.; conforming cross-references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; providing an effective date.

By the Committees on Children and Families; Judiciary; and Senators Campbell, Latvala and Sebesta—

CS for CS for SB 138—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adopted child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent’s parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for post-judgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; restricting certain criminal offenders from having minors placed in their homes for adoption and providing requirements in an at-risk placement before termination of parental rights; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor’s placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.;

requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or affidavit of nonpaternity; amending ss. 984.03, 985.03, F.S.; conforming cross-references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; providing an effective date.

By the Committee on Judiciary; and Senator Brown-Waite—

CS for SB 178—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing for application to existing liens; providing an effective date.

By the Committee on Criminal Justice; and Senators Mitchell, Sullivan, Sebesta, Jones, Dawson, Holzendorf, Wasserman Schultz, Latvala, Horne, Clary, Rossin, Meek, Dyer, Lawson, Garcia, Lee, Silver, Campbell, Smith and Miller—

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant suffers from mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant suffers from mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant suffers from mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury’s recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 240—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system serve the sentence for such crime in the state system, regardless of the length of sentence imposed; providing an effective date.

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

CS for SB 248—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 28.101, F.S.; increasing the fee charged by the clerk of the circuit court in dissolution of marriage cases; providing that the fee be deposited in the Domestic Violence Trust Fund; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers’ intervention program; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Campbell and Smith—

CS for SB 316—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that the state, an agency, or a subdivision thereof may settle a judgment or claim within the limits of a self-insurance fund; clarifying that any defense of sovereign immunity is not waived as a result of providing a specified risk-management program; providing an effective date.

By the Committee on Regulated Industries; and Senator Campbell—

CS for SB 340—A bill to be entitled An act relating to moving companies; creating the “Movers Regulation Act”; providing definitions; providing construction and legislative intent; providing for the Department of Agriculture and Consumer Services to regulate businesses engaged in intrastate transportation of household goods; prohibiting a person from engaging in business as a mover without obtaining an operating permit from the Department of Agriculture and Consumer Services; requiring that a mover be bonded or establish financial security of a specified amount; providing application requirements; providing for a permit fee; authorizing the department to bring an action to recover against a mover’s bond or financial security; specifying circumstances under which the department may deny or refuse to renew an operating permit; providing a procedure for a mover to appeal a denial or revocation of an operating permit; providing for issuance of a replacement permit; requiring that a permit be annually renewed; requiring a mover to provide a written estimate to a shipper; providing requirements for the written estimate; requiring that a mover prepare a written contract before performing any service on behalf of a shipper; providing requirements for the written contract; requiring that the contract contain a disclosure statement; prohibiting a mover from charging a fee in excess of the written contract; providing an exception; requiring that a mover accept certain forms of payment; providing that a violation of the act is a civil infraction; providing penalties; providing procedures for contesting a citation issued by the department; providing that certain offenses involving the failure to relinquish household goods are felony offenses; authorizing the Department of Legal Affairs to prosecute violations of the act under the Florida Deceptive and Unfair Trade Practices Act; authorizing the Department of Agriculture and Consumer Services to enter into the business premises of a mover to enforce compliance with the act; amending s. 895.02, F.S.; defining felony violations of the act as “racketeering activity” under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; providing for severability; providing an effective date.

By the Committee on Appropriations; and Senator Clary—

CS for SB 618—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services and providing for the disposition of remaining balances and revenues; declaring the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 110.151(7), F.S., relating to reestablishment of the State Employee Child Care Revolving Trust Fund, to conform; providing effective dates.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 7, 2001: SB 544, SB 546, SB 548, SB 552, SB 554, SB 556, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 570, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 588, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614, SB 616, CS for SB 618, SB 276, SB 278, SB 280, SB 282, SB 284, SB 288, SB 290

Respectfully submitted,
Tom Lee, Chairman

The Special Master on Claims recommends the following pass: SB 40 with 1 amendment

The bill was referred to the Committee on Agriculture and Consumer Services under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 118, SB 264 with 2 amendments

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

The Committee on Ethics and Elections recommends the following pass: SB 90

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

The Committee on Criminal Justice recommends the following pass: SB 122

The bill was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 342 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Special Master on Claims recommends the following pass: SB 42 with 2 amendments

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

The Committee on Criminal Justice recommends the following pass: SB 208

The Committee on Regulated Industries recommends the following pass: SB 228

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 304

The Special Master on Claims recommends the following pass: SB 20 with 1 amendment, SB 22 with 1 amendment, SB 24 with 2 amendments, SB 28, SB 48, SB 52 with 1 amendment, SB 54 with 1 amendment, SB 68 with 1 amendment, SB 72

The bills contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Children and Families recommends the following pass: SB 88 with 1 amendment

The Special Master on Claims recommends the following pass: SB 10, SB 26, SB 50 with 1 amendment, SB 56, SB 58, SB 66 with 1 amendment

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 130

The Special Master on Claims recommends the following pass: SB 30 with 2 amendments, SB 22

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

The Committee on Agriculture and Consumer Services recommends the following pass: SB 40

The Committee on Children and Families recommends the following pass: SB 42 with 2 amendments

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 20 with 1 amendment, SB 22 with 1 amendment, SB 28, SB 48, SB 52 with 1 amendment, SB 68 with 1 amendment, SB 72

The Committee on Education recommends the following pass: SB 30 with 2 amendments, SB 62 with 1 amendment

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 36 with 1 amendment, SB 78 with 1 amendment, SB 254 with 2 amendments

The Committee on Regulated Industries recommends the following pass: SB 202

The Committee on Transportation recommends the following pass: SB 8 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 454, SB 456, SB 486

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 382, SB 384

The Committee on Education recommends the following pass: SB 118 with 4 amendments, SB 302, SB 418

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 148 with 1 amendment

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

The Special Master on Claims recommends the following pass: SB 6 with 1 amendment, SB 36 with 1 amendment, SB 74 with 1 amendment, SB 78 with 1 amendment

The bills were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Special Master on Claims recommends the following pass: SB 76 with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: SJR 124 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Special Master on Claims recommends the following pass: SB 8 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 484

The Committee on Education recommends the following pass: SB 426

The Committee on Judiciary recommends the following pass: SB 136

The Committee on Rules and Calendar recommends the following pass: SB 274, SB 276 with 4 amendments, SB 278 with 7 amendments, SB 280 with 4 amendments, SB 282 with 3 amendments, SB 284, SB 288 with 1 amendment, SB 290

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

The Special Master on Claims recommends the following not pass: SB 80

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following not pass: SB 80

Pursuant to Senate Rule 2.18, this bill is reported unfavorably without notice and without a hearing.

The bill was laid on the table.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 340

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

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 112

The bill with committee substitute attached was referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 238, SB 240

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 138

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

The Committee on Judiciary recommends a committee substitute for the following: SB 94

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 316

The Committee on Natural Resources recommends a committee substitute for the following: SB 126

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 178

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

The Committee on Children and Families recommends a committee substitute for the following: SB 248

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

The Committee on Children and Families recommends a committee substitute for the following: CS for SB 138

The bill with committee substitute attached was placed on the calendar.

The Special Master on Claims recommends the following not pass: SB 64

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

The Special Master on Claims recommends the following not pass: SB 38, SB 44

The bills were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Special Master on Claims recommends the following not pass: SB 14, SB 16, SB 18, SB 34, SB 82

The bills were referred to the Committee on Criminal Justice under the original reference.

The Special Master on Claims recommends the following not pass: SB 46

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

The Special Master on Claims recommends the following not pass: SB 60

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

The Special Master on Claims recommends the following not pass: SB 4, SB 12

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on General Government recommends the following pass: SB 544, SB 546, SB 548, SB 550, SB 552, SB 554, SB 556, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 570, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 588, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614, SB 616

The Appropriations Subcommittee on General Government recommends a committee substitute for the following: SB 618

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Governmental Oversight and Productivity recommends that the Senate confirm the following appointment made by the Governor: Cynthia A. Henderson as **Secretary of Management Services**, to serve at the pleasure of the Governor.

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

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2000 REGULAR SESSION

The Honorable Katherine Harris
Secretary of State

June 14, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 114, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000 and entitled:

An act relating to discretionary sales surtaxes; . . .

Under current law, "small counties" are authorized to levy a sales surtax for operating purposes at a rate of either 0.5 percent or 1 percent. These taxes may be levied by an extraordinary vote of the governing board of the county. For this purpose "small county" is defined as a county that had a population of 50,000 or less as of April 1, 1992. Senate Bill 114 expands the definition of "small county," and the ability to levy the sales surtax, to include any county with a population of 75,000 or less as of October 1, 2000. This applies to only one county.

The effect of Senate Bill 114 is to allow a single county to impose an additional sales tax on its citizens without the approval of the voters in that county. This is not the appropriate way to create new taxing authority and should not be encouraged. The county currently has the authority to raise an additional 1 percent surtax, by referendum, for infrastructure purposes such as transportation. The government's authority to tax must ultimately rest with the people. Instituting a new tax without voter approval, as proposed in Senate Bill 114, bypasses the most direct and clearest expression of the will of the people.

For these reasons I am withholding my approval of Senate Bill 114, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 14, 2000

Substitute for Senate Bill 862, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Senate Bill 714, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to solid and hazardous waste management; . . .

Committee Substitute for Committee Substitute for Senate Bill 714 relates primarily to waste disposal and transfer in the State of Florida. On its face, it provides added protections to the regulation of hazardous waste transfer facilities. Specifically, Committee Substitute for Committee Substitute for Senate Bill 714 defines hazardous waste transfer facilities as storage facilities and requires that these facilities be permitted like other hazardous waste storage facilities in the state.

At the same time, however, Committee Substitute for Committee Substitute for Senate Bill 714 includes a provision that runs up against the Administration's position on budgeting and contracting. Currently, Florida provides funding to the Southern Waste Information Exchange, Inc. (SWIX), a not-for-profit corporation, to serve as a clearinghouse for information on waste recycling, use, and reuse opportunities for Florida waste generators. These services are offered to encourage sound environmental and cost-effective alternatives to landfilling, incineration and the treatment of solid waste. Arguably, the assistance provided by SWIX to public and private businesses is worthwhile and important to our environment. Where Committee Substitute for Committee Substitute for Senate Bill 714 goes too far, however, is in specifically naming in statute SWIX as the provider of solid and hazardous waste management assistance to Florida's public and private sector. Furthermore, it requires the Department of Environmental Protection to request legislative funding for SWIX in its annual legislative budget request.

By writing this organization into law as the state's provider and by requiring the Department of Environmental Protection to include SWIX in its legislative budget request, Committee Substitute for Committee Substitute for Senate Bill 714 essentially discourages alternatives to these particular services or competition from other providers for these services. It also provides SWIX with an unfair advantage over any other entity that currently provides or would like to provide these services in the future.

For the last three budget cycles, SWIX has received state funding, and most recently received \$300,000 to render services to the state and private entities. So long as SWIX continues to perform in a manner acceptable to the state and so long as the state determines that this is a necessary public service, SWIX should remain in good standing.

Nevertheless, by restricting the state's flexibility as it relates to waste management assistance programs, Committee Substitute for Committee Substitute for Senate Bill 714 unfairly provides something akin to a "guarantee" to one provider. In the final analysis, that is not something that we should encourage among providers and other entities receiving state funding.

I encourage the Department of Environmental Protection and the legislative sponsors and co-sponsors of this bill to return next year to pass legislation that would include the hazardous waste transfer facility provisions of this bill. For the reasons provided above, I am withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 714, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 9, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, subsections (b), (c), (d), (e) and (f) of Section 8, comprising specific appropriations and related proviso, of Committee Substitute for Committee

An act relating to innovative transportation financing; . . .

The specific appropriations and accompanying proviso which comprise subsections (b), (c), (d), (e) and (f) of Section 8 of Committee Substitute for Committee Substitute for Senate Bill 862 are hereby vetoed. Committee Substitute for Committee Substitute for Senate Bill 862, which provides financial resources for the state's transportation program, is a substantive bill containing appropriations related to transportation projects. Although the appropriations provided in Committee Substitute for Committee Substitute for Senate Bill 862 are well-intended, earmarking dollars for specific transportation projects outside the priorities established through existing evaluation processes, takes away from the Department of Transportation's ability to administer the state's transportation program based on the authority given the department by s. 339.135, Florida Statutes, regarding how transportation resources should be specifically allocated to produce the most effective results possible.

Section 8.

(b) 79th Street Station—Hialeah—Dade Co. (\$2,000,000);

(c) Hollywood Intermodal Initiative—Broward Co.—(\$1,000,000);

(d) Melbourne Airport—New Hanger Construction—Brevard Co. (\$834,937);

(e) South Florida Rail Feasibility Study—Palm Beach/Broward/Dade (\$500,000). Funds provided for the South Florida Rail Corridor Feasibility Study are to review the CSX, FEC and I-95 Corridors and their relation to land use in Palm Beach, Broward and Dade Counties. The department shall contract with the South Florida Regional Transportation Organization. The study shall be competitively bid under chapter 287;

(f) Atlantic Corridor—City of Miami Beach—Dade Co. (\$450,000).

The portions of Committee Substitute for Committee Substitute for Senate Bill 862 which are set forth herein with my objections are hereby vetoed. All other portions of Committee Substitute for Committee Substitute for Senate Bill 862 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 21, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 990, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to education; . . .

Senate Bill 990 revises the reporting of student grades on report cards and substantially revises the high school grading system currently established in law. While the bill has a number of provisions, most of the discussion and debate has focused on the statewide grading scale provisions. Senate Bill 990 deletes the current high school grading system and scale (which 94% to 100% equates to an A; 85% to 93% a B; 77% to 84% a C; 70% to 77% a D; and below 70% equates to an F) and stipulates that for the purposes of interpreting grades when teachers do not assign letter grades, school districts should use a grading scale that is similar to those used by other states ("A" equals 90-100%, has a grade point average value of 4, and is defined as outstanding progress). It is this provision that gives me concern.

The education reforms that have been implemented over the last few years, have been grounded on four key components: high academic standards and expectations; annual assessment of progress toward mastery of the Sunshine State Standards; a benchmark goal that students gain at least a year's worth of knowledge in a year of schooling; and accountability for student performance. Posted up against these components, I believe Senate Bill 990 has the very real potential of negatively

affecting the high academic standards and expectations teachers have worked so diligently to implement. Therefore, I have decided to exercise my authority to veto this bill for the following reasons.

First, Senate Bill 990 takes us back to the original problem that led to the creation of a statewide grading scale. In 1987, the Florida Legislature enacted a statewide grading scale in which 94% to 100% equates to an A; 85% to 93% a B; 77% to 84% a C; 70% to 77% a D; and below 70% would equate to an F. The purpose of this change was to end the perceived inequity and unfairness caused by different school districts using different grading scales. By making a new grading scale permissive for school districts, Senate Bill 990 returns us to the original problem—the possibility of each school board setting its own grading scale in a way that treats students inconsistently throughout the state. Supporters of the bill argue that providing for a new grading scale is necessary to level the playing field with other states that use the suggested scale. Yet in trying to create consistency with the rest of the nation, we will end up creating inconsistent grading scales throughout Florida's own public school system. In our own conversations with school districts, this much is clear. Many school systems are comfortable with the current grading scale system and have adjusted to its requirements, while on the other hand, some school districts would like to move to a new grading scale.

Second, by enacting a new grading scale, we send the wrong message to our children and ignore the limited impact the current grading scale may have. Last year, the Florida Senate conducted a study of high school grading practices concluding that teachers tend to adjust their assignments and tests to the grading scale, thus producing a similar number of A's, B's, etc., with one scale as with another. This finding indicates that the grading scale matters little in the overall outcome of student grades. If this is true, in a best-case scenario, Senate Bill 990 will not affect the distribution of grades. Nevertheless, if this finding is correct, why then suggest a replacement scale in law that provides a lower threshold for each grade? What message does that send to teachers, students and parents?

On the other hand, if the grading scale does matter, which some proponents of this bill believe, we would see more A's and B's as a result of the change. Today's C would become tomorrow's B, and today's B would become tomorrow's A. According to the Senate study, 53% of the grades issued by Florida's public high schools in 1997/1998 were A's and B's. Under Senate Bill 990, it is quite possible that this percentage would increase even further. With Florida's lower than average SAT scores and high rate of students (41%) who are not prepared for college level courses, it does not make sense to have more students earning higher grades with the same level of achievement, or more students earning higher grades while mastering less content than last year. Unfortunately, if this is the impact of Senate Bill 990, it encourages the very thing it set out to eliminate—grade inflation.

I understand that supporters of this legislation believe strongly that something should be done with Florida's current grading scale. In response to that concern, Senator Anna Cowin and I have agreed to work together in the interim for a better solution. In addition, I am asking the Commissioner of Education to further study this complex issue and make recommendations to the 2001 Florida Legislature.

In summary, Senate Bill 990 fails to contribute positively to our goal of raising standards and improving student achievement. It sends a mixed signal that may have a negative impact on grading policies and practices throughout the state. At its best, Senate Bill 990 will have little impact on grade distribution. At its worst, it will lead to grade inflation.

For these reasons, I am withholding my approval of Senate Bill 990, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 7, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provision of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval and transmit to you my objections, Committee Substitute for Senate Bill 1230, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to eminent domain; . . .

Committee Substitute for Senate Bill 1230 gives municipalities the authority to exercise eminent domain for the purpose of obtaining lands for a public school and provides a hospital district with the authority to take possession and title in advance of the entry of a final judgment in eminent domain actions. First, municipalities would be authorized to exercise the power of eminent domain for obtaining lands to be conveyed by the municipality to the school board of the school district for the county within the municipality is located, if the school board requests in writing that the municipality obtain such lands for conveyance to the school board and promises to use the land to establish a public school. Both entities currently have eminent domain authority. This provision would be repealed January 1, 2003. Second, Committee Substitute for Senate Bill 1230 temporarily expands the eminent domain authority to take private property under quick-take provisions to a specific hospital district created by a special act of the Legislature. The quick-take authority will allow the hospital to take possession and title in advance of the entry of final judgment on the value of the property. This provision would be repealed July 1, 2003.

The power of government to take property is perhaps the most severe of all governmental powers. Eminent domain often runs in direct conflict with the rights of private property owners, and though our laws provide for just compensation, state government must be frugal in the exercise of this power, and conscientious when it is expanded.

In this particular bill, eminent domain authority is expanded to benefit the North Broward Hospital District. Essentially, the district's current eminent domain authority would be broadened to include the right to take possession and title to property in advance of the entry of a final judgment for a specific situation—the expansion of Broward General Hospital. Broward General Hospital serves many indigent citizens in Broward County and is in need (sic) of major expansion. It has planned to expand to provide improved services to a growing population. This is undoubtedly a worthwhile and needed project. The hospital has begun negotiations with local property owners to purchase their properties.

My objection to this well-intended bill, however, is that the hospital has begun this process under the current set of rules governing their eminent domain authority. To change these rules, giving them an expanded advantage over local property owners, would not be in the spirit of fair play. Withholding approval of the bill would still allow the project to continue to move forward under existing law. The needed property can be acquired successfully to make this needed expansion a reality.

Additionally, allowing this bill to become law would set a precedent inviting other specific governmental entities currently prohibited from exercising quick-take proceedings to seek one-time expansions of eminent domain authority. I believe this sets a dangerous precedent and is a poor basis for creating new statutes. If the expansion of quick-take authority is an issue that needs addressing, the Legislature should do so as a policy debate for statewide application. The Legislature has historically prided itself in ensuring that state laws were only created as a last resort to address local concerns. Thus, in turn, local entities should seek assistance through state law only after all options and avenues have been exhausted.

The use of eminent domain authority is one of the most harsh proceedings known therefore the justification for expanding the scope of existing eminent domain authority must be proven to be essential, not just convenient or economical. For reasons provided above and out of concern over the precedent this bill might set, I am withholding my approval of Committee Substitute for Senate Bill 1230, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 16, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objection to Section 6, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 1412, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to public swimming and bathing places; . . .

Although the appropriations provided in Committee Substitute for Senate Bill 1412 are well intended, there are funds provided to the Department of Health in the Fiscal Year 2000-2001 General Appropriations Act for a similar purpose. Moreover, the Ecosystem Management and Restoration Trust Fund, which funds the appropriation, does not have a positive fund balance that would allow it to meet this additional obligation.

The objectionable appropriations provided in Committee Substitute for Senate Bill 1412 are as follows:

Section 6. *The sum of \$745,000 is appropriated from the Ecosystem Management and Restoration Trust Fund to the Department of Environmental Protection, Division of Water Resource Management, Beach Management Program, for fiscal year 2000-2001. These funds shall be transferred to the Department of Health. The sum of \$745,000 is appropriated from the County Health Department Trust Fund in the Department of Health during fiscal year 2000-2001 for a 2-year "Healthy Beaches" study in the coastal waters of Escambia and Santa Rosa Counties and the Tampa Bay area of Pinellas County. The purpose of the study is to determine which indicator organism is best suited to be used with respect to Florida's waters and to establish a statewide model to help predict when possible water-quality problems will occur.*

The portion of Committee Substitute for Senate Bill 1412 that is set forth herein with my objection is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1412 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 21, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Section 9, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 1604, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000 and entitled:

An act relating to community-based development organizations; . . .

Committee Substitute for Senate Bill 1604 creates the Community-Based Development Organization Grant Program. This program is essentially the same as the Community Development Support and Assistance Program which the Legislature allowed to sunset on June 30, 1998. The program was determined to be inefficient by the Office of Program Policy Analysis and Government Accountability and the grants served primarily to augment other sources of government assistance. Further, the loan program was not widely used or when it was used had experienced high loss rates. The bill requires the Department of Community Affairs to administer this new program without providing program administrative resources. In addition, based on further analysis, funding for the grant program is premature as the rule-making/public hearing process must be accomplished before funds can be distributed. It is doubtful that any funds can be disbursed during the upcoming 2000-01 Fiscal Year.

The objectionable appropriations provided in Committee Substitute for Senate Bill 1604 are as follows:

Section 9. *There is hereby appropriated from the General Revenue Fund the sum of \$1 million to be distributed as grants to community-based development organizations as provided by this act.*

The portion of Committee Substitute for Senate Bill 1604 that is set forth herein with my objection is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1604 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

May 30, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, subsections (3), (5), (6), and (7) of Section 163, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 2050, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to workforce innovation; . . .

The specific appropriations and accompanying proviso which comprise subsections (3), (5), (6), and (7) of Section 163 of Committee Substitute for Senate Bill 2050 are hereby vetoed. Committee Substitute for Senate Bill 2050, which makes substantial changes to the state's workforce development program, is a substantive bill containing appropriations related to workforce development, economic development, and welfare transition services. Committee Substitute for Senate Bill 2050 also creates a new entity, Workforce Florida, Inc., that is given responsibility for policy development and planning for Florida's workforce development system. Although the appropriations provided in Committee Substitute for Senate Bill 2050 are well-intended, earmarking dollars for specific workforce-related programs takes away from Workforce Florida, Inc.'s ability to utilize the authority provided by this bill to make decisions regarding how workforce development resources should be specifically allocated to produce the most effective results possible.

The objectionable appropriations provided in Senate Bill 2050 are as follows:

Section 163.

(3) *For diversion services for needy families authorized by section 445.018, Florida Statutes, the sum of \$8 million is appropriated from recurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.*

(5) *For the Careers for Florida's Future Incentive Grant Program established pursuant to sections 445.012-445.0125, Florida Statutes, the sum of \$12 million in recurring General Revenue is appropriated to the Agency for Workforce Innovation.*

(6) *For the Small Business Workforce Service Initiative established pursuant to section 445.014, Florida Statutes, the sum of \$500,000 in nonrecurring General Revenue is appropriated to the Agency for Workforce Innovation.*

(7) *For grants to support local economic development projects that lead to jobs for needy Florida families pursuant to section 445.015, Florida Statutes, the sum of \$5 million is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.*

The portions of Committee Substitute for Senate Bill 2050 which are set forth herein with my objections are hereby vetoed. All other portions of Committee Substitute for Senate Bill 2050 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 16, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 2368, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to traffic control; . . .

Committee Substitute for Senate Bill 2368 was intended by its sponsors to promote traffic safety and reduce motor vehicle accidents through increased driver improvement education. For the most part, the bill increases the occasions when a Florida driver *must* attend a driver

improvement course. While some of these provisions could have a positive impact on driver safety, other provisions were overly-broad with the potential to weaken penalties for bad drivers as well as mandate driving school for those who do not warrant such a sanction.

For example, Florida is currently one of the few states in the nation that allows drivers who commit a traffic violation to "elect" to attend driving improvement school in lieu of a court appearance. If the driver takes this election, points are not assessed and adjudication is withheld. While this election provides drivers with more education, it can also be viewed as an opportunity for a driver to avoid tough penalties such as increased insurance rates or suspension of his or her license. For that reason, drivers are limited to taking the election only one time a year and only five times over the course of an individual's driving history. Originally, under state law, drivers could take this election only three times over the course of one's driving history. Committee Substitute for Senate Bill 2368, however, would not only increase the current limit of five elections but eliminate the cap altogether, thereby allowing for an unlimited amount of driving school elections over a driver's lifetime.

Unfortunately, by allowing an unlimited amount of elections over one's life, we would be weakening penalties for the worst drivers on the road. Drivers can avoid points, increased insurance rates, and adjudication by electing to attend driving school. But at some point, and certainly after five trips to driving school, there must be a greater penalty or a greater disincentive for poor driving. In cases where a driver has already used up his or her five opportunities to go to driving school and is still driving carelessly, the only effective deterrent at that point may be the very real threat of rising insurance rates or the loss of a drivers license. While driving schools can certainly have a positive impact, there does come a point where we must admit their ineffectiveness to influence the driving of some individuals, especially drivers who have high recidivism rates in spite of attending driving school on numerous occasions. Leniency for consistently bad drivers, even in the name of more driver's education, is something that causes me concern.

Additionally, another provision of Committee Substitute for Senate Bill 2368 would change Florida's current law in a way that would make driving school mandatory for first time offenders if that offender was the cause of a traffic accident. Currently, the law requires mandatory driving school for an individual who has been the cause of a traffic accident *twice* within a period of two years and caused property damage of at least \$500 in the second crash. The policy behind this provision is to require driver's education for drivers who have been the cause of repeat accidents. This policy can be justified on the basis that an individual who causes two accidents within a limited amount of time should probably receive additional driving education.

Committee Substitute for Senate Bill 2368, however, would change this policy so that those who have been the cause of a traffic accident only once would be required to attend driving school if the damages amount to at least \$2,500. This change would most certainly sweep in drivers who have had good driving records with the exception of one isolated accident or drivers who have been unfortunate enough to be involved in a one-time "fender bender" with an expensive car. Again, I believe in this circumstance the bill sweeps to (sic) broadly in mandating that first time offenders attend driving school.

At the same time, there are other provisions of Committee Substitute for Senate Bill 2368 that ostensibly can accomplish some good. The bill provides for increased awareness of the option Floridians have to "elect" driving school over points and adjudication. In addition, the bill also requires driving school for drivers under 21 years of age who are guilty of or plead no contest to two non-criminal moving infractions within the period of one year. In many cases, however, these young drivers will already be required to attend driving school. In the end, however, it was the overly-broad nature of this bill in terms of mandatory driving attendance and the potential to weaken penalties for consistently bad drivers that has convinced me to withhold my support.

For the reasons provided above, I am withholding my approval of Committee Substitute for Senate Bill 2368, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

EXECUTIVE BUSINESS

The following Executive Orders were filed with the Secretary:

EXECUTIVE ORDER NUMBER 2000-176

(Executive Order of Suspension)

WHEREAS, John C. Norris is presently serving as a member of the County Commission of Collier County, Florida, and

WHEREAS, the State Attorney's Office filed a direct information charging John C. Norris with violations of the unlawful compensation or reward for official behavior law, Section 838.016, Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Collier County and the citizens of the State of Florida that John C. Norris be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth.

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Art. 4, s. 7, Florida Constitution, allege as follows:

- A. John C. Norris is, and at all times material hereto was, a member of the County Commission of Collier County, Florida.
- B. The office of County Commissioner is within the purview of the suspension powers of the Governor, pursuant to Art. 4, s. 7, Florida Constitution.
- C. The attached information alleges that John C. Norris committed acts in violation of the Laws of Florida and this information is hereby incorporated as if fully set forth in this executive order.
- D. This suspension is predicated upon the attached information, which also constitutes misfeasance and/or malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. John C. Norris is hereby suspended from the public office which he now holds, to wit: County Commissioner, Collier County, Florida.

Section 2. John C. Norris is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 5th day of June, 2000.

Jeb Bush
 GOVERNOR



ATTEST:
Katherine Harris
 SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections.]

EXECUTIVE ORDER NUMBER 2001-70

(Executive Order of Suspension)

WHEREAS, Avant Brown is presently serving as a County Commissioner for Glades County, Florida, and

WHEREAS, the Office of the State Attorney, Twentieth Judicial Circuit, filed an Information charging Avant Brown with Aggravated Battery with a Deadly Weapon or Causing Harm, in violation of section

784.045, Florida Statutes; Sexual Battery, in violation of section 794.011(5), Florida Statutes; and Felony Battery, in violation of section 784.041, Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Glades County, and the citizens of the State of Florida, that Avant Brown be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth;

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Article IV, Section 7, of the Florida Constitution, allege as follows:

A. Avant Brown is, and at all times material hereto was, a County Commissioner for Glades County, Florida.

B. The office of County Commissioner for Glades County, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached information alleges that Avant Brown committed acts in violation of the laws of Florida, and this Information is hereby incorporated as if fully set forth in this Executive Order.

D. This suspension is predicated upon the attached Information, which also relates to conduct constituting malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. Avant Brown is hereby suspended from the public office which he now holds, to wit: County Commissioner for Glades County, Florida.

Section 2. Avant Brown is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 27th day of February, 2001.

Jeb Bush
GOVERNOR

ATTEST:

Katherine Harris
SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections.]

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	For Term Ending
Board of Accountancy	
Appointees: Puissegur, Frank D., Lakeland	10/31/2004
Wilson, Carol P., Orlando	10/31/2002
Board of Acupuncture	
Appointee: Ni, Hai-Sha, Merritt Island	10/31/2004
Board of Architecture and Interior Design	
Appointees: Hall, Daniel-Christopher, Miami Shores	10/31/2003
Planas, Ivette, Coral Gables	10/31/2002

Office and Appointment	For Term Ending
Greater Orlando Aviation Authority	
Appointees: Bradley, Jacqueline L., Windermere	04/16/2002
Rey, Jose A., Orlando	04/16/2004
Theisen, Robert W., Longwood	04/16/2004
Van Meter, Jeanne L., Kissimmee	04/16/2004
Florida State Boxing Commission	
Appointee: Entin, Alvin E., Pembroke Pines	09/30/2004
Florida Building Code Administrators and Inspectors Board	
Appointee: Nagin, Robert D., Clearwater	10/31/2003
Florida Building Commission	
Appointee: Carson, Ed, Pensacola	04/05/2001
Capitol Center Planning Commission	
Appointee: Block, Charles E., Vero Beach	09/30/2004
Board of Chiropractic Medicine	
Appointees: LaRusso, Salvatore D., Wellington	10/31/2004
Wolfson, Wayne C., Winter Park	10/31/2004
Florida Citrus Commission	
Appointees: Falk, Harry Heller, Winter Park	05/31/2003
Jackson, Raymond A., Vero Beach	05/31/2003
Schafer, Nancy Jackson, Waverly	05/31/2003
Hillsborough County Civil Service Board	
Appointees: Cyrise, Margaret D., Plant City	07/02/2003
Diaz, Andrew G., Tampa	07/02/2003
Board of Clinical Laboratory Personnel	
Appointee: Gereg, Andrea, Tallahassee	10/31/2004
Regulatory Council of Community Association Managers	
Appointees: Battista, Marilyn M., Clearwater	10/31/2003
Czonstka, Steven J., Niceville	10/31/2002
Glass, Debra B., Tallahassee	10/31/2003
Yates, Edith L., Lakeland	10/31/2002
Florida Communities Trust	
Appointees: Moure, Edwin C., Coral Gables	01/31/2001
Streetman, Fred W., Jr., Longwood	01/31/2003
State Board of Community Colleges	
Appointees: Berridge, Randy, Longwood	09/30/2005
Hanna, Randall W., Tallahassee	09/30/2005
Thomas, George, Bradenton	09/30/2005
Velazquez, Silvia M., Hialeah	09/30/2000
	09/30/2001
Florida Commission on Community Service	
Appointees: Asia, Cynthia O., Palatka	09/14/2002
Barrett, Alix U., Santa Rosa Beach	09/14/2003
Bell, Honor M., Sr., Pensacola	09/14/2002
Bielinski, Julie Prevatt, Bonifay	09/14/2003
Brooks, Deborah H., Ocala	09/14/2002
Brooks, Roy, Orlando	09/14/2002
Buckner, Michael L., Jacksonville	09/14/2003
Chandler-Thompson, Gwen, Jacksonville	09/14/2003
Charles, Sidney F., Miami	09/14/2001
Donley, Jeffrey R.W., St. Cloud	09/14/2000
	09/14/2003
Enfield, Lisa, Weston	09/14/2003
Evans, Gloria E., Winter Springs	09/14/2002
King, Daniel S., Tallahassee	09/14/2001
Morris, Patrick G., Miami Beach	09/14/2000
	09/14/2003
Oliva, Maria Cristina, Miami	09/14/2002
Rivas, Eduardo R., Miami	09/14/2001
Ruano, Robert, Miami	09/14/2003
Sanjuan, Maria T., Plantation	09/14/2001
Scarborough, Ryan Paul, Tallahassee	09/14/2001
Wallace, Joan S., Pompano Beach	09/14/2002
Weinrich, Carl L., Sarasota	09/14/2001

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
	09/14/2001	Whitson, Kathryn L., Miami	09/30/2004
	09/14/2002		
Board of Trustees of Central Florida Community College		Education Standards Commission	
Appointee: Strifler, Betty, Crystal River	05/31/2003	Appointees: Bouzianis, Stephen, Sanford	09/30/2003
		Bullard, Michelle M., St. Petersburg	09/30/2001
Board of Trustees of Daytona Beach Community College		Cilento, John, Jupiter	09/30/2002
Appointee: Desai, Pramila,		Holmes, Pamela R., Ft. Pierce	09/30/2002
Ormond Beach	05/31/2003	Horton, J. Wiley, Monticello	09/30/2003
		Little, Wesley, Gulf Breeze	09/13/2003
Board of Trustees of Edison Community College		Magee, Molly, Stuart	09/30/2003
Appointees: Carr, Darol Howell Melvin,		Roberts, Charles L., S. Pasadena	09/30/2001
Punta Gorda	05/31/2002	Vasquez, Anete, St. Petersburg	09/30/2003
Downing, Kenneth, LaBelle	05/31/2004		
Gorvine, Enid S., Punta Gorda	05/31/2002	Florida Elections Commission	
Warr, Gregory D., Moore Haven	05/31/2004	Appointees: Bogdanoff, Ellyn Setnor,	
		Ft. Lauderdale	12/31/2000
Board of Trustees of Gulf Coast Community College		Cunningham, J. Courtney,	
Appointee: Bloodworth, Leon R., Apalachicola	05/31/2004	Miami Shores	12/31/2003
		Rancourt, David A., Tallahassee	12/31/2003
Board of Trustees of Manatee Community College		Tokley, Joanna N., Tampa	12/31/2003
Appointees: Fogarty, Julia B., Bradenton	05/31/2004		
Watts, Mary M., Sarasota	05/31/2004	Electrical Contractors' Licensing Board	
		Appointees: DeBerry, Kimberly A., Jacksonville	10/31/2001
Board of Trustees of North Florida Community College		Kiner, Jeffrey M., Sarasota	10/31/2003
Appointee: Gibson, Linda F., Madison	05/31/2002	Langer, Roger E., Miami	10/31/2002
		Poole, Michele M., Lake Worth	10/31/2002
Board of Trustees of Okaloosa-Walton Community College		Tibbs, Clarence Kelley, Tavares	10/31/2003
Appointee: Wells, Esteena K.,			
DeFuniak Springs	05/31/2002	Board of Employee Leasing Companies	
		Appointees: Crum, Frank W., Jr., Clearwater	10/31/2002
Board of Trustees of Pasco-Hernando Community College		Dockery, Celeste D., Sarasota	10/31/2003
Appointee: Church, John, Brooksville	05/31/2001	Stroyan, David B., Seminole	10/31/2003
Board of Trustees of St. Johns River Community College		Commission on Ethics	
Appointee: Wilson, Dale S.,		Appointees: Colson, Dean C., Coral Gables	06/30/2002
Green Cove Springs	05/31/2001	Wright, Joseph T., Tallahassee	06/30/2001
Board of Trustees of Valencia Community College		Tampa-Hillsborough County Expressway Authority	
Appointees: Hoyas, Jose M., Kissimmee	05/31/2001	Appointee: Gagalis-Brasier, Rebecca, Tampa	07/01/2004
Slocum, Lawrence D., Kissimmee	05/31/2004		
		Board of Funeral Directors and Embalmers	
Construction Industry Licensing Board		Appointee: Deakins, John P., Dunnellon	10/31/2004
Appointees: Brown, Joan M., Sarasota	10/31/2003		
Hageman, Gregory A.,		Board of Professional Geologists	
Ormond Beach	10/31/2002	Appointees: Blackledge, K. Dawn,	
		Jacksonville Beach	10/31/2002
Florida Corrections Commission		Francisco, Valerie R., Tampa	10/31/2003
Appointees: Griffis, John D., Raiford	06/30/2004		
Lancaster, Leon Scott,		Citrus County Hospital Board	
Green Cove Springs	06/30/2004	Appointees: Chadwick, Sandra Lee, Inverness	07/03/2003
Martinez, Edward, Jr.,		Fredrick, Debra S., Inverness	07/07/2004
Winter Springs	06/30/2004	Jenkins, Randall, Lecanto	07/08/2002
Urette, Tara R., Tampa	06/30/2004		
		Board of Trustees of South Lake County Hospital District	
Board of Cosmetology		Appointees: Bailey, Donald B., Clermont	07/05/2003
Appointee: Caetano, Joseph P., Tampa	10/31/2000	Berens, Robert E., Jr., Clermont	07/05/2003
		McLean, Susan, Clermont	07/05/2003
Board of Trustees for the Florida School for the Deaf and the Blind		Smoak, Claude E., Clermont	07/05/2001
Appointees: Dillon, Mary Jane, St. Augustine	11/20/2001	Wade, Robert J., Clermont	07/05/2003
Fuller, Barbara, Jacksonville	02/07/2003	Wilburn, Ruby J., Clermont	07/05/2003
Parrish, Herschel H., Jr.,		Zahn, Paula J., Clermont	07/05/2004
Winter Garden	11/07/2003		
Ponchak, Kurt D., Tallahassee	12/10/2004	Florida Housing Finance Corporation	
Turner, Edgar Malone, Pensacola	11/19/2004	Appointees: Bermello, Willy A., Coral Gables	11/13/2002
		Cabrera, Orlando J., Miami	11/13/2004
Board of Dentistry		Calvet, Cesar E., Orlando	11/13/2004
Appointees: Haering, Harold J., Jr., LaBelle	10/31/2004	Meyer-Webb, Cindy, Wesley Chapel	11/13/2000
Poitevent, Benjamin E., Tallahassee	10/31/2004		11/13/2004
Stavros, Irene J., South Miami	10/31/2004	Terry, Sandra, Laurel	11/13/2004
Education Practices Commission		Florida Commission on Human Relations	
Appointees: Ansley, Clarence Wayne, Crestview	09/30/2001	Appointees: Cannon, Gayle B., Lake City	09/30/2004
Demetriades, Lynn F., Indialantic	09/30/2003	Elam, Donna, Thonotosassa	09/30/2004
Morris, Thomas E., Juno Isles	09/30/2004	Roberts, Keith A., Dania Beach	09/30/2003
Pinsky, Kimberly, West Palm Beach	09/30/2004	Tyree, Bobby R., Milton	09/30/2004
Rayburn, Patsy, Orlando	09/30/2004		
		State Board of Independent Colleges and Universities	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Baker, Gregory E., St. Augustine Beard, Timothy L., Tallahassee Mullenix, Joel H., Cantonment Ploessl, Jodie M., Winter Park	09/30/2003 09/30/2002 09/30/2003 09/30/2003	Appointee: Hodson, Larry L., Youngstown	10/31/2004
Escambia County Interstate 110 Extension Authority Appointee: Windham, Patricia S., Pensacola	05/02/2004	Jacksonville Port Authority Appointees: Townsend, Ronald, Jacksonville	09/30/2000 09/30/2004
Pinellas County Board of Juvenile Welfare Appointees: Burke, Cecilia M., Seminole Faulkner, Sandra M., Palm Harbor Milford, John A., Gulfport	08/11/2004 07/18/2004 08/07/2004	Postsecondary Education Planning Commission Appointees: Carlton, Michelle Chira, Orlando James, Cornelia Sha'Ron, Pensacola Leone, Diane P., St. Augustine	02/04/2004 08/31/2001 02/04/2004
Board of Landscape Architecture Appointees: Davis, Paul M., Winter Park Gillick, Elizabeth A., Vero Beach Walter, Collene W., Atlantis	10/31/2003 10/31/2002 10/31/2004	Historic Pensacola Preservation Board of Trustees Appointee: Langhorne, Patricia A., Pensacola	06/30/2003
Atlantic States Marine Fisheries Commission Appointee: Lane, Kathy Barco, Jacksonville	09/04/2001	Board of Psychology Appointees: Hoffman, Richard A., Lutz Martin-Lavielle, Ana, Miami Swan, Amy C., Lighthouse Point	10/31/2004 10/31/2002 10/31/2004
Gulf States Marine Fisheries Commission Appointee: Ward, William M., St. Petersburg	01/05/2001	Public Employees Relations Commission Appointee: Kossuth, Charles H., Jr., Edgewater	01/01/2005
Board of Massage Therapy Appointee: Quiring, David C., LaBelle	10/31/2004	Chair, Public Employees Relations Commission Appointee: Poole, Donna Maggert, Greenville	01/01/2004
Board of Medicine Appointees: Davies, Laurie K., Gainesville Kent, Kriston J., Naples Lamelas, Peter, Manalapan Long, Monique W., Apopka Rodriguez, Gilbert M., Tampa	10/31/2004 10/31/2004 10/31/2004 10/31/2004 10/31/2004	Commission for Purchase from the Blind or Other Severely Handicapped Appointees: Fassett, Donna, Pensacola Thompson, William S., Jupiter	10/01/2004 10/01/2003
State Board of Nonpublic Career Education Appointees: Bradley, Nancy M., Orlando Cox, Alison L., Gainesville Crocitto, Peter F., Jr., Palm City Hill, Suzanne Barto, Orlando	07/01/2001 07/01/2002 07/01/2001 07/01/2002	Florida Real Estate Appraisal Board Appointee: Wright, Cynthia H., Tallahassee	10/31/2002
Board of Nursing Appointees: Chally, Pamela S., Jacksonville Dittman, Patricia W., Coral Springs Hockett, Keri A., Sarasota Perry, Mignon Marie, Orange Park Powers, Patsey J., Tallahassee	10/31/2004 10/31/2004 10/31/2004 10/31/2004 10/31/2002	Florida Real Estate Commission Appointee: Valdes, Carlos L., Miami	10/31/2004
Board of Nursing Home Administrators Appointees: Barnett, Brett, Panama City Beach Reynolds, Suyrea, Christmas	10/31/2004 10/31/2004	West Florida Regional Planning Council, Region 1 Appointees: Bellamy, Gary D., Panama City Bruce, Ira Mae, Navarre	Pleasure of Governor Pleasure of Governor
Board of Optometry Appointee: Schlofman, Arthur Leonard, Starke	10/31/2004	Carlan, Charles H., Pensacola Darnell, Jesse C., Shalimar Little, Bennie J., Bonifay Pate, S. Joel, Chipley Sims, John C. III, Niceville Smith, Joseph D., Pensacola Thornber, Patricia M., Ft. Walton Beach	Pleasure of Governor Pleasure of Governor Pleasure of Governor Pleasure of Governor Pleasure of Governor Pleasure of Governor
Board of Orthotists and Prosthetists Appointees: Fredrick, Jeffrey Ryan, Tallahassee Gillis, Arlene, Tampa Morris, George R., Ft. Myers Renish, Keith J., Sebring	10/31/2004 10/31/2002 10/31/2004 10/31/2003	Apalachee Regional Planning Council, Region 2 Appointees: Barry, Betty Harley, Crawfordville Collins, Fred H., Havana Frisby, David, Monticello Ranie, Benjamin F., Wewahitchka Sanson, Tom, Marianna Shuler, Merel York, Hosford	10/01/2003 10/01/2000 10/01/2003 10/01/2002 10/01/2001 10/01/2000 10/01/2003
Board of Osteopathic Medicine Appointees: Andriole, James M., Tallahassee Fedor, Robert P., Treasure Island	10/31/2002 10/31/2004	Stanfield, Kevin L., Tallahassee Stephens, Donald R., Blountstown Taylor, Jack, Jr., St. George Island	10/01/2001 10/01/2000 10/01/2003
Parole Commission Appointee: David, Monica, Tallahassee	06/30/2006	North Central Florida Regional Planning Council, Region 3 Appointees: Donovan, Dixie, Lake City Haas, Sandra K., McAlpin Nauls, William D., Gainesville Robinson, Thomas A., Gainesville	10/01/2001 10/01/2001 10/01/2001 10/01/2002
Board of Pharmacy Appointees: Parrado, Robert Mario, Tampa Poston, Rebecca R., Orlando	10/31/2004 10/31/2004		
Board of Physical Therapy Practice Appointees: Bumgarner, David, Sarasota Watson, Nancy Lou, Ft. Walton Beach	10/31/2004 10/31/2004		
Board of Pilot Commissioners Appointee: Frudaker, Richard N., Panama City	10/31/2004		
Board of Podiatric Medicine			

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Tompkins, James T., Jasper	10/01/2000	Maxwell, Janet Sue, Ft. Myers	12/31/2002
Northeast Florida Regional Planning Council, Region 4		Myers, Alice C., Zellwood	12/31/2003
Appointees: Benton, Jesse L., Orange Park	10/01/2001	Peacock, Julian Wayne,	
Berry, Clare G., Ponte Vedra Beach	10/01/2001	Cantonment	12/31/2003
Carroll, Jennifer S.,		Rivas, Lourdes T., Miramar	12/31/2003
Green Cove Springs	10/01/2001	Walker, Hunter, Pace	12/31/2002
Dungey, Mary Louise, Jacksonville	10/01/2001	Board of Trustees of the John and Mable Ringling	
Fleckenstein, Rea T., Jacksonville	10/01/2001	Museum of Art	
Laibl, George W. "Chip", Jr.,		Appointees: Buchanan, Vernon G.,	
Palatka	10/01/2000	Longboat Key	12/31/2003
Maxwell, Harry L., St. Augustine	10/01/2001	Portnoy, Simon, Boca Raton	12/31/2001
Prachar, Charles J., Macclenny	10/01/2003	Partnership For School Safety and Security	
Sgroi, Robert E., Palm Coast	10/01/2003	Appointees: Adams, Valerie S., Tampa	10/12/2004
Spaeth, Robert W., Amelia Island	10/01/2003	Anderson, Barbara Jean,	
Withlacoochee Regional Planning Council, Region 5		Port Charlotte	10/12/2002
Appointee: Carlson, Carey J., Brooksville	10/01/2003	Coughlin, Timothy S.,	
East Central Florida Regional Planning Council,		Tallahassee	10/12/2004
Region 6		Gallucci, E. Jane, Clearwater	10/12/2003
Appointees: Diez, Richard F., Kissimmee	10/01/2000	Gonzalez, Elisha, Orlando	10/12/2003
Kuenkele, Barbara Jean, Deltona	10/01/2002	Gray-Williams, Juliet,	
Rawlson, Jon B., Orlando	10/01/2002	Ft. Lauderdale	10/12/2003
Smith, Evelyn H., Eustis	10/01/2001	Halbig, Wolfgang W., Lake Mary	10/12/2002
Central Florida Regional Planning Council, Region 7		Hernandez, Anna M., Hialeah	12/12/2002
Appointees: Poole, David L., Sr., Sebring	10/01/2003	Jones, Lois, Miami	10/12/2002
Ratliff, Michael R., Okeechobee	10/01/2001	Norcum, Beverly A., Largo	10/12/2004
Richardson, Charles R., Winter		Board of Supervisors, Spaceport Florida Authority	
Haven	10/01/2003	Appointees: Haiko, Kenneth J., Pompano Beach	06/30/2004
Trussell, Tiffany Stanton, Lakeland	10/01/2001	Harris, Marcelite J., Merritt Island	06/30/2001
Tucker, Jacqueline W., Arcadia	10/01/2001	Morris, Ronald L., Ft. Lauderdale	06/30/2004
Tampa Bay Regional Planning Council, Region 8		Scott, Winston E., Tallahassee	06/30/2004
Appointees: Amor, Jack, Tampa	10/01/2001	Tolley, James, Palm Bay	06/30/2004
Castriota, Anita, New Port Richey	10/01/2003	Board of Speech-Language Pathology and Audiology	
Collins, Jill M., Tampa	10/01/2003	Appointees: Goldsmith, Carole B., Orlando	10/31/2004
Curtis, Wilhelmina B., Riverview	10/01/2001	Ramirez, Dania Lopez,	
Ghovae, Housh, Clearwater	10/01/2003	Coral Gables	10/31/2002
Hoyt, Kenneth S., Tampa	10/01/2003	Board of Professional Surveyors and Mappers	
O'Reilly, Lona Ann, Wesley Chapel	10/01/2003	Appointees: Blankenship, Dennis E.,	
Russell, Donald, Tampa	10/01/2003	Cantonment	10/31/2004
Shikarpuri, Roshan, Palm Harbor	10/01/2003	Bush, Louie G., Lakeland	10/31/2004
Southwest Florida Regional Planning Council, Region 9		Florida Commission on Tourism	
Appointees: Adams, Kathy A., LaBelle	10/01/2003	Appointees: Banks, Walter L., Ft. Lauderdale	06/30/2004
Crumbie, James H., Ft. Myers	10/01/2001	Barnette, Thomas E., Brooksville	06/30/2002
Emblidge, Margaret, Bonita Springs	10/01/2001	Craven, Mary B., Inverness	06/30/2000
Groves, Janice E., LaBelle	10/01/2000		06/30/2004
Leonard, F. Richard, Punta Gorda	10/01/2003	Fowler, R. Dean, Steinhatchee	06/30/2002
Maio, Alan, Laurel	10/01/2000	Freed, Vicki L., Ft. Lauderdale	06/30/2004
Parsons, Adria D., Naples	10/01/2002	Gill, Linda L., Ft. Lauderdale	06/30/2002
Paulmann, James A., Sarasota	10/01/2002	Halford, Nancy Stanton, Pensacola	06/30/2002
Volpe, Michael J., Naples	10/01/2002	Healan, Jack B., Jr., Amelia Island	06/30/2004
Watts, John R., Port Charlotte	10/01/2001	Lounsberry, Fred J., Orlando	06/30/2002
Treasure Coast Regional Planning Council, Region 10		Parsons, Webster Craig, Orlando	06/30/2004
Appointees: Bonan, W. Martin, Palm City	10/01/2003	Smith, Roxanna L.,	
Foley, Kevin J., North Palm Beach	10/01/2003	Ft. Myers Beach	06/30/2004
Gray, Harry D., Ft. Pierce	10/01/2003	Stork, Thomas F., Orlando	06/30/2004
Haynie, Susan, Boca Raton	10/01/2003	Winn, Sherman S., Miami	06/30/2001
South Florida Regional Planning Council, Region 11		Florida Commission on Veterans' Affairs	
Appointees: Asseff, Patricia, Hollywood	10/01/2001	Appointees: Ebitz, Curtis V., Homosassa	11/16/2005
Cates, Cheryl, Key West	10/01/2000	Whibbs, Vince, Pensacola	11/16/2000
Cochran, Lynea E., Hialeah	10/01/2003		11/16/2005
Kerdyk, William H., Sr.,	10/01/2001	Board of Veterinary Medicine	
Coral Gables	10/01/2003	Appointees: Horky, Katherine G., Palm Harbor	10/31/2003
Nixon, Christine P., Plantation	10/01/2003	Lewis, Cynthia N., Celebration	10/31/2004
Riesco, Jose A., Miami	10/01/2001	Governing Board of the Northwest Florida Water	
State Retirement Commission		Management District	
Appointees: Cole, Alice S., Tampa	12/31/2001	Appointee: Stuparich, Nancy, Pensacola	03/01/2001
		Governing Board of the Southwest Florida Water	
		Management District	

<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Chance, Edward W., Palmetto	03/01/2001
Dabney, Thomas G., Sarasota	03/01/2004
Fentress, Pamela L., Lake Placid	03/01/2004
Kovach, Janet D., Riverview	03/01/2002
McCree, Heidi B., Tampa	03/01/2004
Alafia River Basin Board of the Southwest Florida Water Management District	
Appointee: Dominguez, Margarita N., Tampa	03/01/2003
Manasota Basin Board of the Southwest Florida Water Management District	
Appointee: Hooper, Maxine M., Bradenton	03/01/2001
Peace River Basin Board of the Southwest Florida Water Management District	
Appointee: McClellan, Larry H., Jr., Wauchula	03/01/2002
Withlacoochee River Basin Board of the Southwest Florida Water Management District	
Appointees: Kraatz, Karen L., Spring Hill	03/01/2001
Trimpert, Seeth K., Inglis	03/01/2002
Workers' Compensation Panel	
Appointees: Dickinson, Anne W., Frostproof	Pleasure of Governor
Ostrowski, Norman, Boynton Beach	Pleasure of Governor

[Referred to the Committee on Ethics and Elections.]

Board of Regents	
Appointees: Beard, Richard A. III, Tampa	01/01/2007
Copeland, Natalie M., Tampa	09/01/2001
Roberts, Carol K., Ocala	01/01/2007

[Referred to the Committees on Education; and Ethics and Elections.]

Secretary of Management Services	
Appointee: Henderson, Cynthia A., Tallahassee	Pleasure of Governor

[Referred to the Committees on Governmental Oversight and Productivity; and Ethics and Elections.]

Florida Public Service Commission	
Appointees: Baez, Braulio L., Coral Gables	01/01/2002
Jaber, Lila A., Tallahassee	01/01/2005
Palecki, Michael A., Tallahassee	01/01/2003

Secretary of Business and Professional Regulation	
Appointee: Binkley-Seyer, Kim, Sarasota	Pleasure of Governor

[Referred to the Committees on Regulated Industries; and Ethics and Elections.]

SUPREME COURT OF FLORIDA

The following certificate was received:

No. SC01-331

In Re: CERTIFICATION OF NEED FOR ADDITIONAL JUDGES

[February 23, 2001]

WELLS, C. J.

Article V, section 9 of the Florida Constitution vests the Supreme Court of Florida with the responsibility for determining the need for increasing or decreasing the number of judges in the state courts. Pursuant to this authority, we have considered judgeship requests submitted by the lower courts, examined data concerning case filings and dispositions, and analyzed various judicial workload indicators. Based on our review, we conclude that there is a need for forty-four new judges in the trial courts and that there is no necessity for a change in the number of judges in the district courts of appeal.

The basic functions of the court—peacefully resolving disputes, upholding and interpreting the law, and protecting rights and liberties—are constitutional duties owed to the people of Florida under article V of the Florida Constitution. Adequate judges and additional court resources are essential in order for the courts to fulfill their essential functions. If there are not sufficient judges, supplemental resources, and court services to keep pace with the workload, it is the people seeking redress through the courts who are harmed because they are deprived of an opportunity to have their cases carefully decided in a timely manner.

The certification process is the mechanism that our constitution establishes for the systematic, uniform assessment of the judgeship needs of Florida's courts. Section 9 of article V requires the Supreme Court to submit findings and recommendations to the Legislature regarding the need for increasing or decreasing the number of judges and for redefining the jurisdictional boundaries of the appellate and circuit courts. The Legislature may accept or reject the certification recommendations in whole or in part. Certification is not a statement of what the Supreme Court wants; it is an analytical report of what the county, circuit, and district courts need in order to efficiently and effectively dispose of the cases brought before them. This determination of need is made absent fiscal concerns, which is within the purview of the Legislature.

District Courts of Appeal

Florida Rule of Judicial Administration 2.035(b)(2) sets forth the criteria for certifying the need for additional judges in the district courts of appeal. Based on these criteria, we do not certify the need for any additional district court judges or the necessity for a reduction in the current number of judicial positions. The number of judges in the district courts of appeal has remained constant since 1993, except for one additional judgeship that was added to the Fifth District Court of Appeal in 1999. The district courts did not request any additional judges this year.

Our data indicates that although our intermediate appellate courts are operating at close to capacity, they have continued to function effectively through the adoption of innovative case processing methods, strong staff support and law clerk assistance, and diligent case management. The creative use of technology has also significantly enhanced their efforts to operate efficiently. We support the conscientious commitment of our district judges to improve court operations, and we urge the Legislature to continue to provide funding for the district courts so that they can perform at an optimum level.

Trial Courts

The quantitatively based criteria for certifying the need for judicial positions in the trial courts, which provided the foundation for the certification process until last year, are articulated in Florida Rule of Judicial Administration 2.035(1). These criteria were modified in response to a request from the Florida Legislature in proviso language of the 1998 General Appropriations Act that we employ a certification methodology which relies on case weights and calculations of available judge time to determine the need for additional trial judges. Pursuant to this request, we conducted an extensive development project to design and implement a weighted caseload system with the assistance of the National Center for State Courts and the active participation and advice of the Office of Program Policy Analysis and Government Accountability. The report of the Delphi Policy Committee was issued on February 1, 1999, and on February 29, 2000, we certified the need for forty-three additional trial judges based on calculations using the new Delphi method. See In re Certification of the Need for Additional Judges, 755 So. 2d 79 (Fla. 2000). That certification was not funded.

This year, the Court again relies on the results of the Delphi-based caseload weighting system and hereby certifies the need for forty-four additional trial court judgeships. Thirty of these are circuit court judgeships from fourteen judicial circuits, and fourteen are county court judgeships from eleven counties. The judgeships are allocated in the chart below.

Circuit Court	Judgeships		County Court	Judgeships	
	Requested	Certified		Requested	Certified
First	1	1	Oakaloosa	1	1
Second	2	1			
Third	1	0	Columbia	1	0
Fourth	2	2	Duval	2	2
Fifth	3	2	Lake	1	0
			Marion	1	0
Sixth	2	2	Pasco	1	1
			Pinellas	1	1
Seventh	2	1			
Eighth	0	0			
Ninth	5	3	Orange	2	1
Tenth	3	2	Polk	1	1
Eleventh	3	3	Dade	1	0
Twelfth	0	0	Sarasota	1	1
Thirteenth	2	2	Hillsborough	2	2
Fourteenth	0	0			
Fifteenth	3	2	Palm Beach	2	0
Sixteenth	0	0			
Seventeenth	5	5	Broward	2	2
Eighteenth	4	2	Brevard	2	1
Nineteenth	0	0			
Twentieth	2	2	Collier	1	0
			Lee	1	1
Totals	40	30	Totals	23	14

The forty-four judgeships were calculated based upon the guidance enumerated in last year’s opinion. We have applied the Delphi “reasonable caseload” standard developed by the Delphi Policy Committee in all case types except for dissolution, drug, eviction, and civil traffic infraction cases. In our view, these four case types still warrant additional study to merit the increase in case weights recommended by the Delphi Policy Committee. We also adjusted for differing jury trial rates in each circuit and county court. This adjustment was based upon readily available data and more accurately reflects the actual time spent in trial on average by Florida’s trial court judges. As in the past, we considered the use and availability of county judges who routinely assist in handling important and time-sensitive circuit court matters. Finally, we have not certified more judgeships than were requested by each circuit court.

We continue to have confidence in the Delphi methodology¹ suggested by the Florida Legislature as a means of improving the certification process. As we explained in last year’s certification opinion, the Delphi system assigns weights in minutes to different case types based on an assessment of the average amount of judicial time required for each type of case. This case weighting system differs from the certification method used prior to the 2000 legislative session, which did not distinguish between case types even though the amount of judicial time and resources required to dispose of different kinds of cases varies significantly. The primary benefit of case weighting is that it measures the differential requirements of judicial workload in different types of cases. As a result, we find that the current certification methodology using the case weighting system offers a more accurate and fair means of determining the courts’ judicial requirements.

It is important to note that these case weights include the existing mix of supplemental resources in the trial courts, including senior judges, general masters and hearing officers, trial court staff attorneys, alternative dispute resolution, and case management support. These resources are vital to the continued operating effectiveness of Florida’s trial courts. Failure to maintain supplemental resources at existing levels or to transfer appropriate resources to state funding from the counties under article V, section 14, as revised in 1998 (revision 7), mandates will result in an increased need for additional judges.

The Court has always been cautious in its approach to certifying the need for additional judges. This year is no exception. The aforementioned adjustments, which we adopted last year with the institution of Delphi methodology, are conservative and result in far fewer additional

judgeships certified than a strict statistical application of the Delphi results might warrant. We have been conservative in our certification this year because of several factors. First, this is only the second year of applying Delphi methodology, and it is the first year it has been applied from the beginning of the annual certification process. As a result, we do not yet have an historical perspective from which to monitor the accuracy of our forecasts. In short, we believe that a new methodology warrants conservative application. Also, significant short-term increases and decreases were noted in select case types with higher weights such as capital cases and serious violent crimes. Presumably these can have a disparate impact on judicial need over the short term that will not be reflected in a long-term trend. For these reasons, significant short-term increases in judicial workloads were discounted at this time. Finally, almost half of these significant changes from last year were noted in juvenile dependency cases, a division being studied by the Children’s Court Improvement Committee, where significant resources are being allocated, and where pilot projects have been initiated to address workload needs. These issues are being studied further, but until results are available, we choose to err on the side of caution and certify fewer judgeships than the raw numbers warrant.

Although forty-four trial court judgeships are a substantially higher number than in many previous years, it is a one-time adjustment that is the result of the transition from a caseload-based system to a workload-based system using Delphi methodology. Over the past twenty years, since the inception of the original caseload-based system, anecdotal evidence and experience have suggested that judicial workload continues to increase. This assumption was validated by the Delphi-based case weighting analysis. Judicial time that must be spent on each case differs depending on case type and frequently increases as the law becomes substantively and procedurally more complex. Consequently, an accurate measure of judicial workload must include an assessment of judge time required in individual cases and must differentiate between types of cases.

The caseload-based system used prior to last year did not address these factors; however, the case-weighting system that is the basis of our 2000-01 certification opinion does. The forty-four judgeships certified in this opinion mirror last year’s certification of forty-three judgeships. If the 2000-01 certification had been funded, it is likely that the trial courts would not have required the judges we certify this year.

As suggested above, changes in the law continue to have workload implications for the courts. New legal requirements that are the result of statutory changes impact judicial caseloads by increasing not only the number of cases before the courts but the amount of time judges must spend on individual cases. This occurrence is illustrated by recent trends experienced in our dependency divisions. The revision of chapter 39 in 1997 and 1998 and the passage of the Kayla McKean Act in 1998 have resulted in a dramatic increase in the workload of our dependency system in the past three years. Our SRS data reveals that dependency case filings in response to these statutory changes increased approximately eighty-four percent between July 1997 and December 1999. Although all of the calendar year 2000 data is not yet available, the high volume of dependency case filings appears to have continued for most of that year.

Furthermore, the revisions to chapter 39 have dramatically impacted judicial workload in our dependency court divisions, both in the numbers of judicial hearings required and the length of time needed to properly conduct those proceedings. Specifically, the new statute expands statutory requirements for findings of fact at early stages of the proceedings and mandates more interim judicial reviews prior to the disposition of a case and subsequent to placement decisions. In addition, mandatory judicial reviews are no longer limited to children in foster care placement; they are also required for children placed in the home of their parents or with relatives under protective supervision of the Department of Children and Families. Additional participants such as foster parents have a right to be heard, thus lengthening the amount of time required for each hearing. The increased availability of treatment programs and the courts’ ordering of additional child protection interventions have increased the number of individuals providing testimony at judicial reviews. Finally, the “one year to permanency” mandate of the federal Adoptions and Safe Families Act requires more rigorous judicial review and more frequent judicial hearings. The result of these additional requirements is a substantial increase in the amount of judicial time and court resources necessary to handle the dependency caseload.

The significant increase in workload for juvenile dependency cases experienced over the last two years is forecast to continue. We reiterate

our concern that our dependency divisions have the judicial and support resources necessary to adequately address the needs of dependent children. It is essential that our chief judges ensure sufficient allocation of judicial resources to our juvenile divisions when making division assignments. In addition, both the courts and the Legislature should review the results of the Dependency Pilot Projects currently operating in the Fifth, Tenth, and Seventeenth circuits and the ongoing work of the Dependency Court Improvement Program in order to examine the feasibility of further supplementing judicial resources with hearing officers, case managers, technology, and other court resources so that dependency matters can receive effective and timely judicial oversight and resolution.

The courts will continue to energetically examine court functions, processes, and performance in order to implement strategies to ensure that the judicial system is functioning with optimum efficiency and effectiveness and to reduce the need for additional judicial personnel. At present, the number of these activities underway throughout the courts system is unprecedented. Numerous court committees have been created to look at particular court operations, including the Children's Court Improvement Committee, the Family Courts Steering Committee, the Jury Innovations Commission, the Judicial Management Council, and the Trial Court Budget Commission. The Children's Court Improvement Committee is responsible for conducting both the Dependency Court Improvement Project and the Delinquency Court Improvement Project, and a delinquency court assessment is currently underway. The Family Courts Steering Committee has just completed an assessment of the family court process, is now conducting the Child Support Process Improvement Initiative, and has issued its report and recommendations for implementation of the Model Family Court, which is now the subject of pilot testing in several circuits. The Jury Innovations Commission is finalizing its report, and the Judicial Management Council is overseeing the work of both the Committee on Trial Court Performance and Accountability and the Committee on District Court of Appeal Performance and Accountability in determining how best to account for performance in the court setting. Finally, the Trial Court Budget Commission is working diligently to develop funding and budget guidance that will enable the trial courts to efficiently complete the transition to state funding as mandated by the recent revision to article V.

The courts have made great efforts to identify additional uses of technology in order to maximize efficient court operations. New initiatives include a focus on standardization of court data, implementation of case management systems, and the creation of a statewide court network. This latter innovation will enable judges and other court employees to communicate more effectively, provide access to legal research and other electronic resources, and allow for video teleconferencing capability. Further advances in technology are likewise being adopted by various jurisdictions to decrease cost and increase case processing efficiency.

Although the judicial branch already relies on supplemental resources to assist the trial court judiciary in performing their constitutional duties, we will continue to study the use of additional support to enhance court functions. The current level of supplemental support is factored into the case weights used in this year's forecasts. For example, nineteen of twenty judicial circuits use general masters or hearing officers in more than one division of court. Mediation is utilized in more than 100,000 cases per year. Trial court staff attorneys in every circuit enhance the effective processing of cases. We will explore the further use of supplemental judicial resources such as hearing officers and masters, trial court staff attorneys, alternative dispute resolution, technology, and case management in order to maximize the efficient use of judges and enhance the quality of judicial decision-making. To that end, we will ask representatives of the Trial Court Budget Commission, the Court Statistics and Workload Committee, and the Committee on Trial Court Performance and Accountability, as well as our other committees, to recommend ways that the expanded use of these essential resources can further enhance the efficient use of judge time.

After reviewing the requests of the trial courts for forty additional circuit judges and twenty-three additional county judges in light of the foregoing considerations, we find it necessary to certify the need for thirty new circuit judges for the 2001-02 fiscal year as follows: five additional circuit judges for the Seventeenth Circuit; three additional circuit judges each for the Ninth and Eleventh circuits; two additional circuit judges each for the Fourth, Fifth, Sixth, Tenth, Thirteenth, Fifteenth, Eighteenth, and Twentieth circuits; and one additional circuit judge each for the First, Second, and Seventh circuits.

We also find it necessary to certify the need for fourteen new county court judges for fiscal year 2001-02 as follows: two additional county court judges each for Duval, Hillsborough, and Broward Counties, and one additional county court judge for Okaloosa, Pasco, Pinellas, Orange, Polk, Sarasota, Brevard, and Lee Counties.

We also urge the Legislature to support the funding requests for the courts, particularly with regard to those budget issues that will directly impact the efficient and effective use of judge time and court resources. Specifically, we emphasize the importance of additional trial court law clerks, who can significantly increase the productivity of the judges in the trial courts. In addition, we have requested an increase in funding for additional senior judge days, which will supplement and expand our available judges.

As we have discussed in this opinion, this certification is the result of a conservative application of our data findings, which have been based on weighted caseload methodology developed at the urging of the Legislature. It would be beneficial to the certification process for the Legislature to communicate with the Court regarding its continued commitment to the Delphi methodology. We have concluded that case weighting, as we have implemented it, does provide an improved method for determining judicial need and an objective criterion for evaluation of the need for additional judges. We recognize that the Legislature is the ultimate user of this methodology by its decision in respect to the needs certified. In view of the absence of funding for the 2000-01 certification, it would be beneficial for us to know if there is a continued legislative commitment to this methodology or if we need to address any concerns about the implementation of the methodology.

Full funding of the requests certified in this opinion is absolutely essential if Florida's courts are to fulfill their constitutional mandate to resolve cases in a fair, impartial, and timely manner. Therefore, this Court encourages the Florida Legislature to authorize the judgeships certified herein, effective October 1, 2001.

It is so ordered.

HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.
SHAW, J., concurs in result only.

Original Proceeding - Certification Of Need For Additional Judges

¹We do, though, continue with our same concerns, expressed in last year's opinion, as to the underweighting for juvenile divisions. *In re Certification of Need*, 755 So. 2d at 81. We are steadfast in our belief that the judicial branch, together with the executive and legislative branches, must give priority to children.

RULES OF THE SENATE AS ADOPTED NOVEMBER 21, 2000

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the *Constitutions of the United States* and of the *State of Florida*, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the Daily Order of Business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may order the area cleared.

1.4—The President's authority and signature; questions of order; travel

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment, or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a Member of the Senate (whether in the legal capacity of Senator or taxpayer), a former Member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—Appointment of committees

(1) The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—Vacating chair; duties of President Pro Tempore

(1) The President may name any Senator to perform the duties of the chair.

(2) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(3) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(4) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—Designation of the Secretary of the Senate

(1) The Senate shall designate a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the *Constitutions of the United States and of the State of Florida*, and for the true and faithful discharge of the duties of office.

(2) The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Secretary's duties at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the Legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first (1st) day of each session of the Legislature and shall be distributed by the Secretary for the information of the Legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

- (1) The Secretary shall prepare a daily calendar that shall set forth:
 - (a) The order of business;
 - (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
 - (c) The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
 - (d) Notices of committee meetings; and
 - (e) Notices of meetings required pursuant to Rule 1.44.

(2) The Secretary shall distribute the daily calendar for the information of the Legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

1.17—Transmits bills to House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives

without delay; and each shall be accompanied by a message stating the title of the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills

(1) The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the Senate Legal Research and Drafting Services where they may be held a maximum of two (2) days for research and summary. Special notice of the summaries shall be given to each Senator.

(2) The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS

1.20—Attendance and voting

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the Legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the Legislature shall be entitled to an amicable transition

period not to exceed one (1) month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this Rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. In the event of a vacancy in office, and until that vacancy is filled, a transitional period with pro rata salary for staff may be approved by the President to close out the vacant Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by Rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the hours of employment set by the President. Part-time employees and Senators' district staff shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, *Florida Statutes*.

1.33—Secretary; supervision of employees

All employees not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation of campaign contributions

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day (60) regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the

Senate; however, a Senator may contribute to the Senator's own campaign.

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of this Rule.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The Committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; hearings, penalties

(1) Any person may file a sworn complaint with the Chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(1) All meetings at which legislative business is discussed among any two (2) or more Senators shall be open to the public except meetings between two (2) Senators to exchange information provided the purpose of the meeting between the two (2) Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee, or Senate Subcommittee.

1.44—Notice required for certain meetings

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

- (a) Meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);
- (b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;
- (c) Steering meetings of the Chairman of the Committee on Appropriations with the chairmen of the standing subcommittees of the Committee on Appropriations; and
- (d) Meetings called by the President or the President's designee, of a majority of the chairmen of the Senate's standing committees.

(2) Notices of meetings required by Rule 1.44(1) shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(4) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this Rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee, or a Senate Subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

1.45—Violations of Rules on open meetings and notice

Intentional violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

1.441—Constitutional requirements concerning open meetings

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings, between more than two (2) members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In cases of conflict between this Rule and any other Rule of the Senate the Rule providing greater notice or public access shall prevail.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to, the Committee on Reapportionment for the analysis of legislative and congressional redistricting plans.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

(2) The following standing committee, standing subcommittee, and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

(8) The following public records are exempt from inspection and copying:

- (a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.
- (b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.
- (c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.
- (e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.
- (f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.
- (g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.
- (h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.
- (i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

RULE TWO**COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE****PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND
RESPONSIBILITIES****2.1—Standing committees; standing subcommittees**

(1) Permanent standing committees and standing subcommittees, when created and designated by Rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the following named standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members:

- (a) Agriculture and Consumer Services
- (b) Appropriations
 - 1. Subcommittee on Education
 - 2. Subcommittee on General Government
 - 3. Subcommittee on Health and Human Services
 - 4. Subcommittee on Public Safety and Judiciary
- (c) Banking and Insurance
- (d) Children and Families
- (e) Commerce and Economic Opportunities
- (f) Comprehensive Planning, Local and Military Affairs
- (g) Criminal Justice
- (h) Education
- (i) Ethics and Elections
- (j) Finance and Taxation
- (k) Governmental Oversight and Productivity
- (l) Health, Aging and Long-Term Care
- (m) Judiciary
- (n) Natural Resources
- (o) Reapportionment
 - 1. Subcommittee on Congressional Apportionment and Redistricting
 - 2. Subcommittee on Legislative Apportionment and Redistricting
- (p) Regulated Industries
- (q) Rules and Calendar
- (r) Transportation

(2) Each standing committee or the chairman thereof may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate shall be promptly notified of the appointment of select subcommittees, their assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules regulating standing subcommittees, except that select subcommittees shall exist only for the time necessary to complete their assignments and report to their standing committees, and not to exceed thirty (30) days. The advisory reports by select subcommittees whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.

2.2—Powers and responsibilities of committees

(1) Permanent standing committees and standing subcommittees are authorized:

- (a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;
- (b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;
- (c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and
- (d) To complete the interim projects assigned by the President.

(2) In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(3) In order to carry out the committee's duties, the chairman of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chairman. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and file same with the President of the Senate and the Secretary of the Senate.

(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and submit same to the chairman of the standing committee for consideration by such committee.

(3) Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

2.6—Notice of committee meetings

(1) Notice of meetings of standing committees, standing subcommittees, and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the two (2) legislative days preceding and the day of such committee meeting.

(2) Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his or her absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting.

(3) The chairman of a committee or subcommittee, or in his or her absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

(4) At least seven (7) days prior to the meeting of a standing committee or standing subcommittee, while the Legislature is not in session, a notice of the meeting, stating the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

(2) A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of meeting; publication

For publication in the daily calendar, notice of standing committee or standing subcommittee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Meeting notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after fiftieth (50th) day

(1) Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

(2) The Committee on Rules and Calendar or the Special Order Calendar designees provided for in Rule 4.17 shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m. This scheduling shall not limit the powers of the chairman of a standing committee or subcommittee as provided in these Rules.

(3) Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant or committee staff member, or any other representative having written permission to speak for the bill. Unless a majority of the committee members present shall decide otherwise, bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his or her behalf.

2.12—Order of business

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chairman may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

(2) A bill shall be considered out of its order on the committee agenda on unanimous consent of those committee members present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those committee members present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those committee members present shall be given or refused without further debate.

2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chairman to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Time for consideration of bills

(1) A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those Senators present in session. However, any bill that has been in committee fifteen (15) legislative days or more without an extension of time having been granted may be removed from committee on motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee on a point of order, providing no bill may be thus withdrawn from the Committee on Appropriations during the first thirty (30) days of a regular session.

(2) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate after the fiftieth (50th) day of a regular session if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

2.15—Standing committee duties in deliberation

(1) It shall be the duty of standing committees to report all matters referred to them either:

- (a) Favorably,
- (b) Favorably with committee amendment(s),
- (c) Favorably with committee substitute as defined in these Rules, or
- (d) Unfavorably.

The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by a two-thirds (2/3) vote of those Senators present in session.

(2) Such reports shall also reflect:

- (a) The time and place of the meeting at which the action was taken, and
- (b) The vote of each member of the committee on the motion to report each bill or resolution.

A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report relating to the time and place of the meeting or the vote of each member on the motion to report a measure. Reports of committees shall be preserved pursuant to law.

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee administrative assistant no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee administrative assistant, and made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first (1st) time

by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first (1st) introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be signed by the chairman or, in his or her absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second (2nd) legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee reports

(1) It shall be the duty of standing subcommittees to report all measures referred to them directly to the full standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either:

- (a) Favorably,
- (b) Favorably with committee amendment(s),
- (c) Favorably with committee substitute as defined in these Rules, or
- (d) Unfavorably.

(2) Such reports shall also reflect:

- (a) The time and place of the meeting at which the action was taken, and
- (b) The vote of each member of the subcommittee on the motion to report each bill or resolution.

(3) In reporting a bill to the full standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the full standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the full standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be signed by the chairman or, in the chairman's absence, the vice-chairman and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure.

(5) All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of those standing committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except by a two-thirds (2/3) vote of those standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. This Rule shall also apply to reports on budgetary matters by the standing subcommittees of the Committee on Appropriations for inclusion in the general appropriations bill.

2.17—Quorum of committee

A committee or standing subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

2.18—Prefiled bills

(1) On receipt from the Secretary of each prefiled bill and if the President has not previously designated a standing subcommittee of reference, the chairman of a committee shall either refer to a standing subcommittee, refer to a select committee as otherwise provided in these Rules, or place on the agenda for a meeting of the standing committee. In any event, the chairman shall concurrently notify the Secretary of the Senate of his or her action on forms provided for such report. The chairman of the standing subcommittee, select committee, or of the standing committee thus possessing jurisdiction of a prefiled bill shall, with the concurrence of the President, determine the time and place for the hearing during which such bill is to be considered and notify the Secretary as required by these Rules.

(2) Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on Appropriations shall not be required to file such report of a prefiled bill defined in these Rules.

(3) A prefiled bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be reported unfavorably without notice or hearing.

2.19—Conference committee in deliberation

(1) All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least two (2) hours in advance of the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

(2) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the Committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

(4) Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(5) When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

- (a) Meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of

the House (or a Representative designated to represent the Speaker);

- (b) Meetings between a majority of the members of any subcommittee of the conference committee;
- (c) Meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and
- (d) Meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

(6) Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Appropriations.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, the Knott Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

(8) When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

(9) After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the *State Constitution* for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chairman and Vice-Chairman

A chairman and a vice-chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chairman for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chairman, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chairman or, in the chairman's absence, the vice-chairman, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

2.22—Chairman's control

The chairman or vice-chairman shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chairman or vice-chairman may require participants in the disturbance to clear the room.

2.23—Chairman's authority; appeals

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chairman shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such

certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chairman may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chairman, Vice-Chairman; vote

The chairman and vice-chairman shall vote on all matters before such committee. The name of the chairman shall be called last.

2.25—Temporary alternate to Chairman

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chairman's absence and/or omission to make such appointment, the vice-chairman shall act during his or her absence.

2.26—Vice-Chairman's duties

On the death, incapacitation, or resignation of the chairman, the vice-chairman shall perform the duties of the office until the President shall appoint a successor. In the absence of the chairman, the vice-chairman shall act as chairman.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

(2) The chairman may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chairman of the committee, shall constitute automatic withdrawal from the committee.

(4) No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

(1) The chairman shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by two (2) members the chairman shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

- (2) A Senator may request to:
 - (a) Change his or her vote, or
 - (b) Vote

before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those committee members present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chairman shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chairman. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE**2.32—Motions; how made, withdrawn**

Every motion may be made orally. On request of the chairman, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chairman, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

2.33—Motions; precedence

(1) When a question is under debate, the chairman shall receive no motion except:

- (a) To rise
- (b) To take a recess
- (c) To reconsider
- (d) To limit debate
- (e) To temporarily postpone
- (f) To postpone to a day certain
- (g) To commit to a select subcommittee
- (h) To amend

which shall have precedence in the descending order given.

(2) The chairman shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those committee members present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee members present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS**2.39—Amendments; form, notice, manner of consideration**

(1) No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee administrative assistant at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

(2) Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

- (a) Amendments to the amendment are acted on before the substitute is taken up.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chairman, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend

an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to “Mr. or Madam Chairman” and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the surname of the Senator referred to or addressed.

2.46—Chairman’s power to recognize

When two (2) or more Senators speak at once, the chairman shall name the Senator who is to be first recognized.

2.47—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

- (a) Rising to a question of privilege;
- (b) Rising to a point of order requiring an immediate ruling;
- (c) Rising to appeal a decision of the chairman concerning a point of order (if the appeal is made immediately following the decision);
- (d) Rising to make a parliamentary inquiry requiring an immediate reply; or
- (e) Rising to question the existence of a quorum.

(2) The chairman shall strictly enforce this Rule.

2.48—Speaking rights

(1) When a member is speaking and another member interrupts to request recognition, the chairman may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

(2) The member making a debatable motion or the primary introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those committee members present.

2.50—Limitation on debate

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chairman.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chairman is by appeal. An appeal from a decision of the chairman must be made

promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chairman. This second (2nd) decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chairman on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

(1) All bills shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*, and the enacting clause, “Be It Enacted by the Legislature of the State of Florida:.” The title of each bill shall be prefaced by the words, “A bill to be entitled An act.” Standard rules of capitalization shall apply.

(2) The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chairman, enough of the title for identification.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in section 11.242, *Florida Statutes*) or the *Laws of Florida* shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the *State Constitution* shall contain the full text of the section to be amended.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

(5) When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: “Substantial rewording of section. See s. [number], F.S., for present text.” When such notation is used, the notation as well as the substantially reworded text shall be underlined.

(6) The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

(7) Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words “Proof of Publication Attached” clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, “Be It Resolved by

the Legislature of the State of Florida.” Each joint resolution shall be prefaced by the words: “A joint resolution.”

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, “Be It Resolved by the Legislature of the State of Florida:.”

3.6—Form of resolutions; Senate and concurrent

(1) All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. Senate resolutions shall read, “Be It Resolved by the Senate of the State of Florida:.” Concurrent resolutions shall read, “Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:.”

(2) Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution’s adoption.

3.7—Introduction during session

(1) To facilitate processing and committee referencing, all bills shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first (1st) day of the regular session.

(2) Between regular sessions of the Legislature, bills may be prefiled by delivery to the Secretary of the Senate.

3.8—Prefiled bills

(1) A prefiled bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules. A bill received by the Secretary within three (3) weeks next preceding the convening of a regular session shall be numbered but otherwise withheld from the operation of this Rule. Such a bill shall be treated as if it had been delivered for introduction on the first (1st) day of the succeeding regular session.

(2) The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the first (1st) or only committee of reference. A copy of each prefiled bill shall be provided each Senator. The Secretary shall mail regularly to each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

(3) After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to the *State Constitution*, *Laws of Florida*, and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

(4) If a committee fails to deliver its report of a prefiled bill prior to seven (7) days next preceding the convening of a regular session or, if a prefiled bill has received a reference to more than one (1) committee and fewer than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been prefiled.

(5) Notwithstanding these Rules, a Senator may, during the day of introduction of prefiled bills, but no later than under the Order of Business of “Motions Relating to Committee Reference” on the second (2nd) legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

3.9—Printed copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be

printed by the Secretary for the information of the Senate and the public. The absence of a printed copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on Appropriations shall be made available to the members and, upon request, to the public, at the office of the Secretary of the Senate and at the committee’s office, no less than two (2) hours prior to the time the Committee on Appropriations meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills

Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chairman of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on Appropriations.

3.13—Fiscal notes

(1) Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

(2) Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

(3) Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

(4) If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this Rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR**ORDER OF BUSINESS AND CALENDAR****4.1—Sessions of the Senate**

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn. The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily Order of Business

- (1) The Daily Order of Business shall be as follows:
 - (a) Roll Call
 - (b) Prayer
 - (c) Reports of Committees
 - (d) Motions Relating to Committee Reference
 - (e) Messages from the Governor and Other Executive Communications
 - (f) Messages from the House of Representatives
 - (g) Matters on Reconsideration
 - (h) Consideration of Bills on Third (3rd) Reading
 - (i) Special Order as determined by the Committee on Rules and Calendar
 - (j) Consideration of Bills on Second (2nd) Reading
 - (k) Correction and approval of Journal
- (2) The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.
- (3) Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.
- (4) On the first (1st) legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.
- (5) First (1st) reading of bills shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

4.4—Committee of the Whole

By a majority vote of those Senators present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those committee members present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only by a two-thirds (2/3) vote of those committee members present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the *State Constitution*, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill

from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

- (1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second (2nd) reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.
- (2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.
- (3) Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

4.6—Reference generally; final days for introduction of bills and resolutions

- (1) All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees.
- (2) Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.
- (3) If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose.
- (4) The reference of a bill that appears to be local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.
- (5) A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.
- (6) When the Committee on Rules and Calendar, through staff analysis, has determined that the bill is not local in nature for referencing purposes, the committee shall report such determination to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) legislative days from date of reference to the Committee on Rules and Calendar. When the Committee on Rules and Calendar, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be reported and referred to the calendar on local bills.

(7) All Senate bills filed for introduction after 12:00 noon on the first (1st) day of the regular session (except for the general appropriations bill, local bills, Senate resolutions, and joint resolutions) shall be referred, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

(8) A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except by a two-thirds (2/3) vote of those Senators present. If a committee reports a bill favorably with committee substitute, other committee consideration shall be directed to the substitute and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement, or county or municipal spending

All bills authorizing or substantially affecting appropriations shall be reviewed by the Committee on Appropriations or a standing subcommittee of that committee. All bills authorizing or substantially affecting tax revenue shall be reviewed by the Committee on Finance and Taxation. All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Oversight and Productivity. All bills which are affected by the provisions of Article VII, Section 18 of the *State Constitution* shall be reviewed by the Committee on Comprehensive Planning, Local and Military Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* shall, before being placed before the Senate for final passage, be reviewed along with all amendments by the Committee on Appropriations or a standing subcommittee of that committee, by the Committee on Finance and Taxation, by the Committee on Governmental Oversight and Productivity, or by the Committee on Comprehensive Planning, Local and Military Affairs, as appropriate for review and recommendation to the Senate, which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

4.9—Reference of resolutions

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration that are of a statewide nonpolitical significance, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance, may be shown as introduced, read, and adopted by publication in full in the Journal.

4.10—Reference to different committee or removal

(1) When the President has referred a bill, the Chairman of the Committee on Rules and Calendar may move for reference to a different committee or for removal from any committee after the sponsor of the bill has filed a card with the Rules Chairman signed by the chairman of the affected committee and the Chairman of the Committee on Rules and Calendar. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

(2) The Chairman of the Committee on Appropriations may move to withdraw a bill from that committee provided the bill has been reported favorably by a standing subcommittee and a card requesting such withdrawal has been filed with the committee by the sponsor and approved by the chairman. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those Senators present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless decided otherwise by a two-thirds (2/3) vote of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless decided otherwise by a two-thirds (2/3) vote of those Senators present. If the reading on the second (2nd) day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second (2nd) time by title only.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

4.15—Referral or postponement on third (3rd) reading

On the third (3rd) reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Appropriations) or amended (except a corrective or title amendment) except by a two-thirds (2/3) vote of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those Senators present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those Senators present shall be given or refused without further debate.

4.17—Special Order Calendar; Consent Calendar

(1) Commencing on the first (1st) day of a regular session of the Legislature permitted under the *State Constitution* and during any extension directed by the membership of the Legislature as permitted under the *State Constitution*, the Chairman of the Committee on Rules and Calendar, the Vice-Chairman of the Committee on Rules and Calendar, the Majority Leader, the Minority Leader, and two (2) other members of the committee designated by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Except for the first (1st) day, each Special Order Calendar shall be for the second (2nd) succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for Special Order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those Senators present or any bill appearing on the general calendar of bills on second (2nd) or third (3rd) reading may be added to the end of the Special Order Calendar by the same vote. All bills set as Special Order for consideration at the same hour shall take precedence in the order in which they were given preference.

(2) A two-thirds (2/3) vote of those Senators present shall be required to establish a Special Order except as provided in this Rule. Notice of

time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

(3) The Committee on Rules and Calendar, with the approval of the President, may submit a Consent Bill Calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily postponed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the Consent Calendar. A committee chairman may designate a committee bill sponsored by his or her committee. All Consent Calendar bills must have appeared on the printed Senate calendar.

4.18—Calendar of local bills

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Committee on Rules and Calendar or its designees and approved by the President.

4.19—Order after second (2nd) reading

The order of disposition of a bill that has been read the second (2nd) time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third (3rd) reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending. Bills calendared for second (2nd) or third (3rd) reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 8 of the *State Constitution*, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules and Calendar.

4.81—Claim bills

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion

bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.

(3) All claim bills shall be referred by the President to one (1) or more committees for review. If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations no later than December 1. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) On receipt of the Special Master's report and recommendations, if any, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

(5) Stipulations entered into by the parties are not binding on the Special Master, the Senate, or its committees.

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?" And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(2) The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such

penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote wrongfully in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

Pairing shall be permitted only on the absence of a Senator excused from attendance and shall specifically state, in writing, the bill or bills to which the pair applies.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

(1) When a question is under debate, the President shall receive no motion except:

- (a) To adjourn
 1. Instantly
 2. At a time certain
- (b) Questions of privilege
- (c) To take a recess
- (d) To proceed to the consideration of executive business
- (e) To reconsider
- (f) To limit debate
- (g) To temporarily postpone
- (h) To postpone to a day certain
- (i) To commit to the Committee of the Whole
- (j) To commit to a standing committee
- (k) To commit to a select committee
- (l) To amend
- (m) To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

(2) The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be entertained and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

6.4—Reconsideration generally

(1) When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets.

- (a) If the question has been decided by voice vote, any Senator may so move.
- (b) When a majority of those Senators present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion may be made pending a motion to adjourn or if it is time to adjourn.

- (a) Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.
- (b) During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day.

6.5—Reconsideration; vote required

A majority of the affirmative votes of those Senators present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those Senators present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the *State Constitution* for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN**AMENDMENTS****7.1—General form; notice; manner of consideration**

(1) No amendment to a bill on the Special Order Calendar prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

(2) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in the chairman's absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending.

(3) No proposition on a subject different from that under consideration shall be admitted under color of amendment. The following bills are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate:

- (a) Bills which have received an unfavorable committee report.
- (b) Bills which have been withdrawn from further consideration by the sponsor.
- (c) Bills the substance of which have not been reported favorably by all committees of reference.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

Amendments may be adopted on second (2nd) reading by a majority vote of those Senators present and on third (3rd) reading by a two-thirds (2/3) vote of those Senators present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those Senators present on third (3rd) reading.

7.3—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

- (a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the

purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

(1) After the reading of a House amendment to a Senate bill, the Senate may:

- (a) Amend the House amendment,
- (b) Concur in the House amendment,
- (c) Refuse to concur in the House amendment and ask the House to recede, or
- (d) Request a conference committee.

(2) The adoption of all the foregoing motions shall be by majority vote of those Senators present.

7.9—House refusal to concur in Senate amendment

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named:

- (a) That the Senate recede,
- (b) That the Senate insist and ask for a conference committee, or
- (c) That the Senate insist.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

RULE EIGHT**DECORUM AND DEBATE****8.1—Decorum and debate**

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President," and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

- (a) Rising to a question of privilege;
- (b) Rising to a point of order requiring an immediate ruling;
- (c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
- (d) Rising to make a parliamentary inquiry requiring an immediate reply; or
- (e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

(1) When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member then is entitled to resume the floor.

(2) The Senator making a debatable motion or the primary introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those Senators present.

8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by a two-thirds (2/3) vote of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second (2nd) decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

(1) Questions of privilege shall be:

- (a) Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
- (b) The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida House and Senate.

9.2—Obligations of lobbyist

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

(2) A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

(3) A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.4—Advisory opinions

(1) A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

(2) The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

9.6—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate and on recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of this Rule, the Joint Rules, and the *Laws of Florida*, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

None of the persons entitled to admission shall be admitted if registered pursuant to Rule Nine (9).

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All male persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear coats and ties at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN**CONSTRUCTION AND WAIVER OF RULES****11.1—Interpretation of Rules**

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of those Senators present. The motion, when made, shall be decided without debate. A motion to waive a Rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those Senators present.

11.3—Changes in Rules

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of those Senators present.

11.4—Majority action

Unless otherwise indicated by these Rules or the *State Constitution*, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in these Rules reference is made to “two-thirds (2/3) of those present,” “two-thirds (2/3) vote,” “two-thirds (2/3) of the Senate,” “two-thirds (2/3) of those voting,” etc., these shall all be construed to mean two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the *State Constitution*.

11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word “bill” or “measure” means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVE**EXECUTIVE SESSIONS, APPOINTMENTS,
SUSPENSIONS, AND REMOVALS****PART ONE—EXECUTIVE SESSIONS****12.1—Executive session; authority**

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators and the Secretary of the Senate, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept a secret except information on which the bans of secrecy were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rules as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

**PART TWO—APPOINTMENTS, SUSPENSIONS, AND
REMOVALS****12.7—Procedure**

(1) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Ethics and Elections, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(2)(a) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been

dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

- (b) In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(3) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(4) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first (1st) pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(5) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(6) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(7) Subject to the limitations of Rule 12.7(2) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(2), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(2). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the Legislature.

(8) For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(9) If the Governor files an amended suspension order, the attention of the Senate, the committee, or the Special Master shall be directed at the amended suspension order.

(10) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chairman and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule Twelve (12) and part V of chapter 112, *Florida Statutes*, the Rule, derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following an announcement by the chairman while the Senate is in session, and by posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chairman of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

(1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second (2nd) reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House.

(5) When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

(6) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special Order Calendar

The Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

(3) The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

Statement by the Secretary

As instructed by the Senate, necessary technical changes have been made to the Senate Rules as adopted at the November 21, 2000, Organization Session. Additional technical changes have been made to provide uniform and parallel construction, and paragraph identifiers have been added for reference purposes only.

JOINT RULES

JOINT RULE ONE

(As amended April 1998)

LOBBYIST REGISTRATION AND REPORTING

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint

Rule One as the Lobbyist Registration Office. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, driver's license number, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The principal may change its designated lobbyist at any time in writing on forms furnished by the Lobbyist Registration Office. Upon termination of the designated lobbyist's representation, the principal shall notify the Lobbyist Registration Office within 15 days, on forms furnished by the office, of the appointment of a new designated lobbyist.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(5) The Lobbyist Registration Office shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Lobbyist Registration Office shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to the reporting of and the prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) REPORTING DATES.—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Lobbyist Registration Office, on forms provided by the Lobbyist Registration Office and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through June 30. The second report shall disclose expenditures for July 1 through December 31. It is the intent of this rule that each reporting period be separate from the other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) TIMELINESS OF REPORTS.—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is post-marked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Lobbyist Registration Office.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the designated lobbyist will be responsible for filing a report that discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. The principal shall sign the expenditure report submitted by the principal's sole or designated lobbyist.

(4) EXPENDITURES.—

(a) Definitions.—

1. “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. “Accrual accounting basis” means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) Expenditure categories.—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the “Other” category. The categories of expenditures used in this rule are as follows:

1.a. “Communications” means dissemination of information, including, but not limited to, by means of the following:

- I. Audio-visual materials; and
- II. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. “Entertainment” means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. “Food and Beverages” means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. “Lodging” means sleeping or living accommodations for an individual for one or more nights.

5. “Media Advertising” means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copywriting services.

6. “Other” means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7. “Publications” means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. “Research” means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9. “Special Events” means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. “Travel” means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term “expenditure” does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other ex-

penditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 29 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

8. Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) **AGGREGATION OF EXPENDITURE FIGURES.**—For each reporting period, the Lobbyist Registration Office shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Lobbyist Registration Office shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

- (a) When a report is actually received by the lobbyist registration and reporting office;
- (b) When the report is postmarked;
- (c) When the certificate of mailing is dated; or
- (d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the Lobbyist Registration Office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

(5) A lobbyist, a lobbyist's legal representative, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request. The registration of a

lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived.

(6) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office a notice of appeal within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the General Counsel of the Office of Legislative Services must be made within the same 30-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The President of the Senate and the Speaker of the House of Representatives may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

(4) The Department of Banking and Finance shall collect any fine that is not timely paid.

1.7—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Office of Legislative Services as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.8—Open Records

All of the lobbyist registration and expenditure reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

1.9—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of

inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

JOINT RULE TWO

GENERAL APPROPRIATIONS BILL (As amended March 1999)

2.1—General Appropriations Bill; Review Period

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(5) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House and the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

2.2—General Appropriations Bill; Definition

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

JOINT RULE THREE

(As Amended April 1998)

LEGISLATIVE SUPPORT SERVICES

3.1—Organizational Structure

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenue, and appropriations.

3.2—Policies

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

JOINT RULE FOUR

(As Amended April 1998)

JOINT LEGISLATIVE AUDITING COMMITTEE

4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, and the Public Counsel.

(4) The committee and the units it oversees, including the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel, shall submit their budget requests and operating budgets to the President of the Senate and the Speaker of the House of Representatives for prior written approval by the presiding officers acting together.

(5) The committee may receive requests for audits and reviews from legislators. Staff of the committee shall review each request and make a recommendation to the committee concerning its disposition. The manner of disposition recommended may be:

(a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;

(b) Assignment to the Auditor General for special audit or review;

(c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

(e) Assignment to committee staff; or

(f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

JOINT RULE FIVE
AUDITOR GENERAL

5.1—Rulemaking authority

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits that he or she is authorized to perform.

5.2—Budget and accounting

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses for his or her staff before the same shall be paid.

5.3—Audit report distribution

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

(4) Other copies may be furnished to other persons who, as in the opinion of the Auditor General, are directly interested in the audit or who have a duty to perform in connection therewith.

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

JOINT RULE SIX

**OFFICE OF PROGRAM POLICY
 ANALYSIS AND GOVERNMENT ACCOUNTABILITY**

6.1—Responsibilities of the director

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

(4) Within the monetary limitations of the approved operating budget, the director shall make all spending decisions, including entering into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(5) The director shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

JOINT RULE SEVEN

JOINT LEGISLATIVE BUDGET COMMISSION

(As created November 2000)

7.1—General Responsibilities

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

7.2—Zero-based Budgeting

(1) The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.

(2) By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.

(3) The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.

(4) By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.

7.3—Organizational Structure

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.

(2) The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a

House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.

(4) A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.

(5) Action by the commission shall require a majority vote of the members present of each house.

(6) The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.

7.4—Notice of Commission Meetings

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

JOINT RULE EIGHT

CONTINUING EXISTENCE OF JOINT RULES

(As amended November 2000)

8.1—Continuing Existence of Joint Rules

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.

COMMITTEES OF THE SENATE

(With Revisions)

Agriculture and Consumer Services

Senator Geller, Chairman; Senator Meek, Vice Chairman; Senators Bronson, Constantine, Diaz de la Portilla, Rossin and Villalobos

Appropriations

Senator Horne, Chairman; Senators Burt, Clary, Cowin, Dawson, Dyer, Garcia, Holzendorf, Jones, King, Latvala, Laurent, Lawson, Meek, Miller, Mitchell, Peaden, Sanderson, Saunders, Silver, Sullivan, Villalobos and Webster

Subcommittee on Education: Senator Sullivan, Chairman; Senators Dyer, Garcia, Holzendorf, Latvala, Miller and Webster

Select Subcommittee on Financial Aid: Senator Miller, Chairman; Senators Garcia and Holzendorf

Subcommittee on General Government: Senator Clary, Chairman; Senators Jones, King, Laurent and Lawson

Subcommittee on Health and Human Services: Senator Silver, Chairman; Senators Mitchell, Peaden, Sanderson and Saunders

Subcommittee on Public Safety and Judiciary: Senator Cowin, Chairman; Senators Burt, Dawson, Meek and Villalobos

Banking and Insurance

Senator Latvala, Chairman; Senator Holzendorf, Vice Chairman; Senators Campbell, Carlton, Clary, Constantine, Dawson, Garcia, Geller, King, Posey, Rossin and Wasserman Schultz

Children and Families

Senator Peaden, Chairman; Senator Mitchell, Vice Chairman; Senators Meek, Miller, Saunders, Sullivan and Webster

Commerce and Economic Opportunities

Senator Diaz de la Portilla, Chairman; Senator Klein, Vice Chairman; Senators Brown-Waite, Cowin, Crist, Holzendorf, Meek, Miller, Sanderson and Saunders

Comprehensive Planning, Local and Military Affairs

Senator Constantine, Chairman; Senator Wasserman Schultz, Vice Chairman; Senators Carlton, Clary, Geller, Lee and Rossin

Criminal Justice

Senator Villalobos, Chairman; Senator Crist, Vice Chairman; Senators Bronson, Burt, Meek, Silver and Smith

Education

Senator Pruitt, Chairman; Senator Miller, Vice Chairman; Senators Cowin, Diaz de la Portilla, Dyer, Horne, Jones, Klein, Laurent, Lawson, Mitchell, Sebesta and Sullivan

Ethics and Elections

Senator Posey, Chairman; Senator Smith, Vice Chairman; Senators Bronson, Brown-Waite, Carlton, Constantine, Dyer, Jones, Lawson, Sebesta and Silver

Finance and Taxation

Senator Carlton, Chairman; Senator Rossin, Vice Chairman; Senators Brown-Waite, Campbell, Constantine, Geller, Lee, Pruitt and Smith

Governmental Oversight and Productivity

Senator Garcia, Chairman; Senator Sanderson, Vice Chairman; Senators Burt, Lawson, Mitchell, Posey and Smith

Health, Aging and Long-Term Care

Senator Saunders, Chairman; Senator Dawson, Vice Chairman; Senators Brown-Waite, Campbell, Clary, Cowin, Klein, Peaden, Pruitt, Silver and Wasserman Schultz

Judiciary

Senator Burt, Chairman; Senator Dyer, Vice Chairman; Senators Campbell, Garcia, Horne, Jones, Peaden, Sebesta, Silver, Villalobos and Webster

Natural Resources

Senator Bronson, Chairman; Senator Lawson, Vice Chairman; Senators Dawson, King, Latvala, Laurent, Mitchell, Pruitt, Smith and Sullivan

Reapportionment

Senator Webster, Chairman; Senators Bronson, Brown-Waite, Campbell, Carlton, Constantine, Cowin, Crist, Dawson, Dyer, Garcia, Geller, Holzendorf, Horne, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Peaden, Posey, Sanderson, Saunders, Sebesta, Silver, Smith, Sullivan, Villalobos and Wasserman Schultz

Subcommittee on Congressional Apportionment and Redistricting: Senator Carlton, Chairman; Senators Brown-Waite, Campbell, Cowin, Crist, Dawson, Dyer, Garcia, Horne, Jones, Klein, Miller, Posey, Sanderson, Sebesta, Silver and Sullivan

Subcommittee on Legislative Apportionment and Redistricting: Senator Laurent, Chairman; Senators Bronson, Constantine, Geller, Holzendorf, King, Latvala, Lawson, Lee, Meek, Peaden, Saunders, Smith, Villalobos and Wasserman Schultz

Regulated Industries

Senator Campbell, Chairman; Senator King, Vice Chairman; Senators Crist, Dawson, Diaz de la Portilla, Geller, Holzendorf, Horne, Klein, Latvala, Lee, Sanderson and Wasserman Schultz

Rules and Calendar

Senator Lee, Chairman; Senator Brown-Waite, Vice Chairman; Senators Burt, Campbell, Clary, Geller, Holzendorf, Jones, King, Laurent, Rossin, Saunders, Silver, Sullivan and Webster

Transportation

Senator Sebesta, Chairman; Senator Jones, Vice Chairman; Senators Dyer, Holzendorf, King, Laurent, Lee, Miller and Webster

OTHER COMMITTEES

Appropriations Steering Group

President Pro Tempore, Senator Brown-Waite; Majority Leader, Senator King; Democratic Leader, Senator Rossin; Democratic Leader Pro Tempore, Senator Jones; Chairman, Committee on Appropriations, Senator Horne; Chairman, Appropriations Subcommittee on General Government, Senator Clary; Chairman, Appropriations Subcommittee on Education, Senator Sullivan; Chairman, Appropriations Subcommittee on Health and Human Services, Senator Silver; Chairman, Appropriations Subcommittee on Public Safety and Judiciary, Senator Cowin; Chairman, Committee of Finance and Taxation, Senator Carlton; and Chairman, Committee on Rules and Calendar, Senator Lee

Legislative Committee on Intergovernmental Relations

Senator Mitchell, Alternating Chairman; Senators Diaz de la Portilla, Klein and Sebesta

JOINT COMMITTEES

Joint Administrative Procedures Committee

Senator Holzendorf, Alternating Chairman; Senators Brown-Waite and Posey

Joint Legislative Auditing Committee

Senator Sanderson, Alternating Chairman; Senators Burt, Dyer, King and Rossin

Joint Legislative Budget Commission

Senators Crist, Horne, Jones, King, Latvala, Rossin and Silver

Zero-Based Budgeting Subcommittee - Department of Law Enforcement:
Senator King

Zero-Based Budgeting Subcommittee - Department of Revenue: Senators Horne and Rossin

Joint Legislative Committee on Article V

Senator Crist, Alternating Chairman; Senators Campbell, Laurent and Villalobos

Joint Legislative Committee on Everglades Oversight

Senator Jones, Alternating Chairman; Senators Bronson and Constantine

CORRECTION AND APPROVAL OF JOURNAL

The Journal of December 14, 2000, Special Session A, was corrected and approved.

RECESS

Pursuant to the motion by Senator Lee previously adopted, upon dissolution of the joint session at 12:17 p.m., the Senate recessed for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, March 7.

SENATE PAGES

March 5-9

Ramon Alexander, Tallahassee; Jessica Brown, Tallahassee; Hilary Deutch, Boca Raton; LéTisha Dorsey, Havana; Aaron Epstein, Weston; Joseph Fleming, Eustis; Brian Klein, Boca Raton; Meriam Kling, Sarasota; Kayla Lee, Apalachicola; Erin McKenna, Merritt Island; Chris Morgan, Sarasota; Adrienne Riley, Tallahassee; Jodi Sackel, Boca Raton; Briton Yonge, Ft. Lauderdale



Journal of the Senate

Number 2—Regular Session

Wednesday, March 7, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Excused: Senator Brown-Waite

PRAYER

The following prayer was offered by the Rev. Rodney Frank, Jr., Pastor, Calvary Apostolic Faith Church, Tampa:

Heavenly Father, we humbly come in your divine presence this morning with our hearts and heads bowed before you, thanking you for allowing us once again to see another beautiful day. We thank you for assembling these great men and women, whom you have ordained to be leaders and representatives of your people.

We pray this morning for your forgiveness and seek divine blessings upon this Senate and their families. Father, let the spirit of love and unity embrace this Senate Chamber. Grant them the wisdom and knowledge to govern this state for the welfare of thy people. All these blessings we claim in Jesus' name. Amen.

PLEDGE

Senate Pages Adrienne Riley of Tallahassee and Hilary Deutch of Boca Raton, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Senators Peaden and Sullivan as doctors of the day.

SPECIAL RECOGNITION

Upon request of the President, Senator Silver joined the President at the rostrum.

On motion by Senator Jones, the following remarks were ordered spread upon the Journal:

Mr. President: Senators, we had a proclamation yesterday in joint session honoring the new Dean of the Legislature. The Dean of the Senate used to be Senator Childers, but of course, with term limits he is no longer here. I think we are all honored that the Dean of the Legislature, someone who has a lot of experience and who has been a friend to all of us, is a member of this Senate. We are fortunate to have him for the next two years, before Senator Silver and myself, along with some of the rest of us, are term limited out as well. I did not have a chance to present this proclamation to him yesterday and I wanted to do that now. If anybody wishes to be brave and make any remarks about our good friend, then they are welcome to do so. So Senator, congratulations.

Senator Latvala, you are recognized.

Senator Latvala: I want to say to my best friend in this body, Senator Silver, that he certainly deserves the honor that has been bestowed upon him as Dean of the Legislature. He has been a great mentor to me and a lot of other folks that are here. I think the important thing is that, with only one or two exceptions that some of us have seen in the back where he sits—under the press ledge—he always retains a good humor. He is always willing to work with us in trying to do the people's work and do the best thing for the people of the State of Florida. It's really an honor and a privilege for me to be able to serve with Ron.

Mr. President: Well said, Senator. Senator Jones, you are recognized.

Senator Jones: Thank you Mr. President. While I have sat next to Senator Silver for the last eight years, I'm not sure if you want to congratulate me or give me condolences. But actually, it has really been an honor. Senator Silver is a person that I have watched go through a whole host of different emotions based upon the issue of the day. I'll tell you one thing about him, and I think it's true for just about all of us, but in particular for Ron Silver, he's a person who deeply cares about this process, who deeply cares about the people of Florida, and deeply cares about this Senate. He cares about every vote that he makes. He wants to make sure at every turn that he's doing what is the best thing that he can possibly do for the people of Florida. I tell you, that emotion and that feeling, and that personal dedication has rubbed off on me. Senator Silver, I want you to know how much I appreciate being next to you, and listening to you, and consulting with you, and having fun with you all these years. I get to enjoy you for another two sessions. I'm going to miss you a lot when it's all over. You've helped me understand how important the collegiality of this Senate is and how deeply the friendships run, even after we leave. It's no surprise that during the reunions that everybody comes back and spends time because of those feelings. It's been wonderful being next to you.

Mr. President: Well said. Senator King, you are recognized.

Senator King: Thank you, Mr. President. You know what goes around, comes around. In 1986 when I was elected, Ron was the Majority Leader. I learned a great deal from him. Everything he does, he does with gusto. One of the things I learned from him was that if you are in it, be in it to win, but have a good time doing it, and when it's all over, win or lose, remember that this is a collegial body and go have a good time. Now I will swear to the fact that Ron knows how to have a good time. In fact, some of my best memories have been when Ron and I have gone and had a good time. But more importantly, and I think that Senator Jones probably said it best, and I'll just pick up on it. When it's all said and done, and we're gone, and we're back home telling grandchildren about what it was like to serve, we're going to be talking about the relationships for whatever reason and on whatever issues, fun or work, that we had with Senator Silver. Ron, you've been a treasure to us for a long, long time.

Mr. President: Senator Rossin, you are recognized.

Senator Rossin: Thank you very much, Mr. President. Senator King mentioned grandchildren. Later this session my grandchild, Jonathan, will be a page in the Senate. Jonathan had the distinct advantage of meeting and getting to know Senator Silver several years ago. I thought it was important for him to come back and see the Senate in actual operation and to see Senator Silver in his Senatorial role. But in all seriousness, Senator Silver has been a friend to all of us, I think, in this body. He has exemplified what this Senate is all about—the passion, the interest, the concern not only for each other, but for the State of Florida. I think for everyone of us, it has been a pleasure and honor to serve with you. Thank you very much, Senator Silver.

Mr. President: Senator Silver, there are not many people that have the opportunity to speak following hearing something that might be akin to their own eulogy. Senator Silver is recognized.

Senator Silver: I was a little more concerned after making it through Senator Latvala and Senator King and my good friend, Senator Jones and then Senator Rossin. I would hope that we wouldn't go any further because there are some other stories that some other people might have.

Mr. President, especially to you, I want to tell you how much and how meaningful that ceremony was yesterday. I know you initiated it. I know the Speaker joined in with you to do that. I'm very, very appreciative to you. Service in this Legislature is very special. Not very many people get to do this. Only one person in my district, as everywhere else, gets to come up here and represent the entire district. We have approximately 350,000 people in that district. I still think about this when we have the opening session, about how grateful I am to my constituents for sending me up here. This is the twenty-third year of sending me back and most of the time without opposition, which to me is still befuddling because we have so many activists and so many people that want to do this. I am just so grateful to them. But to you, Mr. President, and to this entire body, I want to sincerely thank you for your recognition yesterday. I look forward to working with each and every one of you for the rest of the session. Thank you very much.

SPECIAL ORDER CALENDAR

TRUST FUND BILLS

SB 544—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote SB 544 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Mr. President, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators for each category.

Nays—None

Vote after roll call:

Yea—Saunders

SB 546—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote SB 546 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Mr. President, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators for each category.

Nays—None

Vote after roll call:

Yea—Saunders

SB 548—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote SB 548 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Mr. President, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators for each category.

Nays—None

Vote after roll call:

Yea—Saunders

SB 550—A bill to be entitled An act relating to trust funds; re-creating the Architects Incidental Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote SB 550 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Mr. President, Crist, Jones, Miller. Lists names of senators for each category.

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Saunders

SB 552—A bill to be entitled An act relating to trust funds; re-creating the Bureau of Aircraft Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 552** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 554—A bill to be entitled An act relating to trust funds; re-creating the Communications Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 554** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 556—A bill to be entitled An act relating to trust funds; re-creating the Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 556** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 558—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 558** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 560—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 560** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Jones	Miller
Bronson	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Sebesta

Silver Sullivan Wasserman Schultz Webster
 Smith Villalobos

Nays—None

Vote after roll call:

Yea—Saunders

SB 562—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 562** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 564—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 564** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 566—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 566** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 568—A bill to be entitled An act relating to trust funds; re-creating the State Agency Law Enforcement Radio System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 568** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 570—A bill to be entitled An act relating to trust funds; re-creating the Motor Vehicle Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 570** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Jones	Miller
Bronson	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Sebesta

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Saunders

SB 572—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 572** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 574—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 574** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 576—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 576** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 578—A bill to be entitled An act relating to trust funds; re-creating the Pretax Benefits Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 578** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 580—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 580** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Jones	Miller
Bronson	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Sebesta

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Saunders

SB 582—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 582** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President Diaz de la Portilla Laurent Sanderson
Bronson Dyer Lawson Sebesta
Burt Garcia Lee Silver
Campbell Geller Meek Smith
Carlton Holzendorf Miller Sullivan
Clary Horne Mitchell Villalobos
Constantine Jones Peaden Wasserman Schultz
Cowan King Posey Webster
Crist Klein Pruitt
Dawson Latvala Rossin

Nays—None

Vote after roll call:

Yea—Saunders

SB 584—A bill to be entitled An act relating to trust funds; re-creating the State Personnel System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 584** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President Diaz de la Portilla Laurent Sanderson
Bronson Dyer Lawson Sebesta
Burt Garcia Lee Silver
Campbell Geller Meek Smith
Carlton Holzendorf Miller Sullivan
Clary Horne Mitchell Villalobos
Constantine Jones Peaden Wasserman Schultz
Cowan King Posey Webster
Crist Klein Pruitt
Dawson Latvala Rossin

Nays—None

Vote after roll call:

Yea—Saunders

SB 586—A bill to be entitled An act relating to trust funds; re-creating the Supervision Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 586** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President Diaz de la Portilla Laurent Sanderson
Bronson Dyer Lawson Sebesta
Burt Garcia Lee Silver
Campbell Geller Meek Smith
Carlton Holzendorf Miller Sullivan
Clary Horne Mitchell Villalobos
Constantine Jones Peaden Wasserman Schultz
Cowan King Posey Webster
Crist Klein Pruitt
Dawson Latvala Rossin

Nays—None

Vote after roll call:

Yea—Saunders

SB 588—A bill to be entitled An act relating to trust funds; re-creating the Surplus Property Revolving Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 588** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President Diaz de la Portilla Laurent Sanderson
Bronson Dyer Lawson Sebesta
Burt Garcia Lee Silver
Campbell Geller Meek Smith
Carlton Holzendorf Miller Sullivan
Clary Horne Mitchell Villalobos
Constantine Jones Peaden Wasserman Schultz
Cowan King Posey Webster
Crist Klein Pruitt
Dawson Latvala Rossin

Nays—None

Vote after roll call:

Yea—Saunders

SB 590—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 590** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President Crist Jones Miller
Bronson Dawson King Mitchell
Burt Diaz de la Portilla Klein Peaden
Campbell Dyer Latvala Posey
Carlton Garcia Laurent Pruitt
Clary Geller Lawson Rossin
Constantine Holzendorf Lee Sanderson
Cowan Horne Meek Sebesta

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Saunders

SB 592—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 592** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 594—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 594** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 596—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 596** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 598—A bill to be entitled An act relating to the re-creation of the Florida Forever Program Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 20.3315(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 598** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 600—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 600** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Jones	Miller
Bronson	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Sebesta

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Saunders

SB 602—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 602** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 604—A bill to be entitled An act relating to the re-creation of the Marine Resources Conservation Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 604** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 606—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 606** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 608—A bill to be entitled An act relating to the re-creation of the Save the Manatee Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 608** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 610—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 610** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 612—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 612** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 614—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.107(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 614** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SB 616—A bill to be entitled An act relating to the re-creation of the Conservation and Recreation Lands Program Trust Fund without modification; re-creating the Conservation and Recreation Lands Program Trust Fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.127(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 616** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Burt	Carlton	Constantine
Bronson	Campbell	Clary	Cowin

Crist	Jones	Miller	Silver
Dawson	King	Mitchell	Smith
Diaz de la Portilla	Klein	Peaden	Sullivan
Dyer	Latvala	Posey	Villalobos
Garcia	Laurent	Pruitt	Wasserman Schultz
Geller	Lawson	Rossin	Webster
Holzendorf	Lee	Sanderson	
Horne	Meek	Sebesta	

Nays—None

Vote after roll call:

Yea—Saunders

CS for SB 618—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services and providing for the disposition of remaining balances and revenues; declaring the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 110.151(7), F.S., relating to reestablishment of the State Employee Child Care Revolving Trust Fund, to conform; providing effective dates.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 618** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Saunders

SENATOR HOLZENDORF PRESIDING

REVISER'S BILLS

On motion by Senator Lee—

SB 276—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.45, 11.513, 17.26, 20.12, 20.18, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Lee and adopted:

Amendment 1 (364684)(with title amendment)—On page 2, lines 1-29, delete section 1 and redesignate subsequent sections

And the title is amended as follows:

On page 1, line 3, delete “11.45,”

Amendment 2 (645034)(with title amendment)—On page 6, line 21 through page 7, line 18, delete section 6 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 4, delete “20.18,”

Amendment 3 (805154)—On page 35, line 18, delete “, (pp),”

Amendment 4 (221782)—On page 50, lines 22-31 and on page 53, lines 7-14, delete those lines.

Pursuant to Rule 4.19, **SB 276** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 278—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 215.5601, 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.3335, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 288.125, 290.0056, 290.0058, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 230.23025(2), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3., 288.7771(1), 333.07(3)(c), 348.83(5), and 364.025(4)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Lee and adopted:

Amendment 1 (893916)(with title amendment)—On page 2, line 10 through page 3, line 7, delete section 1 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 3, delete “215.5601,”

Amendment 2 (914878)(with title amendment)—On page 19, line 7 through page 20, line 9, delete section 15 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 19, delete “230.23025(2),”

Amendment 3 (663488)(with title amendment)—On page 35, line 20 through page 36, line 4, delete section 27 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 7, delete “240.3335,”

Amendment 4 (383790)(with title amendment)—On page 92, lines 8-28, delete section 67 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 15, delete “288.125,”

Amendment 5 (294018)(with title amendment)—On page 93, line 8 through page 94, line 16, delete sections 69 and 70 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 15, delete “290.0056, 290.0058,”

Amendment 6 (811778)(with title amendment)—On page 101, lines 12-20, delete section 80 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 22, delete “333.07(3)(c),”

Amendment 7 (321972)(with title amendment)—On page 102, lines 11-28, delete sections 82 and 83.

And the title is amended as follows:

On page 1, line 22, delete “348.83(5), and 364.025(4)(b),”

Pursuant to Rule 4.19, **SB 278** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 280—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.3036, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 443.232, 445.024, 446.50, 456.025, 456.039, 458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 377.709(5)(b), 381.0045(3), 383.0112(2)(g), 403.854(2)(b), 411.01(9)(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Lee and adopted:

Amendment 1 (951126)(with title amendment)—On page 20, line 23 through page 21, line 3, delete section 14 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 23, delete “377.709(5)(b),”

Amendment 2 (183764)(with title amendment)—On page 43, line 20 through page 44, line 20, delete section 29 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 7, delete “395.3036,”

Amendment 3 (101840)(with title amendment)—On page 72, lines 14-21, delete section 49 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 24, delete "403.854(2)(b),"

Amendment 4 (111346)(with title amendment)—On page 98, lines 1-25, delete section 72 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 15, delete "443.232,"

Pursuant to Rule 4.19, **SB 280** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 282—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 519.101, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.351, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Lee and adopted:

Amendment 1 (344464)(with title amendment)—On page 19, line 29 through page 21, line 7, delete section 23 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 7, delete "519.101,"

Amendment 2 (253662)(with title amendment)—On page 24, line 28 through page 26, line 28, delete section 28 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 8, delete "550.6305,"

Amendment 3 (363020)(with title amendment)—On page 47, line 10 through page 51, line 19, delete section 58 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 13, delete "627.351,"

Pursuant to Rule 4.19, **SB 282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 284—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215,

985.225, and 985.228, F.S.; and reenacting ss. 985.23 and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 284** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 288—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 206.9825(2), 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105, 442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser's bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Lee and adopted:

Amendment 1 (871886)(with title amendment)—On page 3, lines 9-16, delete section 4 and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 4, delete "206.9825(2),"

Pursuant to Rule 4.19, **SB 288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 290—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 290** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

THE PRESIDENT PRESIDING

On motion by Senator Pruitt, by two-thirds vote **SB 480** was withdrawn from the committee of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 46** was withdrawn from the committees of reference and further consideration.

On motion by Senator Crist, by two-thirds vote **SB 816** was withdrawn from the committees of reference and further consideration.

On motion by Senator Klein, by two-thirds vote **SB 82** and **SB 34** were withdrawn from the committees of reference and further consideration.

On motion by Senator Villalobos, by two-thirds vote **SB 206** and **SB 216** were withdrawn from the committees of reference and further consideration.

REPORTS OF COMMITTEES

The Committee on Education recommends the following pass: SB 708 with 1 amendment

The bill was referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 770

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

The Committee on Banking and Insurance recommends the following pass: SB 342

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 226 with 3 amendments, SB 338 with 4 amendments

The bills were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 660

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 804

The Committee on Education recommends the following pass: SB 638 with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: SB 412

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

The Committee on Criminal Justice recommends the following pass: SJR 528

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 218

The Committee on Criminal Justice recommends the following pass: SB 272

The Committee on Education recommends the following pass: SB 130, SB 410, SB 520

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Silver—

SB 882—A bill to be entitled An act relating to the Department of Children and Family Services; declaring legislative intent to enact legislation relating to the department; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Klein—

SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Campbell—

SB 888—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Garcia—

SB 892—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 896—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 898—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 900—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 902—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 904—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 906—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Mitchell—

SB 908—A bill to be entitled An act relating to mental health services; amending s. 394.455, F.S.; providing definitions of “marriage and family therapist” and “mental health counselor” for purposes of “The Florida Mental Health Act”; amending s. 394.463, F.S.; providing that a marriage and family therapist or a mental health counselor may execute a certificate for involuntary examination of a person suspected of mental illness; amending ss. 39.407, 394.495, 394.496, 394.498, 419.001, 744.704, 984.19, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children and Families; and Health, Aging and Long-Term Care.

By Senators Mitchell and Geller—

SB 914—A bill to be entitled An act relating to driver’s licenses; amending s. 322.16, F.S.; providing that it is a noncriminal traffic infraction for a driver who is less than a specified age to operate a motor vehicle, during a certain period after being issued a license, which has more than one passenger who is less than a specified age; providing exceptions; amending ss. 318.14, 322.05, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Sanderson—

SB 916—A bill to be entitled An act relating to state veterans’ homes; amending ss. 296.04, 296.34, F.S.; revising provisions relating to the appointment and duties of the veterans’ homes’ administrators; defining the duties of the administrators; deleting a residency requirement; revising the employment status of employees; amending s. 296.11, F.S.; deleting a requirement that certain interest be deposited into the Grants and Donations Trust Fund; amending s. 296.12, F.S.; requiring an accounting of certain funds in the Residents’ Deposits Trust Fund and deleting a requirement that interest accrued in the fund be deposited into the Grants and Donations Trust Fund; amending s. 296.38, F.S.; requiring the accounting of certain funds; deleting a requirement that interest accrued be deposited into the Grants and Donations Trust Fund; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Sanderson—

SB 918—A bill to be entitled An act relating to juvenile justice funding; revising conditions for expenditure of a specific appropriation for PACE relocation and expansion funds; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Garcia—

SB 920—A bill to be entitled An act relating to the Department of State; providing legislative intent to review appropriations to the department; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 922—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city’s acquisition of the pier situated upon the leased lands; providing additional terms of the lease; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Webster, Posey, Miller, Cowin, Latvala, Dawson, Diaz de la Portilla, Pruitt, Sebesta, Wasserman Schultz, Geller and Lawson—

SB 924—A bill to be entitled An act relating to health care providers; amending ss. 458.331, 459.015, F.S.; providing an additional ground for

discipline of persons licensed under ch. 458, F.S., or ch. 459, F.S.; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Banking and Insurance.

By Senator Smith—

SB 926—A bill to be entitled An act relating to misdemeanor convictions; amending s. 775.082, F.S.; defining the term “habitual misdemeanor offender” to mean a defendant who is convicted of a certain number of misdemeanors within a specified period; authorizing the court to sentence a habitual misdemeanor offender to an extended term of imprisonment; prohibiting the court from sentencing a defendant as a habitual misdemeanor offender if the defendant is subject to a more severe penalty as a result of reclassifying a qualifying offense; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Clary—

SB 928—A bill to be entitled An act relating to the School Infrastructure Thrift Program; amending s. 235.2155, F.S.; providing additional purposes of the program; providing for funds under the program to be used to fund school safety; providing requirements for a school district to participate in a SIT Safety Program; requiring that a request for funding under the program be reviewed by the SMART Schools Clearinghouse; providing criteria for such review; providing for the Commissioner of Education to make program awards; amending s. 235.216, F.S.; deleting provisions authorizing funding under the program for certain charter schools; specifying the amount of awards under the program, based on grade level and number of permanent student stations; amending s. 235.217, F.S.; providing criteria for the SMART Schools Clearinghouse in developing criteria for evaluating proposals for funding under the SIT Safety Program; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senators Clary, Dyer, Sullivan and Miller—

SB 930—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida School Improvement Academic Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Brown-Waite—

SB 932—A bill to be entitled An act relating to cider; amending s. 564.06, F.S.; providing that cider is not considered wine for purposes of the limitation on wine container size; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senators Clary, Dyer, Sullivan and Miller—

SB 934—A bill to be entitled An act relating to Florida School Improvement Academic Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida School Improvement Academic Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for district-

level and school-level administration of funds; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Geller—

SB 936—A bill to be entitled An act relating to insurance; expressing the Legislature’s intent to enact a model act governing the licensing of insurance producers; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Peaden—

SB 938—A bill to be entitled An act relating to credit insurance; amending s. 621.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; requiring an annual filing regarding current office addresses and other information; amending s. 626.9551, F.S.; exempting sales of credit insurance and credit property insurance from certain disclosure requirements regarding the sale of insurance in connection with the sale of services or personal property; amending s. 627.679, F.S.; requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Pruitt—

SB 940—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; providing that active members of the Florida National Guard are residents of this state for tuition purposes; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Pruitt—

SB 942—A bill to be entitled An act relating to liens; creating the “Broker’s and Appraiser’s Lien on Commercial Real Estate Act”; providing applicability, definitions, and general provisions; providing for a commission; specifying persons entitled to such liens; providing for waiver, release, or discharge of lien; providing for affidavits identifying broker; providing for filing and contents of notice of lien; providing for notice of filing; specifying priorities of liens; providing for effect of mixed-use property and changed-in-use property; prescribing time for filing notice of liens; providing for enforcement of liens; providing a statute of limitations; providing for assessment of costs, fees, and interest; providing for release of lien; providing for escrow of disputed matters; providing for a bond to indemnify against a lien; specifying requirements, notice, recording, and actions; providing owner’s, tenant’s, and broker’s remedies; authorizing civil penalties, damages, court costs, and attorney’s fees; providing an effective date.

—was referred to the Committees on Judiciary and Regulated Industries.

By Senator Diaz de la Portilla—

SB 944—A bill to be entitled An act relating to educational finance; amending s. 236.081, F.S.; revising the limitation on the percentage of

a school district's total K-12 Florida Education Finance Program calculation that may be produced by the district's revenue from required local effort millage for certain counties; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Diaz de la Portilla—

SB 946—A bill to be entitled An act relating to the Key Largo Hammocks State Botanical Site; changing the name of the site; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Horne—

SJR 948—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to a tax exemption for certain property owned by municipalities or special districts and used for airport or seaport purposes.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; Finance and Taxation; and Rules and Calendar.

By Senator Smith—

SB 950—A bill to be entitled An act relating to burglary; amending s. 810.02, F.S.; revising the elements of the offense of burglary to include the acts of remaining in a building surreptitiously with the intent of committing an offense, remaining in a building without permission with the intent of committing an offense, and remaining in a building with the intent of committing or attempting to commit a forcible felony; reenacting ss. 810.11(1), (2), and (3), and 943.325(1)(a), F.S., relating to burglary and trespass and the testing of blood specimens, to incorporate the amendment to s. 810.02, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Smith—

SB 952—A bill to be entitled An act relating to ad valorem taxation; creating s. 196.096, F.S.; providing an exemption for technology-business incubation facilities; defining terms; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senators Dawson and Miller—

SB 954—A bill to be entitled An act relating to the testing of inmates for HIV; creating s. 944.6025, F.S.; defining the term "HIV test"; requiring the Department of Corrections to perform an HIV test before an inmate is released; requiring that the department provide additional services prior to an inmate's release; requiring that the Department of Corrections notify the county health department where the inmate will reside when an inmate who has received a positive HIV test result is released unexpectedly; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Diaz de la Portilla—

SB 956—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing that unclaimed prize money shall be distributed to the public schools, community colleges, and universities on a pro rata basis based on enrollment; providing an effective date.

—was referred to the Committees on Education; Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sullivan—

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 960—A bill to be entitled An act relating to the offense of stalking; amending s. 784.048, F.S.; defining the term "cyberstalk" to mean communication by means of electronic mail or electronic communication which causes substantial emotional distress and does not serve a legitimate purpose; including within the offenses of stalking and aggravated stalking the willful, malicious, and repeated cyberstalking of another person; providing penalties; revising the elements of the offense of aggravated stalking to include placing a person in fear of death or bodily injury of the person or the person's child, sibling, spouse, or dependent; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Diaz de la Portilla—

SB 962—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; repealing s. 1, ch. 99-158, Laws of Florida, relating to a deadline to apply for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Governmental Oversight and Productivity.

By Senator Geller—

SB 964—A bill to be entitled An act relating to windstorm insurance risk apportionment; amending s. 627.351, F.S.; eliminating a requirement that certain insureds lose their eligibility for the Florida Windstorm Underwriting Association under certain circumstances; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Sullivan—

SB 966—A bill to be entitled An act relating to community contribution tax credits; creating s. 212.099, F.S.; providing for a community

contribution tax credit against the tax on sales, use, and other transactions; providing definitions; providing the amount of the credit; providing limitations; providing for carryover of the credit; providing that the credit is an alternative to the community contribution credit against the corporate income tax; providing eligibility requirements; providing application requirements for eligible sponsors and participating taxpayers; requiring approval by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; providing for rules; amending ss. 220.03, 220.183, 624.5105, F.S.; revising the definition of the term "project" for purposes of the community contribution tax credits against the corporate income tax and insurance premium taxes to include provision of educational programs and materials by an eligible sponsor; including the community contribution credit against the sales tax within the limitation on such credits; amending ss. 14.2015, 290.007, F.S., relating to duties of the office and incentives available in enterprise zones, to conform; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Clary—

SB 968—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Clary—

SB 970—A bill to be entitled An act relating to windstorm property insurance; amending s. 627.062, F.S.; excluding the Florida Windstorm Underwriting Association from certain rate filing arbitration provisions; amending s. 627.0629, F.S.; specifying criteria for certain rate filings; authorizing computer modeling for certain purposes under certain circumstances; providing requirements; providing a limitation for the Florida Windstorm Underwriting Association; providing criteria; amending s. 627.351, F.S.; revising the membership of the board of directors of the Florida Windstorm Underwriting Association; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Bronson—

SB 972—A bill to be entitled An act relating to water management district fiscal matters; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Oversight and Productivity.

By Senator Bronson—

SB 974—A bill to be entitled An act relating to school attendance by violent offenders; requiring courts to provide certain notice to a school district under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; requiring responsibility for certain transportation costs in attending alternate schools; providing an effective date.

—was referred to the Committees on Education; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Peadar—

SB 976—A bill to be entitled An act relating to intangible personal property taxes; repealing chapter 199, F.S., which provides for taxes on intangible personal property; amending ss. 72.011, 192.091, 196.199, 196.1993, 201.23, 212.02, 213.015, 213.05, 213.053, 213.054, 213.27, 213.31, 215.555, 220.1845, 288.039, 288.1045, 288.106, 288.1066, 376.30781, 440.49, 493.6102, 516.031, 627.311, 627.351, 650.05, 655.071, 733.604, 766.105, F.S., to conform to such repeal; repealing ss. 192.032(5), 192.042(3), 193.114(4), 196.015(9), 607.1622(1)(g), 731.111(2), F.S., relating to assessment of intangible personal property, the intangible personal property tax roll, filing of intangible tax returns as a factor in determining residency, intangible tax liability information in a corporation's annual report, and claims against a decedent's estate for intangible taxes; amending s. 192.0105, F.S.; conforming a reference; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Burt—

SB 978—A bill to be entitled An act relating to seaport security and vessel operations; expressing the legislative intent to revise laws relating to seaport security and vessel operations; providing an effective date.

—was referred to the Committees on Natural Resources; Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 980—A bill to be entitled An act relating to seaport security and vessel operations; expressing the legislative intent to revise laws relating to seaport security and vessel operations; providing an effective date.

—was referred to the Committees on Natural Resources; Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 982—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term "bonus," for purposes of determining compensation under the Florida Retirement System, to exclude certain payments under the Florida Mentor Teacher School Pilot Program and the Excellent Teaching Program; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Brown-Waite—

SB 984—A bill to be entitled An act relating to health maintenance organizations; creating the "Managed Care Organization's Patient's Bill

of Rights"; providing legislative findings and intent; specifying that the purpose of the act is to ensure that quality health care and health benefits are provided to the people of this state; providing that managed care organizations owe a fiduciary duty to provide such care; creating s. 641.275, F.S.; providing legislative intent that the rights and responsibilities of subscribers who are covered under health maintenance organization contracts be recognized and summarized; requiring health maintenance organizations to operate in conformity with such rights; requiring organizations to provide subscribers with a copy of their rights and responsibilities; listing specified requirements for organizations that are currently required by other statutes; authorizing civil remedies to enforce the rights specified in s. 641.275, F.S.; providing for actual and punitive damages and attorney's fees and costs; providing for administrative fines; providing that there is not any liability on the part of certain employers or employee organizations; requiring a plaintiff to submit a written grievance as a condition precedent to bringing an action for damages; requiring that a managed care organization dispose of a grievance within a specified period; requiring notice of an action to enforce the rights provided under the act; authorizing the court to abate an action and require completion of an internal grievance procedure; providing certain exceptions; providing for the statute of limitations to be tolled under specified circumstances; authorizing an action for non-monetary relief without complying with conditions precedent for the purpose of preventing potential death or serious bodily harm; providing for severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Sullivan—

SB 986—A bill to be entitled An act relating to education; expressing the legislative intent to revise the laws relating to education; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Sullivan—

SB 988—A bill to be entitled An act relating to education; expressing the legislative intent to revise the laws relating to education; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Sullivan—

SB 990—A bill to be entitled An act relating to education; expressing the legislative intent to revise the laws relating to educational benefits for public employees; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Carlton—

SB 992—A bill to be entitled An act relating to dental service claim adverse determinations; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; providing procedures; providing requirements; providing a definition; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 994—A bill to be entitled An act relating to governmental efficiency; expressing the legislative intent to enact legislation to provide a response system for the determination of consumers' interests; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 996—A bill to be entitled An act relating to identity theft; providing legislative intent; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Criminal Justice; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 998—A bill to be entitled An act relating to privacy and public records; providing legislative intent with respect to privacy and public records; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Cowin—

SB 1000—A bill to be entitled An act relating to the Department of Juvenile Justice; expressing the legislative intent to revise the laws relating to the Department of Juvenile Justice; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Cowin—

SB 1002—A bill to be entitled An act relating to the Department of Corrections; expressing the legislative intent to revise the laws relating to the Department of Corrections; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Cowin—

SB 1004—A bill to be entitled An act relating to the Department of Legal Affairs; expressing the legislative intent to revise the laws relating to the Department of Legal Affairs; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Cowin—

SB 1006—A bill to be entitled An act relating to the State Courts System; expressing the legislative intent to revise the laws relating to the State Courts System; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Cowin—

SB 1008—A bill to be entitled An act relating to State Attorneys and Public Defenders; expressing the legislative intent to revise the laws relating to the State Attorneys and Public Defenders; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 1010—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; eliminating the July 1, 2001, repeal of provision authorizing certain municipalities to receive operating grants for libraries; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Garcia—

SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; authorizing the Department of Management Services or the Office of the Comptroller to provide technical assistance to agencies for certain purposes; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Garcia—

SB 1014—A bill to be entitled An act relating to medical licensing; expressing the Legislature’s intent to enact legislation relating to medical licensing; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Rossin—

SB 1016—A bill to be entitled An act relating to guardianship; amending s. 744.387, F.S.; raising the amount of a claim that may be settled

by a natural guardian of a minor without the necessity of appointment of a legal guardian; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Senator Rossin—

SB 1020—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 197.3632, F.S., relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; defining the term “levied for the first time”; specifying the circumstances in which a local government must adopt a non-ad valorem assessment roll at a public hearing; prescribing requirements relating to the notice that must be given before such a hearing is held; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senators Cowin, Sebesta, Posey, Brown-Waite, Sanderson and Peaden—

SB 1022—A bill to be entitled An act relating to public procuring and contracting; providing a short title; providing a purpose; prohibiting the state, and any political subdivision, agency, or instrumentality of the state, from engaging in specified activities under certain procurement or contracting circumstances; authorizing challenge of certain procurement or contracting documents or agreements; providing for award of costs and attorney’s fees under certain circumstances; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Diaz de la Portilla—

SB 1024—A bill to be entitled An act relating to advanced registered nurse practitioners; amending s. 893.02, F.S.; redefining the term “practitioners” to give advanced registered nurse practitioners the privilege of prescribing controlled substances; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Banking and Insurance—

SB 1026—A bill to be entitled An act relating to public records exemptions; amending s. 626.921, F.S.; abrogating the repeal of an exemption from public-records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; expanding the exemption to apply to certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; specifying that the exemption applies to information specific to a particular policy or policyholder; providing for future repeal and legislative review; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Governmental Oversight and Productivity—

SB 1028—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.023, F.S.; providing for submission of an

nual salary and benefits recommendations for state employees by the Department of Management Services; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By Senator Bronson—

SB 1030—A bill to be entitled An act relating to water quality; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to require suppliers of water to provide information concerning raw water supplies; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senators Pruitt, Saunders, Laurent, Clary and Campbell—

SB 1032—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Silver—

SB 1034—A bill to be entitled An act relating to counties; amending s. 29.008, F.S.; revising provisions governing county funding of court-related functions; providing an effective date.

—was referred to the Committees on Judiciary; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Sanderson—

SB 1036—A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as “Bill of Rights Day”; providing for a proclamation by the Governor to that effect; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Sanderson—

SB 1038—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; revising the offense of “vehicular homicide” to include the killing of a viable fetus by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing a right of action for civil damages; providing a definition; providing penalties; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; reenacting ss. 921.0022(3)(g) and (h), 960.03(3), F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Saunders—

SB 1040—A bill to be entitled An act relating to the misuse of handheld laser lighting devices; creating s. 784.062, F.S.; defining the term “laser lighting device”; providing that it is a second-degree misdemeanor for a person to knowingly and willfully shine the beam of a laser lighting device at a law enforcement officer under specified circumstances; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Dawson—

SB 1042—A bill to be entitled An act relating to nursing home expenditures of state funds; providing legislative findings, declarations, and intent; prohibiting use of state funds for certain purposes; providing construction; providing for enforcement; authorizing civil actions; providing procedures and requirements; providing penalties; providing application; providing protection for certain persons; providing severability; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 1044—A bill to be entitled An act relating to racing greyhounds; providing standards to ensure the welfare of racing greyhounds; providing penalties; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Pruitt—

SB 1046—A bill to be entitled An act relating to student financial aid; creating s. 240.4061, F.S.; creating the Teach Florida Program within the Department of Education; providing for the program to fund scholarships for students who attend state postsecondary institutions and who are enrolled in state-certified teacher education programs; providing for the amount of the scholarship; requiring that a recipient earn a minimum cumulative grade point average in certain courses in high school; amending ss. 231.62, 240.4065, F.S., relating to the Critical Teacher Shortage Program; conforming provisions to changes made by the act; repealing s. 240.4063, F.S., relating to the Florida Teacher Scholarship and Forgivable Loan Program; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Silver—

SB 1050—A bill to be entitled An act relating to bail bond and surety agents; amending s. 648.29, F.S.; revising requirements for build-up funds posted by a bail bond agent; amending s. 648.33, F.S.; authorizing an agent to charge certain transfer fees for use of a credit card; requiring that the schedule of fees be conspicuously posted; amending s. 648.34, F.S.; requiring that a bail bond office have a separate entrance; amending ss. 648.385, 648.386, F.S., relating to continuing education requirements for bail bond agents; clarifying the minimum course requirements; revising requirements for instructors of continuing education; amending s. 648.44, F.S.; prohibiting a bail bond agent from initiating contact with certain individuals for purposes of soliciting business; amending s. 648.571, F.S.; authorizing an agent to charge certain fees for use of a credit card; requiring that the schedule of fees be conspicuously posted; amending s. 903.045, F.S.; requiring that payment made on a bond be remitted to the surety under certain circumstances when the state fails to extradite a defendant; amending s. 903.046, F.S.; providing that a defendant charged with a second or subsequent felony

within a specified period is not presumed to be entitled to release on nonmonetary conditions; amending s. 903.26, F.S.; deleting a limitation on the circumstances under which a forfeiture may be discharged; revising requirements for assessing costs against a surety; amending s. 903.28, F.S.; requiring that interest be paid on any ordered payment of remission which remains unpaid after a specified period; amending s. 903.31, F.S.; specifying circumstances under which the bond does not guarantee the defendant's conduct or appearance; amending s. 907.041, F.S.; requiring that certain pretrial services be verified to the court in writing; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Silver—

SB 1052—A bill to be entitled An act relating to pest control; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Comprehensive Planning, Local and Military Affairs.

By Senator Silver—

SB 1054—A bill to be entitled An act relating to minors; amending ss. 318.17, 316.191, F.S.; increasing penalties for racing on highways; amending s. 318.143, F.S.; requiring the courts to order the Department of Highway Safety and Motor Vehicles to revoke the driver's license of certain persons who are convicted of certain driving offenses; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Dawson—

SB 1056—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the list of eligible children to include otherwise eligible children for whom the state is paying a relative caregiver payment; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; revising eligibility requirements for such students and for certain other students who are eligible to receive this exemption; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Ethics and Elections; and Senators Posey, Smith, Bronson, Lawson, Dyer, Brown-Waite, Constantine, Silver, Sebesta and Jones—

SB 1058—A bill to be entitled An act relating to vacancies in office; amending s. 114.01, F.S.; defining the term "qualify for office" for purposes of determining whether a vacancy has occurred; amending s. 114.04, F.S.; requiring certain persons appointed to office to be United States citizens; amending s. 114.05, F.S.; requiring all officials making appointments that are subject to Senate confirmation to follow certain procedures; amending s. 350.031, F.S.; providing for filling certain vacancies on the Public Service Commission; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By the Committee on Transportation—

SB 1060—A bill to be entitled An act relating to a public-records exemption for certain information relating to prepayment of electronic-toll-facility charges by check, credit card, or charge card; amending s. 338.155(6), F.S., which provides an exemption from public-records requirements for personal identifying information given to specified entities for the purpose of prepaying electronic-toll-facility charges; abrogating the repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

By the Committee on Transportation—

SB 1062—A bill to be entitled An act relating to public-records exemption for certain information relating to airport security plans; amending s. 331.22, F.S., which provides an exemption from public-records requirements for certain information relating to airport security plans; abrogating the repeal of such exemption scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

By the Committee on Transportation—

SB 1064—A bill to be entitled An act relating to motor vehicles and driver licensing; amending s. 320.01, F.S.; defining the term "extended registration period"; amending s. 320.055, F.S.; authorizing an extended registration period for certain motor vehicles; amending s. 320.06, F.S.; providing terms and conditions for the issuance of extended registrations; amending s. 320.07, F.S.; providing for expiration of an extended registration; amending s. 322.56, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to contract for the delivery of certain driver's license services; providing an effective date.

—was referred to the Committees on Transportation; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Peadar—

SB 1066—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence of an admission of liability in a civil action; providing for the admissibility of certain statements; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Sebesta—

SB 1068—A bill to be entitled An act relating to highway safety, motor vehicles, and vessels; amending s. 316.1945, F.S.; revising provisions relating to the parking of vehicles in specified areas; amending s. 316.1975, F.S.; revising provisions relating to unattended motor vehicles; amending s. 316.228, F.S.; revising provisions relating to the use of lamps on vehicles transporting certain loads; amending s. 316.520, F.S.; revising penalties for violation of load limits on vehicles; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; revising provisions relating to the sale of certain vehicles; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt vehicles; redefining the term "assembled from parts" and deleting the term "combined"; providing a penalty for the removal of rebuilt decals; amending s. 319.14, F.S.; revising provisions relating to the sale of certain vehicles; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt vehicles; amending s. 319.23,

F.S.; revising provisions relating to the transfer of ownership of an antique vehicle; amending s. 319.27, F.S.; revising provisions with respect to the filing of liens on motor vehicles and mobile homes; amending s. 319.28, F.S.; revising requirements relating to the transfer of ownership by operation of law; amending s. 319.30, F.S.; redefining the terms "major component part"; providing standards for the sale of certain vehicles; amending s. 320.025, F.S.; revising provisions relating to the issuance of confidential registration certificates and license plates; amending s. 320.05, F.S.; revising provisions relating to vessel registration records; amending s. 320.055, F.S.; revising registration periods for certain vehicles; amending s. 320.06, F.S.; providing for the placement of registration validation stickers; amending s. 320.0605, F.S.; revising provisions relating to fleet vehicles and registration certificates; amending s. 320.072, F.S.; revising provisions relating to the exemption of certain registration fees; amending s. 320.0805, F.S.; revising provisions relating to the issuance of personalized license plates; amending s. 320.083, F.S.; revising vehicle weight restrictions relating to the amateur radio operator's license plate; amending s. 320.089, F.S.; revising vehicle weight restrictions relating to the Ex-POW and Purple Heart license plates; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; revising requirements relating to motor vehicle dealers; amending s. 322.05, F.S.; conforming a statutory cross-reference; amending s. 322.126, F.S.; revising provisions relating to the reporting of a disability to the department; creating s. 322.222, F.S.; authorizing the department to conduct hearings for medical review cases; amending s. 322.2615, F.S.; revising provisions relating to temporary driving permits; amending s. 322.27, F.S.; revising provisions relating to the revocation of license for habitual traffic offenders; amending s. 322.28, F.S.; deleting obsolete language; amending s. 322.292, F.S.; revising requirements relating to the operation of DUI programs; amending s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle; amending s. 322.64, F.S.; revising provisions relating to commercial vehicle operators and driving under the influence; amending s. 328.01, F.S.; revising requirements relating to the application for certificate of title; amending s. 328.42, F.S.; revising provisions relating to the payment of certain transactions by dishonored check; amending s. 328.56, F.S.; revising provisions relating to the display of vessel registration numbers; amending s. 328.72, F.S.; revising requirements relating to the transfer of an antique vessel; amending s. 328.76, F.S.; providing for an annual appropriation to the Highway Safety Operating Trust Fund; amending s. 328.76, F.S.; providing an annual appropriation to the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; providing for the notification of insurers when a vehicle is towed; amending s. 715.07, F.S.; redefining the term "vessel"; providing for the removal of undocumented vessels from private property; amending s. 832.09, F.S.; providing for the use of a standardized form in reporting certain information to the department; repealing s. 322.282, F.S., which provides procedures for the revocation and reinstatement of certain licenses; repealing s. 322.331, F.S., which provides for hearings for reinstatement of license for habitual traffic offenders; repealing s. 715.05, F.S., which provides for the reporting of unclaimed motor vehicles; providing effective dates.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 1070—A bill to be entitled An act relating to motor vehicle insurance; amending s. 324.021, F.S.; modifying the definition of the term "motor vehicle"; modifying limits required for proof of financial responsibility for bodily injury; creating s. 324.023, F.S.; prescribing methods of providing financial responsibility for bodily injury or death; amending s. 324.221, F.S.; providing a criminal penalty for making false claims against an insurance policy issued under ch. 324, F.S.; amending s. 627.730, F.S.; changing the name of the Florida Motor Vehicle No-Fault Law to the Florida Motor Vehicle Personal Responsibility Act; amending s. 627.731, F.S.; providing the purpose of such act; amending 627.733, F.S.; providing an additional way to secure insurance coverage; amending s. 627.736, F.S.; requiring certain insurance policies to provide bodily injury liability protection; providing for a lien; requiring insurers to pay bodily injury liability protection benefits for specified injuries; amending s. 627.739, F.S.; modifying certain deductibles and limitations on personal injury protection coverage; amending s. 627.7401, F.S.; conforming references; repealing s. 627.737, F.S., relating to a tort exemption, limi-

tation on right to damages, and punitive damages; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 1072—A bill to be entitled An act relating to the Department of Business and Professional Regulation; expressing the legislative intent to enact legislation relating to the department; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 1074—A bill to be entitled An act relating to electric energy; expressing the legislative intent to revise the laws relating to the supply of electric energy; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 1076—A bill to be entitled An act relating to the Department of Business and Professional Regulation; declaring legislative intent to enact legislation relating to organizational and programmatic changes in the department; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Geller—

SB 1078—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; declaring legislative intent to enact legislation implementing budget cuts in the department; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Villalobos—

SB 1080—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Villalobos—

SB 1082—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the division; providing legislative findings regarding the mission of the division and the department; providing legislative findings

regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; providing an effective date.

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

By Senator Villalobos—

SB 1084—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing an effective date.

—was referred to the Committees on Judiciary; Health, Aging and Long-Term Care; and Banking and Insurance.

By Senator Dyer—

SB 1086—A bill to be entitled An act relating to student financial aid; creating s. 240.40645, F.S.; establishing the Instructional Paraprofessional Scholarship Program to provide tuition reimbursements for eligible program participants; providing limitations on the amount, number of semester hours or equivalent quarter hours, and award of such reimbursements; providing eligibility requirements; limiting implementation to the amount funded in the General Appropriations Act; requiring funds appropriated to be deposited in the State Student Financial Assistance Trust Fund; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Villalobos—

SB 1088—A bill to be entitled An act relating to uniform traffic citations; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation; requiring a law enforcement officer to indicate on the citation if a traffic violation or traffic accident was caused by aggressive driving; defining the term “aggressive driving” for purposes of the act; requiring the department to report to the Legislature on the number of recorded incidents of aggressive driving in the state during a specified period; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Villalobos—

SB 1090—A bill to be entitled An act relating to motor vehicle dealer franchise agreements; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term “final decision”; amending s. 320.63, F.S.; providing that the terms and conditions of a franchise agreement must comply with ss. 320.60-320.70, F.S., or they are unenforceable; prohibiting licensees from performing certain acts; amending s. 320.64, F.S.; providing penalties and remedies for violations; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.642, F.S.; amending procedures for establishing an additional motor vehicle dealer who deals in a specific line-make in an area that is already served by another such dealer; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee’s owning a dealership; providing for “dealer development arrangements”; providing powers of the Department of Highway Safety and Motor Vehicles; amending s. 320.695, F.S.; amending procedures for enjoining any person from acting

as a licensee under ss. 320.60-320.70, F.S., without being properly licensed or from violating those statutes or rules adopted thereunder; amending s. 320.699, F.S.; amending procedures for administrative hearings and adjudications relating to a motor vehicle dealer’s allegations of harm due to an applicant’s or licensee’s violation of ss. 320.60-320.70, F.S.; providing for severability; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Senator Campbell—

SB 1092—A bill to be entitled An act relating to insurance fraud relating to motor vehicles; amending s. 817.234, F.S.; providing penalties for certain acts; providing an effective date.

—was referred to the Committees on Criminal Justice; Banking and Insurance; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 1094—A bill to be entitled An act relating to property or liability insurance contracts; providing that certain pollution-exclusion provisions may exclude only certain incidents and hazards; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Campbell—

SB 1096—A bill to be entitled An act relating to pharmacists; defining the term “pharmaceutical adverse incident” and requiring that such incidents be reported to the Department of Health; providing for the adoption of rules and forms; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senators Dawson, Wasserman Schultz, Geller, Meek, Klein and Holzendorf—

SB 1098—A bill to be entitled An act relating to school readiness; amending s. 411.01, F.S., the “School Readiness Act”; providing that any copayments by parents of children who participate in school readiness programs are to be voluntary, rather than mandatory; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Carlton—

SB 1100—A bill to be entitled An act relating to tax administration; providing legislative intent; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Carlton—

SB 1102—A bill to be entitled An act relating to tax administration; providing legislative intent; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Carlton—

SB 1104—A bill to be entitled An act relating to taxation; providing legislative intent; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Carlton—

SB 1106—A bill to be entitled An act relating to taxation; providing legislative intent; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Carlton—

SB 1108—A bill to be entitled An act relating to communications services; providing legislative intent; providing an effective date.

—was referred to the Committees on Finance and Taxation; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Carlton—

SB 1110—A bill to be entitled An act relating to ad valorem taxation; providing legislative intent; providing an effective date.

—was referred to the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Carlton—

SB 1112—A bill to be entitled An act relating to ad valorem taxation; providing legislative intent; providing an effective date.

—was referred to the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Banking and Insurance—

SB 1114—A bill to be entitled An act relating to property insurance; amending s. 627.062, F.S.; requiring insurers to maintain certain documentation relating to policy numbers and annual statement lines; exempting homeowner's insurance as to individual risk rating; defining terms; specifying conditions of large commercial risks which are sufficient to be eligible for individual risk rating; requiring documentation for individual rated risks that are not large commercial risks; requiring documentation for large commercial risks; providing for the adoption of rules by the Department of Insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Ethics and Elections; and Senator Posey—

SB 1116—A bill to be entitled An act relating to elections; declaring legislative intent to enact legislation relating to certification of election results; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Ethics and Elections; and Senator Posey—

SB 1118—A bill to be entitled An act relating to elections; declaring legislative intent to enact legislation relating to the issue of an elector's name not appearing on a precinct register on election day; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Ethics and Elections; and Senator Posey—

SB 1120—A bill to be entitled An act relating to elections; declaring legislative intent to enact legislation relating to voting systems; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Ethics and Elections; and Senator Posey—

SB 1122—A bill to be entitled An act relating to elections; declaring legislative intent to enact legislation relating to recounts of elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Ethics and Elections; and Senator Posey—

SB 1124—A bill to be entitled An act relating to elections; declaring legislative intent to enact legislation revising the state's election laws; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Latvala—

SB 1126—A bill to be entitled An act relating to nonprofit civic organizations; amending s. 561.422, F.S.; authorizing nonprofit civic organizations to purchase alcoholic beverage permits for three events per calendar year; providing an effective date.

—was referred to the Committees on Regulated Industries; and Comprehensive Planning, Local and Military Affairs.

By Senator Latvala—

SB 1128—A bill to be entitled An act relating to medical treatment; creating the "Access to Medical Treatment Act"; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual's legal representative; specifying acts and

disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional conduct; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Judiciary.

By Senator Brown-Waite—

SB 1132—A bill to be entitled An act relating to county government; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Governmental Oversight and Productivity.

By Senators Laurent, Pruitt, Rossin, Sullivan, Dawson, Holzendorf and Miller—

SB 1134—A bill to be entitled An act relating to high-speed rail transportation; creating the “Florida High-Speed Rail Authority Act”; creating s. 341.82, F.S.; providing a short title; creating s. 341.821, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, financing, construction, and operation of an intrastate high-speed rail transportation system in the state; creating s. 341.822, F.S.; providing definitions; creating s. 341.823, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and compensation of the authority; providing duties of the authority; creating s. 341.824, F.S., relating to specified conflicts of interest with respect to authority members; creating s. 341.825, F.S.; assigning the authority to the Department of Transportation for administrative purposes; creating s. 341.826, F.S.; providing powers and duties of the authority; creating s. 341.827, F.S.; providing for payment of expenses incurred under the act; creating s. 341.828, F.S.; requiring the authority to designate local areas of the state to be served by the intrastate high-speed rail transportation system; providing for sequence of system construction; creating s. 341.829, F.S.; creating the high-speed rail alignment advisory committees; providing purpose of the advisory committees; providing membership and organization of the advisory committees; creating s. 341.830, F.S.; authorizing the authority to fix, revise, charge, and collect rates, rents, fees, charges, and revenues, and to enter into contracts, to finance intrastate high-speed rail transportation system projects; providing that specified revenues shall be set aside in a sinking fund; creating s. 341.831, F.S.; authorizing the authority to issue revenue bonds for any corporate purpose; creating s. 341.832, F.S.; authorizing the authority to issue refunding bonds; creating s. 341.833, F.S.; providing that moneys received by the authority pursuant to the act shall be funds held in trust; creating s. 341.834, F.S.; providing for validity of bonds and validation proceedings; creating s. 341.835, F.S.; providing remedies of bondholders; creating s. 341.836, F.S.; providing tax exemptions for property acquired or used by the authority, bonds issued by the authority, or specified income; providing an exception; creating s. 341.837, F.S.; providing that bonds issued by the authority are legal investments; creating s. 341.838, F.S.; pledging the agreement of the state not to limit or alter the rights vested in the authority; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, regulation, approval, or consent; creating s. 341.840, F.S.; providing pledge of the state not to restrict certain rights of the authority; creating s. 341.841, F.S.; requiring annual reports by the authority; creating s. 341.842, F.S.; providing construction of the act; creating s. 341.843, F.S.; providing that inconsistent provisions of other laws are superseded; creating s. 341.844, F.S.; providing for powers and duties of the Department of Environmental Regulation with respect to the act; creating s. 341.845, F.S.; providing requirements of the Department of Environmental Protection with respect to certification procedures; creating s. 341.846, F.S.; authorizing specified agreements concerning the contents of certification applications and supporting documentation; creating s. 341.847, F.S.; providing procedures for review of certification applications; creating s. 341.848, F.S.; providing for the appointment of an administrative law judge to conduct hearings on certification applications; creating s. 341.849, F.S.; providing for alteration of time limitations specified by the act; creating s.

341.850, F.S.; providing for preparation and submission of reports verifying or supplementing information contained in certification applications; creating s. 341.851, F.S.; providing for publication and contents of notice of certification application and proceedings; creating s. 341.852, F.S.; providing for certification hearings; creating s. 341.853, F.S.; providing for final disposition of a certification application; creating s. 341.854, F.S.; providing for effect of certification; providing that certification shall constitute the sole license of the state as to the approval of the location, construction, operation, and maintenance of any rail line, guideway, transit station, or associated development identified in the certification and subject to the conditions specified in the certification; specifying certain certification requirements; requiring certain notice; authorizing the exemption of licensees from specified licenses, permits, certificates, or similar agency documents; requiring applicants to seek necessary interests in specified state lands; creating s. 341.855, F.S.; authorizing the authority or an applicant to undertake any associated development included in the certification; providing eligibility requirements for inclusion in a certification; creating s. 341.856, F.S.; requiring the Department of Environmental Protection to file notice of a certified corridor route; providing contents of notice; creating s. 341.857, F.S.; authorizing the department to modify the terms and conditions of certification or franchise; providing procedure for modification; providing specified notice; amending s. 288.109, F.S.; providing that a specified fee waiver shall not apply to development permit fees assessed under the Florida High-Speed Rail Authority Act; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; amending s. 206.46, F.S.; revising the distribution of state revenues deposited in the State Transportation Trust Fund to be committed annually for designated transportation projects; providing appropriations; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the “Florida High-Speed Rail Transportation Act”; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens’ Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S.,

relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; providing appropriations; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Posey, Webster, Wasserman Schultz and Horne—

SB 1136—A bill to be entitled An act relating to telecommunications companies; amending s. 364.163, F.S., relating to network access services; defining the term “network access service”; requiring local exchange telecommunications companies to maintain certain information with the Florida Public Service Commission; providing for the network access service rates of certain companies to be capped; requiring certain local exchange telecommunications companies to reduce their intrastate switched access rates to a specified level; allowing interexchange carriers to petition the commission to reduce certain intrastate switched access rates; requiring the commission to render a decision within a specified time period; requiring certain interexchange telecommunications companies to decrease their intrastate long distance rates for the benefit of their customers; allowing certain local exchange telecommunications companies to petition the commission to increase their network access rates; requiring the commission to render its decision within a specified time period; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Regulated Industries; and Finance and Taxation.

By Senator Jones—

SB 1138—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; prohibiting the Secretary of State from specified political activities; authorizes the Commission on Ethics to investigate violations; providing penalties; authorizing the Attorney General to bring a civil action to recover civil penalties assessed by the commission; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Governmental Oversight and Productivity.

By Senator Villalobos—

SB 1140—A bill to be entitled An act relating to self-insurers; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment

Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting a provision relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Constantine—

SB 1142—A bill to be entitled An act relating to the emergency telephone system; amending ss. 365.171, 365.172, 365.174, F.S.; transferring state control over the Florida Emergency Telephone Act and the Wireless Emergency Communications Act from the Department of Management Services to the Office of State Technology; conforming statutory references; amending s. 365.173, F.S.; authorizing the State Treasurer to invest moneys in the Wireless Emergency Telephone System Fund; removing requirements that funds be held in escrow; revising the date for submission of the legislative budget request; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Saunders and Sebesta—

SB 1144—A bill to be entitled An act relating to elections; creating s. 100.065, F.S.; allowing all voters to vote in certain primary election contests; specifying procedures for placing the candidates' names on the ballots required; providing for runoffs at the general election; amending ss. 101.021, 101.251, and 101.5606, F.S., to conform; providing an effective date.

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

By Senator Constantine—

SB 1146—A bill to be entitled An act relating to robbery; amending s. 812.13, F.S.; providing that certain enhanced penalties apply to the offense of robbery if, in the course of committing robbery, the offender used a firearm, deadly weapon, or other weapon; providing that robbery is a second-degree felony if a firearm, deadly weapon, or other weapon is not used in the course of committing the robbery; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Crist—

SB 1148—A bill to be entitled An act relating to operations of correctional work programs; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal

cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Senator Peaden—

SB 1150—A bill to be entitled An act relating to absentee ballots; amending s. 101.62, F.S.; deleting the requirement that a person requesting an absentee ballot disclose his or her social security number and the last four digits of the elector’s social security number; amending ss. 101.64, 101.65, F.S.; revising the voter’s certificate and the instructions to absent electors to delete the requirement that an absent elector provide the last four digits of the elector’s social security number; amending s. 101.68, F.S.; deleting the requirement that the last four digits of the elector’s social security number be provided for an absentee ballot to be considered legal; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Governmental Oversight and Productivity.

By Senator Constantine—

SB 1152—A bill to be entitled An act relating to the Department of Veterans’ Affairs; expressing the legislative intent to enact legislation relating to the department; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Constantine—

SB 1154—A bill to be entitled An act relating to the Department of Military Affairs; expressing the legislative intent to enact legislation relating to the department; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Constantine—

SB 1156—A bill to be entitled An act relating to the Department of Community Affairs; expressing the legislative intent to enact legislation relating to the department; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Mitchell—

SB 1158—A bill to be entitled An act relating to state government; creating s. 14.204, F.S.; creating the State Council on Competitive Government; providing for appointment of members, powers, and duties; providing for review of government services and functions in relation to the performance of those services and functions by nongovernment providers; providing criteria for review; providing for contract recommenda-

tions; repealing s. 14.023, F.S., which provides for a State Council on Competitive Government; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Mitchell and Lawson—

SB 1160—A bill to be entitled An act relating to teenage driver education; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Finance and Taxation.

By Senator Sebesta—

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a Florida public postsecondary education institution; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Sebesta—

SB 1164—A bill to be entitled An act relating to the State University System; creating s. 240.6065, F.S.; establishing the industrial partnership professorship program within the State University System; providing that certain professorships shall be established by contract; providing for contribution by sponsoring corporations; specifying percentage of such contribution; providing for credit against the corporate income tax for contributions made by a sponsoring corporation; creating s. 220.192, F.S.; providing a credit against the corporate income tax for contributions made by a corporation sponsoring an industrial partnership professorship; providing for carryover of the credit; providing for reduction of credit under certain circumstances; authorizing rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing an addition to adjusted federal income; providing for future repeal of ss. 240.6065, 220.192, F.S.; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Sebesta—

SB 1166—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 1168—A bill to be entitled An act relating to elections; expressing the Legislature's intent to enact legislation relating to provisional ballots; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 1170—A bill to be entitled An act relating to driver's license suspension or revocation; amending s. 322.056, F.S.; providing an exception to mandatory revocation or suspension of a juvenile's driver's license under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Mitchell, Latvala, Clary and Smith—

SB 1172—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a conditional effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Horne—

SJR 1176—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution to require the Legislature to provide by general law for the provision of an economic impact statement of each proposed amendment or revision to the State Constitution prior to its adoption by the voters of the state.

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

By Senator Sebesta—

SB 1178—A bill to be entitled An act relating to high-speed rail; declaring the legislative intent to enact legislation relating to high-speed-rail transportation; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Pruitt—

SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Mitchell—

SB 1182—A bill to be entitled An act relating to Citrus County; specifying rights of certain employees and appointees of the Citrus County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for career appeals boards; providing for appeals procedures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Mitchell—

SB 1184—A bill to be entitled An act relating to education; amending s. 229.57, F.S., relating to the statewide student assessment program; providing that only continuously enrolled students are to be included in determining school performance grades; providing that a school's exceeding state averages for attendance, parental involvement, or dropout rates will increase the school's grade; providing weighted factors that must be used in determining a school's performance grade category; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Constantine—

SB 1186—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure specified information concerning employees of law enforcement agencies; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Banking and Insurance—

SB 1188—A bill to be entitled An act relating to the judges of compensation claims; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.192, F.S.; revising requirements and procedures for the petition for benefits; permitting judges to dismiss portions of the petition; specifying that dismissal of petition is without prejudice; amending s. 440.20, F.S.; waiving hearing requirements under certain circumstances; revising the period for payment; revising lump-sum settlement reporting requirements; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent of the claimant for continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring the director of the Division of Administrative Hearings to file an annual report; eliminating adoption and enforcement of local rules; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge of Compensation Claims; amending s. 440.345, F.S.; providing for the reporting of information concerning attorney's fees to the Office of the Judges of Compensation Claims instead of the Division of Workers' Compensation; amending s. 440.44, F.S.; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring legislative approval before modifying the number or location of the judges or mediators; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; revising Judicial Code of

Conduct requirements; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; requiring the statewide nominating commission to consider whether judges of compensation claims have met certain statutory requirements; revising procedures; authorizing the Governor to appoint temporary judges of compensation claims; requiring the Office of the Judges of Compensation Claims to collect certain data for the statewide nominating commission; revising reporting requirements for the judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising reporting requirements; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sullivan—

SB 1190—A bill to be entitled An act relating to higher education; providing Legislative intent; redesignating St. Petersburg Junior College as “St. Petersburg College and University Center”; requiring accreditation; providing a mission; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Smith—

SB 1192—A bill to be entitled An act relating to assault or battery on specified officials; amending s. 784.081, F.S.; providing enhanced penalties for the offenses of assault, battery, aggravated assault, and aggravated battery if the offense is committed on a person officiating an interscholastic activity; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Smith—

SB 1194—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Ethics and Elections; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Smith—

SB 1196—A bill to be entitled An act relating to sentencing; amending s. 921.0022, F.S.; authorizing a judge to sentence a defendant regardless of the sentence score computed under the Criminal Punishment Code if the state and the defendant waive computation of the sentence score; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Webster—

SB 1198—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of a crime is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Bronson—

SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 372.105, F.S.; providing requirements for the Lifetime Fish and Wildlife Trust Fund; amending s. 372.561, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; providing an effective date.

—was referred to the Committees on Natural Resources; Agriculture and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Bronson—

SB 1206—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 403.8163, F.S.; removing an obsolete reference to the Division of Beaches and Shores of the Department of Environmental Protection; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1208—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term “eligible individual” for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members; requiring that the plan

of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual audit; specifying grievance procedures; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; providing effective dates.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; and Finance and Taxation.

By Senator Latvala—

SB 1210—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; amending s. 627.6741, F.S.; requiring that insurers offer Medicare supplement policies to certain individuals; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Webster—

SB 1212—A bill to be entitled An act relating to special assessments; amending s. 189.420, F.S.; providing a method for special assessments of mobile home and recreational vehicle parks by municipalities and counties; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Regulated Industries; and Finance and Taxation.

By Senator Peaden—

SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be placed in licensed residential care and must remain there, unless a court determines that it is not in the child's best interest; amending s. 409.1671, F.S.; redefining the term "related services"; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Commerce and Economic Opportunities—

SB 1216—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the term "jobs"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the term "new job has been created"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; increasing the limitation on annual credits; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s.

288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 624.5105, F.S.; increasing the annual limitation on community contribution tax credits; conforming definitions; revising eligibility and administrative requirements; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Holzendorf—

SB 1218—A bill to be entitled An act relating to dissolution of marriage; amending s. 28.101, F.S.; providing an additional charge when a party petitions for a dissolution of marriage; providing for the disposition of the charge for the payment of a policy of insurance to provide child-support payments when the payor’s employment has been involuntarily terminated; providing for selection of insurer by competitive bidding; providing an effective date.

—was referred to the Committees on Children and Families; Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Holzendorf—

SB 1220—A bill to be entitled An act relating to insurance; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Taxation.

By Senator Holzendorf—

SB 1222—A bill to be entitled An act relating to unfair insurance trade practices; amending s. 626.9541, F.S.; expanding the exemption to the prohibited advertising, offering, or providing of specified forms of free insurance to include motor vehicle service agreements offered by the manufacturer at the time of sale of a new motor vehicle; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Holzendorf—

SB 1224—A bill to be entitled An act relating to district courts of appeal; amending s. 35.05, F.S.; providing that the First District Court of Appeal shall establish an annex in Duval County; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Holzendorf—

SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying certain additional members of the board of directors of Workforce Florida, Inc.; specifying selection of such members by certain members of regional workforce development boards; amending s. 445.007, F.S.; specifying certain additional members of regional workforce development boards; specifying certain local organizations to be involved in selecting such members; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Wasserman Schultz—

SB 1228—A bill to be entitled An act relating to sale or transfer of firearms at gun shows; amending s. 790.001, F.S.; defining “gun show,” “gun show promoter,” and “gun show vendor”; creating s. 790.0653, F.S.; prohibiting the sale or transfer of a firearm by a gun show vendor at a gun show unless a criminal history background check of the prospective transferee has been conducted; requiring approval of the transfer from the Department of Law Enforcement; providing a third degree felony penalty for violation; providing a third degree felony penalty for the willful and knowing provision of false identification or fraudulent information relative to the sale or transfer of a firearm at a gun show; requiring licensed gun dealers conducting criminal history background checks at gun shows to record the transfer of a firearm and retain records as otherwise required by law; requiring gun show promoters to arrange for the services of one or more licensed gun dealers to be on the premises of a gun show for the purpose of obtaining background checks; requiring posting of specified notice at gun shows; providing a first degree misdemeanor penalty for failure to post such notice; exempting antique firearms from the requirements of the act; authorizing licensed gun dealers to charge a fee for conducting background checks at gun shows; providing an effective date.

—was referred to the Committees on Criminal Justice; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Peadar—

SB 1230—A bill to be entitled An act providing for the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special-needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of the state’s financial commitment; providing an effective date.

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

By Senator Sebesta—

SB 1232—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.089, F.S.; providing for the issuance, without

payment of the license tax, of Pearl Harbor Survivor license plates or Purple Heart license plates to certain disabled veterans; providing an effective date.

—was referred to the Committees on Transportation; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 1234—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing a definition; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; amending s. 548.008, F.S.; increasing the penalty for participating in or promoting a toughman or badman competition; providing for certification of violations; amending s. 548.017, F.S.; providing requirements for ringside physicians; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules providing for background investigations of applicants for licensure; authorizing the commission to require submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission may not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 1236—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.06, F.S.; expanding a partial exemption from the indexed tax on manufactured asphalt which applies to manufactured asphalt used for any federal, state, or local government public works project; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Sebesta—

SB 1238—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public-records requirements for medical information relating to an individual's health or eligibility for paratransit services under Title II of the Americans with Disabilities Act made or received by local government entities or their

service providers; providing conditions upon which such information may be disclosed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senator Sebesta—

SB 1240—A bill to be entitled An act relating to civil penalties from traffic violations; requiring any county or municipality that receives more than a specified percentage of its total annual revenue for the prior year from civil penalties collected from traffic violations to deposit such excess revenue into the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Rehabilitation Trust Fund; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wasserman Schultz—

SB 1242—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; eliminating the limitation on employment after retirement for retired members who are reemployed by a district school board; providing requirements for reemployment; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 1244—A bill to be entitled An act relating to trust funds; creating the Citrus Canker Compensation Trust Fund within the Department of Agriculture and Consumer Services; providing for sources of money and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the Rodman Reservoir State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 1248—A bill to be entitled An act relating to contracting; amending s. 489.537, F.S.; providing that any county or municipality may

require the presence of an electrical journeyman on each job site at which electrical work is being performed; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Cowin and Brown-Waite—

SB 1250—A bill to be entitled An act relating to water management; creating the Tsala Apopka Chain of Lakes Restoration Council; providing for its membership, powers, and duties; requiring the Southwest Florida Water Management District to provide staff for the council and to award contracts subject to an appropriation of funds; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Diaz de la Portilla—

SB 1252—A bill to be entitled An act relating to elections; providing a short title; amending s. 97.055, F.S.; eliminating the book-closing period for voter registration; providing for registration and changes in registration at the polls on election day; amending ss. 97.021, 97.053, 97.071, 98.065, 98.081, 98.231, 101.045, 101.64, 101.663, F.S., to conform; amending s. 101.657, F.S.; requiring the office of the supervisor of elections and any branch office to be open on the Saturday prior to any statewide election or other election held in conjunction therewith, for the purpose of allowing early in-person absentee voting for that election; amending ss. 97.057, 97.058, F.S.; requiring supervisors of elections to provide assistance necessary to ensure the timely forwarding of completed voter registration applications processed or received by the Department of Highway Safety and Motor Vehicles and voter registration agencies; creating s. 101.005, F.S.; providing for a uniform statewide voting system and ballots; providing rulemaking authority to the Department of State to implement and adopt standards for the system, including ballot requirements; amending ss. 102.111, 102.112, F.S.; providing that county returns submitted to the Department of State after the required deadline must be ignored and the results shown by the returns on file certified; amending s. 102.141, F.S.; requiring a manual recount of all ballots in all counties for any election in which a candidate for statewide or multidistrict office was defeated or eliminated by one-half of a percent or less of the votes cast for such office; amending s. 102.166, F.S.; defining the terms “error in the vote tabulation” and “affect the outcome of the election” for purposes of establishing the grounds for conducting a manual recount that is not automatically required; requiring all manual recounts to be open to the public and follow

certain procedures; creating s. 102.1665, F.S.; providing standards for the manual recount of punchcard ballots; providing effective dates.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Wasserman Schultz—

SB 1254—A bill to be entitled An act relating to educational facilities; amending ss. 235.15, 235.185, F.S.; allowing each school district to modify the capacity for a district facility so that it varies from the capacity reported in the Florida Inventory of School Houses report; providing criteria and procedures for making such modifications; repealing s. 235.2157, F.S., which requires schools that are placed under architectural contract after a specified date to be small schools; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Campbell—

SB 1256—A bill to be entitled An act relating to nursing education; amending s. 464.019, F.S.; requiring approval by the State Board of Education before the Board of Nursing may adopt certain rules for nursing programs; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Education.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 6 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 228; Campbell—SB 852; Clary—SB 852; Dawson—SB 234, SB 852; Horne—SB 1282; Latvala—SB 1274; Lawson—SB 256; Mitchell—SB 400; Peaden—SB 870, SB 1274; Posey—SB 870; Sanderson—SB 400; Sullivan—SB 400

Senator Lawson withdrew as a co-sponsor of SB 1172.

Senator Geller withdrew as prime sponsor of SB 168 and Senator Wasserman Schultz was recorded as prime sponsor of SB 168.

RECESS

On motion by Senator Lee, the Senate recessed at 10:01 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, March 21.



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Thursday, March 8, 2001

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REPORTS OF COMMITTEES

The Committee on Natural Resources recommends the following pass: SB 854

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

The Committee on Natural Resources recommends the following pass: SB 628 with 1 amendment, SB 630 with 3 amendments

The bills were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 810

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 316

The Committee on Judiciary recommends the following pass: SB 150

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

The Committee on Natural Resources recommends the following pass: SB 296 with 2 amendments

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 672

The bill was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 110, SB 262 with 1 amendment

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 304 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 536

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 232, SB 912

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 446

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 86

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 658

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 388

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 108

The Committee on Criminal Justice recommends a committee substitute for the following: SB 268

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 806

The bill with committee substitute attached was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Latvala—

SB 884—A bill to be entitled An act relating to health insurance; amending s. 627.6685, F.S.; exempting the state employee health insurance program from mental health coverage requirements; repealing s. 627.6685(5), F.S., which provides that s. 627.6685, F.S., does not apply to benefits provided on or after a specified date; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Governmental Oversight and Productivity.

By Senator Campbell—

SB 890—A bill to be entitled An act relating to mortgage-foreclosure proceedings; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney’s fees are reasonable are not necessary under certain conditions; providing that attorney’s fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney’s fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; and Rules and Calendar.

By Senator Garcia—

SB 894—A bill to be entitled An act relating to public records; providing that it is the intent of the Legislature to create an exemption to public-records requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator King—

SB 910—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; redefining the term “small business party”; increasing the limitation on attorney’s fees and costs; amending s. 120.52, F.S.; redefining the term “agency”; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.574, F.S.; redesignating summary hearings as expedited hearings; providing procedures for expedited hearings; revising the status of an administrative law judge’s decision; providing for recommended orders and final orders; amending s. 120.595, F.S.; redefining the term “improper purpose” for determining an award of attorney’s fees; amending s. 120.60, F.S.; revising the process for the approval of license applications and license renewals; amending s. 120.68, F.S.; providing for costs, damages, and attorney’s fees under certain circumstances; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending ss. 373.1501 and 403.088, F.S.; conforming references; amending s. 403.412, F.S.; restricting persons without substantial interests from initiating specified proceedings under the Environmental Protection Act; amending s. 403.973, F.S.; conforming references; revising conditions under which expedited hearings apply;

amending s. 408.7056, F.S.; conforming references; amending ss. 120.57, 120.595, 120.81, 409.2564, 409.913, 501.608, 628.461, 628.4615, 633.161, and 766.207, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Latvala—

SB 1130—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms “early stage technology business” and “qualified distribution”; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Mitchell—

SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; requiring the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a statewide Behavioral Health Policy Integration Council; requiring the council to coordinate mental health and substance-abuse-treatment policy; providing for the membership of the council; requiring the council to report to the Governor and the Legislature each year; providing for the council to be abolished; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

Senate Bills 1260—1354—Not referenced.

By Senators King and Posey—

SB 1356—A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video recordings of an autopsy; providing for access by a state or federal agency as provided by law and in furtherance of the agency’s statutory duties; providing a penalty; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senator Meek—

CS for SB 86—A bill to be entitled An act relating to traffic safety; amending s. 316.2045, F.S.; prohibiting certain minors from standing or approaching vehicles on any public street, highway, or road for purposes of collecting contributions from or distributing materials to the occupant of a motor vehicle; providing that a first-time violation results in a warning and that subsequent violations will be cited as pedestrian violations; prohibiting persons from directing such minors to unlawfully stand or approach motor vehicles on the road; providing that a first-time violation results in a warning and that subsequent violations will be cited as noncriminal traffic infractions; providing that the prohibitions against minors standing or approaching vehicles on any public street, highway, or road for purposes of collecting contributions from or distributing materials to the occupant of a motor vehicle and against persons directing them to do so do not apply in a county or municipality unless enacted by ordinance; providing that the local ordinance may be more or less restrictive than state law; amending s. 318.18, F.S.; providing penalties; amending s. 318.121, F.S.; conforming a cross-reference; amending s. 318.21, F.S.; providing a cross-reference; providing an effective date.

By the Committee on Banking and Insurance; and Senator Geller—

CS for SB 108—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

By the Committee on Criminal Justice; and Senator Brown-Waite—

CS for SB 232—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; amending s. 948.01, F.S.; authorizing drug offender probation only for those offenders being sentenced for certain drug possession offenses or drug purchase offenses; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

By the Committee on Criminal Justice; and Senator Silver—

CS for SB 268—A bill to be entitled An act relating to DNA testing and analysis; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data banks's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

By the Committee on Criminal Justice; and Senator Burt—

CS for SB 388—A bill to be entitled An act relating to the Parole Commission; creating the "Parole Commission Reform Act"; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate's program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate's release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; conforming references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; amending s. 947.12, F.S.; providing for members of the parole qualifications committee to be reimbursed for per diem and travel expenses; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Wasserman Schultz—

CS for SB 446—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term "homeless child"; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term "homeless"; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Secretary of Children and Family Services to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the council; requiring an annual report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging homeless persons from mental health facilities; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards' one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons' Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

By the Committee on Banking and Insurance; and Senator Holzen-dorf—

CS for SB 658—A bill to be entitled An act relating to surplus lines insurance; amending ss. 626.916, 626.918, 626.921, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

By the Committee on Banking and Insurance; and Senator Laurent—

CS for SB 806—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

By the Committee on Criminal Justice; and Senator Villalobos—

CS for SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number

of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

CO-SPONSORS

Senators Bronson—SB 400; Burt—SB 400; Dawson—CS for SB 108, SB 742; Klein—SB 814; Lawson—SB 350, SB 742; Mitchell—SB 350; Peaden—SB 400; Pruitt—SB 42; Smith—SB 400; Sullivan—SB 1048



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REPORTS OF COMMITTEES

The Committee on Education recommends the following pass: SB 636, SB 680 with 1 amendment, SB 746 with 1 amendment

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

The Committee on Regulated Industries recommends the following pass: SB 428

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

The Committee on Children and Families recommends the following pass: SB 682

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 514, SB 676

The bills were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 674 with 1 amendment

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Transportation recommends the following pass: SB 430

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 128, SB 156, SB 184 with 2 amendments, SB 660 with 1 amendment, SB 664, SB 814 with 1 amendment

The Committee on Education recommends the following pass: SB 462, SB 1048

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

The Committee on Education recommends the following pass: SB 878 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 972 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 382, SB 384 with 1 amendment, SB 454, SB 456, SB 632

The Committee on Regulated Industries recommends the following pass: SB 344

The Committee on Transportation recommends the following pass: SB 1060, SB 1062

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 94

The Committee on Judiciary recommends the following pass: SB 98 with 2 amendments, SB 412

The Committee on Natural Resources recommends the following pass: SB 946 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 648

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

The Committee on Education recommends a committee substitute for the following: SB 1018

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

The Committee on Natural Resources recommends a committee substitute for the following: SB 372

The bill with committee substitute attached was referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 444

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 856

The Committee on Children and Families recommends a committee substitute for the following: SB 350

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 650

The Committee on Regulated Industries recommends a committee substitute for the following: SB 442

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 400

The Committee on Transportation recommends a committee substitute for the following: SB 260

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

The Committee on Children and Families recommends a committee substitute for the following: SB 772

The Committee on Regulated Industries recommends a committee substitute for the following: SB 364

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

The Committee on Children and Families recommends a committee substitute for the following: SB 374

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 252

The Committee on Regulated Industries recommends a committee substitute for the following: SB 408

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

The Committee on Judiciary recommends committee substitutes for the following: SB 424, SB 838

The bills with committee substitutes attached were placed on the calendar.

By Senator King—

SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker's bank; amending s. 658.165, F.S.; providing criteria for formation of a banker's bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; repealing s. 655.81, F.S., relating to deposits in trust; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Finance and Taxation.

By Senator Mitchell—

SB 1262—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; providing that prospective members of the Selected Exempt Service and the Senior Management Service be subject to background checks prior to employment in either service; providing for an audit of both services by the Office of Program Policy Analysis and Governmental Accountability; providing for a report; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Rules and Calendar; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Mitchell—

SB 1264—A bill to be entitled An act relating to education; amending s. 233.0612, F.S.; authorizing school districts to provide instruction in the history of labor; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Mitchell—

SB 1266—A bill to be entitled An act relating to assessment of agricultural property; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Finance and Taxation.

By Senator Wasserman Schultz—

SB 1268—A bill to be entitled An act relating to scooters; amending s. 316.2065, F.S.; applying certain bicycle safety laws to nonmotorized scooters; requiring the wearing of a helmet; regulating the operation of scooters; proscribing certain activities involving scooters; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; and Comprehensive Planning, Local and Military Affairs.

By Senators Miller, Sullivan and Latvala—

SB 1270—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

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

By Senator Burt—

SB 1272—A bill to be entitled An act relating to consumer services; amending s. 455.228, F.S.; authorizing the Department of Business and Professional Regulation to seek restitution in a civil action for an injured consumer; creating s. 468.90, F.S.; prohibiting employment agencies and assistance referral services from charging advance fees and not providing the promised services; defining terms; providing a criminal penalty; amending s. 484.0512, F.S.; providing a criminal penalty for sellers of hearing aids who fail to make required refunds; amending s. 501.160, F.S.; providing that the prohibition against unconscionable prices during an emergency does not preempt local governments from enacting similar provisions; creating s. 501.162, F.S.; providing a criminal penalty for a violation of s. 501.160, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Health, Aging and Long-Term Care.

By Senators Burt, Latvala and Peadar—

SB 1274—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a group-home representative who signs an application for a learner's driver's license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent's vehicle, during the time that the minor has a learner's driver's license; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Lee—

SB 1276—A bill to be entitled An act relating to driver's licenses; amending s. 322.01, F.S.; defining the term "county tax collector" with respect to duties of the Department of Highway Safety and Motor Vehicles relating to drivers' licenses; amending ss. 322.02, 322.03, 322.05, 322.051, 322.059, 322.07, 322.08, 322.09, 322.091, 322.095, 322.12, 322.121, 322.125, 322.13, 322.135, 322.14, 322.141, 322.142, 322.16,

322.161, 322.1615, 322.17, 322.18, 322.20, 322.21, 322.212, 322.22, 322.221, 322.251, 322.26, 322.28, 322.282, 322.32, F.S.; specifying those powers and duties that the department may delegate to county tax collectors; providing for the disposition of fees when services are performed by county tax collectors; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 1278—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; requiring the Department of Children and Family Services to develop an electronic data system, to compile specified information, and to transmit that information in an annual report to the Legislature; amending s. 228.041, F.S., relating to definitions; correcting a cross-reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—was referred to the Committees on Education; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Burt—

SB 1280—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for information relating to abandoned property which is contained in reports to the Department of Banking and Finance under s. 717.117, F.S.; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Burt and Horne—

SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; decreasing the value of stolen property which constitutes the offense of grand theft or petit theft; requiring that the Department of Law Enforcement conduct a campaign to increase the public's awareness of such change in the law; amending s. 812.015, F.S.; defining the term "merchant's employee" to include private security guards; redefining the term "retail theft" to include theft of property and altering or removing a universal product code; redefining the term "antishoplifting or inventory control device" to include film used for security purposes and cash register receipts; redefining the term "antishoplifting or inventory control device countermeasure" to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a second-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; requiring that the court order a person's driver's license to be suspended following an adjudication of guilt for certain misdemeanor violations involving retail theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor's driver's license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 812.0351, F.S.; requiring that the court consider a person's complete criminal record in sentencing that person for a violation of ss. 812.012-812.037, F.S., relating to theft and dealing in stolen property, or for a violation of s. 812.081, F.S., relating to stealing, embezzling, or unlawfully copying a trade secret; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S.,

relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; providing penalties for the offense of drawing a check, draft, or other order on a nonexistent account or closed account; providing penalties for a third or subsequent violation; creating s. 832.11, F.S.; requiring that the court consider a person's complete criminal record in sentencing that person for a violation of ch. 832, F.S.; prohibiting the court from sentencing such a person to a pretrial intervention program under certain circumstances; amending s. 877.26, F.S., relating to the offense of observing or videotaping customers in a dressing room; prohibiting the surreptitious observation or use of visual surveillance by a merchant; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing effective dates.

—was referred to the Committees on Criminal Justice; Commerce and Economic Opportunities; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Peadar—

SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.13017, 61.181, 61.1824, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items which must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term “support order”; defining the term “support”; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term “gross income” with respect to child support guidelines; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term “public assistance” and “support”; defining the terms “undistributable collection” and “unidentifiable collection”; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash assistance; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative

orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing effective dates.

—was referred to the Committee on Children and Families.

By Senator King—

SB 1286—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Carlton—

SB 1288—A bill to be entitled An act relating to motor vehicle safety belts; amending s. 316.614, F.S.; eliminating provisions relating to compatibility with federal law; requiring certain persons to wear safety belts in a moving vehicle; eliminating provisions that require safety-belt laws to be enforced only as a secondary violation following detention of the driver for another violation; prohibiting searches of vehicles or occupants solely because of a safety-belt violation; providing an effective date.

—was referred to the Committees on Transportation; and Comprehensive Planning, Local and Military Affairs.

By Senator Campbell—

SB 1290—A bill to be entitled An act relating to children; creating an Office of Counsel for Children in the tenth regional district of the Department of Children and Family Services to represent the legal interests of children in out-of-home care pursuant to court order; providing an administrative counsel for the office; specifying qualifications; providing for appointment by the Governor; providing duties of the Office of Counsel for Children; providing that a child may not waive the right to counsel supplied by the office; providing that the office is substituted for the department in dependency cases when appointed by the court; requiring a report to the Legislature and the Governor; amending s. 39.013, F.S.; providing that time limitations under ch. 39, F.S., do not include continuances requested by any party; providing limitations on continuances; amending s. 39.402, F.S.; providing that time limitations governing placement of a child in a shelter do not include continuances requested by any party; providing limitations on continuances; amending s. 39.506, F.S.; eliminating the requirement for a court's continued review of a child's placement in a shelter; amending s. 39.601, F.S.; modifying case-plan requirements; requiring the department to adopt rules governing the content and format of case plans; amending s. 39.602, F.S.; eliminating certain criteria in case plans when parents do

not participate and the child is in out-of-home care; providing an effective date.

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

By Senator Lawson—

SB 1292—A bill to be entitled An act relating to state employee travel and per diem; amending s. 112.061, F.S.; increasing the meal allowances for state employees for specified travel; restricting applicability to state agencies operating under an appropriated performance budget; providing for implementation subject to availability of funds and approval by the Executive Office of the Governor; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sanderson—

SB 1294—A bill to be entitled An act relating to education; creating s. 228.507, F.S.; directing the Commissioner of Education to make recommendations to the Legislature for funding off-site learning grants; providing for a review panel; providing requirements for grant recipients; authorizing rulemaking; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senators Bronson, Villalobos, Campbell, Saunders, Lawson and Jones—

SB 1296—A bill to be entitled An act relating to land acquisition and management; amending s. 73.015, F.S.; requiring the condemning authority in an eminent domain proceeding to notify the fee owner of certain information and provide the fee owner with a copy of certain statute sections prior to or concurrent with the authority's making the written offer of compensation to the fee owner; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, the Board of Trustees of the Internal Improvement Trust Fund, and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by landowners wanting a release of a reservation; amending s. 373.056, F.S.; authorizing water management districts to grant utility easements on district-owned lands in order to provide utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification prior to executing lease agreements; amending s. 373.096, F.S.; authorizing water management districts to abandon easements, reservations, and right-of-way interests that are no longer needed; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing the disclosure of title information to private landowners under certain circumstances; allowing the disclosure of title information, appraisal information, offers, and counteroffers to third parties working on the district's behalf; authorizing the use of third-party appraisals under certain circumstances; amending s. 373.1401, F.S.; authorizing water management districts to contract with private entities for management, improvement, or maintenance of land held by the district; amending s. 374.984, F.S.; authorizing the Board of Commissioners of the Florida Inland Navigation District to contract with additional entities for purposes of improving and maintaining a specified portion of the Intracoastal Waterway; providing an effective date.

—was referred to the Committees on Natural Resources; Transportation; and Judiciary.

By Senator Lawson—

SB 1298—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for indexing compensation, as used for calculating benefits for terminated vested members of the Florida Retirement System, by 3 percent a year; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Lawson—

SB 1300—A bill to be entitled An act relating to the State University System; amending s. 240.289, F.S.; authorizing institutions in the system to accept credit cards, charge cards, and debit cards for payment of tuition and fees without imposing a convenience fee; authorizing such institutions to absorb the cost of using such a card; authorizing such institutions to enter into contracts with financial institutions for certain purposes; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Lawson—

SB 1302—A bill to be entitled An act relating to elections; providing a short title; amending s. 106.011, F.S.; revising definitions of the terms “political committee,” “contribution,” “expenditure,” and “political advertisement”; amending s. 106.021, F.S.; eliminating a provision that authorizes the unrestricted expenditure of funds for the purpose of jointly endorsing three or more candidates; amending s. 106.03, F.S.; providing additional requirements for registration of political committees and certification of committees of continuous existence; providing penalties and applicability; amending s. 106.04, F.S.; requiring committees of continuous existence to update certain certification information; requiring an up-to-date membership list with the application for certification and with each annual and regular report; specifying information membership lists must provide; requiring membership dues to be reported in the same manner as regular contributions; prohibiting committees of continuous existence from making expenditures in support of or opposition to an elected public official without registering as a political committee; providing that records of a committee of continuous existence relating to political activities are public records; revising the fine for late filing of reports by committees of continuous existence; providing penalties; amending s. 106.07, F.S.; conforming a cross-reference, to conform; amending s. 106.08, F.S.; providing limits on contributions to a political party; revising a provision relating to restrictions on contributions to a candidate by a political party; providing penalties; reenacting s. 106.19(1)(a), F.S., relating to penalties applicable to acceptance of contributions in excess of the limits provided by law, to incorporate the amendment to s. 106.08, F.S., in a reference thereto; amending s. 106.087, F.S.; eliminating a provision that prohibits certain political committees and committees of continuous existence from making independent expenditures in support of or opposition to a candidate or elected public official; amending s. 106.29, F.S.; requiring subordinate and executive committees of a political party to adhere to contribution limits for political parties; providing penalties; creating s. 106.291, F.S.; requiring state and county executive committees, including subordinate committees thereof, to report to the Division of Elections certain contributions received while the Legislature is in regular, extended, or special session; providing reporting requirements; providing for the posting of such reports on the Internet; providing a fine for late filing; providing for severability; providing effective dates.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Webster—

SB 1304—A bill to be entitled An act relating to road designations; designating a portion of Semoran Boulevard in the City of Orlando,

Orange County, as “Toni Jennings Boulevard”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sanderson—

SB 1306—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; amending s. 409.906, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Posey—

SM 1308—A memorial to the Congress of the United States, urging Congress to adopt legislation to ensure fair voting consideration for absentee ballots cast in federal elections by overseas electors authorized to vote under the Uniformed and Overseas Citizens Voting Act.

—was referred to the Committee on Rules and Calendar.

By Senator Klein—

SB 1310—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; defining the term “equipment”; revising the elements of the crime of animal baiting or fighting; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Saunders—

SB 1312—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background-screening requirements for school health service personnel; amending ss. 382.003, 382.004, 382.013, 382.016, 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 385.206, F.S., relating to the hematology-oncology care center program; deleting requirement for data review by the Florida Association of Pediatric Tumor Programs, Inc.; amending s. 392.52, F.S.; providing additional definitions relating to tuberculosis control; creating s. 392.566, F.S.; providing for appointment of a guardian advocate for tuberculosis patients; specifying qualifications, training, and responsibilities of the guardian advocate; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil testing requirement; clarifying rulemaking authority; amending s. 742.10, F.S.; conforming terminology; conforming a cross-reference; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; repealing

s. 385.205, F.S.; relating to kidney disease control programs; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 1314—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Miller—

SB 1316—A bill to be entitled An act relating to the Partnership for Quality Medical and Dental Education; establishing the Partnership for Quality Medical and Dental Education pilot project between Florida Agricultural and Mechanical University, the University of Florida, and the University of South Florida to increase the participation of under-represented groups in the fields of medical and dental education; providing program requirements; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Saunders—

SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.078, F.S.; defining the terms “facility” and “employee”; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Burt—

SB 1320—A bill to be entitled An act relating to children and families in need of services; expressing the legislative intent to amend ch. 984, F.S., relating to children and families in need of services; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 1322—A bill to be entitled An act relating to family court division; expressing the legislative intent to amend the laws related to cases assigned to the family law division of the courts; providing an effective date.

—was referred to the Committees on Judiciary; Children and Families; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Peaden—

SB 1324—A bill to be entitled An act relating to health care; creating s. 456.41, F.S.; authorizing provision of and access to complementary or alternative health care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient's Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient's health care practitioner believes is in the patient's best interests; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 1326—A bill to be entitled An act relating to long-term care; amending s. 400.062, F.S.; increasing the basic license fee for nursing home facilities; amending s. 400.118, F.S.; requiring quality-of-care monitors to conduct periodic visits to each nursing home facility; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 1328—A bill to be entitled An act relating to correctional officers; creating s. 943.105, F.S.; creating the "Job Protection for Correctional Officers Act"; providing for certain employment appeals to a complaint review board; providing for a definition of just cause; providing for the creation of ad hoc complaint review boards; providing for the function of such boards; providing for membership; providing procedures with respect to appeals; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Miller—

SB 1330—A bill to be entitled An act relating to postsecondary education; amending s. 240.418, F.S., relating to need-based financial aid; requiring the state to set aside money to fund need-based scholarships at certain state universities; providing formulae for determining the number of need-based scholarships to be funded at each school; prescribing qualifications of students who may receive need-based scholarships; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Burt—

SB 1332—A bill to be entitled An act relating to the judiciary; expressing legislative intent to enact legislation relating to the judiciary; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 1334—A bill to be entitled An act relating to the judiciary; expressing legislative intent to enact legislation relating to the judiciary; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 1336—A bill to be entitled An act relating to the Attorney General and the Department of Legal Affairs; expressing legislative intent to enact legislation relating to the Attorney General and the Department of Legal Affairs; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 1338—A bill to be entitled An act relating to the Attorney General and the Department of Legal Affairs; expressing legislative intent to enact legislation relating to the Attorney General and the Department of Legal Affairs; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Saunders—

SB 1340—A bill to be entitled An act relating to sexual violence; providing requirements for law enforcement agencies in investigating sexual battery or attempted sexual battery; requiring that an agency actively pursue investigations of sexual violence; providing requirements for communications personnel with respect to responding to a report of sexual violence; requiring law enforcement agencies to provide the Sexual Violence Reference Card to officers; providing requirements for the investigating officer; providing requirements for the written police report; prohibiting an officer from disregarding a complaint of sexual violence under specified circumstances; prohibiting an officer from reporting a personal opinion as to the credibility of the victim; providing requirements for a follow-up investigation; providing requirements for interviews; requiring documentation of the investigation; requiring a review of any case in which an arrest is not made; providing requirements for designating an officer as a sexual-violence investigator; providing requirements when a law enforcement officer is alleged to be a sexual-violence offender; providing requirements for training and competency; requiring the dissemination of a law enforcement agency's policies; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Klein—

SB 1342—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student Assistance Grant program for part-time students; providing for rulemaking by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Saunders—

SB 1344—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to certain preference for military service; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Governmental Oversight and Productivity.

By Senator Saunders—

SB 1346—A bill to be entitled An act relating to behavioral healthcare services; amending s. 394.66, F.S.; amending legislative intent with respect to alcohol, drug abuse, and mental health services; creating s. 394.741, F.S.; providing accreditation requirements for providers of behavioral healthcare services; defining the term “behavioral healthcare services”; requiring certain service providers to obtain accreditation under this section by a specified date; providing for rulemaking by the Department of Children and Family Services and the Agency for Health Care Administration; providing for the department and the agency to have access to data submitted to accrediting organizations; allowing the department and the agency to perform followup monitoring of deficiencies identified by accrediting organizations; requiring the department and the agency to report to the Legislature on the practicability of privatizing all licensure and monitoring functions; providing that the accreditation requirements of this section apply immediately to certain currently accredited organizations; amending ss. 394.90, 397.411, F.S.; requiring, rather than allowing, the agency and the department to accept the surveys and inspections of accrediting organizations; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Crist—

SB 1348—A bill to be entitled An act relating to youthful offenders; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing that the court may not sentence as youthful offenders certain offenders who have pled nolo contendere or guilty to, or been found guilty of, capital felonies, life felonies, first-degree felonies, or second-degree felonies involving the use or threatened use of force or violence; increasing the maximum period of commitment of a youthful offender to the custody of the Department of Corrections or maximum period of incarceration or placement under supervision on probation or community control; removing legislative declaration with respect to construction of a basic training program facility; reenacting s. 958.03(5), F.S., relating to the definition of the term “youthful offender,” s. 958.046, F.S., relating to placement in county-operated boot camp programs for youthful offenders, and s. 958.11(4), F.S., relating to designation of institutions and programs for youthful offenders and assignment from youthful offender institutions and programs, to incorporate the amendment to s. 958.04, F.S., in references thereto; amending s. 951.231, F.S.; conforming an obsolete reference to provisions relating to mandatory participation in the youthful offender basic training program under certain circumstances; amending s. 958.045, F.S., relating to youthful offender

basic training program; revising the sanctions for a youthful offender in the basic training program who becomes unmanageable; allowing the department to revoke the offender’s gain-time, to terminate the offender’s participation in the program, and to return the offender to the general population of inmates in the correctional system; providing for alternative placement on probation or community control of an offender who has completed the basic training program; providing for the offender to remain on community control upon release from a community residential program; providing for revocation of community control and sentencing of the offender if the offender violates the conditions of community control; conforming terminology; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Crist—

SB 1350—A bill to be entitled An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing additional offense classifications and revising the penalties for home-invasion robbery; providing that it is a life felony to commit a home-invasion robbery in the course of which a firearm or other deadly weapon is carried; providing that it is a first-degree felony punishable by a term of imprisonment not exceeding life imprisonment to commit a home-invasion robbery in the course of which a weapon is carried; providing penalties; reenacting s. 943.325(1)(a), F.S., relating to blood specimen testing for DNA analysis, to incorporate the amendment made by this act in a reference; amending s. 921.0022, F.S., relating to the criminal punishment code offense severity chart, to conform; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Mitchell—

SB 1352—A bill to be entitled An act relating to Citrus County; amending chapter 99-442, Laws of Florida, the charter of the Citrus County Hospital Board; reducing the time a member may hold office on the board; revising borrowing authority of the board; revising provisions relating to indebtedness of the board; revising a provision relating to outstanding bonds payable from ad valorem taxes; repealing an obsolete provision; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Mitchell—

SB 1354—A bill to be entitled An act relating to Marion County; creating the Rainbow River Access Point and providing boundaries; providing for limited usage; providing for riparian rights; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

SB 1356 was previously referenced.

By Senator Posey—

SB 1358—A bill to be entitled An act relating to the documents excise tax on instruments relating to real property; amending s. 201.02, F.S.; providing an exemption for certain transfers to a limited liability corporation if the owners of the transferee are immediate family members of the transferor; providing an effective date.

—was referred to the Committee on Finance and Taxation.

By Senator Posey—

SB 1360—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.061, F.S.; prohibiting the covering or otherwise obscuring of a license plate in a manner that limits viewing the information contained on the plate; providing a penalty; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Cowin—

SJR 1362—A joint resolution proposing amendments to Sections 3, 10, and 11 of Article V of the State Constitution, relating to the judiciary, to provide a method for selection of Supreme Court justices and district court of appeal judges.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Cowin—

SB 1364—A bill to be entitled An act relating to trust funds; creating the Comprehensive Child and Adolescent Mental Health Services Trust Fund within the Department of Children and Family Services; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Cowin—

SB 1366—A bill to be entitled An act relating to tax exemption; amending s. 196.202, F.S.; increasing the tax exemption for property of widows, widowers, blind persons, and totally and permanently disabled persons; defining the term “totally and permanently disabled person”; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Cowin—

SB 1368—A bill to be entitled An act providing adoption benefits for employees of the state or water management districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Cowin—

SB 1370—A bill to be entitled An act relating to comparative fault; amending s. 768.81, F.S.; specifying an additional type of negligence case for purposes of comparative fault in civil actions for damages; deleting actions based on an intentional tort from exclusions from application; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By Senator Cowin—

SB 1372—A bill to be entitled An act relating to persons with developmental disabilities; reenacting s. 400.962, F.S., to ratify prior changes that removed the licensure requirement for comprehensive transitional educational programs; providing an effective date.

—was referred to the Committee on Children and Families.

By Senator Carlton—

SB 1374—A bill to be entitled An act relating to election reform; declaring legislative intent to revise the Florida Election Code; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Laurent—

SB 1376—A bill to be entitled An act relating to phosphogypsum stack management; amending s. 378.035, F.S.; authorizing the transfer of funds between trust funds; authorizing the expenditure of closure funds for abandoned stack systems from reserve funds in the Nonmandatory Land Reclamation Trust Fund; establishing a deadline for filing applications for funds; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to abate imminent hazards from a phosphogypsum stack system through the use of funds from the Phosphogypsum Stack System Safety Assurance Trust Fund; providing for registration fees; providing a right of action and lien in favor of the state to seek reimbursement of expended abatement funds; providing for closure of abandoned systems; providing an effective date.

—was referred to the Committees on Natural Resources; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Laurent—

SB 1378—A bill to be entitled An act creating the Phosphogypsum Stack System Safety Assurance Trust Fund; providing for its purpose and source of moneys; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Natural Resources; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Laurent—

SB 1380—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing exemptions from public records requirements for individual agricultural records that are reported to the Department of Agriculture and Consumer Services; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Laurent—

SB 1382—A bill to be entitled An act relating to real estate brokers; amending s. 475.01, F.S.; expanding the definition of the term “broker”; amending s. 475.25, F.S.; specifying additional actions for which the Florida Real Estate Commission may institute disciplinary action;

amending s. 475.42, F.S.; prohibiting specified breach of fiduciary duties and providing penalties therefor; reenacting ss. 468.383(7), 475.25(1)(h), and 475.274, F.S., to incorporate the amendment to s. 475.01(1)(a), F.S., in references thereto; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Lawson—

SB 1384—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing eligibility of certain treatment and rehabilitation personnel at correctional or forensic facilities for membership in the Special Risk Class; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Lawson—

SB 1386—A bill to be entitled An act relating to collective bargaining; amending s. 447.403, F.S.; revising procedures for resolving certain impasses; providing duties of parties; requiring a special master to hold public hearings under certain circumstances; requiring a legislative body to hold a public hearing under certain circumstances; providing duties of the Public Employees Relations Commission; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Comprehensive Planning, Local and Military Affairs.

By Senator Diaz de la Portilla—

SB 1388—A bill to be entitled An act relating to the Department of State; expressing the intent of the Legislature to enact organizational or programmatic changes to the department; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Crist—

SB 1390—A bill to be entitled An act relating to shopping carts; amending s. 506.5131, F.S.; revising the types of assessments which may be made against the owner of a shopping cart found on public property; providing a limit on fees that may be assessed against such owner; removing a condition that such fee be approved by the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Finance and Taxation.

SB 1392—Not referenced.

By Senator Cowin—

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for

a demonstration restoration project; providing appropriations; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

SR 1396—Not referenced.

By Senator Carlton—

SB 1398—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Taxation.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Commerce and Economic Opportunities; and Senator King—

CS for SB 252—A bill to be entitled An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the terms “employing agency” and “employment information”; providing for injunctive relief; providing a presumption; providing qualified immunity from civil liability for release; providing for fees to cover certain costs incurred by the employer; providing an effective date.

By the Committee on Transportation; and Senators Geller and Villalobos—

CS for SB 260—A bill to be entitled An act relating to motor vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

By the Committee on Children and Families; and Senators Dawson, Miller, Mitchell and Lawson—

CS for SB 350—A bill to be entitled An act relating to individual development accounts; providing purposes; providing definitions; requiring the Department of Children and Family Services to amend the Temporary Assistance for Needy Families State Plan to provide for use of funds for individual development accounts; specifying criteria and requirements for contributions to such accounts; specifying purposes for use of such accounts; providing for procedures for withdrawals from such accounts; specifying certain organizations to act as fiduciary organizations for certain purposes; providing for controlling the withdrawal of funds for uses other than qualified purposes; providing for resolution of certain disputes; providing for transfer of ownership of such accounts under certain circumstances; providing for establishment of such accounts by certain financial institutions under certain circumstances; providing requirements; providing that account funds and matching funds do not affect certain program eligibility; providing an effective date.

By the Committee on Regulated Industries; and Senator Saunders—

CS for SB 364—A bill to be entitled An act relating to the State Lottery Commission; repealing ss. 24.103(3), 24.106, F.S., relating to the State Lottery Commission; abolishing the commission; amending ss. 24.105, 24.108, 24.123, F.S.; deleting references to the commission, to conform; providing an effective date.

By the Committee on Natural Resources; and Senator Saunders—

CS for SB 372—A bill to be entitled An act relating to environmental protection; requiring that the Department of Environmental Protection study the use in this state of MTBE as a gasoline additive; requiring that the department report its findings and recommendations to the Legislature; requesting that representatives of the petroleum industry participate in the study; providing an effective date.

By the Committee on Children and Families; and Senators Carlton and Peaden—

CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; providing an effective date.

By the Committee on Children and Families; and Senators Horne, Campbell, Mitchell, Sanderson, Sullivan, Smith, Burt, Bronson and Peaden—

CS for SB 400—A bill to be entitled An act relating to the support owed to a child or spouse; amending s. 827.06, F.S.; prescribing the elements of misdemeanor nonsupport of a child or spouse; prescribing the elements of felony nonsupport of a child or spouse; providing penalties; providing evidentiary standards; providing that a court order constitutes notice; providing an effective date.

By the Committee on Regulated Industries; and Senator Smith—

CS for SB 408—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with a complete defense in certain actions for certain law enforcement assistance activities; providing an effective date.

By the Committee on Judiciary; and Senator Jones—

CS for SB 424—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

By the Committee on Regulated Industries; and Senators Latvala, Brown-Waite, Pruitt, Cowin, Posey, Carlton, Saunders, Campbell, Lee, Wasserman Schultz, Sullivan, Dyer, Burt, Geller, Sebesta, Miller, Mitchell, Constantine, Bronson, Crist, Dawson, King and Sanderson—

CS for SB 442—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.007, F.S.; providing for imposition of a surcharge on annual fees; amending s. 723.011, F.S.; requiring the division to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for committee meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0610, F.S.; providing for the payment of relocation expenses; providing a penalty; providing an effective date.

By the Committee on Criminal Justice; and Senator Latvala—

CS for SB 444—A bill to be entitled An act relating to offenses against children; amending s. 787.025, F.S.; revising provisions to prohibit certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 15 into a structure, dwelling, or conveyance without consent of parent or legal guardian; providing penalties; amending s. 800.04, F.S.; defining the term “presence” for purposes of lewd or lascivious offenses committed in the presence of certain minors; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Garcia—

CS for SB 650—A bill to be entitled An act relating to commercial development and capital improvements; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a motorsports entertainment complex; creating s. 288.1170, F.S.; providing definitions; providing for certification of such facility by the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing requirements for certification; requiring specified notice; providing for annual recertification; providing for reduction of funding under certain circumstances; providing for use of the funds distributed to a motorsports entertainment complex; providing for audits by the Department of Revenue; providing an effective date.

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

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing for future legislative re-

view and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Judiciary; and Senator Saunders—

CS for SB 838—A bill to be entitled An act relating to landlord and tenant; amending s. 83.49, F.S.; increasing the time period within which a landlord must return a security deposit; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending s. 475.011, F.S.; providing an exemption from the real estate brokers and salespersons regulatory law; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Wasserman Schultz—

CS for SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing a penalty; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the department to adopt rules; amending s. 509.221, F.S.; providing for regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing an effective date.

By the Committee on Education; and Senator Pruitt—

CS for SB 1018—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; providing for funding; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 279 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Education Appropriations; and Representative Lynn and others—

CS for HB 279—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

CO-SPONSORS

Senators Bronson—SB 1356, SB 1800, SB 1820; Brown-Waite—SB 1356; Burt—SB 1356; Campbell—SB 620; Clary—SB 1356, SB 1764; Constantine—SB 1356; Cowin—SB 636; Crist—SB 128, SB 354; Dawson—SB 442, SB 1356; Diaz de la Portilla—SB 342; Dyer—SB 742; Geller—SB 742; Horne—SB 1356; Jones—SB 404, SJR 406, SB 742; King—SB 442; Klein—SB 742, SB 866; Lawson—SB 914, SB 1538, SB 1574, SB 1610; Lee—SB 870; Meek—SB 742; Miller—SB 742, SB 1610; Peaden—SB 1356, SB 1484, SB 1610, SB 1800, SB 1878; Posey—SB 1800; Pruitt—SB 1356, SB 1800; Rossin—SB 742; Sanderson—SB 442, SB 870, SB 1800, SB 1820, SB 1878; Sebesta—SB 1356; Wasserman Schultz—SB 742

Senator Saunders withdrew as a co-sponsor of SB 854.

Senator Holzendorf withdrew as prime sponsor of SB 20 and Senator Villalobos was recorded as prime sponsor of SB 20.

Senator Holzendorf withdrew as prime sponsor of SB 24 and Senator Lawson was recorded as prime sponsor of SB 24.

Senator Holzendorf withdrew as prime sponsor of SB 28 and Senator Diaz de la Portilla was recorded as prime sponsor of SB 28.

Senator Holzendorf withdrew as prime sponsor of SB 74 and Senator Pruitt was recorded as prime sponsor of SB 74.

SENATE PAGES

March 12-16

Lori Duncan, Jasper; Nora Fitzgerald, Orlando; Lemonteh Horne, Gretna; Chris Hunt, Havana; Scott Layden, Jr., Brandon; Kelly Macdonnell, Clermont; Maxwell McMillan, Bristol; Micah McMillan, Bristol; Brandon Overmyer, Longwood; Amy Rigdon, Oviedo; Dan Robuck III, Leesburg; Erica Spivey, Bristol; David Villarroel, Bradenton; Casey Webb, Winter Springs; Clay Whittaker, Palatka



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REPORTS OF COMMITTEES

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 532, SB 850, SB 1166 with 1 amendment

The bills were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 440, SB 654 with 1 amendment, SB 782 with 2 amendments

The bills were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 470

The bill was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1142

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 800 with 1 amendment

The Special Master on Claims recommends the following pass: SB 32 with 3 amendments

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SJR 140, SJR 160 with 2 amendments, SB 210, SJR 472 with 1 amendment, SB 1032

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 330 with 1 amendment

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

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 120 with 2 amendments

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

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1200

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 358

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 804, SB 1036

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SJR 948

The Special Master on Claims recommends the following pass: SB 244 with 1 amendment

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

The Committee on Ethics and Elections recommends the following pass: SB 1058 with 2 amendments

The bill was placed on the calendar.

The Committee on Education recommends a committee substitute for the following: SB 1180

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

The Committee on Children and Families recommends committee substitutes for the following: CS for SB 446, SB 452, SB 858, SB 1214

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 248

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 322, SB 360

The Committee on Judiciary recommends a committee substitute for the following: SB 402

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 500

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1130

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

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 1052

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 864

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 694, SB 870

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 802

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: SB 162, SB 474, SB 1240

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1026

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 718

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1356

The Committee on Education recommends a committee substitute for the following: SB 866

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 420

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 836

The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 354

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 294

The Committee on Criminal Justice recommends a committee substitute for the following: SB 366

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

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1202

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

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 448

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 788, SB 938

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: CS for SB 126

The Committee on Education recommends a committee substitute for the following: SB 780

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 748

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

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: SB 708, SB 1018

The Appropriations Subcommittee on Public Safety and Judiciary recommends a committee substitute for the following: CS for SB 912

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Crist and Miller—

SB 1392—A bill to be entitled An act relating to nonresidential tenancies; amending s. 83.09, F.S.; removing an exemption from liens for rent; amending s. 83.231, F.S., relating to judgments with respect to the removal of a tenant; providing that the court shall advance any hearings regarding issues of possession on its calendar; amending s. 83.232, F.S.; directing the clerk of the court to include certain information in the

summons for actions of possession; providing that the court shall advance certain hearings on its calendar; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

Senate Bills 1394 and 1398 were previously referenced.

By Senator Posey—

SB 1400—A bill to be entitled An act relating to swimming pool/spa servicing contractors; amending s. 489.111, F.S.; providing eligibility requirements to take the licensure examination for the swimming pool/spa servicing contractor's license; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Productivity.

By Senator Jones—

SB 1402—A bill to be entitled An act relating to trust funds; creating the Heir Finder Recovery Fund within the Department of Business and Professional Regulation; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Meek—

SB 1404—A bill to be entitled An act relating to medical education; expanding the Program in Medical Sciences (PIMS) to include Florida Agricultural and Mechanical University, which shall offer the first year of medical education for students in the program; specifying the minimum number of students to be accepted into the program; providing for students to transfer to certain other universities upon completion of the first year of study; providing for the program to recruit students to serve areas in the state that lack sufficient medical services; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Posey—

SB 1406—A bill to be entitled An act relating to law enforcement; creating the Safer Highways Act of 2001; providing legislative intent; providing for the hiring of additional law enforcement personnel; providing for a minimum salary level for highway patrol troopers; providing for the creation of the Law Enforcement Commission; providing for membership and duties of the commission; providing for per diem and other expenses; providing appropriations; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 1408—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to provide staff for the council; providing for award

of contracts subject to an appropriation of funds; providing for a Citrus/Hernando Waterways restoration program; providing for demonstration restoration projects; providing appropriations; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Posey—

SB 1410—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 14.203, F.S., to abolish the State Council on Competitive Government; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of "commission," to conform; amending ss. 24.105, 24.108, 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing ss. 121.22, 121.23, 121.231, 121.24, F.S., to abolish the State Retirement Commission and delete provisions relating to its duties; amending ss. 121.0515, 121.091, F.S.; transferring to the Department of Management Services duties of the State Retirement Commission and revising cross references, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121, 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; repealing s. 392.69(4), F.S., to abolish the A. G. Holley State Hospital advisory board under the Department of Health; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; repealing s. 430.05, F.S., to abolish the Department of Elderly Affairs Advisory Council; repealing s. 440.4416, F.S., to abolish the Workers' Compensation Oversight Board; amending s. 440.345, F.S.; deleting reference to the Workers' Compensation Oversight Board, to conform; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26), 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s.

580.151, F.S., to abolish the Commercial Feed Technical Council; repealing s. 570.248, F.S., to abolish the Agricultural Economic Development Project Review Committee; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the Florida Business Partners for Prevention under the Department of Juvenile Justice; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Agriculture and Livestock Fair Council, Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Racing Quarter Horse Advisory Council, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Posey—

SB 1412—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Posey—

SJR 1414—A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to a limitation on legislative power to impose or increase taxes, fees, penalties, and fines.

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

By Senator Posey—

SB 1416—A bill to be entitled An act relating to ethics in government; expressing the intent of the Legislature to enact legislation relating to ethics in government; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Posey—

SB 1418—A bill to be entitled An act relating to elections; expressing the Legislature's intent to enact legislation revising the election laws; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Posey—

SB 1420—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing an effective date.

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

By Senator Posey—

SB 1422—A bill to be entitled An act relating to voter registration identification cards; eliminating the race or ethnicity designation of a voter on the card; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Posey—

SB 1424—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Posey—

SJR 1426—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

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

By Senator Posey—

SB 1428—A bill to be entitled An act relating to the State Group Insurance Program; amending ss. 110.123, 287.022, F.S.; prohibiting limitations by the state on competition for an insurance product or plan on the basis of the compensation arrangement used by the insurer or organization; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Crist—

SB 1430—A bill to be entitled An act relating to juvenile offenders; amending s. 921.0021, F.S.; redefining the term “prior record” to extend the time during which the disposition of certain juvenile offenses are included in an offender’s record; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 1432—A bill to be entitled An act relating to coin-operated vending machines and parking meters; amending s. 877.08, F.S.; increasing the penalty for maliciously or mischievously molesting, opening, breaking, injuring, damaging, or making specified insertions into a coin-operated vending machine or parking meter; increasing the penalty for molesting, opening, breaking, injuring, damaging, or making specified insertions into a coin-operated vending machine or parking meter with intent to commit larceny; increasing the penalty for subsequent violations of molesting, opening, breaking, injuring, damaging, or making specified insertions into a coin-operated vending machine or parking meter with intent to commit larceny; providing a condition that specified notice be posted on or near destroyed or damaged coin-operated vending machines and parking meters; providing that violators may be required to make restitution for damages; requiring the court to revoke or suspend the driving privilege, or eligibility therefor, of a minor found to have committed specified delinquent acts; providing for the period of revocation or suspension to be reduced by the performance of community service; providing legislative intent that a county or municipality is not preempted by state law from establishing an ordinance that prohibits the molesting, opening, breaking, injuring, damaging, or making specified insertions into a coin-operated vending machine or parking meter and penalizes such offenses with higher penalties than those provided by state law or with mandatory penalties; providing that the court may not provide a disposition of the case which is less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Campbell—

SB 1434—A bill to be entitled An act relating to the Public Service Commission; declaring legislative intent to enact legislation relating to the commission; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 1436—A bill to be entitled An act relating to the Public Service Commission; declaring legislative intent to enact legislation effecting

organizational and programmatic changes in the commission; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 1438—A bill to be entitled An act relating to game promotions; amending s. 849.094, F.S.; revising definitions; defining the term “older individual”; providing additional unlawful acts with respect to operators of game promotions in connection with the sale of consumer products or services; providing for required notices and disclosures; providing a time period for the keeping of certain required records by game operators; providing for rules; providing enhanced penalties for violations involving older individuals; authorizing the department to issue certain orders for violations; amending s. 721.111, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Criminal Justice; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 1440—A bill to be entitled An act relating to passengers of vehicles; amending s. 316.2015, F.S.; prohibiting certain persons from riding on the exterior of a passenger vehicle or in areas not designed or intended for the use of passengers on certain vehicles; prohibiting certain minors from riding within the body of a pickup truck or flatbed truck; providing exceptions; providing penalties; amending s. 316.008, F.S.; authorizing counties and municipalities to exempt themselves from such prohibition; providing an effective date.

—was referred to the Committees on Transportation; and Comprehensive Planning, Local and Military Affairs.

By Senator Campbell—

SB 1442—A bill to be entitled An act relating to interscholastic athletics; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; providing an effective date.

—was referred to the Committees on Education; and Health, Aging and Long-Term Care.

By Senator Burt—

SB 1444—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Burt—

SB 1446—A bill to be entitled An act relating to expert witnesses in medical negligence actions; amending s. 766.102, F.S.; providing requirements for expert witness testimony in actions based on medical negligence; amending s. 766.106, F.S.; requiring claimants to provide a

list of treating physicians; providing for presuit unsworn statements of physicians; providing for unsworn statements after service of a complaint upon a defendant physician; amending s. 455.667, F.S.; allowing unsworn statements for good cause shown; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Meek—

SB 1448—A bill to be entitled An act relating to elections; providing intent of the Legislature to enact legislation relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Villalobos—

SB 1450—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; requiring a person or minor who commits criminal mischief to pay additional fines and perform community service; providing for the parent or legal guardian of a minor to be liable for payment of a fine; authorizing the court to decline to order payment of a fine if the court finds that the person subject to payment of the fine is indigent; deleting provisions authorizing municipalities and counties to establish penalties more severe than the penalties provided by state law; deleting a requirement that the court impose the penalty prescribed by municipal or county ordinance under certain circumstances; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Villalobos—

SB 1452—A bill to be entitled An act relating to educational facilities; amending s. 235.061, F.S.; declaring legislative intent with respect to the use of relocatable facilities; revising standards for relocatables; directing school districts to use certain funds for classroom construction; limiting expenditures on relocatables; amending s. 235.062, F.S.; revising legislative intent with respect to the reduction of relocatable facilities; directing school districts to use certain funds for classroom construction; deleting a definition of the term “over-capacity school”; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Saunders—

SB 1454—A bill to be entitled An act relating to the statewide and district managed care ombudsman committees; amending s. 641.65, F.S.; revising district committee membership; revising provisions relating to district committee site visits and to referral of complaints to the district committees by the Agency for Health Care Administration; amending s. 641.70, F.S.; providing additional duties of the district committees; revising facility and administrative support services provided by the agency to the statewide and district committees; providing for annual appropriations for operation of the district committees, including members’ travel expenses; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Saunders, Peaden, Campbell, Pruitt, Smith, Latvala, Dawson and Brown-Waite—

SB 1456—A bill to be entitled An act relating to health care facilities; creating the Florida Alzheimer’s Training Act; amending s. 400.4178,

F.S.; revising training standards for employees of assisted living facilities that provide care for residents with Alzheimer’s disease or related disorders; creating ss. 400.1755, 400.4786, 400.55715, 400.626, F.S.; prescribing training standards for employees of nursing homes, home health agencies, adult day care centers, and adult family-care homes, respectively, that provide care for persons with Alzheimer’s disease or related disorders; providing for training fees; prescribing duties of the Department of Elderly Affairs; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Klein—

SB 1458—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; exempting certain records that come into the possession of the Department of Insurance pursuant to insurer receivership proceedings from inspection or disclosure as public records in order to protect the privacy interests of insureds; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Klein—

SB 1460—A bill to be entitled An act relating to trust funds; creating the Digital Divide Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Klein—

SB 1462—A bill to be entitled An act relating to workforce improvement through access to technology; providing purposes; providing goals; providing for purposes and uses of certain moneys; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sanderson—

SB 1464—A bill to be entitled An act relating to motor vehicle insurance; creating the “Personal Injury Protection Insurance Reform Act”; providing legislative findings with respect to the Florida Motor Vehicle No-Fault Law; amending s. 626.989, F.S.; extending civil immunity to law enforcement officials for providing information about suspected acts of insurance fraud; providing immunity for other actions taken in cooperation with certain agencies or officials; amending s. 627.731, F.S.; specifying the purpose of the Motor Vehicle No-Fault Law with respect to limitations on the right to claim damages; amending s. 627.732, F.S.; providing definitions; amending s. 627.736, F.S.; specifying medical expenses that are payable under personal injury protection benefits; providing for payment of interest on overdue benefits; revising requirements for determining when payment is overdue; revising the interest rate for overdue payments; providing for calculating the rate; limiting the amount charged by providers for specified treatments and procedures for injuries covered by personal injury protection; revising the period within which a provider must furnish charges to an insurer; providing for tolling the period for overdue payment if the insurer requests an examination of the injured person; revising circumstances under which an insurer is prohibited from withdrawing payment of a

treating physician; revising conditions under which attorney's fees are awarded; limiting the award of attorney's fees; providing that the act does not limit a person's ability to file an offer of judgment; requiring that PIP clinics register with the Agency for Health Care Administration; requiring such clinics to file specified information, pay a fee, and maintain a bond; providing that there is no obligation to pay certain unlawful charges of a clinic; providing for a civil cause of action against persons who aid and abet in certain unlawful actions; providing for damages; amending s. 627.737, F.S.; revising the amount of damages that may be recovered for certain injuries; requiring a plaintiff's attorney to certify certain information as a condition to bringing action against an insurer; amending ss. 817.234, 817.505, F.S.; revising provisions prohibiting the solicitation of a person in a motor vehicle crash for certain purposes; specifying that a charge for service following a prohibited solicitation is an unlawful charge; providing minimum terms of imprisonment for unlawful actions with respect to insurance claims; amending s. 324.021, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Sanderson—

SB 1466—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Latvala—

SB 1468—A bill to be entitled An act relating to the Florida Forever program; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Oversight and Productivity.

By Senator Cowin—

SB 1470—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; providing for the appointment of members to each judicial nominating commission; prohibiting judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; prohibiting reappointment with certain exceptions; abolishing prior offices; providing for suspension or removal; requiring appointing authorities to seek to ensure racial, ethnic, gender, and geographical diversity of membership; requiring consideration of county representation on circuit judicial nominating commissions; providing an appropriation; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Pruitt—

SB 1472—A bill to be entitled An act relating to education; expressing an intent to revise laws relating to education; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Pruitt—

SB 1474—A bill to be entitled An act relating to the recruitment of teachers; providing legislative intent; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Dawson—

SB 1476—A bill to be entitled An act relating to the Florida Kidcare Act; amending ss. 409.814, 409.815, 409.8177, 409.818, 409.904, 624.91, F.S.; deleting references to Medikids program components; revising criteria for Kidcare program components; deleting obsolete provisions; providing for state funding of the Kidcare program; requiring uniform and joint administration of Kidcare program implementation; requiring joint development of a plan for Kidcare eligibility determinations and plan implementation by a date certain; creating s. 409.81753, F.S.; providing for Kidcare program providers; requiring the Department of Health to develop and implement uniform provider standards for Kidcare components; repealing s. 409.811(19), F.S., relating to a definition of Medikids; repealing s. 409.813(2), F.S., relating to the Medikids component of the Kidcare program; repealing s. 409.8132, F.S., relating to the Medikids program component; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Posey—

SB 1478—A bill to be entitled An act relating to protection of water resources; repealing ss. 373.616, 373.6161, F.S., relating to liberal construction and enforcement of state laws relating to the protection of water resources under ch. 373, F.S.; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Posey—

SB 1480—A bill to be entitled An act relating to illegal fishing devices; repealing s. 372.321, F.S., relating to liberal construction and enforcement of state laws prohibiting the illegal use of nets, traps, or fishing devices under ss. 372.31-372.319, F.S.; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Bronson—

SB 1482—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing legislative findings; amending s. 212.20, F.S.; providing that taxes collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions thereto and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida Commercial Space Financing Corpo-

ration and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing for rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senators Clary, Campbell and Peaden—

SB 1484—A bill to be entitled An act relating to health insurance; amending s. 627.4235, F.S.; providing for payments of benefits under multiple health insurance policies regardless of certain timeframes; amending s. 627.613, F.S.; defining the term “clean claim” for purposes of health insurance claims made by a provider under contract with a health insurer; requiring payment within specified periods; requiring the payment of interest on overdue payments; providing payment procedures; requiring the Department of Insurance to adopt rules prescribing forms; requiring the use of standard code sets; creating s. 627.6135, F.S.; defining the term “emergency medical condition”; prohibiting a health insurer from placing certain requirements or limits on the provision of emergency services; providing for determining whether an emergency medical condition exists; providing requirements for providing emergency care and treatment; amending s. 641.19, F.S.; defining the term “emergency medical condition” for purposes of part I of ch. 641, F.S., relating to health maintenance organizations; amending s. 641.315, F.S.; providing that a contract is unenforceable to the extent that it conflicts with part I of ch. 641, F.S.; amending s. 641.3155, F.S.; providing procedures for the payment of claims; requiring payment within specified periods; requiring the payment of interest on overdue payments; requiring the coordination of benefits; amending s. 641.3156, F.S.; specifying that certain authorizations for service are binding upon the health maintenance organization; amending s. 641.495, F.S.; providing requirements for issuing treatment authorizations; amending s. 408.7057, F.S.; redefining the term “managed care organization”; providing requirements for filing a claim dispute with a resolution organization; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 1486—A bill to be entitled An act relating to the Department of the Lottery; expressing the legislative intent to revise laws relating to the Department of the Lottery; providing an effective date.

—was referred to the Committees on Education; Regulated Industries; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 1488—A bill to be entitled An act relating to the University of West Florida and Florida Atlantic University; authorizing a bachelor of science degree program in nursing at the University of West Florida; authorizing a master of social work degree program at Florida Atlantic University; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 1490—A bill to be entitled An act relating to insurance coverage for investigational cancer treatments; requiring coverage for investigational cancer treatments under certain circumstances; specifying cov-

ered costs; providing exceptions; providing criteria for certain cancer trials; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 1492—A bill to be entitled An act relating to the Department of Revenue; expressing the legislative intent to revise laws relating to the Department of Revenue; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Clary—

SB 1494—A bill to be entitled An act relating to education; amending s. 246.101, F.S.; eliminating a requirement that the State Board of Independent Colleges use certain excess fee revenues to provide a credit against base fees assessed the following year; creating s. 246.32, F.S.; exempting certain projects, contracts, and grants funded from the Institutional Assessment Trust Fund from certain legislative budget request requirements and establishing alternative procedures; prohibiting the obligation of new state appropriations as a source of matching funds for certain potential contracts or grants; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Garcia—

SB 1496—A bill to be entitled An act relating to school district financial management; amending s. 230.23, F.S., relating to powers and duties of the school board relating to school finance; requiring the annual school budget to reflect best financial management practices; amending s. 230.23025, F.S.; authorizing the Commissioner of Education to require a district to complete a best financial management practices review under certain circumstances; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Garcia—

SB 1498—A bill to be entitled An act relating to job training; amending s. 446.609, F.S.; deleting a time-period limitation for the “Jobs for Florida’s Graduates” school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation’s board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; providing an effective date.

—was referred to the Committees on Education; Commerce and Economic Opportunities; Appropriations Subcommittee on Education; and Appropriations.

By Senator Garcia—

SB 1500—A bill to be entitled An act relating to economic development zones; expressing the legislative intent to enact laws relating to economic development zones; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 1502—A bill to be entitled An act relating to amateur radio station antennas; providing criteria for the permitting and installation of poles, masts, and towers for supporting antennas used in the operation of amateur radio stations licensed by the Federal Communications Commission; providing an effective date.

—was referred to the Committees on Regulated Industries; and Comprehensive Planning, Local and Military Affairs.

By Senator Garcia—

SB 1504—A bill to be entitled An act relating to discriminatory practices; prohibiting certain business establishments from publishing a statement that certain privileges are denied to any individual on the basis of specified factors; expanding the list of factors that may not be the basis for discrimination to include an individual's recreational clothing and mode of transportation; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By Senator Garcia—

SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; deleting a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Bronson—

SB 1508—A bill to be entitled An act relating to state lands; amending s. 253.71, F.S.; eliminating obsolete provisions relating to lease fees and surcharges for the use of submerged lands; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Diaz de la Portilla—

SB 1510—A bill to be entitled An act relating to the Medicare prescription discount program; amending s. 409.9066, F.S.; modifying the discount amount to be made available by a pharmacy; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Bronson—

SB 1512—A bill to be entitled An act relating to water management districts; amending s. 373.1995, F.S.; eliminating references to the date of a report that has been submitted; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Bronson—

SB 1514—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 372.57, F.S.; eliminating requirements for the use of certain fees to subsidize the private landowner payment program; providing an effective date.

—was referred to the Committees on Natural Resources; Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Constantine—

SB 1516—A bill to be entitled An act relating to surety bonds; amending ss. 235.32, 255.05, F.S.; prohibiting public entities from directing that contractors building public facilities obtain surety bonds from a specific agent or bonding company; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By Senator Constantine—

SB 1518—A bill to be entitled An act relating to transportation of prisoners; amending s. 944.17, F.S.; changing references from “sheriff” to “custodian of the local jail”; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Constantine—

SB 1520—A bill to be entitled An act relating to Medicaid environmental modification services; directing the Department of Elderly Affairs and the Department of Children and Family Services to develop procedures to provide for expedited approval of state-certified contractors to perform such services; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Children and Families.

By Senator Constantine—

SB 1522—A bill to be entitled An act relating to enterprise zones; authorizing a boundary change in a specified enterprise zone; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Constantine—

SB 1524—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and

maintenance of facilities in the South Florida ecosystem; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Constantine—

SB 1526—A bill to be entitled An act relating to payday advance lenders; expressing the legislative intent to revise laws governing payday advance lenders; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Rules and Calendar.

By Senators Geller, Mitchell, Bronson and Peaden—

SB 1528—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural field crops; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Geller—

SB 1530—A bill to be entitled An act relating to viaticals; amending s. 626.9911, F.S.; redefining the term “viatical settlement provider”; amending s. 626.9924, F.S.; specifying the responsibility of a viatical settlement provider to track the insured; amending s. 626.99245, F.S.; providing that the laws relating to conflict of regulation of viaticals does not affect the requirement to obtain a license from the Department of Insurance; creating s. 626.99297, F.S.; providing a grace period for unlicensed viatical settlement providers; amending s. 627.601, F.S.; providing that the laws relating to viaticals do not apply to specified life, endowment, or annuity contracts that provide at no additional costs the right to accelerate death benefits of a life insurance contract; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Governmental Oversight and Productivity.

By Senators Dawson, Meek, Miller, Jones, Holzendorf and Lawson—

SB 1532—A bill to be entitled An act relating to long-term care; creating the “Moses General Miles Act”; authorizing the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to develop a grant program for pilot projects in assisted living facility long-term care for elderly persons in urban distressed communities; providing for eligibility and priority for funding; creating a review panel to evaluate proposed pilot projects; providing membership of the review panel; directing the institute to provide program technical assistance support; providing rulemaking authority; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Crist—

SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department’s Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional institutions as “prisons” and community correctional centers as “work-release centers”; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Burt—

SB 1536—A bill to be entitled An act relating to fraud; creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; prohibiting the use of a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming the offense severity ranking chart to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senators Klein, Dawson, Lawson, Miller, Campbell, Dyer, Wasserman Schultz and Rossin—

SB 1538—A bill to be entitled An act relating to the Florida Election Code; amending s. 101.27, F.S.; prohibiting the use of a punch-card ballot to tabulate votes; amending s. 101.28, F.S.; requiring that voting machines be equipped to reject a ballot and notify the elector if the elector fails to cast certain votes or votes for more candidates than the elector is entitled to vote for; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Carlton—

SB 1540—A bill to be entitled An act relating to trust funds; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing that the Local Communications Services Tax Clearing Trust Fund is not subject to automatic repeal; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 1542—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting transfers between spouses from the tax on deeds and other instruments relating to real property or interests therein; providing effective dates.

—was referred to the Committee on Finance and Taxation.

By Senator Sebesta—

SB 1544—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.092, F.S.; providing an exception to the requirement for assessing taxes to a current owner of property that has previously escaped taxation; amending s. 196.161, F.S.; providing a waiver of penalty and interest in specified instances wherein a taxpayer erroneously receives a homestead tax exemption; amending s. 200.065, F.S.; revising the procedure by which a property appraiser may correct an error in notices of proposed taxes; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Sebesta—

SB 1546—A bill to be entitled An act relating to elections; expressing the Legislature's intent to enact legislation relating to the certification of election results; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 1548—A bill to be entitled An act relating to elections; expressing the Legislature's intent to enact legislation relating to voting systems; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 1550—A bill to be entitled An act relating to elections; expressing the Legislature's intent to enact legislation relating to election recounts; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Burt—

SB 1552—A bill to be entitled An act relating to public records exemptions; exempting armed forces form DD-214 from disclosure when filed with the clerk of the court; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Meek—

SB 1554—A bill to be entitled An act relating to education; creating a program within the Department of Education to reduce class size in schools with students from low-income families; providing for certain district school boards to enter into an achievement guarantee contract with the department; requiring a reduction in the size of classes in such schools for certain grades during specified school years; providing additional requirements under an achievement guarantee contract; requiring that the district school board implement a plan of staff development; requiring evaluations; requiring that a contract establish performance objectives for academic achievement; requiring a review committee to evaluate a school's progress in implementing an achievement guarantee contract; providing for the Department of Education to provide additional funds to a district school board that enters into a contract; authorizing the department to adopt rules; requiring an evaluation and annual report to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Sullivan—

SB 1556—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; excluding certain pass-through charges on commercial real property leases from the tax; providing an effective date.

—was referred to the Committees on Finance and Taxation; and Comprehensive Planning, Local and Military Affairs.

By Senator Saunders—

SB 1558—A bill to be entitled An act relating to health care; expressing the legislative intent to revise the laws relating to health care; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senators Peaden, Bronson, Clary, Mitchell, Latvala, Pruitt and Smith—

SB 1560—A bill to be entitled An act relating to the Department of Environmental Protection; directing the Department of Environmental Protection to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; providing that the Department of Environmental Protection shall submit a report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 1562—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information submitted by members of the tobacco industry for purposes of calculating the annual tobacco-settlement payments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Carlton—

SB 1564—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2001 version of the Internal Revenue Code; providing for retroactivity; providing an effective date.

—was referred to the Committee on Finance and Taxation.

By Senator Sebesta—

SB 1566—A bill to be entitled An act relating to the Tampa-Hillsborough County Expressway System; amending s. 348.565, F.S.; authorizing the finance of a specified project through issuance of revenue bonds; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 1568—A bill to be entitled An act relating to health care service programs; amending s. 641.51, F.S.; requiring that only certain physicians licensed in this state may render adverse determinations for health maintenance organizations and prepaid health clinics; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Banking and Insurance.

By Senator Sebesta—

SB 1570—A bill to be entitled An act relating to high school athletics; amending s. 232.61, F.S.; deleting requirements for certain bylaws of the Florida High School Activities Association; requiring the organization to adopt bylaws that require students participating in high school athletic competition or who are candidates for a high school athletic team to satisfactorily pass a medical evaluation prior to participating in athletic competition or engaging in practice with an athletic team; providing requirements with respect to such evaluation; providing an effective date.

—was referred to the Committees on Education; and Health, Aging and Long-Term Care.

By Senator Burt—

SB 1572—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; revising conditions on reemployment of district school board instructional personnel after retirement; providing for continuation of district school board instructional personnel in the Deferred Retirement Option Program beyond its regular limits under certain circumstances; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Meek, Dawson, Lawson, Miller, Campbell, Dyer, Wasserman Schultz, Rossin and Klein—

SB 1574—A bill to be entitled An act relating to elections; amending s. 97.055, F.S.; prescribing times when voter registration books must be open; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Carlton—

SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 195.097, F.S.; requiring the Department of Revenue to report levels of assessment as an index; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 236.081, F.S.; requiring the Department of Revenue to report levels of assessment based on a 4-year average; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Latvala—

SB 1578—A bill to be entitled An act relating to claims by foreign governments; providing legislative findings and intent; creating s. 69.20, F.S.; defining the term “foreign government”; creating s. 69.21, F.S.; specifying procedures to be followed by a foreign government in a civil court action to recover certain costs; creating s. 69.22, F.S.; providing applicability; creating s. 69.23, F.S.; providing grounds for nonrecognition of a foreign judgment; providing severability; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Burt—

SB 1580—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring that the Comptroller receive representations from the tobacco industry which are used to calculate the annual payments; requiring the Comptroller to verify such representations; requiring that the Auditor General review the verification of representations from the tobacco industry; redesignating the Comptroller as the Chief Financial Officer to conform to a revision of the State Constitution; providing effective dates.

—was referred to the Committees on Judiciary; and Finance and Taxation.

By Senator Burt—

SB 1582—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; increasing the time for participation in the Deferred Retirement Option Program for members of the elected officers class of the Florida Retirement System; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Holzendorf—

SB 1584—A bill to be entitled An act relating to insurance; creating the Producer Licensing Model Act; providing purpose and scope; defining terms; providing for licensing; providing for applications for examination and license; providing for nonresident licensing; providing an exemption from examination; requiring notification to the Department of Insurance if an assumed name is used; providing for denial, non-renewal, and revocation of license; providing for commissions and appointments; providing for reciprocity; providing for reporting of actions;

authorizing the Department of Insurance to adopt rules; providing for severability; providing for repeal of inconsistent statutes; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Sebesta and Klein—

SB 1586—A bill to be entitled An act relating to uniform traffic control; creating the “Red Light Safety Act of 2001”; amending s. 316.003, F.S.; defining the term “traffic infraction detector”; creating a pilot project in Palm Beach, Pinellas, and Broward Counties administered by the Department of Highway Safety and Motor Vehicles; authorizing counties and municipalities in the pilot project to enact ordinances permitting the use of traffic infraction detectors; providing an exception; providing penalties for traffic control signal violations detected by traffic infraction detectors; providing procedures; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain requirements; amending s. 320.03, F.S.; providing a cross-reference in conformance to the act; prohibiting the issuance of license plates or revalidation stickers when fines are outstanding for violations detected by traffic infraction detectors; providing for an annual report on the use of traffic infraction detectors by counties and municipalities in the pilot project; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Jones—

SB 1588—A bill to be entitled An act relating to student assessment programs; amending s. 229.57, F.S.; prescribing a time for administration of the FCAT examination; providing an effective date.

—was referred to the Committee on Education.

By Senator Jones—

SB 1590—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing for on-line requests for absentee ballots; amending s. 97.052, F.S.; providing for on-line voter registration; prescribing standards for such registration; providing duties of the Department of State with respect to establishing standards for on-line registration and on-line absentee ballot requests; providing an effective date.

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

By Senator Jones—

SB 1592—A bill to be entitled An act relating to school transportation; amending s. 234.01, F.S.; requiring that district school boards rather than the Commissioner of Education determine what constitutes more than a reasonable walking distance from home to school for the purpose of determining whether to provide transportation for certain students; amending ss. 234.021, 236.083, F.S., relating to hazardous walking conditions and funds for student transportation; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Dyer—

SB 1594—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “normal

retirement date” to provide for retirement after 25 years of service at age 55 for certain members; repealing s. 121.052(8), F.S., relating to the normal retirement date for elected officers, which provisions are clarified elsewhere in the act; increasing contribution rates to fund the provisions of the act; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Sebesta, Sullivan, Miller, Latvala and Lee—

SB 1596—A bill to be entitled An act relating to the state university system; amending s. 240.2011, F.S.; creating a fiscally autonomous campus of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator King—

SB 1598—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.185, F.S.; increasing the amount of the exemption from such tax; providing an effective date.

—was referred to the Committee on Finance and Taxation.

By Senator Mitchell—

SB 1600—A bill to be entitled An act relating to agency reorganization; transferring the Division of Retirement and its powers, duties, functions, components, and assets from the Department of Management Services to the State Board of Administration; amending s. 110.205, F.S.; providing status of division personnel under the Career Service System; amending ss. 20.22, 20.28, 110.205, 112.05, 112.3173, 112.352, 112.354, 112.356, 112.358, 112.361, 112.362, 112.363, 112.625, 112.63, 112.64, 112.658, 112.661, 112.665, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.052, 121.055, 121.071, 121.081, 121.085, 121.091, 121.101, 121.111, 121.133, 121.135, 121.136, 121.1815, 121.1905, 121.192, 121.193, 121.22, 121.23, 121.24, 121.30, 121.35, 121.40, 121.45, 121.4501, 122.02, 122.03, 122.05, 122.06, 122.07, 122.08, 122.09, 122.10, 122.12, 122.13, 122.15, 122.16, 122.23, 122.30, 122.34, 122.351, 175.032, 175.1215, 185.02, 185.105, 215.20, 215.28, 215.50, 238.01, 238.02, 238.03, 238.05, 238.07, 238.08, 238.09, 238.10, 238.11, 238.12, 238.14, 238.15, 238.171, 238.181, 238.32, 650.02, F.S., to conform to such transfer; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Mitchell—

SB 1602—A bill to be entitled An act relating to career education; establishing a model career-education program pilot project in Alachua County; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Mitchell—

SB 1604—A bill to be entitled An act relating to children; creating s. 39.909, F.S.; creating the Children’s Services Accountability Commission; providing legislative intent; requiring the Department of Children and Family Services to provide administrative support; providing independence of the commission; providing purpose, duties, and membership of the commission; providing for meetings; providing for a director; authorizing the director and members to examine records relating to children in the child protection system; requiring the commission to examine its scope of responsibilities, prepare an annual summary of its work, and report to the Governor and the Legislature; amending ss. 39.0132, 39.202, F.S.; providing that confidential information under ch. 39, F.S., relating to dependent children, may be released to members and staff of the commission; providing an effective date.

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

By Senator Mitchell—

SB 1606—A bill to be entitled An act relating to foster-family incentives; amending s. 409.1753, F.S.; creating a foster-parent mentoring program; directing the Department of Children and Family Services to adopt rules; providing for a retirement account for certain foster families; providing for funds to be paid into a master trust for certain foster children; specifying eligibility criteria; providing an effective date.

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

By Senator Mitchell—

SB 1608—A bill to be entitled An act relating to persons with disabilities; amending s. 381.79, F.S.; authorizing expenditures from the Brain and Spinal Cord Injury Program Trust Fund for the personal care attendant pilot program; creating s. 381.798, F.S.; providing for implementation of a personal care attendant pilot program; providing purpose; providing for pilot program sites; providing for selection of participants; providing for training of persons with disabilities and personal care attendants; providing for employment placement; providing responsibilities of the Department of Children and Family Services, the brain and spinal cord injury program, the centers for independent living, and the Division of Vocational Rehabilitation; providing for funding; providing for development of a tax collection enforcement diversion program under the Department of Revenue; specifying use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing rulemaking authority; requiring an annual report; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Latvala, Wasserman Schultz, Lee, Sullivan, Mitchell, Miller, Lawson and Peadar—

SB 1610—A bill to be entitled An act relating to preneed funeral contracts; repealing s. 497.417(5), F.S., to delete the authority of certificateholders offering preneed funeral merchandise and services to vest title to trust assets by posting a bond or using other forms of security or insurance; repealing ss. 497.423, 497.425, F.S.; providing for future repeal of provisions authorizing financial responsibility alternatives to the placing of preneed funeral contract proceeds in trust; providing for continued validity of surety bonds issued prior to the repeal date and prohibiting the use of bonds or other forms of security or insurance after that date; repealing ss. 497.337(2)(c), 497.409(2), 497.427, F.S.; providing for future repeal of provisions relating to delivery requirements for manufacturers of outer burial receptacles, preneed contract disclosure requirements, and proof of compliance with the law with respect to

existing merchandise trust funds, respectively, to conform; amending ss. 497.413, 497.429, F.S.; conforming provisions; providing effective dates.

—was referred to the Committee on Banking and Insurance.

By Senators Latvala and King—

SB 1612—A bill to be entitled An act relating to the Hurricane Loss Mitigation Program; amending s. 215.559, F.S.; providing an annual appropriation from the Florida Hurricane Catastrophe Fund to the Department of Insurance for purposes of the program; requiring the department to contract with a state institution of higher learning to administer the program; removing the limitation on the amount of funds to be used for programs to improve the wind resistance of specified residences and structures; providing additional programs; specifying the amount of the appropriation to be used to inspect and improve tie-downs for manufactured/mobile homes; eliminating funding for retrofitting existing facilities used as public hurricane shelters; authorizing the administering entity to enter into a multi-year agreement; requiring the entity to monitor the performance criteria under the agreement and issue a report; providing an effective date.

—was referred to the Committees on Banking and Insurance; Education; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Latvala—

SB 1614—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot local government utilities assistance program; providing for administration by the Department of Environmental Protection; providing for the uses of certain moneys for certain purposes; providing for criteria for grants and allocation of revenues for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for issuing revenue bonds for certain purposes under certain circumstances; authorizing the Department of Environmental Protection to adopt rules; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Latvala—

SB 1616—A bill to be entitled An act relating to lighthouses; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Klein—

SB 1618—A bill to be entitled An act relating to school health services; creating s. 381.0058, F.S., relating to public-private partnerships for the provision of school nurse services; providing legislative intent and purpose; providing departmental duties; providing a proposal submission and review process; providing for the scope of services to be provided; providing for review and selection criteria; providing legislative intent relating to funding of the act; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Sanderson—

SB 1620—A bill to be entitled An act relating to filings with the Department of State; amending s. 15.16, F.S.; authorizing the department to discount a filing fee in an amount equal to the convenience charge imposed for an electronic record filing by way of a contractor; amending s. 607.193, F.S.; waiving the charge for late filings of supplemental corporate fees when the business entity did not receive the uniform business report prescribed by the department; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 1622—A bill to be entitled An act relating to workforce development; amending s. 239.514, F.S., relating to the Workforce Development Capitalization Incentive Grant Program; providing additional purposes for a grant awarded under the program; authorizing the use of program funds to upgrade and expand workforce development programs to meet provisions required by law; authorizing use of grant funds for recurring instructional costs upon approval of the Postsecondary Education Planning Commission; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Education.

By Senator King—

SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund to be administered by the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for disposition of trust fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 1626—A bill to be entitled An act relating to state correctional system inspectors; amending s. 944.31, F.S.; providing that inspectors employed by the Department of Corrections who have been certified by the Criminal Justice Standards and Training Commission are state law enforcement officers; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Senator Bronson—

SB 1628—A bill to be entitled An act relating to civil actions for libel; creating s. 770.011, F.S.; creating the “Uniform Correction or Clarification of Defamation Act”; providing definitions; providing scope of the act; providing circumstances under which a person may maintain a civil action for defamation; specifying time limit for timely request of a correction or clarification; providing criteria for adequacy of correction or clarification; tolling the period of limitation for commencement of a defamation action; providing procedure with respect to disclosure of evidence or falsity with respect to an alleged defamatory statement; providing requirements for timely and sufficient correction or clarification; providing requirements and procedure with respect to challenges to correction or clarification or to a request for correction or clarification; requiring specified notice; providing requirements and procedure with respect to an offer to correct or clarify prior to trial; specifying recoverable costs and damages in actions when an offer to correct or clarify is not accepted;

providing for scope of protection with respect to correction or clarification; providing for admissibility of evidence with respect to corrections or clarifications; providing construction; repealing s. 770.01, F.S., relating to the serving of specified written notice as a condition precedent to action or prosecution for libel or slander; repealing s. 770.02, F.S., relating to correction, apology, or retraction by a newspaper or broadcast station for statements in an article or broadcast alleged to be false and defamatory; providing severability; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Silver—

SB 1630—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Golf license plate; providing for the distribution of annual use fees received from the sale of the plates; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Silver—

SB 1632—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing that the tax imposed under this section applies to certificates of title issued in a judicial sale of real property pursuant to a court order or final judgment issued in a foreclosure proceeding; providing the method for computing the tax; providing that this act is to clarify, not change, the law; providing for retroactive applicability; providing an effective date.

—was referred to the Committee on Finance and Taxation.

By Senator Burt—

SB 1634—A bill to be entitled An act relating to unlawful activities involving driver’s licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver’s license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Pruitt—

SB 1636—A bill to be entitled An act relating to postsecondary education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Carlton—

SB 1638—A bill to be entitled An act relating to sales and use tax administration; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement;

ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; providing an effective date.

—was referred to the Committee on Finance and Taxation.

By Senator Clary—

SB 1640—A bill to be entitled An act relating to education; creating professional-development academies to meet the human-resource-development needs of professional educators, schools, and school districts; providing that appropriated funds must be allocated by the Commissioner of Education unless otherwise provided in an appropriations act; providing eligibility requirements for startup funds; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Latvala—

SB 1642—A bill to be entitled An act relating to the exemption of homesteads from ad valorem taxation; amending s. 196.031, F.S.; providing that a homestead exemption in this state is not available to a property owner who receives from another state an ad valorem tax exemption or tax credit that is based upon permanent residency in that state; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Smith—

SB 1644—A bill to be entitled An act relating to education; amending s. 231.262, F.S.; requiring school districts to institute policies regarding complaints against teachers and administrators; providing penalties for noncompliance; authorizing the Commissioner of Education to suspend certificates of certain educational personnel; providing appeals procedures; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senators Holzendorf, Dawson and Meek—

SB 1646—A bill to be entitled An act relating to economically distressed communities; amending s. 288.9015, F.S.; revising the responsibilities of Enterprise Florida, Inc., relating to rural and distressed urban communities; directing Enterprise Florida, Inc., to develop a plan for marketing programs and initiatives designed to enhance conditions in economically distressed communities; specifying components of such plan; requiring development of and reporting on performance measures; requiring coordination with agencies and organizations; directing Enterprise Florida, Inc., to combine and leverage the use of certain programs to benefit economically distressed communities; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Mitchell—

SB 1648—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Mitchell—

SB 1650—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Children and Families; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Crist—

SB 1652—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising membership and terms of the Governor's Panel on Excellence in Long-Term Care; providing for selection of a panel chair; providing a definition; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Governmental Oversight and Productivity.

By Senator Crist—

SB 1654—A bill to be entitled An act relating to community control; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the Department of Corrections by offenders placed on community control; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Smith—

SB 1656—A bill to be entitled An act relating to campaign finance reform; declaring legislative intent to enact legislation pertaining to campaign finance; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Smith—

SB 1658—A bill to be entitled An act relating to jurors; amending s. 40.01, F.S.; providing for jurors to be taken from registered electors,

rather than from persons possessing a driver's license or identification card; amending s. 40.011, F.S.; deleting provisions requiring the Department of Highway Safety and Motor Vehicles to send lists of persons in the departmental database to the clerks of court; amending s. 40.022, F.S., relating to purging jury selection lists, to conform to the amendment made by this act; amending s. 98.095, F.S.; providing for voter lists to be used for jury selection; amending s. 322.20, F.S.; deleting a requirement that the department provide certain information to the courts; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Smith—

SB 1660—A bill to be entitled An act relating to absentee ballots; expressing the legislative intent to enact legislation relating to absentee ballots; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Laurent—

SB 1662—A bill to be entitled An act relating to wastewater sludge; creating the "Florida Wastewater Residual Reduction Act"; providing for appropriate disposal and treatment of wastewater sludge; providing fee incentives for utilities using appropriate treatment; providing an effective date.

—was referred to the Committees on Natural Resources; Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Laurent—

SB 1664—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending s. 373.129, F.S.; providing additional enforcement authority over surface waters; creating s. 373.437, F.S.; authorizing water management districts to assess administrative penalties; amending s. 377.37, F.S.; providing for assessment of administrative penalties; amending s. 378.211, F.S.; revising administrative penalties; amending ss. 403.121, 403.131, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; requiring the Department of Environmental Protection to report to the Legislature; repealing s. 403.727(3)(c), F.S., which provides for noncompliance fees for Class II violations; providing an effective date.

—was referred to the Committees on Natural Resources; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Laurent—

SB 1666—A bill to be entitled An act relating to sex crimes; amending ss. 794.011, 796.07, 800.14, 825.1025, 827.071, 847.001, F.S., relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms "vaginal" and "vagina" for purposes of laws defining certain prohibited sexual activities; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Constantine—

SB 1668—A bill to be entitled An act relating to taxation; amending s. 206.9825, F.S.; rescinding the repeal of the alternative tax rate;

amending s. 626.916, F.S.; deleting a fee cap on the per-policy fee charged by surplus lines agents; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Taxation.

By Senator Constantine—

SB 1670—A bill to be entitled An act relating to security for public deposits; revising the Florida Security for Public Deposits Act; amending s. 280.02, F.S.; defining terms; amending s. 280.04, F.S.; revising general provisions relating to collateral for public deposits; amending s. 280.041, F.S.; prescribing requirements for collateral arrangements; prescribing requirements for Federal Reserve Bank agreements; allowing the use of letters of credit under certain conditions; revising the description of triggering events that result in the Treasurer's requiring certain deposits or transfers for the purpose of properly maintaining collateral; amending s. 280.05, F.S.; revising the powers and duties of the Treasurer; amending s. 280.051, F.S.; specifying the grounds for suspending or disqualifying a qualified public depository; amending s. 280.054, F.S.; describing acts for which a qualified public depository is subject to an administrative penalty; amending s. 280.055, F.S.; revising grounds for the issuance of cease and desist orders and corrective orders; amending s. 280.07, F.S.; providing for contingent liability of a qualified public depository; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing the purpose of the board; providing for identifying representative qualified public depositories; providing for member selection and responsibilities; providing for rulemaking by the Treasurer; amending s. 280.08, F.S.; prescribing the procedure for payment of losses after a default or insolvency has occurred; conforming a cross-reference; amending s. 280.09, F.S.; providing for deposit into the Public Deposits Trust Fund of the draw on letters of credit held as collateral; conforming a cross-reference; amending s. 280.10, F.S.; providing for the effect of consolidations of a qualified public depository with an institution that is not such a depository; providing for rulemaking; amending s. 280.11, F.S.; conforming a cross-reference; amending s. 280.13, F.S.; providing collateral requirements for letters of credit issued by a Federal Home Loan Bank; amending other collateral requirements; providing for rulemaking; amending s. 280.16, F.S.; eliminating a date that is no longer relevant; prescribing requirements of qualified public depositories, including confidentiality requirements; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Lee, Miller, Sebesta and Crist—

SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Latvala—

SB 1674—A bill to be entitled An act relating to assisted living facilities; directing the Department of Insurance to study issues relating to

liability insurance for such facilities and to report its findings to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Laurent—

SB 1676—A bill to be entitled An act relating to alcoholic beverages; creating s. 561.585, F.S.; providing for the direct shipment of wine from out of state to charitable organizations; providing an excise-tax exemption; amending s. 562.15, F.S.; providing that it is lawful to possess a specified amount of wine shipped from another state if purchased in compliance with that state's laws; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator King—

SB 1678—A bill to be entitled An act relating to public records; expressing the legislative intent to provide an exemption from the public-records requirements for information relating to bidding or contracting by state employees; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Peadar—

SB 1680—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender's anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring the Department of Children and Family Services to detain sexually violent predators in a secure facility segregated from other patients; providing an effective date.

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

By Senator Sullivan—

SB 1682—A bill to be entitled An act relating to student financial assistance; expressing an intent to amend laws relating to student financial assistance; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Klein—

SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Holzendorf—

SB 1686—A bill to be entitled An act relating to the St. Johns River Water Management District; amending s. 373.073, F.S.; revising requirements for membership of the district governing board; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Holzendorf—

SB 1688—A bill to be entitled An act relating to police reports; amending s. 119.105, F.S.; requiring persons who request access to police reports to sign an affidavit as a condition of obtaining access to such reports; providing an effective date.

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

By Senator Burt—

SB 1690—A bill to be entitled An act relating to repeat sexual batterers; amending s. 794.0115, F.S.; changing terminology to "repeat sexual offender"; providing additional offenses the commission of which or the attempt, solicitation, or conspiracy to commit will qualify an offender for designation as a repeat sexual offender; increasing the minimum penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Wasserman Schultz—

SB 1692—A bill to be entitled An act relating to greyhound adoptions; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as "Greyhound Adopt-A-Pet Day"; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Taxation.

By Senator King—

SB 1694—A bill to be entitled An act relating to total and permanently disabled persons; amending ss. 196.012 and 196.101, F.S.; reducing the number of physicians necessary to certify a total and permanent disability for homestead exemption purposes; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Silver—

SB 1696—A bill to be entitled An act relating to admissions taxes; amending s. 212.04, F.S.; prohibiting taxes on admissions to pari-mutuel events; amending s. 550.0951, F.S.; repealing the admission tax on entrance to pari-mutuel facilities; amending ss. 550.09511, 550.09514, 550.09515, 550.1625, 550.3551, 550.375, 550.6305, F.S., to conform cross-references to the amendment made by this act; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Garcia—

SB 1698—A bill to be entitled An act relating to road designations; designating a portion of roadway in the City of Miami in Miami-Dade County as “Enrique Valledor Way”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Garcia—

SJR 1700—A joint resolution proposing the creation of Section 7 of Article VIII of the State Constitution, relating to amending certain county charters by special law.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Sullivan—

SB 1702—A bill to be entitled An act relating to education accountability; amending s. 229.58, F.S.; revising requirements for the composition of school advisory councils; requiring school boards to develop procedures to ensure balanced school advisory council membership; providing an effective date.

—was referred to the Committee on Education.

By Senator Sullivan—

SB 1704—A bill to be entitled An act relating to teacher quality; amending s. 121.091, F.S.; revising provisions relating to the reemployment of retired members of the Florida Retirement System as school district personnel; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; prohibiting a district school board from assigning any instructional personnel to a school unless the principal of that school approves the assignment; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 230.33, F.S.; prohibiting a superintendent of schools from recommending the assignment of any instructional personnel to a school unless the principal of that school approves the assignment; amending s. 231.17, F.S.; authorizing the use of an approved alternative certification program by a district other than that which developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers; charging the superintendent of schools with knowledge of such policies and procedures; stating that a superintendent is presumed to have knowledge of each legally sufficient complaint; authorizing the withholding of discretionary funds from a school district, and the imposition and collection of fines against a school district and superintendent, for noncompliance; authorizing the temporary suspension of a teaching certificate pending the completion of proceedings in order to protect the health, safety, and welfare of students; conforming cross-references; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board, subject to applicable collective bargaining requirements, to recognize and accept years of satisfactory performance for purposes of pay and retirement; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers; deleting the requirement that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; creating s. 231.675, F.S.; establishing the advanced placement instruction bonus program; specifying amounts of bonuses; limiting the amount awarded to a teacher annually; providing an appropriation;

amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; repealing s. 236.081(1)(k) and (m), F.S., relating to calculations of additional full-time equivalent membership based on international baccalaureate examination scores of students and based on college board advanced placement scores of students; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; conforming a cross-reference; amending ss. 230.2305, 231.045, 231.1725, 231.36, 231.471, 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs; periodic criminal history record checks; employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; professional service contracts; part-time teachers; and athletic trainers, respectively; revising provisions to include adjunct educators; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

SR 1706—Not referenced.

By Senator Bronson—

SB 1708—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the secretary of the department to designate as law enforcement officers employees of the department’s inspector general’s office who are certified as law enforcement officers; prescribing the powers and duties of employees so designated; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Senator Webster—

SB 1710—A bill to be entitled An act relating to school district performance; providing a short title; amending s. 229.57, F.S.; requiring the designation and publication of district performance grades; amending s. 236.02, F.S.; revising minimum requirements of the Florida Education Finance Program to include minimum classroom expenditure requirements and associated reporting; creating s. 236.08102, F.S.; authorizing the Legislature to require a school district that fails to meet minimum academic performance standards to meet district minimum classroom expenditure requirements; providing for monitoring; requiring reports; amending s. 237.041, F.S.; requiring a district’s annual budget to include provision for required minimum classroom expenditure requirements; amending s. 237.081, F.S.; requiring the advertisement of the tentative school district budget to include notice of minimum classroom expenditure requirements; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Meek—

SB 1712—A bill to be entitled An act relating to requests for absentee ballots; creating s. 104.046, F.S.; prohibiting the removal of any request for an absentee ballot from the main or any branch office of the supervisor of elections after submission to the supervisor; prohibiting any person other than the absent elector, a member of the elector’s immediate family, or the elector’s legal guardian from making any corrections or additions to a request for an absentee ballot after submission to the supervisor; providing penalties; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Webster—

SB 1714—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator King—

SB 1716—A bill to be entitled An act relating to state planning and budgeting; amending ss. 186.003, 186.021, 186.022, F.S.; revising provisions governing state comprehensive planning; amending s. 215.32, F.S.; requiring agencies responsible for the administration of trust funds to maintain a reserve; providing exceptions; amending s. 216.011, F.S.; revising definitions of terms applicable to fiscal affairs of the state; amending s. 216.013, F.S.; revising provisions governing the long-range program plans of state agencies; amending s. 216.0158, F.S.; specifying information to be included in agencies' short-term plans for facility needs; amending s. 216.023, F.S.; revising provisions governing legislative budget requests; amending s. 216.0446, F.S.; revising provisions governing the review of information-resources-management needs; amending s. 216.136, F.S.; providing staffing responsibilities for the Juvenile Justice Estimating Conference; amending s. 216.177, F.S.; revising provisions governing legislative review and objection to certain budgetary actions taken by agencies; amending s. 216.231, F.S.; revising procedures governing review of applications to release emergency appropriations; authorizing state agencies to transfer positions and appropriations necessary to comply with specified provisions of the General Appropriations Act; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 1718—A bill to be entitled An act relating to governmental efficiency; expressing the legislative intent to revise the laws relating to bidding or contracting by state employees; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator King—

SB 1720—A bill to be entitled An act relating to trust funds; creating an Administrative Trust Fund to be administered by the Agency for Workforce Innovation; providing for purposes of the trust fund; providing for the sources for and expenditure of funds from the trust fund; providing for the disposition of trust fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Horne—

SB 1722—A bill to be entitled An act relating to surety bonds; amending s. 625.071, F.S.; modifying the amount of reserve which surety insurers may maintain on bail bonds and judicial bonds in lieu of the unearned premium reserve required under s. 625.051, F.S.; providing financial reporting requirements; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Klein—

SB 1724—A bill to be entitled An act relating to children and families; creating s. 409.9072, F.S.; requiring the Agency for Health Care Administration to develop mechanisms for certification of local funds as state match for Medicaid projects, to maximize federal Title XIX funding for children and families; providing for return of funds to the generating districts and local entities; requiring prior approval of local projects by the agency and the Department of Children and Family Services; specifying project requirements; providing for modification of the Medicaid state plan; providing for federal waivers; providing responsibilities of the agency and department with respect to administrative and service costs, monitoring of service delivery, and standards and quality of care; providing a limitation on certain administrative costs; requiring the department to develop policies and procedures for certification of local funds as state match for foster care and related services projects, to maximize federal Title IV-E funding for services to eligible children; providing for return of funds to the generating districts and local entities; specifying project requirements; providing a limitation on certain administrative costs; providing for federal waivers; authorizing the department and the agency to adopt rules; requiring an annual report; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Saunders—

SB 1726—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public-records requirements for information identifying persons who are applying for or receiving services from the Department of Elderly Affairs or its agents; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Rossin—

SB 1728—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; excluding certain sports officials from the definition of "employee"; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Jones—

SB 1730—A bill to be entitled An act relating to workers' compensation; amending s. 440.24, F.S.; requiring suspension or revocation of an authorization for an employer to become a self-insurer under certain circumstances; requiring sale of certain securities to satisfy certain orders; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Jones—

SB 1732—A bill to be entitled An act relating to road designations; designating "Steven Cranman Boulevard" and "Ethel Beckford Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Rossin—

SB 1734—A bill to be entitled An act relating to public records; creating s. 458.353, F.S.; providing an exemption from the public-records requirements for records that reveal personal, financial, or medical information concerning insureds and consumers which is in the possession of the Department of Insurance; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Bronson—

SB 1736—A bill to be entitled An act relating to common-law and statutory easements of necessity; amending s. 704.01, F.S.; providing for an implied grant of way of necessity and a statutory way of necessity for cable television and other utility services; providing an effective date.

—was referred to the Committees on Judiciary; Regulated Industries; and Comprehensive Planning, Local and Military Affairs.

By Senator Bronson—

SB 1738—A bill to be entitled An act relating to expedited permitting; amending s. 288.109, F.S.; specifying that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System; providing that the 60-day period for application approval or denial under the system does not apply to certain applications; removing provisions that provide for a waiver of development permit fees for a specified period when an agency begins accepting applications through the system; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Dyer—

SB 1740—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period; providing requirements and limitations; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 1742—A bill to be entitled An act relating to condominiums; amending s. 718.111, F.S.; providing that each individual owner, not the association, must bring any action for fraud or misrepresentation against a developer, sales agent, or broker; amending s. 718.116, F.S.; limiting the portion of an assessment that has been made but not collected which may be used as collateral for financing litigation or efforts to remedy construction defects; amending s. 718.203, F.S.; relieving the developer of liability for certain defects if the developer has met prescribed conditions; creating s. 718.3027, F.S.; requiring prelitigation disclosure to and approval by owners; amending s. 718.303, F.S.; placing limitations on certain legal actions that may be brought by the association or by a unit owner; amending s. 718.503, F.S.; providing requirements for developer disclosure in certain contracts for the sale or lease of a residential unit; amending s. 718.506, F.S.; abrogating the right to a cause of action against a developer for an oral representation or infor-

mation that is not in the developer's promotional materials; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Commerce and Economic Opportunities.

By Senator Burt—

SB 1744—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without knowledge of such liens; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; providing an effective date.

—was referred to the Committees on Judiciary; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Smith—

SB 1746—A bill to be entitled An act relating to road designations; designating a portion of State Road 16 as the Correctional Officers Memorial Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Health, Aging and Long-Term Care—

SB 1748—A bill to be entitled An act relating to long-term care; providing legislative findings with respect to the needs of the state's elderly population; requesting that the Governor establish an interagency panel to make recommendations for coordinating the services provided by state agencies and increasing the quality of care provided to the elderly; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to improve enforcement of regulatory standards and adopt rules governing nursing homes and assisted living facilities; providing legislative findings and intent with respect to lawsuits and the liability of nursing homes and assisted living facilities; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Klein—

SB 1750—A bill to be entitled An act relating to economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 112.3133, F.S.; providing legislative findings and intent relating to the transfer of technology and conflicts of interest for public university employees; directing the State Board of Education to develop guidelines for public universities requiring disclosure of employees' significant financial interests; prescribing minimum requirements for such

guidelines; defining the term “significant financial interests”; requiring public universities to enforce and oversee implementation of such guidelines; requiring a report; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term “project” to include information technology facilities; defining the term “information technology facility”; amending s. 212.08, F.S.; revising the sales and use tax exemption for certain machinery and equipment to include machinery and equipment used by health technology facilities to produce health technology products, as defined, and machinery and equipment used in research and development or manufacturing in a health technology facility; amending s. 220.02, F.S.; expressing legislative intent on the order in which a corporate income tax credit for certain education costs should be applied; amending s. 220.13, F.S.; redefining the term “adjusted federal income” to conform to the creation of a corporate income tax credit for certain information technology education costs; creating s. 220.192, F.S.; authorizing a credit against corporate income tax for certain information technology education costs paid by an employer on behalf of an employee; providing eligibility and application requirements; providing for administration and expiration of the tax credit program; providing a definition; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 288.095, F.S.; raising the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high-technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term “digital media”; providing appropriations; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 1752—A bill to be entitled An act relating to public utilities; amending s. 366.01, F.S.; requiring public-utility regulation to provide for the restructuring of the wholesale electricity market; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; Appropriations; and Finance and Taxation.

By Senator Campbell—

SB 1754—A bill to be entitled An act relating to telecommunications services; amending s. 364.01, F.S.; requiring the Florida Public Service Commission to exercise its powers to ensure reasonable and affordable rates for such services; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Productivity.

By Senator Posey—

SB 1756—A bill to be entitled An act relating to construction contracts; amending s. 725.06, F.S.; revising provisions relating to indemnification on construction contracts; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Laurent, Posey and Lawson—

SB 1758—A bill to be entitled An act relating to rural land conservation easements; creating the “Rural and Family Lands Protection Act”; defining terms; creating s. 570.70, F.S.; providing for the purchase of rural land conservation easements by the Department of Agriculture and Consumer Services; providing criteria; providing for an application process; directing the department to seek funds from federal sources; amending s. 201.15, F.S.; providing for the distribution of certain taxes to the department to be used for the program; creating s. 215.619, F.S.; providing for bonds; providing an effective date.

—was referred to the Committees on Natural Resources; Agriculture and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 1760—A bill to be entitled An act relating to limited benefit policies or contracts; amending s. 627.6699, F.S.; revising a definition; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; providing an exception; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Posey—

SB 1762—A bill to be entitled An act relating to public records exemptions; amending s. 119.07, F.S.; exempting from disclosure technical information pertaining to trunking radio communication systems and mobile data communications systems used by governmental agencies;

providing legislative findings of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Senators Posey, Sanderson, Peaden and Clary—

SB 1764—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption, in specified circumstances, for sales of tangible personal property made to contractors employed either directly by or as agents of certain governments or political subdivisions thereof when the tangible personal property becomes part of public works owned by the government or political subdivision; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Crist—

SB 1766—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these exemptions; providing a statement of public necessity for the exemptions; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Brown-Waite—

SJR 1768—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 1770—A bill to be entitled An act relating to compulsory school attendance; amending s. 232.01, F.S.; establishing a 2-year pilot program in the Miami-Dade school district in which the compulsory school attendance age will be lowered to include those children who have attained the age of 5 years by a certain date; requiring an appropriation; limiting implementation to the extent specifically funded in the General Appropriations Act; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Diaz de la Portilla—

SB 1772—A bill to be entitled An act relating to the Black Business Investment Board; expressing the intent of the Legislature to enact organizational or programmatic changes to the board; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Brown-Waite—

SB 1774—A bill to be entitled An act relating to motor vehicle service warranty contracts; amending s. 626.9541, F.S., relating to unfair methods of competition and unfair or deceptive acts or practices; exempting motor vehicle service warranty contracts from a prohibition against providing free insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Jones—

SB 1776—A bill to be entitled An act relating to small aircraft transportation; providing legislative intent with respect to NASA's Small Aircraft Transportation System; providing an appropriation; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Cowin—

SB 1778—A bill to be entitled An act relating to domestic violence; providing a short title; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence involving physical injury to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic battery; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers' intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Horne—

SB 1780—A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative findings and intent; defining terms; providing for school district assessment; directing the Legislature to designate the school districts to receive a fully funded best financial management audit and education outcome assessment; providing for public hearings and reports; providing for a "Seal of Best Financial Management" for school districts using best financial management practices; requiring the Department of Education to conduct an annual assurance review of specified school districts; providing for enforcement and appeal; providing rulemaking authority; amending ss. 11.51, 230.23027, 233.43, 235.2197, F.S.; conforming cross-references; repealing s. 11.515, F.S., which provides for school district performance reviews; repealing s. 230.2302, F.S., which provides for performance reviews; repealing s. 230.23026, F.S., which provides for the Florida School District Review Trust Fund; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Campbell—

SB 1782—A bill to be entitled An act relating to medical negligence; amending s. 766.106, F.S.; providing for mandatory mediation; deleting authority for arbitration; providing for notice to licensees of the Department of Health and the Agency for Health Care Administration; modifying procedures for the investigation, review, and evaluation of claims; amending s. 766.110, F.S.; providing for liability of health care facilities; amending s. 766.201, F.S.; providing legislative findings; amending s. 766.202, F.S.; modifying definitions; amending s. 766.203, F.S.; providing a restriction on who may give a medical expert opinion; amending s. 766.204, F.S.; providing that prospective defendants who fail to timely provide copies of medical records are subject to having their claims and defenses struck; amending s. 766.205, F.S.; providing that all participants in a presuit investigation are civilly liable for acts of intentional misrepresentation; amending s. 766.206, F.S.; requiring a court to strike a defendant's defenses if the defendant's response does not comply with reasonable investigation requirements; requiring a court to report to the Board of Medicine a medical expert whose opinion failed to meet reasonable investigation requirements; amending s. 766.207, F.S.; prescribing procedures for mandatory mediation and presuit investigation of medical negligence claims; deleting rule-making authority of the Division of Administrative Hearings in arbitration; repealing ss. 766.208, 766.209, 766.21, 766.211, 766.212, F.S., relating to arbitration; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Horne—

SB 1784—A bill to be entitled An act relating to the state budgetary process; declaring legislative intent to revise laws relating to the state budgetary process; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Dawson—

SB 1786—A bill to be entitled An act relating to insurance; creating s. 627.4553, F.S.; requiring life insurers having certain types of policies in force to annually notify policyholders of certain information concerning their policies; providing exceptions; amending s. 627.4555, F.S.; limiting an exception from specified notice requirements with respect to lapse of life insurance coverage for nonpayment of premium; creating s. 627.4587, F.S.; requiring benefit enhancement of certain types of policies if the premium payment reaches certain levels; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a specified date; requiring notice to policyholders of existing policies; providing an exception; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Wasserman Schultz, Peaden, Sanderson, Clary and Cowin—

SB 1788—A bill to be entitled An act relating to continuing dental education; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Laurent—

SB 1790—A bill to be entitled An act relating to Florida water supply policy; establishing the "Water Supply 2020" study commission; providing for membership and responsibilities; requiring submission of reports

with recommendations to the Governor and Legislature; providing for technical advisory committees; providing for reimbursement of expenses of commission and committee members; providing for an executive director and staff for the commission; providing for the assistance and cooperation of state agencies; providing for termination of the commission; providing an appropriation; providing effective dates.

—was referred to the Committees on Natural Resources; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 1792—A bill to be entitled An act relating to apportionment; creating s. 11.035, F.S.; providing standards for the Legislature to follow in legislative apportionment and congressional redistricting; providing an effective date.

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

By Senator Garcia—

SJR 1794—A joint resolution proposing the revision of Article V of the State Constitution, relating to the judiciary.

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

By Senator Geller—

SB 1796—A bill to be entitled An act relating to community associations; amending s. 26.012, F.S.; clarifying jurisdiction of the circuit court to exclude certain matters; amending s. 34.01, F.S.; providing that judges of county courts may hear certain matters in equity concerning certain condominium, cooperative, and homeowner cases; amending s. 95.11, F.S.; providing a time limitation on legal or equitable actions to enforce the provisions of community association governing documents; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 713.135, F.S.; revising the form for a building permit application to include reference to communities regulated by a private community association; amending s. 718.104, F.S.; revising provisions governing declarations for the creation of a condominium; amending s. 718.106, F.S.; revising provisions with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising provisions governing amendments to a declaration of condominium; amending s. 718.111, F.S.; revising provisions with respect to the association; amending s. 718.112, F.S.; revising provisions with respect to bylaws; amending s. 718.113, F.S.; revising provisions with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising provisions with respect to common expenses; amending s. 718.405, F.S.; revising provisions with respect to multicondominiums and multicondominium associations; amending s. 718.504, F.S.; revising provisions with respect to the prospectus or offering circular; providing an effective date.

—was referred to the Committees on Regulated Industries; Health, Aging and Long-Term Care; and Judiciary.

SB 1798—Not referenced.

By Senators Brown-Waite, Peaden, Pruitt, Posey, Bronson and Sanderson—

SB 1800—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for industrial machinery and equipment; broadening the application of

the exemption; reducing the maximum amount of the tax which is imposed on such machinery and equipment; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Brown-Waite—

SB 1802—A bill to be entitled An act relating to school readiness; amending s. 20.50, F.S.; removing the requirement that the Agency for Workforce Innovation be a separate budget entity from the Department of Management Services; assigning certain responsibility for administering school readiness programs to the agency; requiring the agency's unified budget to include funding for school readiness; renaming offices within the agency; directing the agency to be the designated agency for purpose of federal school readiness grants; requiring disbursement of school readiness grants pursuant to plans and policies of the Florida Partnership for School Readiness; making certain responsibilities subject to appropriations; amending s. 216.136, F.S.; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; conforming cross-references; amending s. 230.23, F.S.; requiring school boards to work through the Florida Partnership for School Readiness with regard to programs for early childhood and basic skills development; renumbering as s. 412.51, F.S., and amending s. 411.01, F.S.; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; increasing the membership of the partnership and the number of members required for a quorum; requiring partnership members to abstain from voting in certain circumstances; designating the partnership as the lead agency for certain federal programs; authorizing the partnership to adopt rules through the agency; directing that the partnership's budget shall be part of the agency's budget; revising entities to which the partnership must make legislative recommendations; requiring the partnership to prepare a long-range program plan; changing the membership of local school readiness coalitions; requiring members of the coalitions to abstain from voting in certain circumstances; authorizing the school readiness program to include certain school-age children; conforming cross-references; renumbering as s. 412.52, F.S., and amending s. 230.2303, F.S.; transferring certain responsibilities from school districts to local school readiness coalitions; removing the requirement that the Commissioner of Education approve the inclusion of Florida First Start Programs in local school readiness plans; assigning parent resource centers to local coalitions; transferring certain responsibilities for the monitoring of and the provision of technical assistance to local school readiness programs from the Commissioner of Education to the Florida Partnership for School Readiness; providing reporting requirements; renumbering as s. 412.53, F.S., and amending s. 230.2305, F.S.; modifying legislative intent to recognize the involvement of local school readiness coalitions in prekindergarten programs; deleting references to school districts and eliminating district and district employee responsibility for certain programs; transferring certain responsibilities to local school readiness coalitions; requiring the Florida Partnership for School Readiness to establish performance standards for early education and child care programs; requiring the local school readiness coalitions to establish a sliding fee scale; authorizing different adult-child ratios in certain programs under certain circumstances; authorizing the local school readiness coalitions to delegate certain responsibilities; requiring reports; removing obsolete provisions; eliminating district interagency coordinating councils regarding prekindergarten programs; renumbering as s. 412.54, F.S., and amending s. 230.2306, F.S.; transferring certain responsibilities from school districts and certain preschool agencies and providers to local school readiness coalitions; amending s. 240.529, F.S.; deleting obsolete provisions; requiring that certain information be sent to local school readiness coalitions and the Florida Partnership for School Readiness; renumbering s. 402.25, F.S., as s. 412.55, F.S.; renumbering as s. 412.551, F.S., and amending s. 402.27, F.S.; transferring certain responsibilities regarding child care services from the Department of Children and Family Services to the Florida Partnership for School Readiness; authorizing local school readiness coalitions to select local resource and referral providers without preferences; limiting the number of child care resource and referral service agencies; requiring such agencies to provide certain services; changing references to the WAGES program to the welfare transition program; conforming a cross-reference; repealing s. 402.28, F.S., relating to "Child Care Plus" facilities; renumbering as s. 412.553, F.S., and amending s. 402.281, F.S.; transferring responsibilities relating to the Gold Seal Quality Care

program relating to child care from the Department of Children and Family Services to the Florida Partnership for School Readiness; conforming a cross-reference; renumbering as s. 412.554, F.S., and amending s. 402.301, F.S.; conforming cross-references; directing the Partnership for School Readiness to provide certain assistance in lieu of the Department of Children and Family Services; renumbering as s. 412.555, F.S., and amending s. 402.3015, F.S.; removing qualifier on definition of families at risk for welfare dependency; authorizing the Florida Partnership on School Readiness to authorize services for certain children; changing reference to the WAGES program to the welfare transition program; removing certain persons from eligibility to receive subsidized child care services; removing authority of the Department of Children and Family Services to set certain fees; transferring certain authority and responsibility from the department to the Agency for Workforce Innovation or to local school readiness coalitions; requiring certain providers to provide access to local school readiness coalitions for monitoring purposes; requiring the Division of Risk Management to provide insurance to local school readiness coalitions for certain purposes; requiring local school readiness coalitions, in lieu of community child care coordinating agencies, to provide certain services; eliminating the requirement to develop certain plans relating to state subsidized child care; eliminating the monitoring of certain programs by the Department of Children and Family Services; conforming a cross-reference; renumbering s. 402.3016, F.S., as s. 412.556, F.S.; renumbering as s. 412.557, F.S., and amending s. 402.3017, F.S.; authorizing the Florida Partnership for School Readiness, rather than the Department of Children and Family Services, to contract for the administration of the Teacher Education and Compensation Helps scholarship program; providing rulemaking authority; renumbering as s. 412.558, F.S., and amending s. 402.3018, F.S.; transferring certain authority and responsibilities regarding assistance to child services providers from the Department of Children and Family Services to the Florida Partnership for School Readiness and the Agency for Workforce Innovation; renumbering as s. 412.56, F.S., and amending s. 402.302, F.S.; providing definitions; deleting the definition of the term "secretary"; conforming cross-references; renumbering as s. 412.561, F.S., and amending s. 402.3025, F.S.; removing certain requirements for programs to be exempted from certain child care regulations; transferring certain rulemaking and monitoring authority from the State Board of Education to the Agency for Workforce Innovation; transferring certain authority of the Department of Children and Family Services relating to nonpublic schools to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.562, F.S., and amending s. 402.3027, F.S.; transferring certain authority of the Department of Children and Family Services relating to observation and assessment of young children in certain programs for children to the Florida Partnership for School Readiness; renumbering as s. 412.563, F.S., and amending s. 402.3028, F.S.; including the Florida Partnership for School Readiness in agencies responsible for referrals for Level III assessment; conforming cross-references; renumbering as s. 412.57, F.S., and amending s. 402.305, F.S.; transferring the responsibility for establishing standards relating to the licensure of child care facilities from the Department of Children and Family Services to the Agency for Workforce Innovation; transferring the obligation to evaluate school readiness staff training programs from the State Coordinating Council for School Readiness Programs and the Department of Children and Family Services to the Florida Partnership for School Readiness; transferring certain rulemaking authority from the Department of Children and Family Services to the Agency for Workforce Innovation; deleting obsolete provisions; eliminating the child care technical review panel; conforming cross-references; renumbering as s. 412.571, F.S., and amending s. 402.3051, F.S.; providing a definition; transferring certain authority relating to reimbursement of providers from the Department of Children and Family Services to the Agency for Workforce Innovation and local school readiness coalitions; eliminating certain grant authority of the Department of Children and Family Services; transferring certain rulemaking authority from the Department of Children and Family Services to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.572, F.S., and amending s. 402.3052, F.S.; transferring the child development associate training grants program from the Department of Children and Family Services to the Agency for Workforce Innovation; removing the State Coordinating Council for School Readiness Programs as an advisor to the program; transferring certain authority related to the program from the Department of Children and Family Services and others to the Agency for Workforce Innovation, the Florida Partnership for School Readiness, and local school readiness coalitions; renumbering s. 402.3054, F.S., as s. 412.573, F.S.; renumbering as s. 412.574, F.S., and

amending s. 402.3055, F.S.; transferring the regulatory authority, including the imposition of penalties, of the Department of Children and Family Services related to child care personnel to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.575, F.S., and amending s. 402.3057, F.S.; conforming cross-references; renumbering as s. 412.58, F.S., and amending s. 402.306, F.S.; transferring the authority of the Department of Children and Family Services relating to local licensing of child care facilities to the Agency for Workforce Innovation; conforming a cross-reference; renumbering as s. 412.59, F.S., and amending s. 402.307, F.S.; transferring the authority of the Department of Children and Family Services relating to the approval of local licensing agencies of child care facilities to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.60, F.S., and amending s. 402.308, F.S.; transferring the licensure authority of the Department of Children and Family Services relating to child care facilities to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.61, F.S., and amending s. 402.309, F.S.; transferring the authority of the Department of Children and Family Services relating to provisional licensure of child care facilities to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.62, F.S., and amending s. 402.310, F.S.; transferring disciplinary authority of the Department of Children and Family Services relating to child care facilities to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.63, F.S., and amending s. 402.311, F.S.; transferring the right of entry and inspection of child care facilities from the Department of Children and Family Services to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.631, F.S., and amending s. 402.3115, F.S.; requiring the Agency for Workforce Innovation to avoid duplicative and unnecessary inspections of child care facilities; renumbering as s. 412.64, F.S., and amending s. 402.312, F.S.; transferring the authority to obtain certain injunctions and to impose administrative fines from the Department of Children and Family Services to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.641, F.S., and amending s. 402.3125, F.S.; requiring child care facility licenses to bear the seal of the Agency for Workforce Innovation rather than the seal of the Department of Children and Family Services; transferring the duty of the Department of Children and Family Services to develop model brochures to the Agency for Workforce Innovation; conforming cross-references; renumbering as s. 412.65, F.S., and amending s. 402.313, F.S.; transferring the authority, including rulemaking authority, of the Department of Children and Family Services relating to the licensure, registration, and disciplining of family day care homes to the Agency for Workforce Innovation; deleting obsolete provisions; requiring the Florida Partnership for School Readiness, rather than the Department of Children and Family Services, to prepare a brochure on family day care, evaluate a registration and licensure system, and institute a media campaign; conforming cross-references; renumbering as s. 412.651, F.S., and amending s. 402.3131, F.S.; transferring the licensure and disciplinary authority, including rulemaking authority, of the Department of Children and Family Services relating to large family child care homes to the Agency for Workforce Innovation; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to prepare a brochure on large family day care homes; conforming cross-references; renumbering as s. 412.652, F.S., and amending s. 402.3135, F.S.; transferring the authority of the Department of Children and Family Services relating to the child care case management program to the Agency for Workforce Innovation; renumbering as s. 412.66, F.S., and amending s. 402.314, F.S.; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to provide supportive services to child care entities; renumbering as s. 412.661, F.S., and amending s. 402.3145, F.S.; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to establish a subsidized child care transportation system; requiring local school readiness coalitions, rather than the state community child care coordination agencies, to contract for the provision of transportation services; renumbering as s. 412.67, F.S., and amending s. 402.315, F.S.; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to bear certain licensure costs; authorizing the agency to collect fees for deposit in its trust fund; conforming cross-references; renumbering as s. 412.68, F.S., and amending s. 402.316, F.S.; requiring child care facilities claiming an exemption from licensure to notify the Agency for Workforce Innovation instead of the Department of Children and Family Services; conforming cross-references; renumbering s. 402.318, F.S., as s. 412.69, F.S.; renumbering as s. 412.70, F.S., and amending s. 402.319, F.S.; conforming cross-references and terminology to other provisions of the act; creating

s. 412.71, F.S.; directing local school readiness coalitions to establish certain fees and fee collection procedures; renumbering as s. 412.72, F.S., and amending s. 409.178, F.S.; requiring the Florida Partnership for School Readiness, rather than the Department of Children and Family Services, to provide staff to the Child Care Executive Partnership; requiring local school readiness coalitions, rather than community coordinated child care agencies or the state resource and referral agency, to administer certain funds, to meet matching requirements, to assess fees, and establish community child care task forces; requiring the Florida Partnership for School Readiness, rather than the Department of Children and Family Services, to develop a procedure for the disbursement of certain funds; transferring certain rulemaking authority from the Department of Children and Family Services to the Florida Partnership for School Readiness; providing for a type two transfer of the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; providing for a type two transfer of subsidized child care programs from the Department of Children and Family Services to the Agency for Workforce Innovation; providing for a type two transfer of prekindergarten, migrant prekindergarten, and Florida First Start programs from the Department of Education to the Agency for Workforce Innovation; providing for the leasing of staff to the Florida Partnership for School Readiness; amending ss. 39.201, 196.095, 212.08, 220.03, 220.19, 228.061, 229.808, 232.01, 381.0072, 393.0657, 400.906, 400.953, 402.164, 402.26, 402.45, 409.1671, 409.1757, 411.011, 411.203, 445.023, 624.5107, 627.70161, 893.13, 921.0022, 943.0585, 943.059, 985.04, 985.05, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Education; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 1804—A bill to be entitled An act relating to trust funds; creating s. 412.515, F.S.; creating the School Readiness Trust Fund, to be administered by the Agency for Workforce Innovation; providing for sources of funds and purpose; providing for investment of funds and annual carry-forward of fund balances; providing requirements for distribution and use of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Education; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Brown-Waite—

SB 1806—A bill to be entitled An act relating to education funding; amending s. 236.081, F.S.; revising the method for determining district cost differentials; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Lawson—

SB 1808—A bill to be entitled An act relating to shellfish processors; expressing the Legislature's intent to enact legislation relating to shellfish processors; providing an effective date.

—was referred to the Committees on Natural Resources; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 1810—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.03, F.S.; requiring that a state agency notify the department if the agency suspects that it is, may be,

or has been the victim of certain crimes that involve the misappropriation of the agency's name or authority, the misuse of technology used by the agency, or the misappropriation or illegal use of agency or state records; requiring the department to evaluate such reports; authorizing the department to refer the report to another agency for appropriate action; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Mitchell—

SB 1812—A bill to be entitled An act creating the Technology Enterprise Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 1814—A bill to be entitled An act relating to the state court system; providing legislative intent with respect to the development of treatment-based drug courts; requiring each judicial circuit to establish one or more treatment-based drug courts within any of the divisions of the circuit; specifying the principles of therapeutic jurisprudence to be included in the drug court programs; establishing the position of drug court coordinator within each judicial circuit; providing duties of the coordinator; authorizing the drug courts to include certain pretrial intervention programs in the court's program; creating the Florida Association of Drug Court Professionals; providing for membership; requiring that the chairperson of the association provide recommendations to the Supreme Court Treatment-Based Drug Court Steering Committee; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Klein—

SB 1816—A bill to be entitled An act relating to insurance; amending s. 631.001, F.S.; providing purpose and legislative intent with respect to part I of chapter 631, F.S., relating to the rehabilitation and liquidation of insolvent insurers; amending s. 631.011, F.S.; revising definitions; creating s. 631.025, F.S.; specifying persons and entities subject to part I of chapter 631, F.S.; creating s. 631.113, F.S.; providing for the tolling of any statute of limitations for a specified period for purposes of a claim on behalf of an insurer, its policyholder, its creditors, or its estate; providing certain limitations with respect to such action during the time the insurer is controlled by parties acting contrary to the insurer's interest; amending s. 631.041, F.S.; conforming provisions to changes made by the act; providing for damages to be awarded pursuant to any injury by a violation of a stay against obtaining or enforcing a judgment; providing for a statute of limitations or defense of laches to be tolled following the filing of a petition for conservation, rehabilitation, or liquidation; amending s. 631.141, F.S.; providing powers of the Department of Insurance when acting as a receiver in a delinquency proceeding; amending s. 631.154, F.S.; providing for the department to recover certain costs and expenses when acting as a receiver; creating s. 631.156, F.S.; specifying powers of the department in investigating the causes for an insurer's insolvency and in recovering assets; authorizing certain investigation notwithstanding the commingling of operations and assets; authorizing the department in its capacity as receiver to provide information to its Division of Insurance Fraud or any other state or federal agency; providing for a request for evidence to be reviewed by the court; providing for an order of contempt for failure to produce evidence or testimony; creating s. 631.157, F.S.; providing for a civil action by the department as receiver for the benefit of an insurer's estate, creditors, and policyholders; providing for damages; specifying burden of proof in such ac-

tion; providing for the department to recover costs, expenses, and attorney's fees; limiting the period for bringing such action; creating s. 631.400, F.S.; providing for termination of liquidation proceedings and the closing of an insurer's estate; providing for the court to discharge the department's liability and responsibilities; amending s. 631.54, F.S.; clarifying the exclusion of certain contributions or indemnifications from a covered claim; amending s. 626.9541, F.S., relating to unfair methods of competition and unfair or deceptive acts or practices; conforming provisions to changes made by the act; creating s. 817.2341, F.S.; specifying penalties for crimes by or affecting persons engaged in the administration of an insurer or entity organized under chapter 624 or chapter 641, F.S.; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wasserman Schultz—

SB 1818—A bill to be entitled An act relating to health insurance; creating ss. 627.64191, 627.75747, F.S.; requiring individual and group health insurance policies to comply with decisions of the United States Equal Employment Opportunity Commission with respect to exclusions that violate Title VII of the Civil Rights Act, as amended; requiring the Department of Insurance to make such determination when approving policy forms; amending ss. 627.6699, 641.31, F.S.; requiring standard and basic health benefit plans issued by small employer carriers and health maintenance contracts to comply with decisions of the United States Equal Employment Opportunity Commission with respect to exclusions that violate Title VII of the Civil Rights Act, as amended; requiring the Department of Insurance to make such determination when approving policy forms; providing for application; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Silver, Sanderson, Bronson, Miller, Diaz de la Portilla and Meek—

SB 1820—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; defining the terms "instant bingo" and "package"; providing rules for the operation of instant bingo games; providing an effective date.

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

By Senator Campbell—

SB 1822—A bill to be entitled An act relating to the regulation of public utilities; amending s. 367.011, F.S.; providing that the regulation of public utilities must ensure that monopoly services are subject to effective price, rate, and service regulation; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Taxation.

By Senator Sanderson—

SB 1824—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.505, F.S.; providing definitions; amending s. 489.507, F.S.; revising membership of the Electrical Contractors' Licensing Board; granting rulemaking authority to the board to implement the limited certification licensure category; requiring the board to employ staff sufficient to ensure uniform and prompt regulation of electrical and alarm system contracting; requiring the board to review its operations to determine whether there are functions or services of the board that can be outsourced to increase productivity; providing for transition from registration to limited certification; amending s. 489.509, F.S.; revising and providing fees; creating s. 489.512, F.S.;

providing for limited certification of registered electrical and alarm system contractors; providing requirements with respect to limited certification; providing for expiration of such licensure category; repealing s. 489.513, F.S., to eliminate registration of electrical and alarm system contracting; revising various provisions of pt. II, ch. 489, F.S., relating to electrical and alarm system contracting, to conform; amending s. 489.514, F.S.; extending certification grandfathering provisions to limited certificateholders; amending s. 489.516, F.S.; requiring persons desiring to engage in electrical or alarm system contracting in the state to be certified; deleting the requirement to pay the fee for a local occupational license; amending s. 489.517, F.S.; providing for quadrennial renewal of certificates; revising continuing education requirements, to conform; amending s. 489.5185, F.S.; providing for quadrennial renewal of identification cards of fire alarm system agents; revising continuing education requirements, to conform; amending s. 489.521, F.S.; deleting requirements of business organizations relating to local occupational licenses; repealing s. 489.5315, F.S., relating to exemption of proprietary electrical and alarm contractors from local occupational licensure requirements; amending s. 489.537, F.S.; deleting provisions that preserve the power of counties and municipalities to collect local occupational license and inspection fees, require a bond for each electrical contractor, and create local boards; deleting provisions relating to registration; amending s. 489.5335, F.S.; providing for a statewide journeyman competency card; requiring a fee; amending ss. 489.503, 489.510, 489.511, 489.515, 489.518, 489.519, 489.520, 489.523, 489.531, 489.533, F.S.; deleting or revising references and provisions relating to registration, to conform; amending s. 205.194, F.S.; conforming cross-references; providing effective dates.

—was referred to the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Mitchell—

SB 1826—A bill to be entitled An act relating to rural development; creating the Florida Rural Heritage Act; providing legislative findings; providing definitions; providing for the designation of a Rural Heritage Area; providing for a community-based planning process; specifying guidelines for Rural Heritage Area plans; providing procedure for adoption of a plan; providing for economic incentives, reports, and technical assistance; creating the Rural Heritage Grant Program to assist local governments in adopting Rural Heritage Areas, to be administered by the Department of Community Affairs; providing for priority of funding; requiring the Department of Community Affairs to adopt rules; providing for development of a nature-and-heritage-based tourism business micro-loan program; providing for establishment of a revolving loan fund; providing for educational technology pilot programs to be established by the Department of Management Services; providing for agricultural diversification pilot projects to be administered by the Department of Agriculture and Consumer Services; providing for review and evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 163.3187, F.S.; providing conditions for adoption of local comprehensive plans for rural activity centers; amending s. 187.201, F.S.; modifying goals of the State Comprehensive Plan to include housing for specified persons in rural areas and development of nature-based tourism; providing a policy of fostering integrated and coordinated community planning efforts; providing support for rural communities in developing nature-and-heritage-based tourism enterprises; providing support for landowners who wish their lands to remain in agricultural use; amending s. 212.096, F.S.; providing a credit against sales tax for businesses located in an enterprise zone within a rural county or city as defined; amending s. 220.181, F.S.; providing enterprise-zone jobs credits for businesses within jurisdiction of a rural local government; amending s. 290.0055, F.S.; providing a condition for designating communities within the jurisdiction of a rural local government as an enterprise zone; amending s. 420.507, F.S.; modifying powers of the Florida Housing Finance Corporation; providing an appropriation; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Pruitt, Bronson, Laurent, Mitchell, Peaden and Webster—

SB 1828—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing a full exemption for self-propelled, power-drawn, or power-driven farm equipment used exclusively on a farm or in a forest in specified activities; revising application of the exemption for items in agricultural use with respect to certain protective materials and certain baling materials; amending s. 212.12, F.S., relating to promulgation of tax brackets by the Department of Revenue, to conform; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Finance and Taxation.

By Senators Peaden and Lawson—

SB 1830—A bill to be entitled An act relating to uniform traffic control; creating the “Red Light Safety Act”; amending s. 316.003, F.S.; defining the term “traffic-infraction detector”; authorizing counties and municipalities to enact ordinances permitting the use of traffic-infraction detectors; providing an exception; providing penalties for traffic-control-signal violations detected by traffic-infraction detectors; providing procedures; amending s. 316.0745, F.S.; providing that traffic-infraction detectors must meet certain requirements; amending s. 320.03, F.S.; providing a cross-reference in conformance to the act; prohibiting the issuance of license plates or revalidation stickers when fines are outstanding for violations detected by traffic-infraction detectors; providing for an annual report on the use of traffic-infraction detectors by counties and municipalities using traffic-infraction detectors; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 1832—A bill to be entitled An act relating to judgments; creating s. 55.032, F.S.; requiring that the court include prejudgment interest in a judgment on certain actions for personal injury or wrongful death; providing for the rate of interest; providing an exception; providing for the act to apply to actions pending on a specified date; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Miller—

SB 1834—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting the charging of certain fees to farm laborers; providing an effective date.

—was referred to the Committee on Agriculture and Consumer Services.

By Senator Carlton—

SB 1836—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with local governments; providing that confidential information shared with local governments remains confidential; providing a finding of public necessity; providing an expiration date; providing an effective date.

—was referred to the Committees on Finance and Taxation; and Governmental Oversight and Productivity.

By Senator Jones—

SB 1838—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; specifying the financial statements submitted to a state agency by prospective bidders which are confidential and exempt from the public records law; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Clary—

SB 1840—A bill to be entitled An act relating to school board service programs; creating the “David Levitt School Food Anti-Hunger Act of 2001”; amending s. 228.195, F.S.; requiring school districts to donate unused food to programs that assist hungry families under certain circumstances; providing exceptions; authorizing the Department of Education to adopt rules; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on General Government; and Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Comprehensive Planning, Local and Military Affairs; Natural Resources; and Senator Brown-Waite—

CS for CS for SB 126—A bill to be entitled An act relating to Xeriscape; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term “Xeriscape”; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners’ associations from restricting the practice of Xeriscape; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Brown-Waite, Latvala, Sullivan, Campbell and Cowin—

CS for SB 162—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.703, F.S.; providing for a reduction in assessment for living quarters of parents or grandparents of property owners or of their spouses; providing limitations; providing application procedures; providing penalties for making a willfully false statement in the application; providing for adjustment of the assessed value of property when the property owner is no longer eligible for the reduction in assessment; providing a contingent effective date.

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

CS for CS for SB 248—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers’ intervention program; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Sanderson and Geller—

CS for SB 294—A bill to be entitled An act relating to the Fair Housing Act; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from said act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

By the Committee on Criminal Justice; and Senator Geller—

CS for SB 322—A bill to be entitled An act relating to youthful offenders; amending s. 958.11, F.S.; providing for certain inmates to be assigned to a facility for youthful offenders as a residential assignment if the inmate’s mental or physical vulnerability may jeopardize the inmate’s safety; providing legislative intent with respect to housing all inmates under a specified age in facilities for youth offenders; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Miller and Crist—

CS for SB 354—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the “Florida Civil Rights Act of 1992”; revising procedures for filing complaints; providing an effective date.

By the Committee on Criminal Justice; and Senator Saunders—

CS for SB 360—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; providing additional acts which constitute cruelty to an animal; provides that any person convicted of such a violation, where the court determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall, in addition to any other sentence imposed, be ordered to complete an anger management treatment program; providing a minimum mandatory fine and minimum mandatory period of incarceration for conviction of any crime where the court determines that the violation includes an intentional act of cruelty to animals; providing for nonapplicability of the act; providing construction; reenacting ss. 550.2415(6)(d), 828.122(5) and (6)(a), 828.17, 828.29(14), 943.051(3)(b)11., 985.212(1)(b)11., and 921.0022(3)(c), F.S., to incorporate the amendment to s. 828.12, F.S., in references thereto; providing an effective date.

By the Committee on Criminal Justice; and Senators Villalobos and Smith—

CS for SB 366—A bill to be entitled An act relating to DNA evidence; creating s. 925.11, F.S.; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty may petition the trial court to order an examination of DNA evidence; providing guidelines for seeking postsentencing DNA testing; requiring that the court make certain findings; providing for right to appeal; providing for preservation of evidence; creating s. 943.3251, F.S.; prescribing duties of the Department of Law Enforcement with respect to postsentencing DNA testing; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 402—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising provisions with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a

decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising provisions with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising provisions with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising provisions with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising provisions with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; revising provisions with respect to escheat; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding protected homestead property as an exclusion to the elective estate; amending s. 732.2055, F.S.; redefining the term "value" for purposes of calculating the elective estate share; amending s. 732.2075, F.S.; revising formula for payment of elective share; amending s. 732.2085, F.S.; adding a cross-reference; amending s. 732.2095, F.S.; conforming a cross-reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on their estate interests; amending s. 732.2125, F.S.; revising provisions with respect to the right of election; amending s. 732.2135, F.S.; revising provisions with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising provisions with respect to the order of contribution; amending s. 732.2155, F.S.; revising provisions with respect to the effective date of certain trusts; amending s. 732.218, F.S.; revising provisions with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising provisions with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising provisions with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising provisions with respect to pretermitted children; amending s. 732.401, F.S.; revising provisions with respect to descent of homestead; amending s. 732.4015, F.S.; revising provisions with respect to the definition of the terms "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising provisions with respect to exempt property; amending s. 732.403, F.S.; revising provisions with respect to family allowance; amending s. 732.501, F.S.; revising provisions with respect to who may make a will; amending s. 732.502, F.S.; revising provisions with respect to execution of wills; amending s. 732.503, F.S.; revising provisions with respect to self-proof of will; amending s. 732.505, F.S.; revising provisions with respect to revocation by writing; amending s. 732.507, F.S.; revising provisions with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising provisions with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising provisions with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising provisions with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising provisions with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising provisions with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising provisions with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills, eliminating provisions with respect to willful failure to deposit the will; transferring and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S., to chapter 765, F.S.; amending s. 733.101, F.S., relating to the venue of probate proceedings;

amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising provisions with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising provisions with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising provisions with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising provisions with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising provisions with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising provisions with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising provisions with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising provisions with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising provisions with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising provisions with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising provisions with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising provisions with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising provisions with respect to the release of surety; amending s. 733.406, F.S.; revising provisions with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising provisions with respect to curators; amending s. 733.502, F.S.; revising provisions with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising provisions with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising provisions with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising provisions with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising provisions with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising provisions with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising provisions with respect to the possession of the estate; amending s. 733.608, F.S.; revising provisions with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising provisions with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising provisions with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising provisions with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising

provisions with respect to the personal representative's right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising provisions with respect to joint personal representatives; amending s. 733.616, F.S.; revising provisions with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising provisions with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising provisions with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising provisions with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising provisions with respect to notifying creditors; conforming cross-references; amending s. 733.702, F.S.; revising provisions with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising provisions with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising provisions with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising provisions with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising provisions with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising provisions with respect to proceedings for compulsory payment of devise or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising provisions with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising provisions with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising provisions with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising provisions with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising provisions with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising provisions with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising provisions with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising provisions with respect to ancillary administration; amending s. 734.1025, F.S.; revising provisions with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising provisions with respect to the petition for summary administration; amending s. 735.206, F.S.; revising provisions with respect to summary administration distribution; amending s. 735.2063, F.S.; revising provisions with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising provisions with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising provisions with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising provisions with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising provisions with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; conforming cross-references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Brown-Waite and Klein—

CS for SB 420—A bill to be entitled An act relating to the pharmacy discount program; amending s. 409.906, F.S.; authorizing as a new optional Medicaid service the pharmacy discount program, to be administered by the Agency for Health Care Administration; directing the Agency for Health Care Administration to seek a federal Medicaid waiver for the pharmacy discount program; specifying program eligibility and eligibility determination; specifying the means of deriving the subsidy for program participants; providing an effective date.

By the Committees on Children and Families; Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Wasserman Schultz—

CS for CS for SB 446—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term "homeless child"; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term "homeless"; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the council; requiring an annual report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities serving persons with mental illness or substance abuse; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards' one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons' Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

By the Committee on Ethics and Elections; and Senators Posey, Smith, Carlton, Brown-Waite, Dyer, Lawson, Sebesta, Jones, Constantine and Bronson—

CS for SB 448—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term "absent elector"; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.657, F.S.; conforming provisions; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; repealing s. 101.647, F.S., relating to returning absentee ballots; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing s. 101.685, F.S., relating to absentee ballot coordinators; providing an effective date.

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

CS for SB 452—A bill to be entitled An act relating to proceedings relating to children; amending the definition of the term “child who is found to be dependent,” as the term is used in ch. 39, F.S.; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Mitchell—

CS for SB 474—A bill to be entitled An act relating to ad valorem homestead tax exemption; creating s. 196.032, F.S.; providing an exemption from the tax for law enforcement officers, correctional officers, correctional probation officers, and full-time professional firefighters who are totally and permanently disabled in the line of duty; providing applicability; providing definitions; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Wasserman Schultz—

CS for SB 500—A bill to be entitled An act relating to unemployment compensation for birth and adoption; creating s. 443.232, F.S.; prohibiting denial of unemployment compensation benefits for certain leaves of absence relating to giving birth to a baby or adopting a minor child; providing for reductions in the amount of compensation; requiring employers to post certain notices; specifying certain payments as not chargeable against employers; requiring the director of the Agency for Workforce Innovation to report to the Governor and Legislature; providing application; providing an effective date.

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

CS for SB 694—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; including fire prevention training or firefighting duties among eligibility requirements for special risk classification; revising criteria for membership in the special risk class to include emergency medical technicians and paramedics having supervisory or command authority over other emergency medical technicians and paramedics or having supervisory or command authority over such supervisory or command personnel; providing an effective date.

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

CS for SB 710—A bill to be entitled An act relating to state government; creating the “Florida Customer Service Standards Act”; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator King—

CS for SB 718—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

By the Committee on Ethics and Elections; and Senator Clary—

CS for SB 748—A bill to be entitled An act relating to elections; amending ss. 101.5614, 101.68, 102.071, F.S.; prohibiting release of elec-

tion results until the polls close in all parts of the state; providing an effective date.

By the Committee on Education; and Senator Dawson—

CS for SB 780—A bill to be entitled An act relating to parental consent; amending s. 232.465, F.S.; providing that a student is exempt from certain services under the school health services program if his or her parent or guardian requests such an exemption in writing; amending s. 234.02, F.S.; limiting transportation of a student to a medical treatment facility without parental consent; providing an effective date.

By the Committee on Banking and Insurance; and Senator Silver—

CS for SB 788—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified discriminatory acts based upon an applicant or insureds having been or likelihood to become a victim of specified abuse; providing exceptions; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Silver, Latvala, Sullivan, Peaden and Sanderson—

CS for SB 802—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing that dues and fees paid to private physical fitness facilities are not subject to the tax; excluding country clubs from the exemption for physical fitness facilities; providing that the exemption does not apply to contracts entered into and financed prior to the effective date of this act; providing an effective date.

By the Committee on Banking and Insurance; and Senators Crist, Peaden, Wasserman Schultz, Dawson, Campbell, Saunders and Geller—

CS for SB 836—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring contracted health care providers to accept the terms of other health care contracts as a condition of continuation or renewal; amending s. 627.662, F.S.; applying such prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying such prohibition to health maintenance organizations; providing an effective date.

By the Committee on Children and Families—

CS for SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the Florida Coalition Against Domestic Violence, contingent upon the appropriation of funds, to provide training to specified professionals by specified dates; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; providing for pilot programs of a Domestic Violence/Child

Abuse Early Intervention Initiative; providing eligibility guidelines for families who are to be served by the program; providing components of the initiative; providing eligibility standards for communities that may be sites for such initiatives; requiring entities that enter into an Interagency Working Agreement to provide joint direction and oversight and to collaborate with the local one-stop delivery system; requiring the department to contract with the Florida Coalition Against Domestic Violence for the administration of the initiative; requiring the coalition to collaborate with the Agency for Workforce Innovation; requiring a third-party evaluation of the initiative; requiring a preliminary and a final report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer's intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the Office Of Program Policy Analysis and Government Accountability to conduct an examination of the batterer's intervention programs; specifying requirements of the study; requiring consultation with key stakeholders; providing for phase I and phase II reports to the Legislature; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.; amending the list of subject matter to be included in the department's annual report to the Legislature on the status of domestic violence cases; providing an appropriation for the child abuse training for domestic violence center staff; providing an appropriation for districtwide joint training of domestic violence center and child protection staff; providing appropriation for Domestic Violence/Child Abuse Early Intervention Initiative pilot projects; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Bronson—

CS for SB 864—A bill to be entitled An act relating to sports industry economic development projects; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; providing an effective date.

By the Committee on Education; and Senators Laurent and Klein—

CS for SB 866—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the "Barry Grunow Act"; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Webster, Peaden, Posey, Lee and Sanderson—

CS for SB 870—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms "proper invoice," "local government entity," "purchase," and "construction services" and defining the terms "payment request" and "agent" for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney's fees under certain circumstances; providing an effective date.

By the Committee on Banking and Insurance; and Senator Peaden—

CS for SB 938—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; amending s. 627.679, F.S.; requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

By the Committee on Banking and Insurance—

CS for SB 1026—A bill to be entitled An act relating to public records exemptions; amending s. 626.921, F.S.; abrogating the repeal of an exemption from public-records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; expanding the exemption to apply to certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; specifying that the exemption applies to information specific to a particular policy or policyholder; providing for future repeal and legislative review; providing a finding of public necessity; providing an effective date.

By the Committee on Natural Resources; and Senator Bronson—

CS for SB 1030—A bill to be entitled An act relating to water resources; amending s. 403.852, F.S.; redefining the terms "public water system," "noncommunity water system," "nontransient noncommunity water system," and "transient noncommunity water system"; amending s. 403.853, F.S.; requiring the Department of Environmental Protection to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the Department of Environmental Protection to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.589, F.S.; providing that it is a violation for failure to comply with certain permit requirements; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to issue permits for altering or extending a public water system based on the size of the system under certain circumstances; requiring suppliers of water to submit periodic operating reports and testing data which may include certain raw water data; amending s. 403.865, F.S.; providing a legislative finding that the operation of water and wastewater treatment systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining the terms "operator" and "water distribution system"; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the Department of Environmental Protection to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring any person to be licensed as a water distribution system operator to take the licensure

examination; amending s. 403.875, F.S.; prohibiting any person from performing the duties of an operator of a water distribution system unless licensed; amending s. 403.88, F.S.; requiring the Department of Environmental Protection to classify water treatment plants and water distribution systems by size, complexity, and level of treatment necessary to render the source water suitable for its intended purpose; requiring the Department of Environmental Protection to establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing a water treatment plant operator's license is also valid as a water distribution system license of the same classification or lower; amending s. 403.1832, F.S.; conforming a cross-reference; amending s. 403.1835, F.S.; providing a definition of local governmental agencies; repealing s. 403.1821, F.S., relating to the short title of the "Florida Water Pollution Control and Sewage Treatment Plant Grant Act"; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to funding project priorities; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Silver—

CS for SB 1052—A bill to be entitled An act relating to pest control; amending s. 482.2267, F.S.; providing for a physician licensed under ch. 459, F.S., to provide certification for purposes of placing a person on the registry for prior notification of the application of a pesticide or class of pesticides; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Latvala—

CS for SB 1130—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms "early stage technology business" and "qualified distribution"; defining the terms "Program One" and "Program Two"; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

By the Committee on Education; and Senator Pruitt—

CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Brown-Waite—

CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident's room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed

license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; requiring that the Agency for Health Care Administration review a facility's internal risk management and quality assurance program; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; increasing the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.237, F.S.; providing legislative intent regarding improvements in quality in nursing home facilities; requiring the Agency for Health Care Administration to develop and implement a system for grading nursing homes; specifying areas that must be evaluated by the grading system; requiring ranking of nursing homes according to their grading score; requiring the agency to identify improvement in nursing home performance; requiring the agency to re-evaluate standards periodically and raise the standards to reflect improvements in nursing-home grading scores; requiring the agency to convene a workgroup; specifying the membership of the workgroup; requiring nursing homes to post their rankings and improvement ratings; requiring the agency to publish the rankings and improvement ratings; authorizing the agency to adopt rules; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.402, F.S.; revising definitions applicable to part III of ch. 400, F.S., relating to the regulation of assisted living facilities; amending s. 400.407, F.S.; revising certain licensing requirements; providing a bed fee for licensed facilities in lieu of the biennial license fee; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; revising requirements for license renewal; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; requiring that the Agency for Health Care Administration review a facility's internal risk management and quality assurance program; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; creating s. 400.4303, F.S.;

requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.201, F.S.; authorizing an additional training program for certified nursing assistants; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; requiring wage and benefit increases; requiring a report; providing appropriations; providing for severability; providing effective dates.

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

CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be placed in licensed residential care and must remain there unless a court determines that it is not in the child's best interest; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term "related services"; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to

provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Sebesta—

CS for SB 1240—A bill to be entitled An act relating to civil penalties from traffic violations; requiring any county or municipality that receives more than a specified percentage of its total annual revenue for the prior year from civil penalties collected from traffic violations to deposit such excess revenue into the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Rehabilitation Trust Fund; providing an effective date.

By the Committee on Criminal Justice; and Senators King, Posey, Sebesta, Clary, Peaden, Bronson, Horne, Brown-Waite, Pruitt, Dawson, Burt and Constantine—

CS for SB 1356—A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof, or a state or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

CO-SPONSORS

Senators Campbell—SB 1538, SB 1574; Cowin—SB 634; Diaz de la Portilla—SB 832, SB 1820; Dyer—SB 1538, SB 1574, SB 1928; Jones—SB 28; Klein—SB 1574, SB 1928; Lawson—SB 462, SB 1758, SB 1830; Meek—SB 1820; Miller—SB 1538, SB 1574, SB 1820, SB 1928; Posey—SB 1758; Rossin—SB 1538, SB 1574, SB 1928; Smith—SB 28; Wasserman Schultz—SB 832, SB 1538, SB 1574, SB 1928



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REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Regulated Industries recommends that the Senate confirm the following appointments made by the Governor: Braulio L. Baez, for a term ending January 1, 2002, and Lila A. Jaber, for a term ending January 1, 2005, as members of the **Florida Public Service Commission**.

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Laurent—

SB 1842—A bill to be entitled An act relating to Polk County; requiring the Southwest Florida Water Management District to relinquish their ownership, control, and operation of the four water control structures known as P-5, P-6, P-7, P-8 and their associated roadways, easements, and canals to the Lake Region Lakes Management District; providing a set of conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Burt—

SB 1844—A bill to be entitled An act promoting drug-free workplaces; amending s. 440.101, F.S.; expressing legislative intent to promote such workplaces; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Crist—

SB 1846—A bill to be entitled An act relating to the ad valorem taxation; amending s. 194.013, F.S.; providing for refund of filing fees paid to value adjustment boards; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Brown-Waite—

SB 1848—A bill to be entitled An act relating to public records; providing an exemption from the public records law for information that identifies the claimant or case number in certain proceedings involving a nursing home or assisted living facility and that is provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Burt—

SB 1850—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 1852—A bill to be entitled An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 329.73, 372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 1854—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services; providing for disposition of balances in the trust funds; prescribing procedures for terminating the trust funds; amending s. 110.125, F.S.; providing for expenses and costs of operating the personnel program of various state agencies to be deposited into the Services Trust Fund of the Department of Management Services; amending s. 215.196, F.S.; abolishing the Architects Incidental Trust Fund within the department; providing for assessments for fixed capital outlay projects to be deposited into the Supervision Trust Fund of the department; amending s. 287.161, F.S.; providing for fees collected for persons traveling by state-owned aircraft to be deposited into the Services Trust Fund rather than the Bureau of Aircraft Trust Fund; amending s. 255.503, F.S.; providing for funds collected from state agencies by the department for the rental of facilities to be deposited into the Services Trust Fund; amending s. 287.16, F.S.; providing for fees charged to state agencies for aircraft or motor vehicles to be deposited into the Services Trust Fund; amending s. 217.07, F.S.; providing for the transfer of certain unexpended funds

into the Services Trust Fund rather than the Surplus Property Revolving Trust Fund; amending s. 287.042, F.S.; providing for fees collected for the use of electronic information services to be deposited into the Services Trust Fund rather than the Grants and Donations Trust Fund; amending s. 287.1345, F.S.; providing for the use of the surcharge imposed on users of state term contracts by the Department of Management Services; providing for deposit of such funds into the Services Trust Fund rather than the Grants and Donations Trust Fund; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 1856—A bill to be entitled An act relating to trust funds; creating the Services Trust Fund within the Department of Management Services; providing sources of funds; specifying uses of funds; providing for future review and termination or re-creation of the trust fund; providing for disposition of balances in the trust fund if the fund is not re-created; prescribing procedures for terminating the trust fund; providing a contingent effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Cowin—

SB 1858—A bill to be entitled An act relating to child welfare; amending s. 39.301, F.S.; providing a procedure under which a child may be temporarily removed from his or her home while injunctive relief is sought; providing requirements for a safety plan; specifying circumstances under which a child must be taken into protective custody while injunctive relief is sought; amending s. 39.4086, F.S.; expanding the program for attorneys ad litem for dependent children from a pilot program within a specified judicial circuit into a program in additional circuits; requiring that the Office of the State Courts Administrator administer the program or contract with a public or private entity to administer the program; providing for an attorney to be appointed within the judicial circuits to oversee the program; requiring the Office of the State Courts Administrator to develop a training program for attorneys ad litem; providing procedures for the court to appoint an attorney ad litem under the program; requiring that the Office of the State Courts Administrator evaluate the program and report to the Legislature and the Governor; requesting the State Supreme Court to adopt rules governing the duties of attorneys ad litem; amending s. 402.731, F.S.; requiring that the Department of Children and Family Services develop criteria for certifying employees and agents who conduct investigations involving certain children who receive services from the department or its service providers; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Cowin—

SJR 1860—A joint resolution proposing an amendment to Section 11 of Article V of the State Constitution, relating to judicial vacancies, to provide a method for filling such vacancies and to require judicial nominating commission proceedings to be public.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar.

By Senator Jones—

SB 1862—A bill to be entitled An act relating to education funding; providing for the allocation of funds by a school board; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Bronson—

SB 1864—A bill to be entitled An act relating to DNA analysis; amending s. 943.325, F.S.; authorizing use of biological specimens other than blood for DNA analysis; authorizing use of trained, nonmedical personnel in collecting specimens; providing for collection of specimens from persons who are required to provide specimens but have never been incarcerated; providing immunity from liability for persons assisting in collecting specimens; authorizing collection of specimens at remote sites; amending s. 760.40, F.S.; exempting tests performed under s. 943.325, F.S., from requirements for informed consent to genetic testing; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Dawson—

SB 1866—A bill to be entitled An act relating to subsidized child care; amending s. 402.3015, F.S.; requiring that certain unspent funds be used to provide child care for families who are employed and whose income does not exceed a specified percent of the federal poverty level; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Latvala—

SB 1868—A bill to be entitled An act relating to insurance; transferring and renumbering s. 624.4435, F.S., relating to assets of insurers and reporting requirements; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Latvala—

SB 1870—A bill to be entitled An act relating to insurance; amending ss. 624.462, 624.4621, F.S.; requiring commercial self-insurance funds and group self-insurance funds that provide workers' compensation coverage to participate in the Florida Workers' Compensation Insurance Guaranty Association rather than the Florida Self-Insurance Fund Guaranty Association; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Carlton—

SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Sullivan—

SB 1874—A bill to be entitled An act relating to postsecondary education; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell work products; providing for any or all of the proceeds derived from such activities to be used to develop and maintain the computer-assisted student advising system; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Cowin—

SB 1876—A bill to be entitled An act relating to liability of primary and secondary educational institutions and personnel; creating the “Teacher Protection Act”; providing legislative findings; providing definitions; providing that educational entities and their employees are not subject to liability for certain acts relating to control and discipline of students; providing exceptions; prohibiting punitive and exemplary damages; providing penalties for filing false accusations of criminal activity against employees of educational entities; providing that maintenance of insurance is not a waiver of defenses; providing applicability; providing an effective date.

—was referred to the Committees on Education; and Judiciary.

By Senators Horne, Carlton, Sanderson and Peaden—

SB 1878—A bill to be entitled An act relating to tax on communications services; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; revising provisions relating to application of the tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer’s place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes; amending s. 202.17, F.S.; removing the registration fee for dealers of communications services; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service to local governments and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions that authorize the imposition of local communications services taxes and provide for expression of the tax rate, use of revenues, and certain credits; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., which is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer’s duty to update a database and to the amount of dealer’s credit allowed when an alternative method of assigning service addresses is

used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting provisions relating to legislative review; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer’s credit; amending s. 337.401, F.S.; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal, prior to their October 1, 2001, effective date, of the remaining provisions of ch. 202, F.S., which provide for the taxation of the sale of communications services, of other statutory amendments that provide related administrative provisions, of provisions that remove levy of the municipal public service tax on telecommunication services, of provisions that provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S., of provisions that remove the imposition of tax under ch. 212, F.S., on telecommunication service, of provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, and of provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Klein—

SB 1880—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term “electronic transmission” to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet; amending s. 607.0721, F.S.; providing requirements for the voting of shares held by partnerships, limited liability companies, and other similar entities; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional procedures for shareholders to use in exercising certain rights; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

SR 1882—Not referenced.

By Senator Laurent—

SB 1884—A bill to be entitled An act relating to career criminals; defining the term “career criminal” for purposes of the act; requiring that an offender who is convicted as a habitual felony offender, a habitual violent felony offender, a violent career criminal, a three-time violent felony offender, or a prison releasee reoffender register with the sheriff of the county in which the offender resides; specifying the information

to be provided to the sheriff; providing for the registration of a career criminal who is in the custody or control of, or under the supervision of, the Department of Corrections; providing for the registration of a career criminal who is in the custody of a local jail; requiring that a career criminal register within a specified period with the sheriff following the establishment of permanent or temporary residence in the state; requiring that the career criminal also register in person at a driver's license office of the Department of Highway Safety and Motor Vehicles; requiring the sheriff to notify the state attorney and police chief of the county where the career criminal maintains a residence; requiring that the career criminal notify the sheriff before he or she establishes residence in another state; requiring that the sheriff maintain information concerning career criminals; providing that information concerning career criminals is a public record; authorizing the sheriff to disseminate such information; providing a penalty for failure to register as required and for failure to maintain such registration; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Sanderson—

SB 1886—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; creating s. 20.121, F.S.; creating the Department of State Finance; providing duties of the Chief Financial Officer as head of the department; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the offices of Commissioner of Insurance, Commissioner of Financial Institutions, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction of the commissioners' offices; providing for exercise of executive authority; prescribing rulemaking authority; transferring certain powers, duties, functions, and assets of the Comptroller, Treasurer, Department of Banking and Finance, and Department of Insurance to the Office of Chief Financial Officer; transferring certain powers, duties, functions, and assets of the Department of Banking and Finance and Department of Insurance to the Department of Insurance and Financial Services; specifying those rules of the Department of Banking and Finance and the Department of Insurance that become rules of the Department of Insurance and Financial Services and those that become rules of the Office of Chief Financial Officer; providing for preservation of validity of judicial and administrative actions; providing for substitution of parties; creating the Office of Transition Management; specifying its powers and duties; providing for appropriations; requiring reports to the Governor and Legislature; providing for conforming legislation; repealing ss. 20.12, 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Peaden—

SB 1888—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida; converting said act as amended to an ordinance of the City of Pensacola; revising definitions; revising provisions relating to designation of employee contributions; revising provisions relating to refund of contributions with less than 10 years of credited service; revising provisions relating to disability injury or illness in line of duty and for disability injury or illness not in the line of duty; revising provisions relating to other benefit provisions; providing for protection of benefits from legal process; revising provisions for investment of funds; providing for repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

SB 1890—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; authorizing the board to sell tangible personal property related to its utility services under certain circumstances; providing for salaries of board members to be set by resolution; authorizing the board to extend beyond the limits of Monroe County any public utilities under its jurisdiction under certain circumstances; providing for issuance of refunding revenue bonds by the board; authorizing the board to issue commercial paper notes and variable rate bonds and enter into interest rate swap transactions; revising notice provisions relating to sale of bonds; providing for sale of bonds at competitive or negotiated sale rather than public sale; revising eligibility requirements for a special utility rate; authorizing the board to make expenditures for advertising the utility system; authorizing the board to expend funds for emergency purchases; changing a time period for delivery of annual audits to the City Commission of the City of Key West; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Peaden—

SB 1892—A bill to be entitled An act relating to the Civil Service System of the City of Pensacola, Escambia County, Florida; converting chapter 84-510, Laws of Florida, as amended by chapters 88-537, 86-447, and 90-473, Laws of Florida, into an ordinance of the City of Pensacola; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Peaden—

SB 1894—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 4 of chapter 15425, Laws of Florida, 1931, as amended; providing for clarification of the qualifications for a candidate for election to or appointment to fill a vacancy on the city council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Constantine—

SB 1896—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing educational requirements for licensees and principal representatives for license renewal; amending s. 494.0031, F.S.; expanding the scope of mortgage broker schools to include training for other persons in the mortgage business; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative and requiring the testing of such persons; amending s. 494.0064, F.S.; conforming provisions; amending s. 494.0067, F.S.; requiring loan originators and associate employees to complete certain continuing education programs; providing reporting requirements; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 1898—A bill to be entitled An act relating to the State Technology Office; providing intent; requiring a study and report to the Legislature regarding the collection and storage of certain information; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 1900—A bill to be entitled An act relating to youth organizations; creating the “Defense of Scouting Act”; prohibiting governmental agencies from placing specified limitations on certain youth organizations; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Comprehensive Planning, Local and Military Affairs.

By Senator Constantine—

SB 1902—A bill to be entitled An act relating to food service employee training; amending s. 509.049, F.S.; establishing a certificate program to identify employees who have received such training; revising provisions related to training programs that provide minimum food safety standards; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Meek—

SB 1904—A bill to be entitled An act relating to teacher certification; amending s. 231.17, F.S.; allowing the Department of Education, in specified circumstances, to grant an extension of the deadline for achieving passing scores on the College Level Academic Skills Test or on other basic skills examinations required by state board rule to a person who has a documented learning disability; allowing the department to waive, in specified circumstances, the requirement to achieve passing scores on the College Level Academic Skills Test or on other basic skills examinations required by state board rule for a person who has a documented learning disability; allowing the department, in specified circumstances, to grant an extension of the deadline for achieving passing scores on the professional education competency examination required by state board rule to a teacher who has a documented learning disability; allowing the department, in specified circumstances, to waive the requirement to achieve passing scores on the professional education competency examination for a teacher who has a documented learning disability; allowing the department, in specified circumstances, to grant to an entry-level applicant for certification an extension of time for attaining satisfactory scores on an examination that tests the applicant’s mastery of general knowledge; providing an effective date.

—was referred to the Committee on Education.

By Senator Latvala—

SB 1906—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months’ premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.902, F.S.; authorizing insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Lawson—

SB 1908—A bill to be entitled An act relating to resource recovery; amending s. 403.703, F.S.; defining the term “recoverable construction and demolition materials”; amending s. 403.704, F.S.; providing standards for classification of materials as recoverable construction and demolition materials; providing restrictions on local government regulation; providing an effective date.

—was referred to the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

By Senator Garcia—

SB 1910—A bill to be entitled An act relating to medical practice; creating s. 458.35, F.S.; limiting to certain medical licensees the ownership or operation of medical practice settings or diagnostic facilities; providing exemptions; providing for the adoption of rules; providing responsibilities for medical directors of such facilities; providing penalties; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Criminal Justice; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Laurent—

SB 1912—A bill to be entitled An act designating the official citrus archive of Florida; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Governmental Oversight and Productivity.

By Senator Smith—

SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; authorizing the Secretary of Juvenile Justice to issue subpoenas and require statements; providing for enforcement of a subpoena pursuant to court order; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 230.23161, F.S.; providing legislative goals with respect to educational services within department programs; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; amending s. 943.085, F.S.; providing legislative intent with respect to the training and compensation of officers in criminal justice agencies and within the Department of Juvenile Justice; amending s. 943.10, F.S.; defining the term “inspector specialist”; amending s. 943.13, F.S.; providing minimum qualifications for employment as an inspector specialist for the Department of Juvenile Justice; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01, 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; prohibiting the Department of Juvenile Justice from exempting certain persons from a disqualification from employment; amending s. 985.03, F.S.; revising definitions; defining the term “respite” for purposes of ch. 985, F.S.; amending ss. 985.207, 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; amending s. 985.215, F.S.; providing for the clerk of the court to collect and maintain certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231, 985.233, F.S.; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; providing for the clerk of the court to collect and maintain certain fees; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.31, F.S.,

relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; clarifying conditions under which a juvenile may be transferred; creating s. 985.4043, F.S.; providing certain payments made under a provider service contract to be deposited into the Administrative Trust Fund; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; providing effective dates.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Sebesta—

SB 1916—A bill to be entitled An act relating to recreational activities at facilities for elderly or disabled adults; authorizing bingo games for residents or clients of certain facilities for the elderly or disabled, and their guests; providing conditions; providing for use of proceeds; providing exemption from local regulation and fees; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Criminal Justice.

By Senator Garcia—

SB 1918—A bill to be entitled An act relating to the Aftercare Pilot Program; requiring the Department of Education to conduct an Aftercare Pilot Program to provide homework assistance and free dinner after school to certain children in schools selected for participation; providing program requirements; identifying a source of funds; requiring a report to the Legislature; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Crist—

SB 1920—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 320.0805, F.S.; creating the Florida Mobile Home Relocation Trust Fund; providing for its purposes; creating the Florida Mobile Home Relocation Corporation; providing for the membership and authority of the corporation; providing for review and termination or re-creation of the trust fund; creating s. 320.08051, F.S.; providing for the levy of a surcharge on mobile home license taxes; amending s. 320.081, F.S.; providing for the collection and distribution of the license tax surcharge; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 1922—A bill to be entitled An act relating to agriculture and consumer services; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to

the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; authorizing the department to repair or construct structures; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.002, F.S.; prohibiting regulation of care and treatment of livestock and poultry by other agencies when the department has undertaken to do so; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the “Humane Slaughter Act”; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; providing effective dates.

—was referred to the Committees on Agriculture and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Pruitt—

SB 1924—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to burial records and need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.101, F.S.; providing membership and terms of the Board of Funeral Directors, Embalmers, and Cemetery Services; amending s. 497.103, F.S.; providing rulemaking authority; amending s. 497.105, F.S.; providing for appointment of the executive director of the board; amending s. 497.107, F.S.; providing headquarters of the board; amending s. 497.109, F.S.; conforming provisions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions establishing the percentage of payments for burial rights to be deposited in care and maintenance trust funds; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; amending s. 497.257, F.S.; requiring cemetery companies to disclose to purchasers the month and year of scheduled completion of units of mausoleums, columbaria, or below-ground crypts under construction; creating s. 497.258, F.S.; requiring permanent labels on containers used for inurnment of human remains;

amending s. 497.309, F.S.; applying recordkeeping requirements to certificateholders; amending s. 497.337, F.S.; revising provisions relating to delivery of the sale of personal property and services; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by a cemetery, to conform; amending s. 497.405, F.S.; requiring a certificate of authority to guarantee funeral merchandise or services in the future or offer a preneed contract; amending s. 497.413, F.S., relating to the Preneed Funeral Contract Consumer Protection Trust Fund; providing for separate accounting of funds received pursuant to s. 497.425, F.S., from bond sureties; authorizing the Board of Funeral and Cemetery Services to adopt rules for the distribution of such separated funds; revising the total amount of restitutions that may be made from the trust fund in any fiscal year to certain applicants; amending s. 497.417, F.S.; providing entities with which deposits for a preneed trust fund may be placed; providing a restriction on the amount of trust assets of a preneed contract a certificateholder may vest title to; amending s. 497.425, F.S., relating to financial responsibility alternatives to the placing in trust of preneed contract funds; revising the amount required to be secured by a surety bond; authorizing the sale of preneed merchandise and services under other forms of security; revising requirements relating to the filing of claims with such sureties; providing for deposit in the Preneed Funeral Contract Consumer Protection Trust Fund of sums received by the board from sureties for payment to claimants; providing for payment to such claimants from the trust fund; amending s. 497.429, F.S.; revising requirements for disbursement of trust funds discharging or refunding a preneed contract; amending s. 470.002, F.S.; providing for future redefinition of the terms "department" and "board"; amending s. 470.003, F.S.; providing for future placement of the Board of Funeral Directors and Embalmers within the Department of Banking and Finance; providing for future transfer of all records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of ch. 470, F.S., relating to funeral directing, embalming, and direct disposition, from the Department of Business and Professional Regulation to the Department of Banking and Finance; preserving the validity of judicial and administrative proceedings pending at the time of such transfer and the validity of licenses and registrations in effect at the time of such transfer; requiring the Department of Banking and Finance to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the impact of merging the Board of Funeral Directors and Embalmers with the Board of Funeral and Cemetery Services, including proposed legislation providing for the merger; providing effective dates.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator King—

SB 1926—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising a monetary limit in the definition of the term "casual"; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.14, F.S.; requiring the employee to provide information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as the "response to petition"; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; authorizing not holding a hearing under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; removing the division's participation in indigency proceedings; amending s. 440.271, F.S.; requiring the First District Court of Appeal to

establish a specialized division to hear workers' compensation cases; amending s. 440.34, F.S.; providing for a response to petition; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; conforming cross-references; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.44, F.S.; revising record requirements; amending s. 440.45, F.S.; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.59, F.S., eliminating injury report; revising reporting requirements; amending s. 440.593, F.S., providing enforcement authority relating to electronic reporting; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending ss. 489.114, 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; repealing s. 440.45(3), F.S., relating to judges of compensation claims serving as docketing judges; repealing s. 440.49(13), F.S., relating to the Special Disability Trust Fund Privatization Commission; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Campbell, Dawson, Lawson, Miller, Dyer, Wasserman Schultz, Rossin and Klein—

SB 1928—A bill to be entitled An act relating to elections; amending s. 98.097, F.S.; requiring that the central voter file administered by the Division of Elections of the Department of State immediately reflect changes to information in the file and that such changes be immediately available statewide to users of the file; amending s. 102.111, F.S.; prohibiting members of the Elections Canvassing Commission from affiliating with a political candidate or political campaign; requiring the commission to certify election returns on the date set by federal law for certification of overseas absentee ballots; requiring the Department of State to develop an expedited process for certifying voting machinery and a procedure for accepting, handling, and counting provisional ballots; providing that every voter is entitled to have a provisional ballot; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 1930—A bill to be entitled An act relating to public records; amending s. 98.0975, F.S.; providing that information contained in the central voter file administered by the Division of Elections of the Department of State is privileged and confidential; providing for future review and repeal; providing a legislative finding of public necessity; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Laurent—

SB 1932—A bill to be entitled An act relating to drug trafficking; authorizing the creation of a pilot program in Orange County to inter-

cept illegal drug shipments through package delivery services; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Garcia—

SB 1934—A bill to be entitled An act relating to the Bay of Pigs and Operation Mongoose Historical Site and Memorial Study Group; establishing the Bay of Pigs and Operation Mongoose Historical Site and Memorial Study Group; providing for membership of the study group; requiring the study group to compile and submit a report; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Oversight and Productivity.

By Senator Sanderson—

SB 1936—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.73, F.S.; authorizing pari-mutuel wagering at any time in the state; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Garcia—

SB 1938—A bill to be entitled An act relating to charitable organizations; amending s. 496.407, F.S.; requiring such organizations to make their annual returns available for public inspection; requiring that a notice be published regarding such availability; providing an effective date.

—was referred to the Committee on Agriculture and Consumer Services.

By Senator Garcia—

SB 1940—A bill to be entitled An act relating to relocatable classroom facilities; amending s. 235.061, F.S.; postponing the date after which relocatables that fail to meet standards established by the Commissioner of Education may not be used as classrooms; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Diaz de la Portilla—

SB 1942—A bill to be entitled An act relating to employment screening; requiring administrators of medical clinics to successfully complete level 1 background screening; providing for payment of screening costs; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Burt—

SB 1944—A bill to be entitled An act relating to state technology systems; providing legislative intent; creating the position of Chief Privacy and Public Access Officer; assigning duties; requiring each state agency and university in the State University System to conduct a sur-

vey; providing requirements for the survey content; providing for a report to the Legislature; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Bronson—

SB 1946—A bill to be entitled An act relating to student educational improvement; creating s. 229.604, F.S.; defining the term “educational technology”; requiring school improvement plans to include strategies for implementing educational technology; providing requirements for the educational technology component of such plans; requiring the development, submission, and annual revision of a district educational technology plan; requiring the Department of Education, in consultation with the Educational Technology Advisory Group, to develop and annually update a state educational technology plan; providing requirements for such plan; requiring the development of technology capability thresholds; requiring the department to establish the Technology Services and Products Bank; requiring the Technology Services and Products Bank to perform certain functions; providing requirements for the distribution and use of technology funding; requiring an annual report; providing requirements for the contents of the report; establishing the Educational Technology Advisory Group; providing duties, membership, reimbursement of per diem and travel expenses, and meeting procedures; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Crist—

SB 1948—A bill to be entitled An act relating to drivers’ licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers’ licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers’ licenses or identification cards; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Jones—

SB 1950—A bill to be entitled An act relating to voter registration; creating s. 97.0584, F.S.; requiring each school district to establish a voter registration program that offers eligible high school students in the district the opportunity to register to vote or to update a voter registration record at least once a year in the spring; providing that participation is mandatory for public high schools and voluntary for nonpublic high schools; providing requirements of the participating high schools, the school districts, and the supervisors of elections with respect to the program; specifying eligibility requirements; providing for use of county voting equipment in certain school elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Garcia—

SB 1952—A bill to be entitled An act relating to site rehabilitation of contaminated sites; creating s. 376.30701, F.S.; extending application of risk-based corrective-action principles to all contaminated sites resulting from a discharge of pollutants or hazardous substances; providing for

contamination cleanup criteria that incorporate risk-based corrective-action principles to be adopted by rule; providing clarification that cleanup criteria do not apply to offsite relocation or treatment; specifying the conditions under which further rehabilitation may be required; creating s. 376.30702, F.S.; creating the State-Owned Lands Cleanup Program to address site rehabilitation of contaminated state-owned lands; stating legislative findings and intent; directing the Department of Environmental Protection to use existing site-priority ranking and cleanup criteria; establishing liability protection; specifying conditions under which the department must seek cost recovery; providing exclusions; amending s. 199.1055, F.S.; providing for tax credits; providing a time period for use of tax credits; amending s. 220.1845, F.S.; providing for tax credits; providing a time period for use of tax credits; allowing taxpayers to claim credit on a consolidated return up to the amount of the consolidated group's tax liability; amending s. 376.30781, F.S.; providing for tax credits; prescribing the tax-credit application time period; revising the deadline; prohibiting placeholder applications; cross-referencing sections governing transferability of tax credits; eliminating obsolete provisions; providing an effective date.

—was referred to the Committees on Natural Resources; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Rossin—

SB 1954—A bill to be entitled An act relating to the small-school requirement; amending s. 235.2157, F.S.; eliminating the requirement that schools other than elementary schools must not exceed a specified student population; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Latvala—

SB 1956—A bill to be entitled An act relating to motor vehicles dealers; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; providing for the award of attorney's fees and court costs; repealing s. 320.27(9)(n), F.S.; relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Economic Opportunities; and Judiciary.

By Senator Latvala—

SB 1958—A bill to be entitled An act relating to public records exemptions; amending s. 440.45, F.S.; exempting from public record requirements certain information obtained by the Division of Administrative Hearings in investigating complaints against judges of compensation claims; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Capital Collateral Regional Counsel - Southern Region Appointee: Dupree, Neal A., Hollywood	09/30/2003
Florida Communities Trust Appointee: Alfonso, Carlos J., Tampa	01/31/2005
State of Florida Correctional Medical Authority Appointees: Baker, Jeannie B., Lake Butler Etheredge, H. Rex, Jacksonville Mahaney, Patricia LaHaie, Ft. Lauderdale Rainey, Russell B., Tallahassee Russell, Barbara, Miramar	09/30/2003 09/30/2004 09/30/2002 07/01/2004 07/01/2004
Board of Cosmetology Appointees: Caetano, Joseph P., Tampa Osborne, Donna J., Altamonte Springs	10/31/2004 10/31/2004
Board of Directors, Enterprise Florida, Inc. Appointee: Bowden, Travis J., Pensacola	07/01/2004
Board of Funeral Directors and Embalmers Appointees: Hall, Alfonza L., Tallahassee	10/31/2002
Board of Hearing Aid Specialists Appointee: Smith, Wayne Lee, Leesburg	10/31/2004
Florida Inland Navigation District Appointees: Barck, Grayce K., New Smyrna Beach Byrd, Gail A., Pt. Salerno Engle, Susan M., Ft. Lauderdale Hoffman, Kenneth F., Vero Beach Padera, Charles A., St. Augustine	01/09/2005 01/09/2005 01/09/2005 01/09/2005 01/09/2005
Board of Orthotists and Prosthetists Appointees: Gallo, Morris G., Ft. Myers Goris, David S., Spring Hill	10/31/2003 10/31/2002
Northeast Florida Regional Planning Council, Region 4 Appointee: Laibl, George W. "Chip", Jr., Palatka	10/01/2003
Withlacoochee Regional Planning Council, Region 5 Appointees: Beard, Terrell E., Ft. McCoy Bertoch, Carl A., Beverly Hills Caruthers, Reginald P., Oxford Moore, Mark L., Jr., Yankeetown Poole, Eugene A., Ocala Powers, Linda B., Inverness Sawyer, Joseph Wayne, Floral City Schraut, Gary E., Brooksville	10/01/2003 10/01/2003 10/01/2003 10/01/2003 10/01/2001 10/01/2003 10/01/2003 10/01/2003
Southwest Florida Regional Planning Council, Region 9 Appointee: Leonard, F. Richard, Punta Gorda	10/01/2003
Florida Commission on Veterans' Affairs Appointee: Kelly, Everett A., Lady Lake	11/16/2005
Board of Veterinary Medicine Appointee: O'Neil, Robert E., Coral Springs	10/31/2004
Governing Board of the Northwest Florida Water Management District Appointee: Carter, Hulan, Chipley	03/01/2002
Governing Board of the St. Johns River Water Management District Appointees: Branch, W. Michael, Fernandina Beach Graham, David G., Jacksonville Moore, Ann Taylor, Bunnell Walker, Catherine A., Altamonte Springs	03/01/2002 03/01/2005 03/01/2005 03/01/2002
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District Appointee: Harris, Tina C., Palm Harbor	03/01/2004

*Office and Appointment**For Term
Ending***SENATE PAGES**

March 19-23

Governing Board of the Suwannee River Water
Management District

Appointees: Jones, Georgia Cochran, Lake City	03/01/2002
Lake, Oliver J., Lake City	03/01/2002
Maultsby, John Paul, Madison	03/01/2005
Shiver, Louis C., Mayo	03/01/2005

[Referred to the Committee on Ethics and Elections.]**CO-SPONSORS**Senators Bronson—SB 1758; Clary—SB 1428; Cowin—SB 120;
Crist—SB 1166, SB 1568; Horne—SB 302; Lee—CS for SB 400

Judd Adams, Palmetto; Will Adams, Palmetto; Matthew Benyon, West Palm Beach; Daniel “Dan” Campbell, Coral Springs; Jamie Champion, Tallahassee; Laura Clary, Destin; Marshall Connell, Monticello; Nathan Cornell, Fruitland Park; Daniel Cosson, Jr., Lake Butler; Christopher Denton III, Bradenton; Adriana Fazzano, Coral Springs; Amanda Fickling, Jacksonville; Alexis “Alex” Galvan, Brooksville; Megan Griffin, Bradenton; Jennifer “Kali” Herf, Crestview; Aaron Irving, Leesburg; Johnathan Johnson, Jacksonville; Derrick Lakhdar, Orange Park; Dietrich Lawrence, Jacksonville; Rhonda Nesbitt, Jacksonville; Nadia Nikolic, Sarasota; Christina Petrillo, Bradenton; Ryan Smith, Niceville; Sloan Spencer, Tallahassee; Christopher Vickers, Jacksonville



Journal of the Senate

Number 7—Regular Session

Wednesday, March 21, 2001

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CALL TO ORDER

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

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

PRAYER

The following prayer was offered by the Rev. Donald L. Roberts, President, Goodwill Industries Manasota, Inc., Sarasota:

Holy and Eternal God, the God of politics and politicians, we pray you would hear our prayer.

Well God, we are back at it again. The Senate is back in session and my, how our world has changed. Senator Toni Jennings is history and Senator John McKay is our very present reality.

The Governor wants us to cut taxes and services. The House runs off on its own tangents and President John has his own unique point of view.

O God, we confess we know our schools have infrastructure problems out the wazoo, our mental health strategies need to be updated, Medicare and Medicaid increases are the bull in our budget's china shop and our very own constitution prohibits rational tax strategies.

What is a Senate to do, O God, what is a Senate to do? I guess, O God, like usual in the remainder of our sixty days, we will simply muddle through. And once our muddling through is over, and the smoke has cleared and the session is over and we have gone home to face our constituencies, we might actually gain some clarity on what we collectively, have wrought here in Tallahassee.

Actually God, we don't like to think of ourselves as people who "muddle-through," but we confess we are Legislators, elected by the people of Florida to do this job. As Legislators, O God, we know our jobs are to create enough consensus to pick up at least 51 percent of the vote. While we hate to admit it, we know when we have to create consensus, the trade off is our once sharp, clear, well defined legislative visions have the tendency to become muddled, muddy messes we call legislation.

So in the end, O God, all we can really do is trust that your holy will be done, because we must confess we have the dickens of a time getting our individual wills done.

So, Holy Father God, open this Senate with your presence, enliven it with your spirit, consecrate it with a high calling to service and forgive us for our muddling through. It's honestly the best we can give you and the people of Florida. That, O God, is our story and we are sticking to it. Amen.

PLEDGE

Senate Pages Adriana Fazzano of Coral Springs, Jamie Champion of Tallahassee and Megan Griffin of Bradenton, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Maureen Campbell, sponsored by Senator Campbell, as doctor of the day. Dr. Campbell specializes in Emergency Medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Horne—

By Senator Horne—

SR 1174—A resolution recognizing March 6 as "Lymphedema D-Day" in Florida and expressing support for those who have lymphedema.

WHEREAS, lymphedema is an accumulation of lymphatic fluid which causes swelling in the arms, legs, or other areas of the body and affects both men and women, and

WHEREAS, the swelling caused by lymphedema can lead to severe infection or loss of the use of limbs, and patients who suffer from lymphedema must endure physical discomfort and disfigurement and must cope with the distress caused by these symptoms, and

WHEREAS, the single largest group of people who get lymphedema are cancer patients, including those who have breast, prostate, gynecological, head, neck, and lung cancer, sarcoma, and melanoma, and

WHEREAS, recent studies have indicated that 20 percent of breast cancer patients will get lymphedema after surgery and radiation, and

WHEREAS, according to the National Cancer Institute, there are a reported 8.5 million Americans living after a diagnosis of cancer, of whom about 2 million are breast cancer survivors, and

WHEREAS, no drug or effective surgical treatment for lymphedema currently exists, and

WHEREAS, research in all areas of lymphedema has been notably limited, and

WHEREAS, lymphedema, which has no cure and can occur any time, has a severe financial, physical, and psychological impact on patients, and

WHEREAS, each year on March 6th, the National Lymphedema Network sponsors Lymphedema D-Day to honor patients and to raise awareness of the treatment and severity of this condition, NOW, THEREFORE,

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

That the Florida Senate recognizes March 6th, in 2001, and in each succeeding year, as "Lymphedema D-Day" in Florida.

BE IT FURTHER RESOLVED that the Florida Senate encourages the residents of this state to honor and support the courageous patients who are living with and coping with this debilitating condition.

—**SR 1174** was introduced, read and adopted by publication.

On motion by Senator Carlton—

By Senator Carlton—

SR 1706—A resolution recognizing March as Colorectal Cancer Awareness Month and urging all men and women to become aware of the risks and symptoms associated with colorectal cancer.

WHEREAS, colorectal cancer is the second leading cause of cancer deaths in Florida, and

WHEREAS, it is estimated that this year physicians will diagnose 9,100 cases of colorectal cancer in Florida, and

WHEREAS, nationally less than 50 percent of individuals above age 50 receive annual screenings for colorectal cancer, and

WHEREAS, adopting a healthy diet at a young age can significantly reduce the risk of developing colorectal cancer, and

WHEREAS, March is also recognized as National Nutrition Awareness Month and the prevention of colorectal cancer is highly dependent on dietary factors, and

WHEREAS, regular screenings can save many lives, and

WHEREAS, education can help inform the public of methods of prevention and symptoms of early detection, NOW, THEREFORE,

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

That the Florida Senate recognizes March as Colorectal Cancer Awareness Month in Florida, and urges all men and women, and particularly members of high-risk populations, to become aware of the risks and symptoms associated with colorectal cancer and to become informed concerning screening tests and methods for early detection and treatment.

—was introduced out of order and read by title. On motion by Senator Carlton, **SR 1706** was read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 854** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 232** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; and **SB 202** was withdrawn from the Committee on Finance and Taxation.

On motion by Senator Lee, by two-thirds vote **SB 1724** was withdrawn from the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations; and referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 1650** was withdrawn from the Committees on Governmental Oversight and Productivity; Children and Families; Appropriations Subcommittee on General Government; and Appropriations; and referred to the Committees on Children and Families; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 260** was also referred to the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SB 262** was also referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations; **SB 2** was withdrawn from the Committees on Governmental Oversight and Productivity; and

Appropriations; and referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **SB 784** was withdrawn from the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations; and referred to the Committees on Commerce and Economic Opportunities; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations; **SB 714** was withdrawn from the Committees on Ethics and Elections; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; and referred to the Committees on Criminal Justice; Ethics and Elections; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SB 1806** was withdrawn from the Committees on Education; Appropriations Subcommittee on General Government; and Appropriations; and referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations; **SB 1840** was withdrawn from the Committees on Education; Appropriations Subcommittee on General Government; and Appropriations; and referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations; and **SB 228** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Horne, by two-thirds vote **SB 708** which has been reported favorably by the Appropriations Subcommittee on Education was withdrawn from the Committee on Appropriations; **CS for CS for SB 912** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with committee substitute was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **CS for SB 1018** which has been reported favorably by the Appropriations Subcommittee on Education was withdrawn from the Committee on Appropriations.

On motion by Senator Miller, by two-thirds vote **SB 352**, **SB 368** and **SB 1316** were withdrawn from the committees of reference and further consideration.

On motion by Senator Mitchell, by two-thirds vote **SB 64** was withdrawn from the committees of reference and further consideration.

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

SPECIAL ORDER CALENDAR

On motion by Senator Pruitt—

CS for SB 1018—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; providing for funding; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendments which were adopted:

Amendment 1 (844452)(with title amendment)—On page 14, between lines 22 and 23, insert:

12. *Notwithstanding any law to the contrary, each agency identified in paragraph 7. is authorized to share with a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, on any individual who is or has been the subject of a developmental screening within the jurisdiction of each agency.*

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: authorizing designated agencies to share confidential information with Learning Gateway programs;

Amendment 2 (935318)(with title amendment)—On page 21, between lines 8 and 9, insert:

Section 4. Paragraph (d) of subsection (3) of section 228.093, Florida Statutes, is amended to read:

228.093 Pupil and student records and reports; rights of parents, guardians, pupils, and students; notification; penalty.—

(3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR STUDENT.—The parent or guardian of any pupil or student who attends or has attended any public school, area vocational-technical training center, community college, or institution of higher education in the State University System shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a pupil or student has attained 18 years of age, or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents of the pupil or student shall thereafter be required of and accorded to the pupil or student only, unless the pupil or student is a dependent pupil or student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall formulate, adopt, and promulgate rules whereby parents, guardians, pupils, or students may exercise these rights:

(d) Right of privacy.—Every pupil or student shall have a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a pupil or student, and any personal information contained therein, are confidential and exempt from the provisions of s. 119.07(1). No state or local educational agency, board, public school, area technical center, community college, or institution of higher education in the State University System shall permit the release of such records, reports, or information without the written consent of the pupil's or student's parent or guardian, or of the pupil or student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a pupil or student may be released to the following persons or organizations without the consent of the pupil or the pupil's parent:

1. Officials of schools, school systems, area technical centers, community colleges, or institutions of higher learning in which the pupil or student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent, guardian, pupil, or student upon request.
2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.
3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.
4. Other school officials, in connection with a pupil's or student's application for or receipt of financial aid.
5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering pupil or student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of pupils or students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies.
6. Accrediting organizations, in order to carry out their accrediting functions.
7. School readiness coalitions and the Florida Partnership for School Readiness in order to carry out their assigned duties.
8. *Learning Gateway programs and the Learning Gateway steering committee in order to carry out their assigned duties.*

9.8. For use as evidence in pupil or student expulsion hearings conducted by a district school board pursuant to the provisions of chapter 120.

10.9. Appropriate parties in connection with an emergency, if knowledge of the information in the pupil's or student's educational records is necessary to protect the health or safety of the pupil, student, or other individuals.

11.10. The Auditor General in connection with his or her official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General is confidential and exempt from the provisions of s. 119.07(1) and shall be protected in such a way as will not permit the personal identification of students and their parents by other than the Auditor General and his or her staff, and such personally identifiable data shall be destroyed when no longer needed for the Auditor General's official use.

12.11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the pupil or student and the pupil's or student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the pupil or student, or his or her parent if the pupil or student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

13.12. Credit bureaus, in connection with an agreement for financial aid which the student has executed, provided that such information may be disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained pursuant to this paragraph to any person.

14.13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy, in-school and out-of-school suspensions, to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and which support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent, guardian, or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a pupil or student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization which is not listed in subparagraphs 1.-13., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information which it has designated as directory information with respect to all pupils or students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent, guardian, pupil, or student to inform the institution in writing that any or all of the information designated should not be released.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 228.093, F.S.; providing access to student records by Learning Gateway programs and the Learning Gateway steering committee;

Pursuant to Rule 4.19, **CS for SB 1018** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (410826)(with title amendment)—On page 32, line 28 through page 33, line 29, delete those lines and insert:

Section 15. Paragraph (a) of subsection (6) and subsection (7) of section 948.08, Florida Statutes, are amended to read:

948.08 Pretrial intervention program.—

(6)(a) Notwithstanding any provision of this section, a person who is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, *tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud; who has not been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence;* and who has not previously been convicted of a felony nor been admitted to a *felony* pretrial program referred to in this section; is eligible for admission into a pretrial substance abuse education and treatment intervention program approved by the chief judge of the circuit, for a period of not less than 1 year in duration, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time prior to trial and the defendant rejected that offer on the record, then the court or the state attorney may deny the defendant's admission to such a program.

2. If the state attorney believes that the facts and circumstances of the case suggest the defendant's involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling

of controlled substances, the court shall deny the defendant's admission into a pretrial intervention program.

(7) The chief judge in each circuit may appoint an advisory committee for the pretrial intervention program composed of the chief judge or his or her designee, who shall serve as chair; the state attorney, the public defender, and the program administrator, or their designees; and such other persons as the chair deems appropriate. *The advisory committee may not designate any defendant eligible for a pretrial intervention program for any offense that is not listed under paragraph (6)(a) without the state attorney's recommendation and approval.* The committee may also include persons representing any other agencies to which persons released to the pretrial intervention program may be referred.

And the title is amended as follows:

On page 2, line 20, after the semicolon (;) insert: providing requirements for a defendant to be designated as eligible for a pretrial intervention program;

Senator Villalobos moved the following amendment which was adopted:

Amendment 2 (474252)(with title amendment)—On page 20, between lines 18 and 19, insert:

Section 8. Section 944.7031, Florida Statutes, is created to read:

944.7031 *Eligible inmates released from private correctional facilities.*—

(1) *It is the intent of the Legislature that state inmates nearing release from a private correctional facility managed under chapter 957 are eligible for assistance under ss. 944.701-944.708, and all laws that provide for or mandate transition-assistance services to inmates nearing release also apply to inmates who reside in private correctional facilities.*

(2) *To assist an inmate nearing release from a private correctional facility, the department and the transition-assistance specialist shall coordinate with a designated staff person at each private correctional facility to ensure that a state inmate released from the private correctional facility is informed of and provided with the same level of transition-assistance services that are provided by the department for an inmate in a state correctional facility. Any inmate released from a private correctional facility shall also have equal access to placement consideration in a contracted substance-abuse-transition housing program, including those programs that have a faith-based component.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition-assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance-abuse-transition housing programs, including programs that have a faith-based component;

Pursuant to Rule 4.19, **CS for CS for SB 912** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BROWN-WAITE PRESIDING

On motion by Senator Laurent—

CS for SB 94—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; prohibiting certain communications with a debtor who is represented by an attorney; prohibiting the causing of charges to be made to a debtor; amending s. 559.77, F.S.; revising civil remedies for engaging in prohibited collection practices; providing for damages in class actions; prescribing circumstances under which liability does not attach; providing a limitation on bringing an action for a remedy for unlawful collection practices; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendments which were adopted:

Amendment 1 (085376)(with title amendment)—On page 5, between lines 27 and 28, insert:

(5) In applying and construing this section, due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to the federal Fair Debt Collection Practices Act.

And the title is amended as follows:

On page 1, line 13, following the semicolon (;) insert: providing for application of federal precedent regarding corresponding federal laws;

Amendment 2 (931120)—On page 5, line 11, before the period (.) insert: *, but in no event may this aggregate award provide an individual class member with additional statutory damages in excess of \$1,000*

Pursuant to Rule 4.19, **CS for SB 94** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 304—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term “employee,” for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Pruitt and adopted:

Amendment 1 (310024)—On page 3, line 27, after “any” insert: *constitutional*

Senator Pruitt moved the following amendment which was adopted:

Amendment 2 (635438)(with title amendment)—On page 3, between lines 25 and 26, insert:

(e) The administrative costs of the deferred compensation plan shall be wholly or partially self-funded. Fees for self-funding of the plan shall be paid by investment providers and may be recouped from their respective plan participants. The fees shall be deposited in the Deferred Compensation Trust Fund.

And the title is amended as follows:

On page 1, line 13, following the semicolon (;) insert: providing for funding costs of the deferred compensation plan;

Pursuant to Rule 4.19, **SB 304** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

SB 410—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring the Department of Education to adopt rules for emergency drills which must be followed by each district school board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 410** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 126** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Sullivan—

SB 708—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee’s beneficiary under specified conditions; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Sullivan:

Amendment 1 (923250)—On page 4, line 19, delete “to”

Senator Sullivan moved the following substitute amendment which was adopted:

Amendment 2 (291690)—On page 4, line 19, delete “to” and insert: *to*

Pursuant to Rule 4.19, **SB 708** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for CS for SB 126—A bill to be entitled An act relating to Xeriscape; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term “Xeriscape”; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners’ associations from restricting the practice of Xeriscape; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 1 (311018)(with title amendment)—On page 2, line 22; on page 3, line 30; on page 4, lines 7 and 26; and on page 7, line 4, before the period (.) insert: *or from constructing on such land an irrigation well permitted or exempted by the water management district*

And the title is amended as follows:

On page 1, line 6, before the semicolon (;) insert: *or the construction of irrigation wells*

Amendment 2 (282570)(with title amendment)—On page 8, line 19, before the period (.) insert: *or from constructing on such land an irrigation well permitted or exempted by the water management district*

And the title is amended as follows:

On page 1, line 11, before the semicolon (;) insert: *or the construction of irrigation wells*

Amendment 3 (880568)—In title, on page 1, line 2, delete “Xeriscape” and insert: *use of water resources*

Pursuant to Rule 4.19, **CS for CS for SB 126** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BROWN-WAITE PRESIDING

On motion by Senator Bronson—

SB 536—A bill to be entitled An act relating to demineralization concentrate; amending s. 403.0882, F.S.; reorganizing and clarifying the

section; directing the Department of Environmental Protection to enter into rulemaking; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 536** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

SB 1058—A bill to be entitled An act relating to vacancies in office; amending s. 114.01, F.S.; defining the term “qualify for office” for purposes of determining whether a vacancy has occurred; amending s. 114.04, F.S.; requiring certain persons appointed to office to be United States citizens; amending s. 114.05, F.S.; requiring all officials making appointments that are subject to Senate confirmation to follow certain procedures; amending s. 350.031, F.S.; providing for filling certain vacancies on the Public Service Commission; providing an effective date.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendments which were moved by Senator Posey and adopted:

Amendment 1 (224740)(with title amendment)—On page 2, lines 1-23, delete those lines and insert:

(1) Except as otherwise provided in the State Constitution, the Governor shall fill by appointment any vacancy in a state, district, or county office, other than a member or officer of the Legislature, for the remainder of the term of an appointive ~~office officer~~ and for the remainder of the term of an elective office, if there is less than 28 months remaining in the term; otherwise, until the first Tuesday after the first Monday following the next general election. With respect to any office which requires confirmation by the Senate, the person so appointed may hold an ad interim term of office subject to the provisions of s. 114.05. *The ad interim term runs from the date of appointment until the end of the next ensuing session of the Legislature, or until confirmation of an appointee for the unexpired portion of the term, whichever occurs first.*

(2) Each secretary or division director of a department of the executive branch who is required by law to be appointed by the Governor and confirmed by the Senate shall serve at the pleasure of the Governor, unless otherwise provided by law, and the appointment of such person shall run concurrently with the term of the Governor making the appointment. In the event a Governor is elected to a second term of office pursuant to s. 5, Art. IV of the State Constitution, each secretary or division director so appointed shall be reappointed or, at the discretion of the Governor, replaced by a new appointee. Reappointments to the same office shall be subject to confirmation by the Senate as provided in s. 114.05.

(Redesignate subsequent subsection.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: describing an ad interim term of office;

Amendment 2 (040262)(with title amendment)—On page 2, line 26, before the period (.) insert: *and a resident of the state*

And the title is amended as follows:

On page 1, line 8, after “citizens” insert: *and residents of the state*

Pursuant to Rule 4.19, **SB 1058** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 272—A bill to be entitled An act relating to law enforcement officers; amending s. 817.564, F.S.; providing an exemption from civil or

criminal liability for the sale of imitation controlled substances by law enforcement officers and other persons acting at their direction; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 272** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Horne—

SB 218—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 218** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

SB 130—A bill to be entitled An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 130** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 806—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 806** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 138—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adopted child under certain conditions; amending s. 63.052, F.S.; providing for placement of

a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for post-judgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; restricting certain criminal offenders from having minors placed in their homes for adoption and providing requirements in an at-risk placement before termination of parental rights; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or affidavit of nonpaternity; amending ss. 984.03, 985.03, F.S.; conforming cross-references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (512216)—On page 7, line 3, delete “~~or~~” and insert: or

Amendment 2 (801082)—On page 20, line 21, after “*fee*” insert: *and costs*

Amendment 3 (705690)—On page 34, line 17 and on page 35, line 1, delete “*section*” and insert: *paragraph*

Amendment 4 (803898)—On page 54, line 8, delete “*may*” and insert: *must*

Amendment 5 (302048)—On page 68, line 4, delete “*clerk of the*”

Amendment 6 (204600)—On page 71, line 10, after the period (.) insert: *Upon its completion, a copy of the home study must be provided to the intended adoptive parents who were the subject of the home study.*

Amendment 7 (705058)—On page 78, lines 16-19, delete those lines and insert:

(e) When a petition for a declaratory statement as to the adoption contract is filed prior to the commencement of proceedings to terminate parental rights, it must be filed in accordance with the venue requirements for the filing of the petition terminating parental rights under s. 63.087. Pursuant to s. 63.087, a previously filed petition for a declaratory statement filed under this section must be consolidated with a related subsequently filed petition for termination of parental rights. If the petition for declaratory statement is filed after the judgment terminating parental rights has been entered, the action for declaratory statement must be consolidated with any related petition for adoption. Only one filing fee may be assessed for both the adoption and declaratory statement petitions.

Amendment 8 (801620)—On page 80, delete line 3 and insert:

(c) A copy of any declaratory statement previously entered by the court pursuant to s. 63.102.

(d)(e) The surrender document must include documentation

Amendment 9 (754366)(with title amendment)—On page 101, between lines 17 and 18, insert:

Section 34. Section 395.1024, Florida Statutes, is created to read:

395.1024 Patients consenting to adoptions; protocols.—

(1) Each licensed facility shall adopt a protocol that, at a minimum, provides for facility staff to be knowledgeable of the waiting periods, revocation and the contents of the consent to adoption as contained in s. 63.082(4), and describes the supportive and unbiased manner in which facility staff will interact with birth parents and prospective adoptive parents regarding the adoption, in particular during the waiting period required in s. 63.082(4)(b) before consenting to an adoption.

(2) The protocol shall be in writing and be provided upon request to any birth parent or prospective parent of a child born in the facility.

Section 35. Section 383.310, Florida Statutes, is created to read:

383.310 Patients consenting to adoptions; protocols.—

(1) Each licensed facility shall adopt a protocol that, at a minimum, provides for facility staff to be knowledgeable of the waiting periods, revocation and the contents of the consent to adoption as contained in s. 63.082(4), and describes the supportive and unbiased manner in which facility staff will interact with birth parents and prospective adoptive parents regarding the adoption, in particular during the waiting period required in s. 63.082(4)(b) before consenting to an adoption.

(2) The protocol shall be in writing and be provided upon request to any birth parent or prospective parent of a child born in the facility.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 28, after the semicolon (;) insert: creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption;

Pursuant to Rule 4.19, **CS for CS for SB 138** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dawson, by two-thirds vote **SB 38** and **SB 220** were withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 44** was withdrawn from the committees of reference and further consideration.

On motion by Senator Wasserman Schultz, by two-thirds vote **SB 640** was withdrawn from the committees of reference and further consideration.

On motion by Senator Saunders, by two-thirds vote **SR 860** was withdrawn prior to introduction.

On motion by Senator Campbell, by two-thirds vote **SB 320** and **SB 1930** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bronson, by two-thirds vote **SB 4** and **SB 686** were withdrawn from the committees of reference and further consideration.

On motion by Senator Carlton, by two-thirds vote **SB 378** was withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 238** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of 3:00 p.m. Tuesday, March 27, was set for filing amendments to the appropriations bills to be considered Thursday, March 29.

On motion by Senator Lee, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, March 22.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 21, 2001: CS for SB 1018, CS for CS for SB 912, CS for SB 94, SB 304, SB 410, CS for CS for SB 126, SB 708, SB 536, SB 1058, SB 272, SB 218, SB 130, CS for SB 806, CS for CS for SB 138

Respectfully submitted,
Tom Lee, Chairman

The Committee on Natural Resources recommends the following pass: SB 1204 with 2 amendments

The bill was referred to the Committee on Agriculture and Consumer Services under the original reference.

The Committee on Education recommends the following pass: SB 820 with 1 amendment, SB 1162 with 1 amendment, SB 1190 with 1 amendment, SB 1264

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 674

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 916

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 518 with 1 amendment, SB 540, SB 918, SB 1198 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB 268

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Judiciary recommends the following pass: SB 890 with 2 amendments

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1194 with 1 amendment

The bill was referred to the Committee on Ethics and Elections under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1020 with 1 amendment

The bill was referred to the Committee on Finance and Taxation under the original reference.

The Committee on Education recommends the following pass: SB 940

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1212

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

The Committee on Education recommends the following pass: SB 1270

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Natural Resources recommends the following pass: SB 1296 with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: SB 720, SB 810

The Committee on Judiciary recommends the following pass: CS for SB 252, SB 1066 with 1 amendment

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

The Committee on Education recommends a committee substitute for the following: SB 986

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 954

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1274

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 84

The Committee on Education recommends a committee substitute for the following: SB 370

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1084

The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 842

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 888

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 108

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Latvala—

SB 1960—A bill to be entitled An act relating to health care access; creating a pilot program to provide health care coverage for uninsured persons; prescribing guidelines for the program and coverage thereunder; prescribing duties of the Agency for Health Care Administration; requiring records and access to records; providing remedies for unlawful or harmful acts by health care entities; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Carlton—

SB 1962—A bill to be entitled An act relating to the pilot RV mediation and arbitration program; amending s. 681.1096, F.S.; extending the pilot program an additional period; amending s. 681.1097, F.S.; providing for technical corrections to an arbitrator's decision; prescribing guidelines for appealing an arbitrator's decision; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; and Transportation.

By Senator Crist—

SB 1964—A bill to be entitled An act relating to assault and battery; creating s. 784.074, F.S.; providing enhanced penalties for the offenses of assault, battery, aggravated assault, or aggravated battery on a security officer licensed by the Department of State or on an investigator employed by the Bureau of Regulation and Enforcement of the Department of State; providing definitions; specifying minimum terms of imprisonment; providing that a person convicted of a violation under the act may not have adjudication of guilt or imposition of sentence suspended or withheld; providing that such person is ineligible for early release, except under certain circumstances; amending s. 784.081, F.S.; increasing penalties for an assault or battery committed against a municipal or county parks or recreation department employee; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Sullivan—

SB 1966—A bill to be entitled An act relating to liability; creating s. 768.1325, F.S.; providing immunity from civil liability for certain persons acquiring or using automatic external defibrillator devices; repealing s. 768.13(4), F.S., relating to automatic external defibrillators; amending s. 401.2915, F.S.; deleting a requirement that persons having access to automatic external defibrillators obtain specified training; providing an effective date.

—was referred to the Committees on Judiciary; and Health, Aging and Long-Term Care.

By Senator Mitchell—

SB 1968—A bill to be entitled An act relating to the State Law Enforcement Radio Operating Trust Fund; amending s. 282.1095, F.S.; creating the State Law Enforcement Operating Trust Fund; providing for its purposes; transferring a current trust fund balance; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Latvala and Garcia—

SB 1970—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the

Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Peadar—

SB 1972—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board's ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; removing the limit on the number of charters a school district may issue; permitting a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Carlton—

SB 1974—A bill to be entitled An act relating to long-term-care facilities; expressing the legislative intent to amend laws relating to the quality of care provided by long-term-care facilities and laws authorizing actions for negligence against such facilities; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 1976—A bill to be entitled An act relating to the Spaceport Florida Authority; amending s. 331.304, F.S.; providing for what constitutes spaceport territory; amending s. 331.305, F.S.; authorizing Spaceport Authority employees to participate in the state employee tuition waiver education and training program; amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; creating the Space Commerce Board; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Carlton—

SB 1978—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; providing that a qualifying entity is entitled to a refund for taxes paid on items purchased by the entity prior to receiving a consumer certificate of exemption; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating

the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term "section 38 property" with an express definition of the terms "industrial machinery and equipment" and "motion picture and video equipment"; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term "fixtures"; eliminating reference to the term "trade fixture"; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 220.22, F.S.; eliminating the initial year's information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Burt—

SB 1980—A bill to be entitled An act relating to criminal justice programs; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Villalobos—

SB 1982—A bill to be entitled An act relating to elections; amending s. 98.015, F.S.; requiring supervisors of elections to report to the Florida Elections Commission and the state attorney violations of the Florida Election Code; amending s. 102.155, F.S.; requiring a candidate to pay fines owed for violation of ch. 106, F.S., before the filing officer issues a certificate of election; amending s. 104.011, F.S.; prohibits a person from falsely swearing to an oath required by the code; amending s. 104.42, F.S.; requiring a supervisor of elections to investigate fraudulent registration and illegal voting; amending s. 106.011, F.S.; defining terms; amending s. 106.021, F.S.; prohibiting candidates from acting as their own campaign treasurer or deputy treasurer under certain conditions;

amending s. 106.023, F.S.; modifying the Statement of Candidate form; amending s. 106.04, F.S.; requiring committees of continuous existence to inform the Division of Elections when there are changes in necessary qualifying criteria; amending s. 106.055, F.S.; requiring candidates to estimate and report fair market value of goods or services received; amending s. 106.06, F.S.; requiring a treasurer to provide campaign records to a candidate within a specified time; requiring a candidate to keep such records for a specified time; providing a fine; amending s. 106.07, F.S.; making a candidate responsible for filing campaign reports; providing a limitation on reimbursed expenses; requiring the reporting of names of persons supplying communications media services; amending s. 106.071, F.S.; requiring independent political advertisements to contain names of persons paying for the advertisements; providing a penalty for making a false disclaimer in an independent political advertisement; amending s. 106.08, F.S.; clarifying requirements for contributing and soliciting charitable contributions; amending s. 106.09, F.S.; limiting cash and money order contributions; amending s. 106.11, F.S.; providing for payment by campaign funds for items obligated before a candidate was elected, became unopposed, or was eliminated only if the obligation was made in writing; amending s. 106.12, F.S.; specifying uses for petty cash; increasing the amount of petty cash that may be used by nonstatewide candidates and political committees; amending s. 106.1405, F.S.; prescribing guidelines for paying for goods and services provided by a family member; amending s. 106.141, F.S.; eliminating a candidate's right to reimbursement for personal loans to the campaign; increasing the amount of funds transferrable to an office account; requiring receipts for office account expenditures; authorizing inspection of receipts; amending s. 106.143, F.S.; modifying disclaimer requirements; amending s. 106.144, F.S.; modifying requirements for statements of endorsement; amending s. 106.15, F.S.; expanding prohibition against candidates using state employees' services during working hours to include all government employees; amending s. 106.18, F.S.; prohibiting the appearance of a candidate's name on the ballot if the commission finds the candidate violated s. 106.19(1), F.S., within the past 2 years; providing for a filing officer to certify that a candidate has filed all reports and paid all fines; creating s. 106.185, F.S.; providing for forfeiture of a candidate's salary and expenses for certain acts; amending s. 106.19, F.S.; providing a civil penalty for willful violation of s. 106.19(1)(a), F.S.; increasing the criminal penalty; amending s. 106.21, F.S.; providing for withholding or rescinding of a certification of election and removal from office for violation of s. 106.19(1), F.S.; providing judicial relief to an elector or a defected candidate against a successful candidate who is found guilty of such a violation; amending s. 106.23, F.S.; exempting provisions under the commission's jurisdiction from the scope of advisory opinions which may be given by the division; amending s. 106.24, F.S.; assigning the Florida Elections Commission to the Department of State; providing a general counsel for the commission; prohibiting the Division of Elections from using the Elections Commission Trust Fund for fraud investigations; amending s. 106.25, F.S.; expanding the jurisdiction of the commission; requiring the commission to investigate all violations of the code under its jurisdiction; requiring a filing officer to report code violations in writing to the commission; amending s. 106.26, F.S.; authorizing the commission to issue advisory opinions; amending s. 106.265, F.S.; increasing the amount of civil penalties which the commission may impose; providing for fines to be deposited into the Elections Commission Trust Fund; repealing s. 105.09, F.S., relating to political activity on behalf of candidates for judicial office; repealing s. 106.085, F.S., relating to independent expenditures; providing an appropriation; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Villalobos—

SB 1984—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; deleting the provision that medically necessary treatment does not include chiropractic services; specifying date for the Division of Workers' Compensation of the Department of Labor and Employment Security to adopt rules regarding criteria for approval of courses; providing that injured workers must receive reports that their attorneys and the carrier's attorneys receive at the time they receive the reports; deleting employee's responsibility for copayment for medical services; amending s. 440.15, F.S.; extending time for payment of benefits for temporary total disability; increasing the membership on the panel responsible for establishing a uniform permanent impairment

rating system; increasing the percentage of an employee's salary for purposes of impairment income benefits; prescribing a schedule for payment of benefits; providing that compensation is payable for psychological or emotional injury arising out of depression from being out of work; authorizing a judge of compensation claims to settle a dispute between two doctors relating to impairment; increasing the time for payment of temporary partial disability benefits; reducing the geographical area in which the employer must provide the employee with work appropriate to the employee's limitation; increasing the monetary fine for failure to provide such work; amending s. 440.191, F.S.; providing employees with the right to an attorney in a proceeding before the Employee Assistance and Ombudsman Office to resolve a dispute; amending s. 440.192, F.S.; providing that an employer is responsible for an employee's attorney's fees and costs in proceedings before a judge of compensation claims; providing applicability for s. 440.20(11)(c), F.S.; repealing s. 440.25(4)(j), F.S., relating to expedited hearings; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sanderson—

SB 1986—A bill to be entitled An act relating to group insurance for public officers, employees, and volunteers; amending s. 112.08, F.S.; prescribing procedure for a local governmental unit to replace health insurance when the contracting provider becomes financially impaired or fails or refuses to provide coverage; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Governmental Oversight and Productivity.

By Senators Lee, Miller, Sebesta and Crist—

SB 1988—A bill to be entitled An act relating to Hillsborough County; providing that, notwithstanding any provision of general law, the Hillsborough County Tourist Development Council shall consist of 11 members; providing that an elected municipal official shall be appointed to the council from each municipality within the county; providing that seven members shall be persons involved in the tourist industry; providing that the additional members shall be appointed within 30 days of the effective date of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Sebesta, Lee, Miller and Crist—

SB 1990—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 3(B), chapter 23559, Laws of Florida, 1945, as amended; providing for membership in Division B of the General Employees' Retirement Plan; amending s. 7, chapter 23559, Laws of Florida, 1945, as amended; providing for certain employees to elect to receive credit in the General Employees' Retirement Plan under certain conditions; amending s. 17, chapter 23559, Laws of Florida, 1945, as amended; providing for certain elective officers, department heads, and appointive officers to elect to receive credit in the General Employees' Retirement Plan under certain conditions; repealing chapter 86-405, Laws of Florida, and all other laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Sebesta, Lee, Miller and Crist—

SB 1992—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising certain death benefits; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Lee, Miller, Sebesta and Crist—

SB 1994—A bill to be entitled An act relating to Hillsborough County; amending chapter 98-499, Laws of Florida, relating to liens authorized by ordinance in favor of hospitals providing medical care, treatment, or maintenance to a patient, and in favor of the County when it pays for medical care, treatment, or maintenance of a patient; providing definitions; providing optional and mandatory components, both substantive and procedural, of any such implementing ordinance including establishing limitations on lien amounts, and providing for the treatment of other claims, noneconomic damages, and attorney's fees; requiring the ordinance to provide identical procedural remedies to hospitals and the County; providing for an offset for the cost of an insurance policy resulting in payment of any part of the lien amount; barring a lienholder or the lienholder's legal representative from additional compensation from the patient and others in relation to the charges covered by a lien; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Crist, Lee, Miller and Sebesta—

SB 1996—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for an increase in the accrual of benefits from 2.5 percent to 2.75 percent for each year of service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Crist, Lee, Miller and Sebesta—

SB 1998—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for the purchase of creditable service for past service; amending chapter 23559, Laws of Florida, 1945, as amended, relating to the General Employees' Pension Plan of the City of Tampa; revising the benefits to certain firefighters and police officers; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Bill numbers **2000—2002** have been reserved for appropriations bills.

By Senator Horne—

SB 2004—A bill to be entitled An act relating to education; providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from

being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; providing an effective date.

—was referred to the Committees on Education; Commerce and Economic Opportunities; Appropriations Subcommittee on Education; and Appropriations.

By Senator Cowin—

SB 2006—A bill to be entitled An act relating to public records; amending s. 985.412, F.S.; providing an exemption for certain records of the juvenile justice quality assurance review process; providing for future repeal and prior legislative review of the exemption; providing the public necessity for the exemption; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 2008—A bill to be entitled An act relating to economic development; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.906, F.S.; encouraging coordination of state audits of Enterprise Florida, Inc.; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Dawson—

SB 2010—A bill to be entitled An act relating to nursing and allied health professions; providing legislative findings; creating the Workforce Development Commission on the Critical Shortage in Nursing and Allied Health Professions within the Department of Education; providing commission duties and responsibilities; requiring a report to the Governor and to legislative officials; providing for commission membership, organization, meetings, procedures, staff, and reimbursement; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Crist—

SB 2012—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Latvala—

SB 2014—A bill to be entitled An act relating to elevators; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar equipment; providing for permits for construction or alteration; creating s. 399.046, F.S.; providing for licenses and certificates of competency for elevator contractors, elevator mechanics, and elevator inspectors; creating s. 399.106, F.S.; creating the Elevator Safety Review Board; providing for its membership and authority; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Rossin—

SB 2016—A bill to be entitled An act relating to traffic infractions; amending s. 318.14, F.S.; revising the noncriminal requirement that a person cited for a traffic infraction sign and accept a citation to appear; providing an effective date.

—was referred to the Committees on Transportation; and Judiciary.

By Senator Silver—

SB 2018—A bill to be entitled An act relating to determination of financial emergency; amending s. 218.503, F.S.; authorizing the use of surcharges on the rental of spaces at parking facilities in municipalities that have been declared in a state of financial emergency to facilitate economic growth by contributing to the development of public facilities; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Finance and Taxation.

By Senator Silver—

SB 2020—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant which is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sanderson—

SB 2022—A bill to be entitled An act relating to legislative oversight of governmental programs; amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions;

providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee's authority to conduct investigations; eliminating the content requirements for an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; eliminating a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; deleting the provision that the Office of Program Policy Analysis and Government Accountability is a unit of the Auditor General; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office; requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; providing protection for office workpapers; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement of examinations; amending s. 11.513, F.S.; conforming cross-references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, 943.2569, F.S.; providing for audits of programs; amending s. 20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending s. 20.23, F.S.; requiring the Department of Transportation to implement certain recommendations made by the Office of Program Policy Analysis and Government Accountability; amending ss. 24.105, 39.202, 119.07, 195.084, 213.053, 944.719, 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; conforming cross-references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, 985.311, F.S.; designating the Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, 311.07, F.S.; conforming cross-references; amending s. 125.01, F.S.; deleting a requirement that the

Auditor General retain county audit reports for a specific period of time; amending ss. 154.11, 253.025, 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; removing the Auditor General from the list of entities to receive a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be used by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen-support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, 985.4145, F.S.; providing for audits of direct-support organizations and citizen-support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; conforming a cross-reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; conforming a cross-reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214, F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits;

amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; conforming a cross-reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross-reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11, 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e), F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(l), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct-support organizations within the Department of Agriculture; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Rules and Calendar; Appropriations Subcommittee on Education; and Appropriations.

By Senator Pruitt—

SB 2024—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing a civil penalty for violation of certain established vessel speed limits; amending s. 328.72, F.S.; increasing registration fees for vessels; providing for the distribution of certain vessel fees; amending s. 328.76, F.S.; providing for the use of vessel and dealer registration fees transferred into the Marine Resources Conservation Trust Fund; providing funding for manatee protection; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 372.0215, F.S.; eliminating requirements for legislative authorization for use of commission funds for certain support organizations; amending s. 372.105, F.S.; revising provisions relating to the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; conforming cross-references; amending s. 372.16, F.S.; increasing the permit fee for a private game preserve or farm; amending s. 372.561, F.S.; prescribing requirements for the issuance of certain licenses to take wild animal life or aquatic life; amending s. 372.57, F.S.; prescribing requirements for licenses and permits to take game, freshwater fish, and saltwater fish; creating s. 372.5701, F.S.; prescribing requirements for the deposit of saltwater license fees and allocation of federal funds; creating s. 372.5702, F.S.; prescribing requirements for the expenditure of certain funds for marine research; creating s. 372.5704, F.S.; providing a license program to take tarpon; amending ss. 372.571, 372.5712, 372.5715, 372.573, F.S.; conforming cross-references; amending s. 372.547, F.S.; prescribing requirements for subagents for the sale of certain licenses and permits; creating s. 372.579, F.S.; authorizing the Fish and Wildlife Conservation Commission to prescribe a processing fee for certain li-

censes and permits; amending s. 372.661, F.S.; increasing fees for operating a private hunting preserve; amending s. 372.711, F.S.; providing for a fee for dismissing certain violations of license and permit requirements; amending s. 372.921, F.S.; increasing fees for possession and exhibition of wildlife; amending s. 372.922, F.S.; increasing certain fees for the personal possession of wildlife; repealing s. 370.0605, F.S., which provides for saltwater fishing licenses; repealing s. 370.0608, F.S., which provides for deposit of saltwater license fees; repealing s. 370.0609, F.S., which provides for expenditure of funds for marine research; repealing s. 370.0615, F.S., which provides for lifetime saltwater fishing licenses; repealing s. 370.062, F.S., which provides for tarpon tags and fees; repealing s. 370.1111, F.S., which provides for snook regulation; repealing s. 370.14(10) and (11), F.S., which provides for crawfish regulation; providing an effective date.

—was referred to the Committees on Natural Resources; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 2026—A bill to be entitled An act relating to waiver of sovereign immunity; amending s. 768.28, F.S.; waiving sovereign immunity for vicarious liability of the state or any of its agencies and subdivisions when an employee is operating a motor vehicle outside the course and scope of employment; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 2028—A bill to be entitled An act relating to production of certain records and other productions as a result of a subpoena, order, or warrant; creating s. 92.605, F.S.; defining terms; providing an exemption; providing requirements for production of records by an out-of-state corporation upon issuance of a subpoena, court order, or search warrant pertaining to such records; providing requirements for out-of-state corporations seeking to quash a subpoena or warrant; requiring out-of-state corporations to verify the authenticity of records such corporations are required to produce; providing requirements for the production of certain records by certain Florida corporations; providing that a cause of action does not arise against any out-of-state or Florida corporation or other specified persons for production of certain records, information, facilities, or assistance; providing an effective date.

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

By Senators Campbell and Smith—

SB 2030—A bill to be entitled An act relating to electrologists; amending s. 478.42, F.S.; redefining the term “electrolysis” to include the use of lasers or light-based devices for hair removal; amending s. 478.49, F.S.; requiring training in the use of such devices; requiring general supervision by a physician when such devices are used; amending s. 478.50, F.S.; revising criteria for training programs; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Clary—

SB 2032—A bill to be entitled An act relating to recreational facilities; providing conditions for the sale of recreational facilities within a residential subdivision governed by a homeowners’ association; providing exceptions; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Regulated Industries.

By Senator Latvala—

SB 2034—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Agriculture and Consumer Services.

By Senator Bronson—

SB 2036—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; requiring employers of state certified correctional officers to submit the officers’ fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation for processing and to maintain documentation of the processed prints on file; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; limiting the fees chargeable to officers for continuing workforce education; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term “accredited college”; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Crist—

SB 2038—A bill to be entitled An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Cowin—

SB 2040—A bill to be entitled An act relating to school financial accountability; creating s. 236.6851, F.S.; providing a short title; providing legislative intent; requiring district school boards to analyze or contract for the analysis of certain noninstructional school services; providing requirements for such analyses; authorizing a district school board to issue requests for proposals, and contract for the provision of noninstructional school services, under certain circumstances; authorizing the formation of consortia for the purpose of conducting analyses and issuing requests for proposals; requiring cost savings realized as a result of the requirements of this act to be retained by the school district and used for the improvement of educational services; requiring the Department of Education to provide technical assistance; providing funding; requiring

each district school board to report certain information to the Commissioner of Education; authorizing the adoption of rules; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Bronson—

SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term “new construction”; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator’s certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; repealing s. 482.211(11), F.S., which provides an exemption from regulation for certain yard workers; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 2044—A bill to be entitled An act relating to motor vehicles, vessels, and mobile homes; amending s. 320.03, F.S.; prohibiting the issuance of license plates or revalidation stickers to persons against whom a wrecker operator’s lien has been filed; amending s. 713.78, F.S.; providing procedures for wrecker operators to notify the department of the existence of a wrecker operator’s lien and providing procedures for the discharge of such liens; providing for fees and service charges; requiring the department to maintain a list of persons against whom such liens are filed and prohibiting the issuance of license plates or revalidation stickers to such persons; providing guidelines and providing for the adoption of rules; creating s. 328.25, F.S.; requiring the seller of a vessel to notify the Department of Highway Safety and Motor Vehicles of the sale of the vessel; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Constantine—

SB 2046—A bill to be entitled An act relating to school district finance; creating s. 236.255, F.S.; creating the School District Guarantee Program; allowing district school boards to request the financial backing of the state or county in the issuance of certificates of participation; providing that such financial backing by the state or county is optional and contingent on funds set aside for that purpose; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Education; and Appropriations.

By Senator Latvala—

SB 2048—A bill to be entitled An act relating to the sales and use tax; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from

the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Natural Resources; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Mitchell—

SB 2050—A bill to be entitled An act relating to health insurance; providing legislative intent to provide expanded access to health insurance for adults living in families whose income is at or below the federal poverty level and to access federal funds for this coverage; requiring the Agency for Health Care Administration to file amendments to the state plan and waiver requests with the U.S. Department of Health and Human Services; creating the Health Care Coverage Workgroup; providing membership and purpose; amending s. 409.901, F.S.; defining the term “family”; amending s. 409.904, F.S.; authorizing the agency to make payments for medical assistance for families and individuals whose income is at or below 133 percent of the federal poverty level; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

SR 2052—Not referenced.

By Senator Sebesta—

SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University’s College of Nursing the “Louis and Anne Green Alzheimer’s Research Center”; designating the Florida Atlantic University Dania Beach Campus facility the “Kenneth C. Jenne Building”; designating the observatory at Florida Gulf Coast University the “Evelyn L. Egan Astronomical Observatory”; designating the student and educational center at Florida Gulf Coast University the “Sugden Welcome Center”; designating the building at the Women’s Soccer and Softball Complex at Florida State University the “Mary Ann Stiles and Barry Smith Team Building”; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the “Kasha Laboratory”; designating the University of Central Florida’s School of Hospitality Management the “Rosen School of Hospitality Management” and the facility that houses said school “Rosen Hall”; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the “William W. and Nadine M. McGuire Hall”; designating the new alumni center at the University of Florida the “Emerson Alumni Hall”; designating the new accounting building at the University of Florida’s Warrington School of Business the “Gary R. Gerson Hall”; designating the women’s gymnasium at the University of Florida the “Kathryn Chicone Ustler Hall”; designating the marine science complex at the University of South Florida’s St. Petersburg Campus as the “C.W. ‘Bill’ Young Marine Science Complex”; authorizing the erection of suitable markers; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Sebesta—

SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 206.46, F.S.; increasing the debt service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s.

316.3027, F.S.; repealing 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; amending ss. 335.141, 341.302, F.S.; removing the department's authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 336.44, F.S.; substituting the criterion "lowest responsible bidder" for "lowest competent bidder"; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of design-build contracts for enhancement projects; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department's expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; repealing s. 341.051(5)(b), F.S., relating to methodology development for certain transit projects; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; revising requirements relating to harmony of regulations pertaining to signs; defining the term "federal-aid primary highway system"; providing that certain actions constitute a compelled removal that is prohibited without prior payment of just compensation; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility, under specified conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; deleting the permit requirement for solicitation at rest areas; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 2058—A bill to be entitled An act relating to dangerous dogs; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay for boarding during certain hearings and appeals and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 767.14, F.S.; deleting an application exemption; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Judiciary; and Comprehensive Planning, Local and Military Affairs.

By Senator Geller—

SB 2060—A bill to be entitled An act relating to the rulemaking authority of the Department of Insurance (RAB); amending s. 112.215, F.S.; providing for the administrative costs of the deferred compensation plan; amending s. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.748, F.S.; requiring insurance agents to maintain specified records; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 627.9408, F.S.; authorizing the department to adopt rules for long-term care insurance; providing an effective date.

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

By Senator Peaden—

SB 2062—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.171, F.S.; prohibiting the exercise of eminent domain powers over water and wastewater utilities regulated by a county; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Judiciary.

By Senator Crist—

SB 2064—A bill to be entitled An act relating to water and land use relationships; amending s. 163.3177, F.S.; providing additional criteria and requirements for comprehensive plan amendments; amending s. 163.3180, F.S.; providing additional limitations on concurrency requirements; deleting a public transit facilities exception to certain concurrency requirements; amending s. 373.019, F.S.; revising a definition; amending s. 373.223, F.S.; providing additional requirements for obtaining a permit; providing additional criteria for board evaluation of use of ground or surface waters; amending s. 373.229, F.S.; requiring board approval of permit applications during water shortages or emergencies; amending s. 373.246, F.S.; revising requirements, procedures, and limitations for declarations of a water shortage or emergency; amending s. 373.414, F.S.; revising criteria for certain mitigation activities in granting or denying a permit; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Natural Resources.

By Senator King—

SB 2066—A bill to be entitled An act relating to athlete agents; revising pt. IX, ch. 468, F.S., to adopt a uniform law for regulating athlete agents in place of current law regulating athlete agents; creating ss. 468.4611-468.4631, F.S.; providing a short title; providing definitions; providing for service of process and issuance of subpoenas; requiring registration of athlete agents and providing requirements therefor; providing for issuance and renewal of certificates of registration; providing for suspension, revocation, or refusal to renew registration; providing for temporary registration; providing fees; providing contract requirements; requiring certain notice to educational institution; providing student-athlete's right to cancel a contract; providing recordkeeping requirements; prohibiting certain conduct; providing criminal penalties, civil remedies, and administrative penalties; providing liability; providing for uniformity of application and construction; providing requirements with respect to electronic records, signatures, and contracts; repealing ss.

468.451-468.457, F.S., relating to regulation of athlete agents, to conform; providing applicability to current licensees; providing severability; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 2068—A bill to be entitled An act relating to students in community college aviation programs; creating a financial-aid program for such students; providing for loans and grants; providing eligibility criteria; prescribing duties of community colleges and of the Division of Community Colleges; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Saunders—

SB 2070—A bill to be entitled An act relating to final disposition of a body; amending s. 470.002, F.S.; redefining the term “legally authorized person” for purposes of ch. 470, F.S.; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Campbell—

SB 2072—A bill to be entitled An act relating to utility poles; requiring each utility using public rights-of-way to allow apparatus to be attached to its poles and to provide electric service for the apparatus; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Comprehensive Planning, Local and Military Affairs.

By Senator Brown-Waite—

SB 2074—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing an effective date.

—was referred to the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

By Senator Geller—

SB 2076—A bill to be entitled An act relating to child custody; creating the “Vivian Trout Parental Kidnapping Prevention Act”; authorizing the court to issue a protective custody warrant to secure the recovery of an unlawfully detained child; providing for the court to order the appearance of parties; providing for serving a protective custody warrant; requiring payment of the expenses of a party directed to appear before the court; providing definitions; authorizing the court to issue an emergency protective order under certain circumstances; providing requirements for notice; prohibiting the detention or concealment of a child from the lawful custodian or a person with a right to visitation; providing penalties; requiring that the court consider certain aggravating factors when sentencing a person for such violation; specifying certain mitigating factors; providing for payment of restitution to the state attorney or victim; providing certain exceptions to application of the act; specifying circumstances under which a law enforcement officer may take a child into protective custody; providing for the court to issue orders with respect to conflicting custodial orders; providing for determining juris-

diction; providing for enforcement; providing for review of a court order; providing an effective date.

—was referred to the Committees on Judiciary; Children and Families; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

SR 2078—Not referenced.

By Senator Carlton—

SB 2080—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; revising definitions; amending s. 624.155, F.S.; revising time periods for notice for bringing certain actions; amending s. 624.307, F.S.; authorizing the Department of Insurance to adopt rules; amending s. 624.310, F.S.; proscribing conflict of interest activities of licensee-affiliated parties under certain circumstances; requiring licensee-affiliated parties to disclose certain personal interests; specifying certain restrictions for licensee-affiliated parties; providing voting rights limitations; providing standards for identifying certain hazardous insurers; providing the department with authority to determine an insurer’s financial condition and issue certain orders to a hazardous insurer; authorizing the department to adopt rules; amending s. 624.315, F.S.; revising specified contents of certain reports; amending s. 624.408, F.S.; deleting obsolete provisions; amending ss. 624.423, 626.742, 626.8736, 626.907, 634.161, F.S.; providing for alternative methods of service of process; amending s. 624.424, F.S.; exempting certain insurers from certain annual statement requirements; providing exceptions; transferring and renumbering s. 624.4435, F.S., as s. 624.4242, F.S.; amending s. 625.340, F.S.; requiring certain foreign insurers to comply with certain provisions; amending s. 626.8805, F.S.; exempting certain administrators from certificate-of-authority requirements; amending s. 627.4615, F.S.; increasing the minimum rate for certain interest calculations; amending s. 627.482, F.S.; specifying a rate of simple interest for certain cash surrenders of policies; amending s. 627.613, F.S.; increasing a specified rate of simple interest; amending s. 627.914, F.S.; clarifying application of time-of-payment requirements to self-insurance funds; deleting provisions relating to certain required information relating to workers’ compensation insurance; amending s. 627.915, F.S.; revising certain reporting requirements concerning private passenger automobile insurance information; amending s. 641.19, F.S.; defining the term “health care risk contract”; amending s. 641.26, F.S.; revising health maintenance organization annual reporting requirements; creating s. 641.263, F.S.; providing for risk-based capital for health maintenance organizations; providing for risk-based capital reports; providing requirements for health maintenance organizations upon the occurrence of certain events; providing notice requirements; requiring a risk-based capital plan for such events; providing duties and responsibilities of the department; providing for department hearings of challenges by health maintenance organizations; providing for notice requirements; authorizing the department to adopt rules; authorizing the department to exempt certain health maintenance organizations; providing for effect of certain notices; providing for alternative requirements for certain time periods; creating s. 641.265, F.S.; requiring health maintenance organizations to file certain comprehensive business plans; providing requirements; amending s. 641.35, F.S.; including under liabilities the amounts of certain claims in determinations of financial health of health maintenance organizations; amending ss. 641.2018, 641.495, 817.234, 817.50, F.S.; conforming cross-references; repealing s. 641.2342, F.S., relating to contract providers; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Health, Aging and Long-Term Care.

By Senator Carlton—

SB 2082—A bill to be entitled An act relating to public records and meetings; creating s. 641.264, F.S.; providing exemptions from public records requirements and public meetings requirements for health maintenance organizations for certain risk-based capital reports, orders, instructions, and plans and related documents, materials, and informa-

tion; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Miller—

SB 2084—A bill to be entitled An act relating to the Florida High School Activities Association; requiring the association to include certain minority students' past athletic accomplishments in its official records; providing an effective date.

—was referred to the Committee on Education.

By Senator Burt—

SB 2086—A bill to be entitled An act relating to criminal justice programs; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; adding members; revising powers and duties of the council, particularly with respect to money laundering and with drug control; limiting funding that agencies may receive from the council; amending s. 943.042, F.S.; redesignating the Violent Crime Emergency Account as the Violent Crime Emergency and Drug Control Strategy Implementation Account; prescribing uses that may be made of moneys from the account; limiting funding that agencies may receive from the account; requiring rules that provide funding criteria; providing for disqualification of an agency from funding eligibility and for demand for reimbursement by an agency for failure to use funds as authorized; amending ss. 943.0585, 943.059, F.S.; prescribing additional criminal violations for which a criminal history record may not be expunged or sealed; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Senator Rossin—

SB 2088—A bill to be entitled An act relating to prepaid college tuition; authorizing specified nonprofit corporations to buy into the Florida Prepaid College Program; providing an effective date.

—was referred to the Committees on Education; and Commerce and Economic Opportunities.

By Senator Wasserman Schultz—

SB 2090—A bill to be entitled An act relating to the excise tax on documents; creating s. 201.032, F.S.; authorizing certain district school boards to levy an additional surtax on deeds and other instruments relating to real property and interests therein; providing for the use of the proceeds; authorizing pledge of the proceeds for bonds; providing that a school board may elect to receive the proceeds of the surtax or of certain impact fees; providing that certain impact-fee programs are not repealed by this act; specifying the effect of this act on conflicting ordinances and laws; requiring a report; providing an effective date.

—was referred to the Committees on Education; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Sanderson—

SB 2092—A bill to be entitled An act relating to hospitals and community hospital education; amending ss. 381.0403, 409.908, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.911, F.S.; redefining the term “charity care days” for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Diaz de la Portilla—

SB 2094—A bill to be entitled An act relating to fictitious-name registration; amending s. 865.09, F.S.; providing for notification to the Division of Corporations of the Department of State of certain information when a business location changes; providing for forms; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By Senator Sullivan—

SB 2096—A bill to be entitled An act relating to public accountancy; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees whose licenses have become void; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Productivity.

By Senators Jones, Klein, Campbell, Mitchell, Dyer, Wasserman Schultz, Miller, Rossin, Dawson and Lawson—

SB 2098—A bill to be entitled An act relating to elections; creating s. 101.72, F.S.; providing for a Voter's Bill of Rights; providing responsibilities of supervisors of elections; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Jones—

SB 2100—A bill to be entitled An act relating to initiative petitions; amending s. 100.371, F.S.; requiring the Secretary of State to adopt rules that allow the sponsor of an initiative proposing a constitutional amendment to obtain valid signatures or electronic signatures from registered electors via the Internet; requiring that signatures submitted via the Internet be verified by the appropriate supervisor of elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Commerce and Economic Opportunities; and Rules and Calendar.

By Senator Jones—

SB 2102—A bill to be entitled An act relating to supervisors of elections; amending s. 98.015, F.S.; providing that the supervisor of elections is a nonpartisan officer subject to certain restrictions on political activity; providing for the nonpartisan election of supervisors of elections; creating s. 98.017, F.S.; providing restrictions on the political activity of supervisors of elections; providing a definition; authorizing the Commission on Ethics to investigate violations of such restrictions; providing penalties; amending ss. 101.141, 101.151, F.S., relating to ballot format,

to conform; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items to qualify; amending s. 105.035, F.S.; providing procedures for candidates for supervisor of elections to qualify by the alternative method; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections shall be elected by vote of the qualified electors of the county; amending s. 105.071, F.S.; providing limitations on political activity of candidates for supervisor of elections; providing penalties; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; amending s. 105.09, F.S.; prohibiting certain political activity on behalf of a candidate for supervisor of elections; providing penalties; providing an effective date.

—was referred to the Committees on Ethics and Elections; Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Senator Crist—

SB 2104—A bill to be entitled An act relating to hiring or leasing with intent to defraud; amending s. 812.155, F.S.; providing that the exclusion of property obtained under a rental-purchase agreement from criminal statutes relating to hiring or leasing with intent to defraud and similar offenses does not apply when the rental store retains title to the property through the period of the agreement; providing penalties; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Peadar—

SCR 2106—A concurrent resolution naming the legislative clinic in honor of Dr. Edward G. Haskell, Jr.

—was referred to the Committee on Rules and Calendar.

By Senators Pruitt and Horne—

SB 2108—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Commission, respectively; creating the Education K-20 Policy and Research Commission within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Commission; establishing the membership and duties of the commission; providing for the appointment and employment of an executive

director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director and to serve as secretary of the Florida Board of Education and as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission and goals and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; creating s. 229.0073, F.S.; directing the Commissioner of Education to work with the Florida Board of Education to reorganize the Department of Education as provided by the act; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying responsibilities of the Florida Partnership for School Readiness, the Department of Education, and parents relating to school readiness; creating s. 229.0084, F.S.; providing a statement of legislative finding and intent regarding liability for student achievement; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.085, F.S., relating to custody of educational funds; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Silver—

SB 2110—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senator Meek—

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; providing an appropriation; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senators Geller and Dawson—

CS for CS for SB 108—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

By the Committee on Education; and Senator Miller—

CS for SB 370—A bill to be entitled An act relating to public school instruction; amending s. 232.246, F.S., relating to high school graduation; providing requirements for African-American history; providing an effective date.

By the Committee on Criminal Justice; and Senator Campbell—

CS for SB 842—A bill to be entitled An act relating to the judiciary; creating ss. 43.201, 43.202, 43.203, 43.204, 43.205, 43.206, 43.207, 43.208, 43.209, F.S.; creating the Capital Case Staff Attorney Program; providing for statewide distribution of capital case staff attorneys; prescribing qualifications; providing for selection, supervision, and duties of such attorneys; providing for payment of costs and expenses; providing for training; providing for assignment of such attorneys; providing reporting; providing an appropriation; providing an effective date.

By the Committee on Criminal Justice; and Senator Campbell—

CS for SB 888—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senator Villalobos—

CS for CS for SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

By the Committee on Criminal Justice; and Senators Dawson and Miller—

CS for SB 954—A bill to be entitled An act relating to the testing of inmates for HIV; creating s. 944.355, F.S.; defining the term “HIV test”; requiring the Department of Corrections to perform an HIV test before an inmate is released if the inmate’s HIV status is unknown; providing certain exceptions; requiring that the Department of Corrections notify the county health department where the inmate plans to reside following release if the inmate is HIV positive; requiring the department to provide special transitional assistance to an inmate who is HIV positive; requiring the department to report to the Legislature; amending s. 945.10, F.S.; requiring certain medical records be released to the Department of Health and the county health department where an inmate who is HIV positive plans to reside; reenacting s. 945.10(1)(a), F.S., relating to mental health, medical, or substance abuse records of an inmate; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate prior to the inmate’s release; amending s. 944.704, F.S.; providing additional duties for the department with respect to transition assistance for inmates who are HIV positive; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 986—A bill to be entitled An act relating to the state university system; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating a fiscally autonomous campus of the University of South Florida in Sarasota; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a proce-

dure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; providing an effective date.

By the Committee on Judiciary; and Senator Villalobos—

CS for SB 1084—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing an effective date.

By the Committee on Judiciary; and Senators Burt, Latvala and Peaden—

CS for SB 1274—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a group-home representative who signs an application for a learner's driver's license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent's

vehicle, during the time that the minor has a learner's driver's license; providing an effective date.

MAJORITY WHIPS APPOINTED

The President announced the appointment of Senator Charlie Clary, of District 7, Destin, and Senator J. Alex Villalobos, of District 37, Miami, as Majority Whips for the Florida Senate.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 7, 8, 14, 16 and 19 were corrected and approved.

CO-SPONSORS

Senators Cowin—SB 1408; Crist—CS for SB 718; Posey—SB 652; Sanderson—CS for SB 1356; Saunders—CS for SB 1356

RECESS

On motion by Senator Lee, the Senate recessed at 10:57 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 4:00 p.m., Thursday, March 22.



Journal of the Senate

Number 8—Regular Session

Thursday, March 22, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 4:00 p.m. A quorum present—39:

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Excused: Senator Miller; Senator Smith at 5:00 p.m.

PRAYER

The following prayer was offered by the Rev. Charles Pettis, Pastor, Fresh Fire Worship Center, Tallahassee:

Our gracious heavenly Father, we thank you for this day which you have created for us to enjoy as well as conduct the business of our state. We humbly acknowledge that "Thine is the kingdom, and the power, and the glory both now and forevermore." We thank you Father, for our state and our nation. We pray that your blessing of wisdom and knowledge rest upon our national leaders as well as those that have responded to the call of official duty in this Senate by their friends, colleagues and neighbors.

We pray that the vital decisions and business that will take place in this chamber today and hereafter will carry with it the blessings of you, our eternal God. We pray that each vote cast today will be a vote for the betterment of the people of our great state; that it will not be a vote that would represent prejudice, greed or immorality, but a vote for character, family values and equality.

We acknowledge the awesome responsibility that rests upon the shoulders of those that will make these decisions, therefore we pray for their strength, courage, boldness and determination to do that which is right, proper and good. We trust in you, our God, knowing that your eyes run to and fro throughout the whole earth to show yourself strong in those whose hearts are perfect toward you.

And, now Father, we ask that you would touch Senator Miller's daughter, LéJean Miller. She is seriously ill. We know that you are in control of all things. We ask, God, that you minister to her greatly in her illness.

We also pray, Father, for Senator Smith's Dad who is critically ill and we put him into your hands, believing that you are God enough to change those things that seem so imminent to man. Now Father, we commit this day and its affairs, along with our lives, to your perfect will. Amen.

PLEDGE

Senate Pages Nadia Nikolic of Sarasota, Aaron Irving of Leesburg and Christina Petrillo of Bradenton, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Daniel Maico of Gainesville sponsored by Senator Smith, as doctor of the day. Dr. Maico specializes in Gastroenterology.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 906** was withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; and **SB 1092** was withdrawn from the Committees on Criminal Justice; Banking and Insurance; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; and referred to the Committees on Banking and Insurance; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Horne, by two-thirds vote **CS for CS for CS for SB 446** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **CS for CS for SB 1180** which has been reported favorably by the Appropriations Subcommittee on Education with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Howard C. Forman who was present in the chamber.

ADOPTION OF RESOLUTIONS

On motion by Senator King—

By Senator King—

SR 2052—A resolution recognizing March 22, 2001, as "St. Johns County Day" in Tallahassee.

WHEREAS, on September 8, 1565, Don Pedro Menendez de Aviles founded St. Augustine, the oldest continuously occupied European settlement in the United States, and

WHEREAS, St. Johns County is the site for Fort Mose, established by Spaniards and former African slaves in 1738, the first free black fort and settlement in North America, and

WHEREAS, on July 21, 1821, St. Johns County, named for the St. Johns River, became one of Florida's first two counties by ordinance proclaimed by Major General Andrew Jackson, and

WHEREAS, St. Johns County encompasses 609 square miles, from the many miles of beautiful beaches to the scenic Bartram Trail Highway that runs along the St. Johns River, and

WHEREAS, St. Johns County is a popular tourist destination, hosting more than 2 million visitors each year to the historic City of St. Augustine, St. Augustine Beach, and its other communities, and

WHEREAS, St. Johns County is one of the nation's most recognized golf destinations and is home to the World Golf Hall of Fame, the PGA Tour's annual Players Championship, and the Senior PGA Tour's Liberty Mutual Legends of Golf, played at the World Golf Village, and

WHEREAS, St. Johns County is also home to the Association of Tennis Players Tour, headquartered in Ponte Vedra Beach, and

WHEREAS, agriculture is a critical component of the economy of St. Johns County, with its 149 farms on 49,631 agricultural acres comprising more than 12.7 percent of all the lands in the county and producing more than \$46 million in revenue annually, and

WHEREAS, the Legislature recognizes St. Johns County for its rich history and cultural diversity, NOW, THEREFORE,

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

That March 22, 2001, be recognized as "St. Johns County Day" in Tallahassee.

—was introduced out of order and read by title. On motion by Senator King, **SR 2052** was read the second time in full and adopted.

SPECIAL GUESTS

Senator King introduced dignitaries from St. Johns County who were present in the gallery.

On motion by Senator King—

By Senator King—

SR 2078—A resolution recognizing and commemorating the lifetime accomplishments of Chris J. Kalfas.

WHEREAS, Chris J. Kalfas was born on August 31, 1929, in Martin's Ferry, Ohio, but soon thereafter moved with his family to Tallahassee, and

WHEREAS, Chris Kalfas attended the Leon County public schools where he was a star member of the Leon High School track and football teams, holding the record in the 100-yard dash, and

WHEREAS, Chris Kalfas attended and graduated from The Florida State University where he was lineman on Florida State's first two football teams in 1947 and 1948, and

WHEREAS, Chris continued to be an enthusiastic FSU supporter for the rest of his life, providing scores of young people with loans and scholarships to attend his Alma Mater, and becoming one of the first members and organizers of the Golden Chiefs whose members individually contribute \$10,000 or more annually to the FSU football program, and

WHEREAS, After graduating from Florida State in 1951, Chris Kalfas entered the family business, becoming the manager of The Silver Slipper, which his father Jimmy had established in 1938, and which he was to guide with great success through good times and bad for nearly 50 years, and

WHEREAS, "Daddy Chris," as he came to be known to governors, legislators, business leaders, lobbyists, and just regular Tallahassee "folk" alike over the decades always treated people as if they were one of his family, and

WHEREAS, "Daddy Chris," who was never judgmental, had a gift for putting people at ease and a smile on their faces, thereby creating a Cheers mentality among his loyal, long-time customers as well as the "walk-ins," and

WHEREAS, The Slipper continued to grow from its original "digs" on South Monroe Street into a multi-faceted restaurant business located on its own street that was appropriately designated by the Mayor and the City Commission as Silver Slipper Lane, and

WHEREAS, "Daddy Chris" was a Shriner and a member of numerous civic and professional organizations, including the Florida Restaurant Association of which he was an organizing member and the Governor's Council on Tourism, and

WHEREAS, Chris Kalfas was an ardent fisherman and golfer whose chief passion his entire life was operating The Slipper, a Tallahassee Institution that is regularly ranked among Florida's top 200 restaurants and in 1997 was named one of Florida's top 20 restaurants by Florida Trend magazine, and

WHEREAS, there has been established the Chris J. Kalfas Memorial Scholarship Fund in the Department of Hospitality Administration of the College of Business at The Florida State University to evidence the life-long love and loyalty that "Daddy Chris" gave to his Alma Mater, NOW, THEREFORE,

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

That the Florida Senate recognizes and commemorates the lifetime accomplishments of Chris J. Kalfas.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the family of Chris J. Kalfas as a tangible token of the esteem held by the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2078** was read the second time in full and adopted.

SPECIAL GUESTS

Senator King introduced members of the Kalfas family who were present in the gallery.

At the request of Senator Dyer—

By Senator Dyer—

SR 2154—A resolution recognizing "Relay for Life Days" in the City of Altamonte Springs.

WHEREAS, the American Cancer Society has asked the citizens of the City of Altamonte Springs to join in its "Relay for Life" scheduled for March 23-24, 2001, at Lake Brantley High School, in a communitywide exhibit of caring in which funds will be realized for transportation, durable medical equipment, and other needs of victims of cancer, and

WHEREAS, the Relay for Life is opened amid the cheers and encouragement of onlookers as survivors walk or run the emotion-laden first lap, thus setting the tone and emphasizing the significance of the event, and

WHEREAS, after this dramatic beginning, the Relay for Life continues as participants form teams and take 30-minute to 2-hour shifts on the track, and

WHEREAS, in an impressive ceremony that honors cancer survivors and calls to remembrance those who have lost the battle against this dread disease that is no respecter of persons, luminaries are lighted and left burning throughout the night as a visual reminder of the importance of the contributions being made by all who take part in any way in the Relay for Life, and

WHEREAS, it is appropriate that the heroic efforts of all those who participate in the Relay for Life be recognized and honored, NOW, THEREFORE,

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

That the Florida Senate pauses in its deliberations to recognize "Relay for Life Days" in the City of Altamonte Springs on March 23-24, 2001, and to applaud the efforts of all who take part in this event of support for those who have been in any way touched by cancer.

—SR 2154 was introduced, read and adopted by publication.

BILLS ON THIRD READING

CS for SB 1018—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; authorizing designated agencies to share confidential information with Learning Gateway programs; amending s. 228.093, F.S.; providing access to student records by Learning Gateway programs and the Learning Gateway steering committee; providing for funding; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Pruitt, **CS for SB 1018** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Klein	Sanderson
Bronson	Dawson	Laurent	Saunders
Brown-Waite	Diaz de la Portilla	Lawson	Sebesta
Burt	Dyer	Meek	Silver
Campbell	Geller	Mitchell	Smith
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	Webster
Cowin	King	Rossin	

Nays—None

CS for CS for SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition-assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance-abuse-transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that

specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Villalobos, **CS for CS for SB 912** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	King	Rossin
Bronson	Dawson	Klein	Sanderson
Brown-Waite	Diaz de la Portilla	Laurent	Saunders
Burt	Dyer	Lawson	Sebesta
Campbell	Garcia	Meek	Silver
Carlton	Geller	Mitchell	Smith
Clary	Holzendorf	Peaden	Villalobos
Constantine	Horne	Posey	Wasserman Schultz
Cowin	Jones	Pruitt	Webster

Nays—None

CS for SB 94—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; prohibiting certain communications with a debtor who is represented by an attorney; prohibiting the causing of charges to be made to a debtor; amending s. 559.77, F.S.; revising civil remedies for engaging in prohibited collection practices; providing for damages in class actions; prescribing circumstances under which liability does not attach; providing a limitation on bringing an action for a remedy for unlawful collection practices; providing for application of federal precedent regarding corresponding federal laws; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Laurent, **CS for SB 94** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Laurent	Saunders
Bronson	Dyer	Lawson	Sebesta
Brown-Waite	Garcia	Lee	Silver
Burt	Geller	Meek	Smith
Campbell	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

SB 304—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term "employee," for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing for funding costs of the deferred compensation plan; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Pruitt, **SB 304** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	

Nays—None

SB 410—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring the Department of Education to adopt rules for emergency drills which must be followed by each district school board; providing an effective date.

—was read the third time by title.

On motion by Senator Dawson, **SB 410** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	

Nays—None

CS for CS for SB 126—A bill to be entitled An act relating to use of water resources; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term “Xeriscape”; prohibiting certain restrictions on the practice of Xeriscape or the construction of irrigation wells; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners’ associations from restricting the practice of Xeriscape or the construction of irrigation wells; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for SB 126** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

SB 708—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s.

231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee’s beneficiary under specified conditions; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Sullivan, **SB 708** as amended was passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Cowin	Latvala	Sebesta
Bronson	Diaz de la Portilla	Laurent	Silver
Brown-Waite	Garcia	Lee	Smith
Burt	Geller	Peaden	Sullivan
Campbell	Holzendorf	Pruitt	Villalobos
Carlton	Horne	Rossin	Webster
Clary	Jones	Sanderson	
Constantine	King	Saunders	

Nays—9

Crist	Klein	Meek	Posey
Dawson	Lawson	Mitchell	Wasserman Schultz
Dyer			

Vote after roll call:

Yea to Nay—Jones, Rossin, Silver

SB 536—A bill to be entitled An act relating to demineralization concentrate; amending s. 403.0882, F.S.; reorganizing and clarifying the section; directing the Department of Environmental Protection to enter into rulemaking; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Bronson, **SB 536** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Laurent	Sebesta
Bronson	Dyer	Lawson	Silver
Brown-Waite	Garcia	Lee	Smith
Burt	Geller	Meek	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Sanderson	
Dawson	Latvala	Saunders	

Nays—None

Vote after roll call:

Yea—Rossin

SB 1058—A bill to be entitled An act relating to vacancies in office; amending s. 114.01, F.S.; defining the term “qualify for office” for purposes of determining whether a vacancy has occurred; amending s. 114.04, F.S.; describing an ad interim term of office; requiring certain persons appointed to office to be United States citizens and residents of the state; amending s. 114.05, F.S.; requiring all officials making appointments that are subject to Senate confirmation to follow certain procedures; amending s. 350.031, F.S.; providing for filling certain vacancies on the Public Service Commission; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Posey, **SB 1058** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

SB 272—A bill to be entitled An act relating to law enforcement officers; amending s. 817.564, F.S.; providing an exemption from civil or criminal liability for the sale of imitation controlled substances by law enforcement officers and other persons acting at their direction; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **SB 272** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

SB 218—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **SB 218** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

SB 130—A bill to be entitled An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **SB 130** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

CS for SB 806—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **CS for SB 806** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

On motion by Senator Campbell, by two-thirds vote **CS for HB 141** was withdrawn from the Committee on Children and Families.

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

CS for HB 141—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over

a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 138** as amended and by two-thirds vote read the second time by title. On motion by Senator Campbell, by two-thirds vote **CS for HB 141** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Carlton	Diaz de la Portilla	Horne
Bronson	Clary	Dyer	Jones
Brown-Waite	Constantine	Garcia	Klein
Burt	Cowin	Geller	Latvala
Campbell	Dawson	Holzendorf	Laurent

Lawson	Mitchell	Saunders	Silver
Lee	Peaden	Sebesta	Sullivan
Meek	Rossin		

Nays—8

Crist	Posey	Sanderson	Wasserman Schultz
King	Pruitt	Villalobos	Webster

COMMUNICATION

I was excused from session at 5:00 p.m. on March 22, 2001. Had I been in attendance, I would have voted yea on **CS for HB 141**.

Rod Smith, 5th District

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sebesta, by two-thirds vote **SB 1900** was withdrawn from the committees of reference and further consideration.

On motion by Senator Brown-Waite, by two-thirds vote **SB 246** was withdrawn from the committees of reference and further consideration.

REPORTS OF COMMITTEES

The Committee on Finance and Taxation recommends the following pass: SB 330, SB 462 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 866 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 350

The Committee on Finance and Taxation recommends the following pass: CS for SB 316, CS for SB 658, SB 660, SB 814

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1292 with 1 amendment

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

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 634 with 2 amendments, SB 666 with 2 amendments, SB 672

The bills were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 388

The Committee on Transportation recommends the following pass: SB 1170

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 848, SB 868 with 2 amendments, SB 1010 with 2 amendments

The bills were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Transportation recommends the following pass: SB 766

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 982

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

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1266

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 1130 with 3 amendments

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 302 with 2 amendments

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

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 414, SB 692 with 1 amendment

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

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 362, SB 702 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 418, CS for SB 772, CS for SB 1026

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

The Committee on Banking and Insurance recommends the following pass: SB 1094 with 1 amendment

The Committee on Finance and Taxation recommends the following pass: SB 150, CS for SB 178 with 1 amendment, SB 210, SB 844 with 1 amendment, SB 1564

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB 836 with 1 amendment

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: CS for SB 442

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 168, SB 992, SB 1210

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: Senate Bills 336 and 190

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 296, SB 906

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

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 416, SB 688, SB 828

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 786

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 924

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1016

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

The Committee on Banking and Insurance recommends a committee substitute for the following: Senate Bills 1526 and 314

The bills with committee substitute attached were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 668

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 1012, SB 1172

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1260, SB 1398

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 158

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

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 840, SB 962

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1208

The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 856

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1136

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 208

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1356

The Committee on Judiciary recommends committee substitutes for the following: SB 778, SB 886

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Health and Human Services recommends the following pass: SB 342

The Appropriations Subcommittee on Education recommends committee substitutes for the following: SB 746, CS for SB 1180

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for CS for SB 446, SB 682

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

STATUTORY REVIEW OF EXECUTIVE RULES BY THE SENATE

PRESIDENT'S REFERENCE

March 8, 2001

Pursuant to s. 597.004(2)(b), F.S., the Department of Agriculture and Consumer Services' Aquaculture Best Management Practices Rule 5L-3 F.A.C., and referenced Manual, adopted October 4, 2000, is referred to the Senate Committee on Agriculture and Consumer Services for review and report to the Senate prior to the end of the 2001 regular session.

REPORT OF COMMITTEE

The Honorable John McKay
President, The Florida Senate

March 22, 2001

Dear President McKay:

As chairman of the Committee on Agriculture and Consumer Services, I report that the Committee did review and accept without recommenda-

tion for modification the Department of Agriculture and Consumer Services' Aquaculture Best Management Practices Rule 5L-3 F.A.C., and referenced Manual, adopted October 4, 2000, pursuant to Section 597.004 (2)(b), F.S., at its meeting of March 14, 2001.

Sincerely,
Steven A. Geller, Chairman
Senate Agriculture and Consumer
Services Committee

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Commerce and Economic Opportunities; and Senator Brown-Waite—

CS for SB 158—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; providing an effective date.

By the Committee on Banking and Insurance; and Senators Wasserman Schultz and Geller—

CS for SB 168—A bill to be entitled An act relating to health insurance; creating ss. 627.64191, 627.65741, F.S.; requiring individual and group health insurance policies to comply with decisions of the United States Equal Employment Opportunity Commission with respect to exclusions that violate Title VII of the Civil Rights Act, as amended; requiring the Department of Insurance to make such determination when approving policy forms; amending ss. 627.6699, 641.31, F.S.; requiring standard and basic health benefit plans issued by small employer carriers and health maintenance contracts to comply with decisions of the United States Equal Employment Opportunity Commission with respect to exclusions that violate Title VII of the Civil Rights Act, as amended; requiring the Department of Insurance to make such determination when approving policy forms; providing for application; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Geller—

CS for SB 208—A bill to be entitled An act relating to consumer protection; amending s. 501.202, F.S.; revising rules of construction to provide date of applicability for conforming state consumer protection and enforcement with federal law; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing an effective date.

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

CS for SB 296—A bill to be entitled An act relating to marine biotechnology research, training, and industry development; establishing the Florida Marine Biotechnology Research, Training, and Development Program; providing legislative intent; providing program focus and long-term goals; providing for administration of the program; requiring ap-

pointment of a steering committee; providing duties of the steering committee; providing an appropriation; providing for disbursement of funds; providing that ch. 287, F.S., applies to this act; requiring an annual report to the Legislature; providing for rules; providing for future repeal; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Clary—

CS for SB's 336 and 190—A bill to be entitled An act relating to the Florida Building Code; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending s. 553.415, F.S.; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; defining the term “specific needs” for purposes of selection from available codes; providing a process for the approval of technical amendments to the code; authorizing the Florida Building Commission to adopt rules governing the status of construction projects on the date the Florida Building Code takes effect; exempting specified buildings from the wind-impact-resistance standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; amending s. 553.841, F.S.; providing guidelines and funding for the Building Code Training Program; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; directing the commission to research some issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; requiring that the Florida Building Commission appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; providing an effective date.

By the Committee on Health, Aging and Long-Term Care—

CS for SB 416—A bill to be entitled An act relating to Medicaid; amending s. 409.904, F.S.; establishing the medically needy income level; providing for the annual increase of the medically needy income level; creating s. 409.9045, F.S.; requiring coverage for certain individuals awaiting for Medicare coverage; amending s. 409.914, F.S.; amending procedures relating to the Medicaid buy-in program to provide medical assistance to a specified category of individuals; amending criteria of eligibility for the buy-in program; allowing the Agency for Health Care Administration to apply for federal waivers to ensure that the buy-in program operates within specified constraints; providing legislative intent; directing the agency to seek approval from the Health Care Financing Administration of a specified methodology for calculating medical expenses under the medically needy program; amending s. 409.908, F.S.; requiring Medicaid to pay deductibles, coinsurance, or copayments for Medicare cost sharing for medications necessary to prevent rejection of transplanted organs; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Regulated Industries; and Senators Latvala, Brown-Waite, Pruitt, Cowin, Posey, Carlton, Saunders, Campbell, Lee, Wasserman Schultz, Sullivan, Dyer, Burt, Geller, Sebasta, Miller, Mitchell, Constantine, Bronson, Crist, Dawson, King and Sanderson—

CS for CS for SB 442—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; defining the term

“proportionate share”; amending s. 723.011, F.S.; requiring the division to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for committee meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors; authorizing the board to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the park; providing certain exceptions; specifying procedures for payments upon approval of the corporation; providing a penalty; providing an effective date.

By the Committees on Appropriations; Children and Families; Comprehensive Planning, Local and Military Affairs; and Senators Constantine, Wasserman Schultz and Saunders—

CS for CS for CS for SB 446—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term “homeless child”; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.5092, F.S.; increasing the amount of revenue bonds the Florida Housing Finance Corporation may issue for the corporation's guarantee fund; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term “homeless”; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the council; requiring an annual report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities serving persons with mental illness or substance abuse; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards' one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons' Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Carlton—

CS for SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones which are eligible for certain sales and use tax incentives; providing an effective date.

By the Committee on Health, Aging and Long-Term Care—

CS for SB 688—A bill to be entitled An act relating to health care; requiring the Agency for Health Care Administration to convene an interagency workgroup to study issues pertaining to certain background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; providing for composition of the workgroup; requiring a report; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; providing an effective date.

By the Committee on Judiciary; and Senator Rossin—

CS for SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Wasserman Schultz—

CS for SB 786—A bill to be entitled An act relating to opticianry; amending s. 484.002, F.S.; redefining the term “opticianry” and defining the term “contact lenses”; amending ss. 484.002, 484.006, 484.012, F.S.; replacing references to the term “medical doctor” with the term “allopathic or osteopathic physician”; amending s. 484.013, F.S.; revising provisions prescribing violations and penalties applicable to the practice of opticianry; amending s. 484.015, F.S.; revising inspection authority; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing an offense severity ranking for the offense of practicing opticianry without a license; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Dyer—

CS for SB 828—A bill to be entitled An act relating to prevention and control of communicable diseases; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Saunders—

CS for SB 840—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual’s health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Wasserman Schultz and Crist—

CS for CS for SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; pro-

viding exemptions; providing specified immunity from civil liability; providing a penalty; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the department to adopt rules and prescribe forms; amending s. 509.221, F.S.; providing for regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing an effective date.

By the Committee on Judiciary; and Senator Klein—

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

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

CS for SB 906—A bill to be entitled An act relating to public records; providing an exemption from the public records law for individual records of children enrolled in Learning Gateway programs; providing for the release of such records for specified purposes; exempting from the public records law those records held by a Learning Gateway Program which would be confidential if held by a state agency; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Webster, Posey, Miller, Cowin, Latvala, Dawson, Diaz de la Portilla, Pruitt, Sebesta, Wasserman Schultz, Geller and Lawson—

CS for SB 924—A bill to be entitled An act relating to health care providers; amending ss. 458.331, 459.015, F.S.; providing an additional ground for discipline of persons licensed under ch. 458, F.S., or ch. 459, F.S.; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Diaz de la Portilla—

CS for SB 962—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

By the Committee on Banking and Insurance; and Senator Carlton—

CS for SB 992—A bill to be entitled An act relating to dental service claim denials; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; providing an effective date.

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

CS for SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing

for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

By the Committee on Judiciary; and Senator Rossin—

CS for SB 1016—A bill to be entitled An act relating to guardianship; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; amending s. 744.3215, F.S.; restricting authority of guardian to withdraw or withhold life-prolonging procedures without prior specific court authority; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Posey, Webster, Wasserman Schultz and Horne—

CS for SB 1136—A bill to be entitled An act relating to telecommunications companies; amending s. 364.163, F.S., relating to network access services; providing legislative findings relating to establishment of network access service rates; defining the term “network access service”; requiring local exchange telecommunications companies to maintain certain information with the Florida Public Service Commission; providing that the commission has continuing regulatory oversight of intrastate switched-access and long-distance rates for specified purposes; directing the commission to initiate a proceeding to determine the appropriate level of network access rates; specifying factors for the commission to consider; requiring the commission to render a decision by a specific date; requiring a report to the Governor and the Legislature relating to the decision of the commission; requiring certain interexchange telecommunications companies to decrease their intrastate long-distance rates for the benefit of their customers; providing an offset in such decrease to reflect certain lost tax revenues; requiring certain interexchange telecommunications companies to make payments into the treasury; authorizing the commission to review network access rates and make adjustments within a specific time; providing the commission with authority to determine the appropriate rate levels for network access services; requiring certain providers and purchasers to provide data to the commission; authorizing the commission to adopt rules; providing for industry negotiation proceedings; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Mitchell, Latvala, Clary and Smith—

CS for SB 1172—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a declaration that the act fulfills important state interest; providing an effective date.

By the Committees on Appropriations; Education; and Senator Pruitt—

CS for CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

By the Committee on Banking and Insurance; and Senator Latvala—

CS for SB 1208—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term “eligible individual” for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual’s family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487, F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; providing effective dates.

By the Committee on Banking and Insurance; and Senator Latvala—

CS for SB 1210—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; amending s. 627.6741, F.S.; requiring that insurers offer Medicare supplement policies to certain individuals; amending s. 627.9408, F.S.; authorizing the depart-

ment to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

By the Committee on Banking and Insurance; and Senator King—

CS for SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker's bank; amending s. 658.165, F.S.; providing criteria for formation of a banker's bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; providing effective dates.

By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senators King, Posey, Sebesta, Clary, Peaden, Bronson, Horne, Brown-Waite, Pruitt, Dawson, Burt, Constantine, Sanderson and Saunders—

CS for CS for SB 1356—A bill to be entitled An act relating to public records; providing an exemption from the public-records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family or a local, state, or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

By the Committee on Banking and Insurance; and Senator Carlton—

CS for SB 1398—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed

unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

By the Committee on Banking and Insurance; and Senators Constantine and Campbell—

CS for SB's 1526 and 314—A bill to be entitled An act relating to the Money Transmitter's Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 141 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Healthy Communities; and Representative Lynn and others—

CS for HB 141—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent’s parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon

which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor’s placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; providing an effective date.

—was referred to the Committee on Children and Families.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 21 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 1758; Crist—SB 84, SB 428, SB 478, SB 500, SB 518, SB 540, SB 700, SB 720, SB 810, CS for SB 856, SB 982, SB 1194, SB 1198; Dawson—SB 1342, SB 1820; Dyer—SB 1820; Holzen-dorf—SB 1820; Latvala—SB 1304; Lawson—SB 1820, SB 2108; Miller—SB 152; Mitchell—SB 1428, SB 1758; Pruitt—SB 1758; Sanderson—SB 1342; Smith—SB 1758; Sullivan—SB 1342; Wasserman Schultz—SB 1820

RECESS

On motion by Senator Lee, the Senate recessed at 5:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, March 27.



Journal of the Senate

Number 9—Regular Session

Friday, March 23, 2001

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REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 27, 2001: CS for CS for SB 1356, CS for SB 238, CS for CS for CS for SB 446, CS for CS for SB 1180, CS for SB 906, CS for SB 780, CS for SB 938, CS for CS for SB 108, CS for SB 232, SB 720, SB 810, CS for SB 838, SB 946, SB 98, CS for SB 252

Respectfully submitted,
Tom Lee, Chairman

The Committee on Regulated Industries recommends the following pass: SB 1126

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 1150

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

The Committee on Children and Families recommends the following pass: SB 1372

The bill was placed on the calendar.

The Committee on Transportation recommends a committee substitute for the following: SB 738

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

The Committee on Agriculture and Consumer Services recommends committee substitutes for the following: SB 170, SB 1244

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

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 1310

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1178

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

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

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Regulated Industries recommends that the Senate confirm the following appointment made by the Governor: Michael A. Palecki, for a term ending January 1, 2003, as a member of the **Florida Public Service Commission**.

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Appropriations—

SB 2000—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations—

SB 2002—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2001-2002 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a

hospital's inpatient per diem rate may be based; amending s. 216.177, F.S.; providing notice requirements for the Department of Children and Family Services with respect to transferring portions of district budgets; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursements to hospitals; revising the level of county participation; prohibiting the Agency for Health Care Administration from adjusting premiums paid to health maintenance organizations or prepaid health care plans due to elimination of Medicaid ceilings on certain types of hospitals and special Medicaid payments to hospitals; amending s. 409.904, F.S.; revising eligibility requirements for certain medical assistance payments; amending s. 409.905, F.S.; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; revising standards for payable intermediate care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.91195, F.S.; providing for a restricted drug formulary applicable to Medicaid providers; amending s. 409.912, F.S.; prescribing additional services that the Agency for Health Care Administration may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted drug formulary; amending s. 409.904, F.S.; providing additional limitations on services that may be furnished to medically needy patients; amending s. 409.913, F.S.; requiring the Agency for Health Care Administration to implement a pilot program to prevent Medicaid fraud and abuse with respect to pharmaceuticals; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; amending s. 409.912, F.S.; authorizing the agency to contract with children's clinic networks for certain purposes; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for the assignment of certain Medicaid recipients to managed care plans; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for specified cancer treatment; amending s. 39.3065, F.S.; prescribing responsibility of the Seminole County Sheriff with respect to child protective investigations; amending s. 414.045, F.S.; revising reporting requirements with respect to the cash assistance program; providing legislative intent and directives with respect to community-based care initiatives; requiring the availability of certain funds for the temporary assistance for needy families program; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; directing Enterprise Florida, Inc., to operate sister-city and sister-state programs according to specified standards; authorizing Enterprise Florida, Inc., to contract for the implementation of Florida's international volunteer corps; authorizing the Department of Community Affairs to use specified methods to issue notices of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; amending s. 259.105, F.S.; deleting a restriction on use of moneys allocated under the Florida Forever Act to the South Florida Water Management District; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management

grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was referred to the Committee on Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Agriculture and Consumer Services; and Senator Geller—

CS for SB 170—A bill to be entitled An act relating to citrus canker compensation; providing appropriations; directing the department to compensate certain owners of citrus trees removed as part of eradication programs; providing retroactive applicability; providing an effective date.

By the Committee on Regulated Industries; and Senators Dawson and Sanderson—

CS for SB 224—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term "medically essential"; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

By the Committee on Transportation; and Senator King—

CS for SB 738—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the Florida Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate

and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 1178—A bill to be entitled An act relating to high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing preparation and submittal of a request for information and a request for proposals; providing for agency assistance; providing an appropriation; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Geller—

CS for SB 1244—A bill to be entitled An act relating to trust funds; creating the Citrus Canker Compensation Trust Fund within the Department of Agriculture and Consumer Services; providing for sources of money and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Agriculture and Consumer Services; and Senators Klein, Posey and Wasserman Schultz—

CS for SB 1310—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 55, CS for HB 215, CS for CS for HB 273, CS for HB 275, CS for HB 277, HB 383, HB 385, HB 387, HB 389, HB 391, HB 393, HB 395, HB 397, HB 399, HB 401, HB 403, HB 405, HB 407, HB 657, HB 659, HB 661, HB 663, HB 665, HB 667, HB 669, HB 671; has passed as amended HB 21, CS for HB 245, CS for CS for HB 269, CS for HB 271, CS for HB 4007 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Fiscal Responsibility Council; and Representative Fasano and others—

CS for HB 55—A bill to be entitled An act relating to public medical assistance; amending s. 395.701, F.S.; reducing the annual assessment on hospital outpatient services to fund public medical assistance; limiting the financial information that may be required to determine the amount of the assessment; amending s. 395.7015, F.S.; reducing the annual assessment on certain other health care entities to fund public medical assistance; amending s. 395.7016, F.S.; providing for annual

appropriations to replace funds lost due to such reductions; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on State Administration; and Representative Cusack and others—

CS for HB 215—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

—was referred to the Committee on Judiciary.

By the Procedural and Redistricting Council; the Committee on Rules, Ethics and Elections; and Representative Ross and others—

CS for CS for HB 273—A bill to be entitled An act relating to reporting requirements under the Florida Election Code; amending s. 106.011, F.S.; modifying the definitions of “political committee” and “communications media”; amending s. 106.03, F.S.; requiring additional information for registration of political committees; amending s. 106.04, F.S.; requiring additional information for certification of committees of continuous existence; revising reporting periods and requirements; requiring electronic filing under certain circumstances; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions; removing requirement to provide a membership list for inspection purposes; removing requirement for filing duplicate copies of reports; providing penalties; amending s. 106.07, F.S., relating to campaign treasurer’s reports; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; creating s. 106.0705, F.S.; requiring campaign treasurer’s reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.071, F.S.; revising provisions relating to the reporting of certain independent expenditures; providing penalties; creating s. 106.073, F.S.; requiring certain organizations that sponsor campaign-related advertisements to register under certain circumstances; providing definitions; requiring certain reports; providing requirements for such advertisements, including a disclaimer; providing penalties; providing rulemaking authority; amending s. 106.12, F.S.; revising the petty cash fund limit to conform to the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; requiring electronic filing under certain circumstances; removing requirement for duplicate reports; providing penalties; amending ss. 105.08, 106.025, 106.08, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, and the granting of certificates of election, to conform; providing severability; providing effective dates.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Rules, Ethics and Elections; and Representative Ross and others—

CS for HB 275—A bill to be entitled An act relating to public records exemption for certain identification and computer security algorithms in connection with campaign treasurer’s reports; creating s. 106.0706, F.S.; providing exemptions from public records requirements for personal identification numbers of and computer security algorithms required to maintain the security of information submitted or received through an electronic filing system for campaign treasurer’s reports; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By the Council for Lifelong Learning; and Representative Atwater and others—

CS for HB 277—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—was referred to the Committees on Education; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on State Administration; and Representative Brummer—

HB 383—A bill to be entitled An act relating to a public records exemption for bank account numbers or debit, charge, or credit card numbers obtained by agencies; amending s. 119.07, F.S., which provides an exemption from public records requirements for bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of fee or debt; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 385—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer and others—

HB 387—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 389—A bill to be entitled An act relating to a public records exemption for certain records of economic development agencies which contain information concerning private entities; amending s. 288.075,

F.S., which provides an exemption from public records requirements for records of an economic development agency which contain or would provide plans, intentions, or interests of private entities regarding their business activities; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 391—A bill to be entitled An act relating to public records exemptions for certain information obtained in connection with administration of the qualified defense contractor and qualified target industry tax refund programs; amending s. 288.1066, F.S., which provides exemptions from public records requirements for certain identifying, proprietary, tax, and trade secret information received in connection with administering said tax refund programs; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; deleting superfluous language; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer and others—

HB 393—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 395—A bill to be entitled An act relating to public records exemptions for specified information relating to airports; amending s. 331.22, F.S., which provides exemptions from public records requirements for airport security plans of an aviation authority or county or municipal aviation department and for other material that depicts critical airport operating facilities; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

By the Committee on State Administration; and Representative Brummer—

HB 397—A bill to be entitled An act relating to a public records exemption for certain information relating to prepayment of electronic toll facility charges; amending s. 338.155, F.S., which provides an exemption from public records requirements for personal identifying information given to the Department of Transportation, a county, or an expressway authority for the purpose of prepaying electronic toll facility charges by check, credit card, or charge card; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the

Open Government Sunset Review Act of 1995; clarifying a cross reference; providing an effective date.

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

By the Committee on State Administration; and Representative Brummer—

HB 399—A bill to be entitled An act relating to a public records exemption for certain information relating to emergency telephone number “911”; amending s. 365.171, F.S., which provides an exemption from public records requirements for information that reveals the name, address, telephone number, or personal information about, or other information that would identify, a person requesting emergency service or reporting an emergency; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; correcting a reference; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 401—A bill to be entitled An act relating to a public records exemption for certain information submitted to the Office of the Attorney General by members of the health care community; amending s. 408.185, F.S., which provides an exemption from public records requirements for certain documents, contracts, and proprietary confidential business information submitted by such entities in connection with a request for an antitrust no-action letter for a specified period; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 403—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s. 539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 405—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and

repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Brummer—

HB 407—A bill to be entitled An act relating to public records and meetings exemptions for university health services support organizations; repealing s. 240.2995(6), F.S., which provides that meetings of the governing board of a university health services support organization are public and requires that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S., which provides exemptions from public records and meetings requirements for certain contracts and related documents, marketing plans, trade secrets, and evaluation records of such organizations, for meetings at which any of such records or information is discussed, and for records of such meetings; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the type of marketing plans exempted; requiring university health services support organizations to make certain records available to the Department of Insurance; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 659—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.513, 17.26, 20.12, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 661—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215,

232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3. and 288.7771(1), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 663—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 445.024, 446.50, 456.025, 456.039, 458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 381.0045(3), 383.0112(2)(g), 411.01(9)(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 665—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improv-

ing the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 667—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215, 985.225, and 985.228, F.S.; and reenacting ss. 985.23 and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 669—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105, 442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by nonconcurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser’s bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 671—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was referred to the Committee on Rules and Calendar.

By Representative Fasano and others—

HB 21—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida’s Future Investment Fund, to conform; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By the Council for Healthy Communities; and Representative Brummer and others—

CS for HB 245—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act of 2001”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Lifelong Learning; the Committee on Education Appropriations; and Representative Murman and others—

CS for CS for HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to

the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By the Council for Lifelong Learning; and Representative Negron and others—

CS for HB 271—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a non-profit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer’s adjusted federal income; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By the Committee on Rules, Ethics and Elections; and Representative Mahon—

CS for HB 4007—A bill to be entitled An act relating to obsolete, expired, or repealed provisions of law; repealing various provisions of law that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; deleting the Division of Blind Services from the Department of Labor and Employment Security to conform to the transfer of said division by chapter 99-240, Laws of Florida; repealing s. 34.021(3), F.S., relating to qualifications of county court judges; amending s. 39.824, F.S.; deleting obsolete provision relating to adoption of rules of criminal procedure; repealing s. 193.102(1), F.S., relating to obsolete provisions relating to lands subject to tax sale certificates and assessments; repealing s. 206.9825(2), F.S., relating to limitation on aviation fuel tax; amending s. 212.08, F.S.; repealing obsolete provisions relating to the sales, rental, use, consumption, distribution, and storage tax; amending s. 220.1501, F.S., relating to rulemaking authority to implement s. 220.15(2)(c), (4)(c), and (8), F.S.; deleting obsolete provision relating to report by Board of Regents; repealing s. 255.259(3), F.S.; deleting obsolete provision relating to xeriscape landscaping on public property; repealing s. 373.0361(3), F.S.; deleting obsolete provision relating to regional water supply planning; repealing s. 381.895(7), F.S., relating to standards for compressed air used for recreational diving; deleting obsolete effective date for said section; amending s. 394.4985, F.S.; deleting obsolete provision relating to implementation plan for a districtwide comprehensive child and adolescent mental health information and referral network; repealing s. 409.2559, F.S., relating to state disbursement unit; repealing s. 414.70(5), F.S.; deleting obsolete provision relating to evaluations and recommendations relating to the drug-screening and drug-testing program; amending s. 420.504, F.S.; repealing obsolete provision relating to changes in membership categories; amending s. 440.4416, F.S.; repealing obsolete provision relating to a report to the Legislature by the Workers’ Compensation Oversight Board; repealing s. 468.609(6)(b), F.S.; deleting obsolete provision relating to building code administrators, plans examiners, and building code inspectors; repealing s. 570.381(1), F.S., relating to legislative findings relating to Appaloosa racing and breeding; repealing s. 624.4085(11), F.S., relating to risk-based capital reports; repealing s. 624.4392(2), F.S., relating to multiple-employer welfare arrangements; amending s. 626.2815, F.S.; repealing obsolete provision relating to establishment of criteria by the continuing education advisory board; amending s. 626.918, F.S.; repealing obsolete provisions relating to the required surplus as to policyholders for surplus lines insurers; repealing s. 627.4145 (6)(e), F.S., relating to obsolete exception to provisions relating to readable language in insurance policies; repealing s. 627.4147(3), F.S., relating to expired provision relating to medical malpractice insurance contracts; amending s. 627.6492, F.S.; repealing obsolete provision relating to operating losses by insurers;

amending s. 629.401, F.S.; deleting obsolete provisions relating to capitalization by underwriting members and certain investments existing prior to July 2, 1987; repealing s. 631.911(1), F.S., relating to creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, merger, and effect of merger; repealing s. 631.912(3), F.S., relating to board of directors of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated; deleting references to s. 631.911(1), F.S., to conform; repealing s. 631.929, F.S., relating to election of remedies; amending s. 636.016, F.S.; repealing obsolete provision relating to prepaid limited health service organizations licensed prior to October 1, 1993; amending s. 636.043, F.S.; repealing obsolete provisions relating to financial statements required by certain prepaid limited health service organizations; repealing s. 713.5955, F.S., relating to

acquisition of title to unclaimed molds; amending s. 721.24, F.S.; repealing obsolete provisions relating to delay of installation of firesafety equipment for timeshare units of timeshare plans; amending s. 744.7021, F.S.; repealing obsolete provision relating to submission of report relating to the Statewide Public Guardianship Office; repealing s. 753.004, F.S., relating to supervised visitation projects; providing an effective date.

—was referred to the Committee on Rules and Calendar.

CO-SPONSORS

Senators Constantine—SB 1758; Crist—CS for SB 1018; Posey—SB 1310; Wasserman Schultz—SB 1310; Webster—SB 2030



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—38:

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	

Excused: Senators Miller and Smith

PRAYER

The following prayer was offered by Dr. Allen Harrod, Pastor, First Baptist Church, Orange Park:

Our Father, we come into your presence today. We acknowledge our great need of you in every area of life. I pray for these men and these women as they make difficult decisions, Lord, as they lead in the governing of our state. Help us to have a sense of your government, your divine and sovereign leadership over our lives. Make us good men and good women. Help us to look to you to find you as a source of all life and the source of all help.

I pray for the needs of every person here today. Lord, I have needs and each person in this room has needs and our need most of all is you. I pray as decisions are made, Lord, that there will be a sense of your leadership over their lives, and we pray that you might be honored; you might be glorified in all that we do. In Christ's name we pray. Amen.

MOMENT OF SILENCE

The President asked that the Senate observe a moment of silence in memory of Warren V. Smith, father of Senator Rod Smith, who passed away on March 23.

PLEDGE

Senate Pages David Bentley of Bartow, Candice Colebrook of Carol City and Dustin Ely of Lakeland, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Hudson Berrey of Gainesville, sponsored by Senator Cowin, as doctor of the day. Dr. Berrey specializes in Orthopedic Surgery.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 1470** was withdrawn from the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; and referred to the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations; and **SB 344** was withdrawn from the Committees on Rules and Calendar; Appropriations Subcommittee on Education; and Appropriations; and referred to the Committees on Rules and Calendar; Appropriations Subcommittee on General Government; and Appropriations.

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

SPECIAL ORDER CALENDAR

On motion by Senator King—

CS for CS for SB 1356—A bill to be entitled An act relating to public records; providing an exemption from the public-records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family or a local, state, or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (381678)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) A photograph or video or audio recording of an autopsy in the custody of a medical examiner is confidential and exempt from the requirements of section 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse may view and copy a photograph or video or listen to or copy an audio recording of the deceased spouse's autopsy. If there is no surviving spouse, then the surviving parents shall have access to such records. If there is no surviving spouse or parent, then an adult child shall have access to such records. A local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may view or copy a photograph or video or may listen to or copy an audio recording of an autopsy, and unless otherwise required in the performance of their duties, the identity of the deceased shall remain confidential and exempt. The custodian of the record, or his or her designee, may not permit any other person to view or copy such photograph or video recording or listen to or copy an audio recording without a court order. For the purposes of this section,

the term “medical examiner” means any district medical examiner, associate medical examiner, or substitute medical examiner acting pursuant to ch. 406, as well as any employee, deputy, or agent of a medical examiner or any other person who may obtain possession of a photograph or audio or video recording of an autopsy in the course of assisting a medical examiner in the performance of his or her official duties.

(2)(a) The court, upon a showing of good cause, may issue an order authorizing any person to view or copy a photograph or video recording of an autopsy or to listen to or copy an audio recording of an autopsy and may prescribe any restrictions or stipulations that the court deems appropriate.

In determining good cause, the court shall consider whether such disclosure is necessary for the public evaluation of governmental performance; the seriousness of the intrusion into the family’s right to privacy and whether such disclosure is the least intrusive means available; and the availability of similar information in other public records, regardless of form. In all cases, the viewing, copying, listening to or other handling of a photograph or video or audio recording of an autopsy must be under the direct supervision of the custodian of the record or his or her designee.

(2)(b) A surviving spouse shall be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the deceased’s parents, and if the deceased has no living parent, then to the adult children of the deceased.

(3)(a) Any custodian of a photograph or video or audio recording of an autopsy who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(b) Any person who willfully and knowingly violates a court order issued pursuant to this section commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(c) A criminal or administrative proceeding is exempt from this section, but unless otherwise exempted, is subject to all other provisions of Chapter 119, Florida Statutes, provided however that this section does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of an autopsy, crime-scene, or similar photograph or video or audio recordings in the manner prescribed herein.

(4) This exemption shall be given retroactive application.

(5) The exemption in this section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that photographs and video and audio recordings of an autopsy be made confidential and exempt from the requirements of section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. The Legislature finds that photographs or video or audio recordings of an autopsy depict or describe the deceased in graphic and often disturbing fashion. Such photographs or video or audio recordings may depict or describe the deceased nude, bruised, bloodied, broken, with bullet or other wounds, cut open, dismembered, or decapitated. As such, photographs or video or audio recordings of an autopsy are highly sensitive depictions or descriptions of the deceased which, if heard, viewed, copied or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased, as well as injury to the memory of the deceased. The Legislature notes that the existence of the World Wide Web and the proliferation of personal computers throughout the world encourages and promotes the wide dissemination of photographs and video and audio recordings 24 hours a day and that widespread unauthorized dissemination of autopsy photographs and video and audio recordings would subject the immediate family of the deceased to continuous injury. The Legislature further notes that there continue to be other types of available information, such as the autopsy report, which are less intrusive and injurious to the immediate family members of the deceased and which continue to provide for public oversight. The Legislature further finds that the exemption provided in this act should be given retroactive application because it is remedial in nature.

Section 3. This act shall take effect upon becoming a law, and shall apply to all photographs or video or audio recordings of an autopsy, regardless of whether the autopsy was performed before or after the effective date of the act.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof, or a state or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

Pursuant to Rule 4.19, CS for CS for SB 1356 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant suffers from mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant suffers from mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant suffers from mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury’s recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendments which were adopted:

Amendment 1 (441538)(with title amendment)—On page 2, lines 18 and 31; on page 3, lines 10 and 11 and on page 4, line 2, delete “suffers from” and insert: *has*

And the title is amended as follows:

On page 1, line 6 and on page 1, line 11, delete “suffers from” and insert: *has*

Amendment 2 (282052)—On page 3, line 5, delete “s. 912.142” and insert: *s. 921.142*

Pursuant to Rule 4.19, CS for SB 238 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB 446—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term “homeless child”; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.5092, F.S.; increasing the amount of revenue bonds the Florida Housing Finance Corporation may issue for the corporation’s guarantee fund; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission;

revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term "homeless"; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the council; requiring an annual report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities serving persons with mental illness or substance abuse; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards' one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons' Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (254744)—On page 4, line 18 through page 5, line 9, delete those lines and insert:

- (a) *One who lacks a fixed, regular nighttime residence;*
- (b) *One who has a primary nighttime residence that is:*

1. *A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;*

2. *An institution that provides a temporary residence for individuals intended to be institutionalized; or*

3. *A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or*

(c) *One who temporarily resides with an adult other than his or her parent or guardian because the parent or guardian is suffering financial hardship.*

~~A child who is imprisoned, detained, or in the custody of the state pursuant to a state or federal law is not a homeless child. whose primary nighttime residence is in a supervised publicly or privately operated shelter for temporary accommodations or in a public or private place not designated for, or ordinarily used for, continuing human habitation.~~

Amendment 2 (281124)—On page 8, lines 4-9, delete those lines and insert: available at that time. Any increase in funding required to reach the 10-percent minimum shall be taken from the tenant group that has the largest reservation. *The reservation of funds within each notice of fund availability to the tenant group in paragraph (c) may not be less than 5 percent of the funds available at that time. The three tenant groups are:*

Amendment 3 (334282)—On page 15, line 4, delete "homeless issues" and insert: *issues relating to homelessness*

Amendment 4 (290914)—On page 27, delete line 14 and insert:

- 9. *Persons with dual or multiple physical or mental disorders;*

Amendment 5 (512728)—On page 29, line 12, delete "It" and insert: *This section*

Amendment 6 (953006)—In title, on page 2, line 4, delete "council" and insert: *State Office of Homelessness; requiring the Department of*

Children and Family Services to adopt rules with input from the Council on Homelessness

Pursuant to Rule 4.19, **CS for CS for CS for SB 446** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

CS for CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1180** was placed on the calendar of Bills on Third Reading.

SENATOR SULLIVAN PRESIDING

On motion by Senator Garcia, consideration of **CS for SB 906** was deferred.

On motion by Senator Dawson—

CS for SB 780—A bill to be entitled An act relating to parental consent; amending s. 232.465, F.S.; providing that a student is exempt from certain services under the school health services program if his or her parent or guardian requests such an exemption in writing; amending s. 234.02, F.S.; limiting transportation of a student to a medical treatment facility without parental consent; providing an effective date.

—was read the second time by title.

Senator Dawson moved the following amendment which was adopted:

Amendment 1 (072760)(with title amendment)—On page 1, line 20, delete "program" and insert: *plan*

And the title is amended as follows:

On page 1, line 5, delete "program" and insert: *plan*

Pursuant to Rule 4.19, **CS for SB 780** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 906—A bill to be entitled An act relating to public records; providing an exemption from the public records law for individual records of children enrolled in Learning Gateway programs; providing for the release of such records for specified purposes; exempting from the public records law those records held by a Learning Gateway Program which would be confidential if held by a state agency; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 906** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 938—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; amending s. 627.679, F.S.;

requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (681222)—On page 1, line 29, delete “financing” and insert: *financial financing*

Amendment 2 (283850)(with title amendment)—On page 1, line 30, after “institution” insert: *or creditor*

And the title is amended as follows:

On page 1, line 5, after “institutions” insert: *or creditors*

Amendment 3 (582890)—On page 2, lines 15-19, delete those lines and insert: *license under s. 626.171. The requirements of subsection (5) of s. 626.171, shall only apply to the officers and directors of the entity submitting the application.*

Pursuant to Rule 4.19, **CS for SB 938** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for CS for SB 108—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 108** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 232—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; amending s. 948.01, F.S.; authorizing drug offender probation only for those offenders being sentenced for certain drug possession offenses or drug purchase offenses; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 232** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

SB 720—A bill to be entitled An act relating to criminal history records; amending ss. 943.0585, 943.059, F.S.; prohibiting a court from expunging or sealing the criminal history record of a person who has been found guilty of or pled guilty or nolo contendere to distributing or showing obscene material to a minor or who has been found guilty of or pled guilty or nolo contendere to certain activities involving computer pornography; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 720** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

SB 810—A bill to be entitled An act relating to law enforcement officers; amending s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 810** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 838—A bill to be entitled An act relating to landlord and tenant; amending s. 83.49, F.S.; increasing the time period within which a landlord must return a security deposit; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending s. 475.011, F.S.; providing an exemption from the real estate brokers and salespersons regulatory law; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (841850)—On page 3, line 26, after “STATUTES,” insert: *CHAPTER 83,*

Senator Peaden moved the following amendment which was adopted:

Amendment 2 (112412)(with title amendment)—On page 7, between lines 26 and 27, insert:

Section 7. (1) *Any member of the United States Armed Forces who is required to move pursuant to permanent change of station orders to depart 50 miles or more from the location of a rental premise or is prematurely or involuntarily discharged or released from active duty with the United States Armed Forces, may terminate his rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord’s receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the member’s Commanding Officer.*

(2) *Upon termination of a rental agreement under this section, the tenant is liable for the rent due under the rental agreement prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the rental agreement. The tenant is not liable for any other rent or damages due to the early termination of the tenancy except the liquidated damages provided in this section. If a member terminates the rental agreement pursuant to this section, 14 or more days prior to occupancy, no damages or penalties of any kind are due.*

(3) *In consideration of early termination of the rental agreement, the tenant is liable to the landlord for liquidated damages provided the*

tenant has completed less than nine months of the tenancy and the landlord has suffered actual damages due to loss of the tenancy. The liquidated damages must be no greater than one month's rent if the tenant has completed less than six months of the tenancy as of the effective date of termination, or one-half of one month's rent if the tenant has completed at least six but not less than nine months of the tenancy as of the effective date of termination.

(4) *The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the second semicolon (;) insert: providing for termination of a rental agreement by a member of the United States Armed Forces;

THE PRESIDENT PRESIDING

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 3 (261120)(with title amendment)—On page 1, line 19 through page 3, line 6, delete Section 1 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 3-5, delete those lines and insert: amending s. 83.67, F.S.;

Pursuant to Rule 4.19, **CS for SB 838** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m. Wednesday, March 28, was set for filing amendments to Bills on Third Reading to be considered Thursday, March 29.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, March 29.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 676** and **CS for SB 240** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

RECESS

On motion by Senator Lee, the Senate recessed at 10:05 a.m.

CALL TO ORDER

The Senate was called to order by the President at 10:05 a.m. A quorum present.

SENATE REUNION

The following former members of the Senate and their guests, in attendance for the 2001 Senate Reunion, were welcomed by the President: Dick Anderson; former Governor Reubin O'D. Askew and wife, Donna Lou; Secretary, Department of Juvenile Justice, W. G. "Bill" Bankhead; Malcolm E. Beard and wife, Mary Ellen; Tom C. Brown; Ferrin Campbell and wife, Edwina; Don C. Childers; Commissioner of Education, Charlie Crist; Richard T. Crotty; Judge C. Welborn Daniel, his wife, Carol Sue and granddaughter Jamie Grant; Timothy D. Deratany; Representative Mario Diaz-Balart; Fred R. Dudley; Vince Fechtel, Jr., his wife, Dixie and daughters, Elizabeth and Mary Katherine; George Firestone; Judge Thomas M. Gallen; Bill Grant and wife, Janet; John Grant and wife, Beverley; Tom Greene; Bill Gunter; Secretary of State Katherine Harris; Warren S. Henderson; Beth Johnson, her husband, Bill Gibson and guest, Jeanette Scully; Karen Johnson; Robert M. "Bob" Johnson; George Kirkpatrick; Curt Kiser and wife, Sally; Richard

H. Langley; Gerald A. Lewis and wife, Mary K.; Franklin B. Mann and wife, Mary Lee; Clark Maxwell, Jr. and wife, Margo; John A. McDonald; Tom McPherson and wife, Janet; Representative Matthew J. Meadows and wife, Charley Mae; John Ostalkiewicz; Kenneth A. Plante and wife, Sandy; Lawrence H. Plummer and guest Betty C. Huck; Van B. Poole and wife, Donna; Henry B. Sayler and wife, Wylene; Sherrill "Pete" Skinner; Tom Slade; Bruce A. Smathers; Judge Douglas Stenstrom and wife, Gladys; Russell E. Sykes and wife, Jan; Alan Trask and wife, Irene; Judge John T. Ware and wife, Joyce; and Charles Williams.

The following special guests were also welcomed: Mary Ann Thomas, widow of former Senate President Pat Thomas; Anne Jolley Byrd, daughter; and John Pat Thomas, son.

President McKay recognized the following former Senate Presidents: Lew Brantley, 1976-1978 and wife, Catherine; John W. Vogt, 1986-1988; Robert B. "Bob" Crawford, 1988-1990; Gwen Margolis, 1990-1992; James A. Scott, 1994-1996 and wife, Janice; and Toni Jennings, 1996-2000.

By direction of the President, the Secretary read the names of former Senators who have passed away since the last reunion: C. W. "Bill" Beaufort, T. Drew Branch, Sr., Edgar M. "Ed" Dunn, Jr., Vernon C. Holloway, Maurice McLaughlin, Bernard Parrish, Joseph W. "Joe Bill" Rood, George W. Tedder, Jr., former Senate President Pat Thomas and Johnnie J. Wright.

The President announced that photographs and plaques had recently been hung outside the committee rooms named in honor of former Senate Presidents Verle Pope, Jerry Thomas and Pat Thomas.

The President introduced the following new members of the Senate: Senators Lee Constantine, Victor D. Crist, Rudy Garcia, Alfred "Al" Lawson, Jr., Lesley "Les" Miller, Jr., Durrell Peaden, Jr., Bill Posey, Ken Pruitt, Debby P. Sanderson, Rod Smith, J. Alex Villalobos and Debbie Wasserman Schultz.

A video was shown that captured portions of Senate sessions from 1950 through 2000. Following the video presentation, the President recognized former and current Senators for remarks. Group photographs were taken of former Senate Presidents, and all current and former Senators.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 29, 2001: SB 2000, SB 2002

Respectfully submitted,
Tom Lee, Chairman

The Committee on Criminal Justice recommends the following pass: CS for SB 260, CS for SB 400

The bills were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Children and Families recommends the following pass: SB 1230 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 1148 with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: SB 1082

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

The Committee on Banking and Insurance recommends the following pass: CS for SB 1274, SB 1786

The bills were placed on the calendar.

The Committee on Ethics and Elections recommends committee substitutes for the following: SB 200, SB 1116, SB 1118, SB 1120

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

The Committee on Ethics and Elections recommends a committee substitute for the following: SJR 526

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1258

The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Ethics and Elections recommends a committee substitute for the following: SJR 488

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Smith—

SB 2112—A bill to be entitled An act relating to environmental control; titling the act the “Florida Performance-Based Environmental Permitting Act”; providing legislative findings and public purpose; amending s. 403.087, F.S.; removing provisions relating to renewal of operation permits for specified domestic wastewater facilities, requirements for such renewal, and Department of Environmental Protection recordkeeping requirements with respect to such permits; revising conditions under which the department shall issue a permit to construct, operate, maintain, expand, or modify an installation which may reasonably be expected to be a source of pollution; creating s. 403.0874, F.S.; establishing the Performance-Based Environmental Permit Program; providing definitions; requiring applicants under the Florida Air and Water Pollution Control Act to submit specified information to the department; requiring the department to consider the compliance history of applicants; requiring the department to review the compliance history of applicants seeking review or modification of a permit and applicants seeking a permit for a new facility; creating a point schedule for violations, and incidents leading to violations, of environmental regulation for the purpose of assessing applicants; requiring the department to compute points based on the schedule; providing basis for assignment of points; providing period of time during which points assessed against an applicant remain in effect; providing for burden of proof in proceedings challenging proposed agency action; providing a point threshold upon which the department is required to conduct a supplemental review and the applicant is required to submit an increased permit fee; providing actions which may be taken by the department subsequent to a supplemental review; providing actions which may be taken by the department and the applicant subsequent to a denial by the department; providing factors to be considered by the department prior to acting pursuant to a supplemental review; providing criteria to be considered in evaluating an applicant’s compliance program; providing construction; providing that applicants meeting certain criteria are eligible for specified compliance incentives; providing procedure, requirements, and eligibility criteria with respect

to such incentives; providing for voluntary submission of prescribed compliance forms; providing for application of the act; repealing s. 403.707(8), F.S., which governs departmental refusal to issue a permit under pt. IV of ch. 403, F.S., relating to resource recovery and management, to conform; amending ss. 403.703, 403.0871, 403.0872, F.S.; conforming cross-references; reenacting ss. 366.825(3), 378.901(9), 403.0881, 403.707(3), and 403.927(2), F.S., to incorporate the amendments to s. 403.087, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 2114—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.0016, 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; conforming a cross-reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida’s National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross-references; amending s. 267.062, F.S.; correcting a cross-reference; creating s. 267.0619, F.S.; revising provisions with respect to grant application review; amending s. 267.072, F.S.; revising provisions relating to the Museum of Florida History Programs; creating s. 267.073, F.S.; revising provisions relating to the Great Floridians program; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic

Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; transferring, renumbering, and amending s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901, 872.05, F.S.; conforming cross-references; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 2116—A bill to be entitled An act relating to motor vehicles; amending s. 320.084, F.S.; allowing certain disabled veterans to purchase additional disabled veterans license plates; amending s. 320.0848, F.S.; authorizing certain additional health care professionals to issue certifications of disability; providing an effective date.

—was referred to the Committees on Transportation; and Finance and Taxation.

By Senator Crist—

SB 2118—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions; creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

SB 2120—Not referenced.

By Senator Garcia—

SB 2122—A bill to be entitled An act relating to common trust fund accounting; amending s. 660.45, F.S.; providing for notice by publication of the time and place for a court accounting of a common trust fund; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Garcia—

SB 2124—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological and cultural sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Garcia—

SB 2126—A bill to be entitled An act relating to filings administered by the Department of State; providing legislative findings and intent; amending s. 679.401, F.S.; prescribing places of filing for secured transactions; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the Department of State; prescribing standards for the registry; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Garcia—

SB 2128—A bill to be entitled An act relating to public records; amending s. 110.201, F.S.; providing a public-records exemption for certain state employees' records; providing a finding of public necessity and an expiration date; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Latvala—

SB 2130—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; providing definitions; authorizing additional groups and organizations to conduct bingo games; requiring certain representatives of sponsoring organizations to be present during the operation of games; prohibiting certain tipping and requiring certain itemized cost disclosures; requiring the sharing of prizes in certain situations; providing for the adoption of stricter county ordinances; providing penalties; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; and Criminal Justice.

By Senator Jones—

SB 2132—A bill to be entitled An act relating to heir-finder businesses; providing legislative intent; defining the term "heir-finder business"; requiring heir-finder businesses to obtain a surety bond or establish a trust account or irrevocable letter of credit; requiring contracts or agreements to provide certain notice; providing for the bringing of certain actions under certain circumstances; limiting liability; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Regulated Industries.

By Senator Jones—

SM 2134—A memorial to the Congress of the United States, urging Congress to open an investigation into the airplane crash of Lt. Cmdr. Michael S. Speicher in Iraq.

—was referred to the Committee on Rules and Calendar.

SR 2136—Not referenced.

By Senators Burt and Silver—

SB 2138—A bill to be entitled An act relating to state motor vehicles; amending s. 287.17, F.S.; providing that vehicles assigned to state law enforcement officers and employees are covered by state collision insurance during certain off-duty activities; amending s. 768.28, F.S.; waiving sovereign immunity for vicarious liability of the state or any of its agen-

cies and subdivisions when an employee is operating a motor vehicle outside the course and scope of employment; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Rossin—

SB 2140—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Dyer—

SB 2142—A bill to be entitled An act relating to solid waste collection; amending s. 165.061, F.S.; clarifying provisions related to the treatment of existing solid waste contracts in areas affected by the merger or incorporation of municipalities; amending s. 403.706, F.S.; requiring waste processing facilities to keep certain records; providing for the adoption of rules; amending s. 403.7063, F.S.; authorizing certain private companies to enforce certain solid-waste-collection agreements; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Judiciary; and Natural Resources.

By Senator Dyer—

SB 2144—A bill to be entitled An act relating to the statewide crime watch program; amending s. 230.23185, F.S.; requiring the Department of Education to create and use uniform numbers for a statewide toll-free school safety hotline; requiring the department to provide public-service announcements regarding the use of the hotline; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Mitchell—

SB 2146—A bill to be entitled An act relating to medical records; amending s. 456.057, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing; providing for discipline, injunctive relief, and fines; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Commerce and Economic Opportunities.

SR 2148—Not referenced.

By Senator Jones—

SM 2150—A memorial to the Federal Emergency Management Agency, urging the agency to adopt a policy towards the Florida Keys that is consistent with Florida law and its own policy.

—was referred to the Committee on Rules and Calendar.

By Senator Lawson—

SB 2152—A bill to be entitled An act relating to retiree health insurance; amending s. 112.363, F.S.; revising the minimum and maximum retiree health insurance subsidies; revising the contribution paid by employers of members of state-administered retirement plans; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

SR 2154—Not referenced.

By Senator Klein—

SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term “end-stage condition”; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates, by persons who have durable powers of attorney for health care, and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Judiciary.

By Senator Saunders—

SB 2158—A bill to be entitled An act relating to healthcare practitioners; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and to receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 240.40201, F.S.; granting nursing students priority in receiving a Florida Bright Futures Scholarship; amending s. 456.047, F.S.; providing intent; defining and redefining terms; revising duties of the Department of Health relating to file maintenance; providing that primary-source data verified by the department or its designee may be relied upon for accreditation purposes; amending s. 464.008, F.S.; revising education requirements for licensure by examination as a registered nurse or licensed practical nurse; amending s. 464.009, F.S.; revising requirements for licensure by endorsement to practice professional or practical nursing; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such a check; providing for an electronic applicant-notification process; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Villalobos—

SB 2160—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing definitions; providing an exemption for building materials used in industrial or commercial projects in specified areas; providing for refunds; providing application requirements; providing for rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Villalobos—

SB 2162—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.002, F.S.; redefining the term “full schedule of live racing or games”; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Taxation.

By Senator Silver—

SB 2164—A bill to be entitled An act relating to emergency telephone systems; amending s. 365.171, F.S.; authorizing the establishment of telephone systems using the number “311” for nonemergency services; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Silver—

SB 2166—A bill to be entitled An act relating to school safety; creating the “Safe Passage Act”; creating s. 229.8349, F.S.; providing legislative findings and intent; providing for safety audits of school districts and safety and security programs, district plans and procedures, and safety and security practices; requiring a public review of audit recommendations; requiring an action plan to address audit recommendations; providing for appeal of a school district failure to adopt or implement an action plan; providing for school safety hotlines; requiring reporting of offenses against school property or persons on school property; providing penalties for failure to report known or suspected threats; providing penalties for false reports of threats; providing immunity from liability for good-faith reporting of suspected threats; requiring a record of hotline calls and a review of the record; providing for rules; amending s. 235.06, F.S.; providing for the State Fire Marshal to adopt rules for firesafety in educational facilities; providing for firesafety inspections by personnel or the local fire control authority or the State Fire Marshal; providing responsibilities of local fire control authorities with respect to firesafety in educational facilities; amending s. 633.01, F.S.; prescribing duty of the State Fire Marshal to adopt rules relating to firesafety of occupants of educational facilities; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Criminal Justice; Appropriations Subcommittee on Education; and Appropriations.

By Senator Villalobos—

SB 2168—A bill to be entitled An act relating to brownfield redevelopment economic incentives; amending s. 376.84, F.S.; providing definitions; providing that a county that constructs, renovates, or expands a significant new facility for a professional sports franchise on a qualifying brownfield site is entitled to a sales tax increment rebate; requiring such county to submit certain information to the Department of Revenue; providing for certification of the county by the department; providing for rules; providing for use of the rebate funds; providing the amount of the rebate; amending s. 212.20, F.S.; providing for distribution of the rebate to such counties; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Finance and Taxation.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ethics and Elections; and Senator King—

CS for SB 200—A bill to be entitled An act relating to elections; creating the “Military and Overseas Voter Protection Act;” providing definitions; stating legislative intent; providing for registration of certain recently discharged or separated military personnel and family members; requiring the Department of State to adopt rules specifying eligibility; providing for a state write-in absentee ballot for overseas voters; providing for absentee ballots for overseas voters; providing for advance ballots; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; directing the adoption of emergency rules to facilitate voting by overseas voters; providing a presumption that absentee ballots were mailed on the date stated outside the absentee return envelopes of absentee voters; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S., to conform, amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absentee voters; amending s. 102.112, F.S.; extending the deadline for submission of county returns to the Department of State; amending s. 102.111, F.S., to conform; providing an effective date.

By the Committee on Ethics and Elections; and Senator Rossin—

CS for SJR 488—A joint resolution proposing amendments to Section 15 of Article III and Section 4 of Article VI of the State Constitution; revising the terms of office for certain elected constitutional officers; providing for staggered terms of office; revising limitations on the number of consecutive years during which certain elected constitutional officers may hold office.

By the Committee on Ethics and Elections; and Senators Meek, Diaz de la Portilla and Rossin—

CS for SJR 526—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

By the Committee on Ethics and Elections; and Senators Posey, Lawson, Bronson and Sebesta—

CS for SB 1116—A bill to be entitled An act relating to certification deadlines; amending s. 102.112, F.S.; revising deadlines for certification of election results; requiring the acceptance of late-filed election returns in certain circumstances; increasing the fine for filing late-filed election returns; amending s. 102.111, F.S.; to conform; amending s. 99.063, F.S.; revising the date that a candidate for Governor must designate a Lieutenant Governor as a running mate; amending s. 102.166, F.S.; modifying the deadline for requesting a manual recount; providing an effective date.

By the Committee on Ethics and Elections; and Senators Posey, Lawson, Bronson and Sebesta—

CS for SB 1118—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; providing a definition of provisional ballot; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector’s eligibility if the elector’s name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.141, F.S.; requiring the county canvassing

board to provide public notice of time and place of the canvass of provisional ballots; providing an effective date.

By the Committee on Ethics and Elections; and Senators Posey, Lawson, Bronson and Sebesta—

CS for SB 1120—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; modifying the definition of the term “ballot”; defining the terms “overvote” and “undervote”; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; amending s. 103.101, F.S., to conform; amending s. 101.5603, F.S.; eliminating references to punchcard ballots and devices; amending s. 101.5606, F.S.; prohibiting the use of punchcard voting systems; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on overvotes and undervotes following the general election; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; providing effective dates.

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

CS for SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring

the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 22 and 23 were corrected and approved.

CO-SPONSORS

Senators Bronson—CS for SB 1116, CS for SB 1118, CS for SB 1120; Brown-Waite—SB 1324, SB 2030; Lawson—CS for SB 1116, CS for SB 1118, CS for SB 1120; Posey—SB 478; Sanderson—SB 2030; Sebesta—CS for SB 1116, CS for SB 1118, CS for SB 1120; Wasserman Schultz—SB 1456

Senator Geller withdrew as prime sponsor of SB 1792 and Senator Rossin was recorded as prime sponsor of SB 1792.

VOTES RECORDED

Senator Carlton was recorded as voting “yea” on **CS for SB 94** which was considered March 22.

Senator Garcia was recorded as voting “yea” on **CS for SB 1018** which was considered March 22.

RECESS

On motion by Senator Lee, the Senate recessed at 11:40 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 29.

SENATE PAGES

March 26-30

David Bentley, Bartow; Jennifer Bolden, Belle Glade; Adam Brown, Cape Coral; Dahnell Clervil, N. Miami Beach; Candice Colebrook, Carol City; Cynthia Cruz, Miami; Dustin Ely, Lakeland; Rebecca Freeman, Crestview; Dennis Gucciardo, Tampa; Chazzie Henderson, Belle Glade; Sh’Kayla Jackson, Blountstown; Michael Johnson, Deltona; Allison LaLonde, Lakeland; Christopher Langton, Deltona; George Laurent, Bartow; Abby Lord, Palm Harbor; Annita Sinclair, South Bay; C.J. Smith, Winter Park; Kimberly Sundstrom, Tallahassee; Ann Williams, Rockledge



Journal of the Senate

Number 11—Regular Session

Thursday, March 29, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:30 a.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

PRAYER

The following prayer was offered by the Rev. Tom Veit, St. Mary, The Virgin Catholic Church of Tampa:

Most gracious God, we humbly beseech thee for the people of the great State of Florida, and especially for their Senate assembled here; that thou wouldest be pleased to direct and prosper all their consultations to the advancement of thy glory, the safety, honor and welfare of thy people; that all things may be so ordered and settled by the endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations.

We beseech thee so to guide and bless the Legislature of this State, that it may ordain for our governance only such things as please thee to the glory of thy name and the welfare of the people. These and all other necessary things, for them, for us and the great State of Florida, we humbly beg in the name of Almighty God. Amen.

PLEDGE

Senate Pages Jennifer Bolden of Belle Glade, Annita Sinclair of South Bay and Christopher Langton of Deltona, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Ed Homan of Tampa, sponsored by Senator Crist, as doctor of the day. Dr. Homan specializes in Orthopedic Surgery.

ADOPTION OF RESOLUTIONS

On motion by Senator Dawson—

By Senator Dawson—

SR 1882—A resolution honoring Kids Voting Broward, Inc.

WHEREAS, voter apathy is rampant in the United States where, on average, fifty percent of eligible citizens do not vote in presidential elections, and less than fifty percent of adults 18 to 24 years of age are even registered to vote, and

WHEREAS, Kids Voting Broward, Inc., is a nonprofit, nonpartisan organization with the goals of increasing adult voter turnout, generating better-informed voters, and instilling a lifelong habit of voting among tomorrow's voters, and

WHEREAS, the Kids Voting curriculum helps students discover the power and value of voting through prescribed activities that aid in the development of skills and concepts crucial to living in a democratic society, and

WHEREAS, in national studies, Kids Voting has been proven to be a successful program, with ninety-nine percent of teachers responding that their students know more about elections, eighty-one percent of educators noting an increase in parental involvement, and a measurable increase in voter turnout of five percent in communities in which the Kids Voting program has been implemented, and

WHEREAS, Election Day 2000 was a great success for Kids Voting Broward, Inc., as 91,000 local students in kindergarten through high school gained hands-on voting experience and a record-breaking sixty percent of adults surveyed responded that they were motivated to go to the polls and vote by their children's desire to participate in the program, NOW, THEREFORE,

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

That the Senate pauses in its deliberations to commend Kids Voting Broward, Inc., for the invaluable service it provides to its community in promoting civic-mindedness in Florida's youth while increasing participation in our electoral process.

—was introduced out of order and read by title. On motion by Senator Dawson, **SR 1882** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Dawson introduced Barbara Ericksen and a group of students from Broward County who were present in the gallery.

At the request of Senator Peaden—

By Senator Peaden—

SR 2136—A resolution recognizing March 30, 2001, as Doctors' Day in the Florida Senate.

WHEREAS, Doctors' Day was first observed in 1933 on the day that also commemorates the first administration of anesthesia by a physician in 1842, and

WHEREAS, the medical profession holds a special place in the hearts of Americans, and

WHEREAS, Doctors' Day provides an opportunity for physicians and patients to set aside the distractions of today's health-care environment and focus on the medical profession's contribution to society, and

WHEREAS, most physicians work long and unpredictable hours, and many must cope with the conflicting demands of work and family life, and

WHEREAS, the Florida Medical Association sponsors the Doctor of the Day program that provides volunteer physicians during the regular legislative sessions to provide medical care for the legislators, staff, and others, and

WHEREAS, physicians devote their lives to caring for people and make special contributions to our society and culture, and

WHEREAS, a red carnation has become the symbol of Doctors' Day because it denotes the qualities of love, charity, sacrifice, bravery, and courage and is worn by physicians and their spouses, NOW, THEREFORE,

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

That the Florida Senate recognizes March 30, 2001, as Doctors' Day.

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

—**SR 2136** was introduced, read and adopted by publication.

On motion by Senator King—

By Senator King—

SR 2186—A resolution recognizing March 29, 2001, as "F.S.U. Day in Tallahassee."

WHEREAS, the sesquicentennial anniversary of the Florida State University was observed on January 24, 2001, and will be celebrated throughout 2001, the 150th year after the institution's establishment by the Legislature, in 1851, as the Seminary West of the Suwannee River, and

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

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

WHEREAS, the solid foundation for this "Research I" university was laid through the institution's role as the state's first liberal arts college, which grew into the Florida State College for Women, the nation's second-largest state college for women recognized by the Association of American Universities in 1924, and

WHEREAS, today the university's mission emphasizes teaching, research, and public service, with 17 independent colleges and schools, the newest being the College of Medicine, and

WHEREAS, with graduate and undergraduate degrees offered in more than 570 programs, many of which are nationally recognized, the Florida State University's comprehensive offerings prepare students for graduate school, professional degree programs, and successful careers, and

WHEREAS, as Florida's most "wired" campus and a leader in the use of new technologies, the Florida State University is setting the standard for distance learning and the use of technology in the classroom and

campus-wide, allowing professors and students to share research with colleagues and students around the world, and

WHEREAS, the Florida State University is ranked third nationally in revenues generated from scientific research and discoveries, and its research foundation continues to grow at an unprecedented rate, and

WHEREAS, well-rounded and successful graduates have taken advantage of the Florida State University's high-quality academics and research; gained service, social, and leadership skills; and prepared themselves to take meaningful roles in society, and

WHEREAS, the Florida State University has a long and continuing tradition of promoting racial, ethnic, and cultural diversity on its campus through aggressive recruitment of diverse groups of students making the college experience more enriching for its students, and

WHEREAS, the Florida State University has a strong reputation in the fine and performing arts, having developed distinguished programs in theatre, music, dance, and film, and has established a statewide presence with the Asolo Theatre, the Ringling Museum, and the Appleton Museum, and

WHEREAS, the Florida State University continues to be a tremendous source of pride for its students, faculty, alumni, friends, and administrators, as well as for all citizens of the State of Florida, and

WHEREAS, with its strong history as a liberal arts college, commitment to undergraduate education, and extensive and distinguished research in facilities such as the National High Magnetic Field Laboratory, the Florida State University is truly on the "cutting edge" of higher education, and

WHEREAS, in recognition of the Florida State University's 150 years of achievement and looking ahead to its promising future, it is fitting and appropriate that the Senate of the State of Florida recognize March 29, 2001, as "F.S.U. Day in Tallahassee," NOW, THEREFORE,

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

That the Florida Senate recognizes March 29, 2001, as "F.S.U. Day in Tallahassee" in recognition of the Florida State University's 150 years as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Talbot "Sandy" D'Alemberte, President of the Florida State University, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2186** was read the second time in full and adopted.

On motion by Senator Posey—

By Senator Posey—

SR 2222—A resolution commemorating the life of Dale Earnhardt.

WHEREAS, Dale Earnhardt was born on April 29, 1951, in Kanapolis, North Carolina and died on February 18, 2001, in Daytona, Florida, and

WHEREAS, Dale Earnhardt, during his racing career of 639 starts, 74 wins, 268 top-five finishes, and 402 top-ten finishes, earned the nickname, "The Intimidator" because of his aggressive driving style and unrelenting will to reach victory lane, and

WHEREAS, Dale Earnhardt was named Rookie of the Year in 1979, his first year of NASCAR racing, won the NASCAR Winston Cup Championship the following year, and ultimately won seven Winston Cup Championships, tying him with Richard Petty for the most championships, and

WHEREAS, Dale Earnhardt was the all-time NASCAR money winner with over \$35.5 million in career winnings, the only six-time winner of the Busch Clash, the only three-time winner of the Winston All Star Race, the five-time NMPA Driver of the Year, the four-time winner of the IROC title, twice named American Driver of the Year, and the first American driver to receive the Autosports Gregor Grant Award, and

WHEREAS, Dale Earnhardt, despite completing all 500 miles of the Daytona 500 a record 14 times, more than any other driver, was denied victory in that race for 19 years, and

WHEREAS, Dale Earnhardt finally won the Daytona 500 in 1998 on his 20th attempt, and

WHEREAS, Dale Earnhardt was killed in a tragic accident on the last lap of the Daytona 500 in 2001, and

WHEREAS, Dale Earnhardt's success both on the racetrack and in life was a living example of the philosophy of doing what you love and doing it better than anyone else, and

WHEREAS, Dale Earnhardt's untimely death was a loss to his family, his associates, his fans, and the public, NOW, THEREFORE,

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

That it is fitting that this legislative body pause in its deliberations to pay its respects to Dale Earnhardt and extend its condolences to his family and record this testimonial of esteem and bereavement.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Florida Senate affixed, be transmitted to Mrs. Teresa Earnhardt as a tangible and lasting token of the respect and sentiments of the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Posey, **SR 2222** was read the second time in full and adopted.

POINT OF PERSONAL PRIVILEGE

On motion by Senator Rossin, the following remarks were ordered spread upon the Journal:

Senator Smith: Mr. President, I rise to a Point of Personal Privilege and request permission to briefly address the Senate.

As all of you are aware, my father passed away last Friday during the early morning hours.

I want to take this opportunity to inadequately express my mother's appreciation and my family's appreciation for the many kindnesses of this Senate and its staff.

I particularly want to thank the President of the Senate and Mrs. McKay, the Majority and Minority Leaders, Senator Mitchell and Senator Clary for attending my father's funeral. It was touching to this freshman.

I want to thank all of you for the many cards, letters, condolences, pats on the back, friendly smiles and prayers. Thank you Mr. President.

Mr. President: Thank you for your comments. Senators, for those of you who didn't join Senator Rossin, Senator King, Senator Clary, Senator Mitchell, my wife and me at the funeral the other day, let me tell you that while I didn't have the opportunity to know Rod's father, I was fortunate enough to have a picture of him sitting in front of me at the funeral. He had a really neat smile, and he had something that some people are gifted with—not everybody—he had happy eyes. He just looked like a nice man. I told Rod the turnout at the funeral was a testimony to his father. The words of the minister were a testimony to your father. The day that was provided for your father's funeral was a testimony to him too. Our thoughts and prayers are with you and your family Senator Smith.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1398** was withdrawn from the Committee on Finance and Taxation.

On motion by Senator Horne, by two-thirds vote **CS for SB 746** which has been reported favorably by the Appropriations Subcommittee on Education with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by

the subcommittee will be shown as offered by the Committee on Appropriations; **CS for CS for SB 1214** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **SB 2000** and **SB 2002** were withdrawn from the Committee on Appropriations.

BILLS ON THIRD READING

On motion by Senator King, by two-thirds vote **HB 1083** was withdrawn from the Committees on Criminal Justice; and Governmental Oversight and Productivity.

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

HB 1083—A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof, or a state or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

—a companion measure, was substituted for **CS for CS for SB 1356** as amended and by two-thirds vote read the second time by title. On motions by Senator King, by two-thirds vote **HB 1083** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury's recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

—as amended March 27 was read the third time by title.

On motion by Senator Mitchell, **CS for SB 238** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Campbell	Cowin	Dyer
Bronson	Carlton	Crist	Garcia
Brown-Waite	Clary	Dawson	Geller
Burt	Constantine	Diaz de la Portilla	Holzendorf

Horne	Lawson	Posey	Silver
Jones	Lee	Pruitt	Smith
King	Meek	Rossin	Sullivan
Klein	Miller	Sanderson	Villalobos
Latvala	Mitchell	Saunders	Wasserman Schultz
Laurent	Peaden	Sebesta	Webster

Nays—None

CS for CS for CS for SB 446—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term “homeless child”; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.5092, F.S.; increasing the amount of revenue bonds the Florida Housing Finance Corporation may issue for the corporation’s guarantee fund; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term “homeless”; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the State Office of Homelessness; requiring the Department of Children and Family Services to adopt rules with input from the Council on Homelessness; requiring an annual report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities serving persons with mental illness or substance abuse; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards’ one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons’ Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

—as amended March 27 was read the third time by title.

On motion by Senator Constantine, **CS for CS for CS for SB 446** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establish-

ing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **CS for CS for SB 1180** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for SB 906—A bill to be entitled An act relating to public records; providing an exemption from the public records law for individual records of children enrolled in Learning Gateway programs; providing for the release of such records for specified purposes; exempting from the public records law those records held by a Learning Gateway Program which would be confidential if held by a state agency; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 906** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

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

SPECIAL ORDER CALENDAR

SB 2000—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (995005)—

In Section: 05 On Page: 249 Specific Appropriation: 2045
Delete Insert

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Public Transportation

2045 In Section 05 On Page 249
 Fixed Capital Outlay
 Transportation Outreach Program

From State Transportation (Primary)	120,043,183	119,693,183
Trust Fund		

Immediately following Specific Appropriation 2045, in the list of projects, DELETE:

Interstate Connector - Alabama into Escambia.....2,000,000

And, INSERT:

Interstate Connector - Alabama into Escambia.....1,650,000

Program: Highway And Bridge Construction

2011 In Section 05 On Page 246
 Special Categories
 Transfer To The State Transportation
 Trust Fund

From General Revenue Fund	92,343,183	91,993,183
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EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION
Universities, Division Of
Program: Educational And General Activities

194 In Section 02 On Page 042
 Lump Sum
 Educational And General Activities

From General Revenue Fund	1,230,716,024	1,231,066,024
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Immediately following Specific Appropriations 194, within the list of projects, INSERT:

UWF Institute for Human and Machine Cognition.....350,000

SENATOR LAURENT PRESIDING

Senator Laurent offered the following amendment which was moved by Senator Clary and adopted:

Amendment 2 (995006)—

In Section: 05 On Page: 187 Specific Appropriation: 1471
Delete Insert

AGRICULTURE AND CONSUMER SERVICES,
DEPARTMENT OF, AND COMMISSIONER OF
AGRICULTURE
Program: Agricultural Economic
Development
Aquaculture

1471 In Section 05 On Page 187
 Special Categories
 Aquaculture Development

From General Revenue Fund	1,621,260	1,930,676
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In the list of projects in the proviso following Specific Appropriation 1471, INSERT:

Indian River Aquaculture Program100,000
 Statewide Shellfish Aquaculture Extension Program.....120,250
 Florida Aquaculture Extension Program.....89,166

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Recreation And Parks
Recreational Assistance To Local
Governments

1814B In Section 05 On Page 226
 Grants And Aids To Local Governments And
 Nonstate Entities - Fixed Capital Outlay
 Educational Habitat - Navarre Beach

From General Revenue Fund	400,000	250,000
---------------------------	---------	---------

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Public Transportation

2045 In Section 05 On Page 249
 Fixed Capital Outlay
 Transportation Outreach Program

From State Transportation (Primary)	120,043,183	119,883,767
Trust Fund		

Immediately following Specific Appropriation 2045, DELETE:

Interstate Connector - Alabama into Escambia.....2,000,000

And, INSERT:

Interstate Connector - Alabama into Escambia.....1,840,584

Program: Highway And Bridge Construction

2011 In Section 05 On Page 246
 Special Categories
 Transfer To The State Transportation
 Trust Fund

From General Revenue Fund	92,343,183	92,183,767
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Senator Clary moved the following amendment which was adopted:

Amendment 3 (995007)—

In Section: 05 On Page: 208 Specific Appropriation: 1648-A
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: State Lands
Land Administration

1648-A In Section 05 On Page 208
 Special Categories
 Transfer To The Department Of Community
 Affairs - Florida Communities Trust

From Land Acquisition Trust Fund	1,151,764
----------------------------------	-----------

Senator Brown-Waite offered the following amendment which was moved by Senator Clary and adopted:

Amendment 4 (995008)—

In Section: 05 On Page: 216 Specific Appropriation: 1724-B
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Water Resource Management
Beach Management

1724-B In Section 05 On Page 216
 Grants And Aids To Local Governments And
 Nonstate Entities - Fixed Capital Outlay
 Weeki Wachee River Sand Containment and
 Erosion Control

From General Revenue Fund	100,000
---------------------------	---------

Senator Mitchell offered the following amendment which was moved by Senator Clary and adopted:

Amendment 5 (995009)—

In Section: 05 On Page: 218 Specific Appropriation: 1748 Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Water Resource Management
Water Resource Protection And Restoration

1748 In Section 05 On Page 218
Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Statewide Restoration Projects

In proviso language following Specific Appropriation 1748, STRIKE:

"Wastewater Treatment Facility - Town of Callahan ... 5,280,000"
"Florida Lakewatch 450,000"

and INSERT:

"Wastewater Treatment Facility - Town of Callahan ... 4,480,000"
"City of High Springs Municipal Wastewater System ... 1,250,000"

Senator Holzendorf offered the following amendment which was
moved by Senator Clary and adopted:

Amendment 6 (995010)—

In Section: 05 On Page: 218 Specific Appropriation: 1748 Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Water Resource Management
Water Resource Protection And Restoration

1748 In Section 05 On Page 218
Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Statewide Restoration Projects

In proviso following Specific Appropriation 1748, STRIKE:

"Funding for Non-functional Septic Tanks (Anastasia Island).. 1,625,000"

and INSERT:

"Funding for Non-functional Septic Tanks (Anastasia Island).. 1,125,000"

and following

"West Miami Surface Water Improvements Division 800,000"

INSERT:

"West St. Augustine Stormwater and Sewer Renovation 500,000"

Senator Laurent offered the following amendment which was moved
by Senator Clary and adopted:

Amendment 7 (995011)—

In Section: 05 On Page: 246 Specific Appropriation: 2011 Delete Insert

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Highway And Bridge Construction

2011 In Section 05 On Page 246
Special Categories
Transfer To The State Transportation
Trust Fund

From General Revenue Fund 92,343,183 92,093,183

Program: Public Transportation

2045 In Section 05 On Page 249
Fixed Capital Outlay

Transportation Outreach Program

From State Transportation (Primary) 120,043,183 119,793,183
Trust Fund

Immediately following Specific Appropriation 2045, DELETE:

Interstate Connector - Alabama into Okaloosa.....1,750,000

Immediately following Specific Appropriation 2045, INSERT:

Interstate Connector - Alabama into Okaloosa.....1,500,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Water Resource Management
Water Supply

1754-A In Section 05 On Page 220
Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Grants And Aids - Potable Water Resource
Study - Okaloosa County

From General Revenue Fund 250,000

Immediately following Specific Appropriation 1754-A, INSERT:

Funds in Specific Appropriation 1754A are provided for alternative water
supplies and water resource development in Okaloosa County by the
Northwest Florida Water Management District.

Senator Meek offered the following amendment which was moved by
Senator Clary and adopted:

Amendment 8 (995012)—

In Section: 05 On Page: 226 Specific Appropriation: 1814B Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Recreation And Parks
Recreational Assistance To Local
Governments

1814B In Section 05 On Page 226
Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Educational Habitat - Navarre Beach

From General Revenue Fund 400,000 150,000

GOVERNOR, EXECUTIVE OFFICE OF THE
Program: Office Of Tourism, Trade And
Economic Development
Economic Development Programs And
Projects

2367B In Section 06 On Page 281
Special Categories
Economic Development Projects

From General Revenue Fund 7,000,000 7,250,000

Immediately following Specific Appropriation 2367B, INSERT:

Miami Metro Action Plan.....250,000

Senator Laurent offered the following amendment which was moved
by Senator Clary and adopted:

Amendment 9 (995014)—

In Section: 05 On Page: 246 Specific Appropriation: 2011 Delete Insert

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Highway And Bridge Construction

2011 In Section 05 On Page 246
Special Categories
Transfer To The State Transportation
Trust Fund

From General Revenue Fund 92,343,183 91,843,183

Program: Public Transportation

2045 In Section 05 On Page 249
Fixed Capital Outlay
Transportation Outreach Program

From State Transportation (Primary) Trust Fund 120,043,183 119,543,183

Immediately following Specific Appropriation 2045, DELETE:
Interstate Connector - Alabama into Okaloosa.....1,750,000

Immediately following Specific Appropriation 2045, INSERT:
Interstate Connector - Alabama into Okaloosa.....1,250,000

HIGHWAY SAFETY AND MOTOR VEHICLES,
DEPARTMENT OF
Program: Florida Highway Patrol
Highway Safety

2389-C In Section 06 On Page 285
Fixed Capital Outlay
New Florida Highway Patrol Academy -
Gadsden County

From General Revenue Fund 500,000

Immediately following Specific Appropriation 2389-C, INSERT:
Funds in Specific Appropriation 2389C are to construct a training facility designed and constructed consistent with the plan developed to house all State training programs at the Pat Thomas Law Enforcement Academy for Region 15 and 16. Additionally, the Department is authorized to enter into agreements necessary to expedite the construction of the facility.

Senator Dawson offered the following amendment which was moved by Senator Clary and adopted:

Amendment 10 (995015)—

In Section: 05 On Page: 249 Specific Appropriation: 2045
Delete Insert

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Public Transportation

2045 In Section 05 On Page 249
Fixed Capital Outlay
Transportation Outreach Program

In the list of projects following Specific Appropriation 2045, DELETE:
Interstate Connector - Alabama into Escambia..... 2,000,000

and INSERT:
Interstate Connector - Alabama into Escambia..... 1,500,000
Relocation of U.S.1 in Palm Beach County..... 500,000

Senator Lawson offered the following amendment which was moved by Senator Clary and adopted:

Amendment 11 (995016)—

In Section: 05 On Page: 249 Specific Appropriation: 2045
Delete Insert

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Public Transportation

2045 In Section 05 On Page 249
Fixed Capital Outlay
Transportation Outreach Program

In the list of projects following Specific Appropriation 2045, DELETE:
Design, develop, install and test fiber optical communications equipment in coordination with Florida Fiber Network 20,400,000

and INSERT:
Design, develop, install and test fiber optical communications equipment in coordination with Florida Fiber Network 17,900,000

and at the end of the projects in Specific Appropriation 2045, INSERT:
Widen US 319 from 4 Points to US 98 2,500,000

Senator Crist offered the following amendment which was moved by Senator Clary and adopted:

Amendment 12 (995017)—

In Section: 06 On Page: 281 Specific Appropriation: 2367B
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Program: Office Of Tourism, Trade And
Economic Development
Economic Development Programs And
Projects

2367B In Section 06 On Page 281
Special Categories
Economic Development Projects

In Section 06 On Page 282

In the list of items following Specific Appropriation 2367B, DELETE:
Plant City-International Softball Federation (ISF)
Stadium..... 1,500,000

and INSERT:
Plant City-International Softball Federation (ISF)
Stadium..... 1,400,000

Outreach Learning Center Parking Facility (Planning)..... 100,000

Senator Clary moved the following amendments which were adopted:

Amendment 13 (995018)—

In Section: 06 On Page: 284 Specific Appropriation: 2382
Delete Insert

HIGHWAY SAFETY AND MOTOR VEHICLES,
DEPARTMENT OF
Program: Florida Highway Patrol
Highway Safety

2382 In Section 06 On Page 284
Expenses

From Highway Safety Operating Trust Fund 11,065,773 11,165,773

2383	Operating Capital Outlay			From General Revenue Fund	1,146,680	1,646,680
	From Highway Safety Operating Trust Fund	45,008	445,008			

At the end of Specific Appropriation 2912B, INSERT:
 Biltmore Complex in Coral Gables.....500,000

Immediately following Specific Appropriation 2383, INSERT:
 From the funds in Specific Appropriations 2382 and 2383, \$500,000 from the General Revenue Fund is provided to establish a joint dispatch center in Leon County that consolidates law enforcement radio communication operations in conjunction with implementation of the State law enforcement 800MHz radio system.

Senator Carlton offered the following amendment which was moved by Senator Clary and adopted:

2389A	In Section 06 On Page 285 Data Processing Services Kirkman Data Center - Department Of Highway Safety And Motor Vehicles					
	From Highway Safety Operating Trust Fund	1,175,975	675,975			

Amendment 16 (995070)—
 In Section: 05 On Page: 243 Specific Appropriation: 1998
 Delete Insert

	FISH AND WILDLIFE CONSERVATION COMMISSION Program: Florida Marine Research Institute Marine Status And Trends Assessments, Restoration And Technical Support					
	In Section 05 On Page 243 1998 Other Personal Services			From General Revenue Fund	25,000	1,070,000

Amendment 14 (995019)—
 In Section: 06 On Page: 335 Specific Appropriation: 2895
 Delete Insert

Immediately following Specific Appropriation 1998, INSERT:
 From General Revenue Funds included in Specific Appropriation 1998, \$1,045,000 is provided to the Florida Marine Research Institute for Red Tide Research.

	STATE, DEPARTMENT OF, AND SECRETARY OF STATE Program: Elections Election Records, Laws And Codes					
2895	In Section 06 On Page 335 Salaries And Benefits					
	Positions	39	51			
	From General Revenue Fund	1,280,009	1,859,052			

2005B	In Section 05 On Page 244 Special Categories S.T.A.R.T. - Red Tide			From General Revenue Fund	3,000,000	1,955,000
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Senator Mitchell offered the following amendment which was moved by Senator Clary and adopted:

2897	Expenses			From General Revenue Fund	638,747	1,026,645
2897A	Operating Capital Outlay			From General Revenue Fund		292,344

Amendment 17 (995000)—
 In Section: On Page: 357 Specific Appropriation:
 Delete Insert
 In Section On Page 357

Immediately following Specific Appropriation 2897A, INSERT:
 From the funds and positions in Specific Appropriations 2895 through 2897A, 12 positions and \$1,259,285 from the General Revenue Fund are provided for Voting System Improvements.

After Section 25, add the following Section, and Renumber Subsequent Sections:

2900	Special Categories Election Fraud Prevention			From General Revenue Fund	1,500,000	240,715
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It is the policy of the state with the funds appropriated for FY 2001-02, that all state services be performed in the most effective and efficient manner in order to provide the best value to the public. Further, the state recognizes that competition among service providers may improve the quality of service provided. Therefore, any state agency may identify services provided by the state that are available commercially from a private source or through other alternative means for the provision of services, examine the current method of service delivery, assess the feasibility of privatization, outsourcing, or other alternative means for the provision of services, and provide its findings to the Legislative Budget Commission. If the agency recommends to the Legislative Budget Commission that such services may be better provided through private sources or other alternative means, the state agency shall develop methods to accurately and fairly estimate and account for the cost of providing an identified state service and engage in the following process for evaluating proposals for privatization, outsourcing, or other alternative means for the provision of services

Senator Villalobos offered the following amendment which was moved by Senator Clary and adopted:

Amendment 15 (995021)—
 In Section: 06 On Page: 337 Specific Appropriation: 2912B
 Delete Insert

	STATE, DEPARTMENT OF, AND SECRETARY OF STATE Program: Historical Resources Historic Properties Preservation					
2912B	In Section 06 On Page 337 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Historical Projects					

1. Conduct an agency in-house cost estimate, a management study, or any other hearing, study, review, or cost estimate concerning any aspect of an identified state service.
2. Review the efficiency of the agency in-house state service.
3. Require that an identified state service be submitted to competitive bidding or another process that creates competition

with private sources and encourage state employees to organize and submit a bid for the identified service.

- 4. Compare the cost of the most efficient agency in-house state service with the cost of private sector bids. In comparing costs, the state agency must consider the cost of supervising the work of any private contractor. All bids or contracts must include an analysis of health care benefits, retirement, and workers' compensation insurance for employees of the contractor which are reasonably comparable to those provided by the state.
- 5. Compare the total accurate and fair estimated cost to the agency to include all indirect costs related to that agency and include costs of such agencies as the Comptroller, the Treasurer, the Attorney General, and other such support agencies.
- 6. Compare the quality of service to determine if the overall quality of the service will increase or decrease with privatization, outsourcing, or other alternative means.
- 7. Determine the net effect on state employees.
- 8. Determine the risk and consequences associated with privatization, outsourcing, or alternative means for provision of state services.

Upon completion of the process and prior to the transfer of any appropriated funds to implement a contract or memorandum of agreement related to privatization, outsourcing, or alternative means of provision of state services, the state agency shall provide to the Legislative Budget Commission its recommendations and documentation of the process.

Any contract or memorandum of agreement recommended by the state agency related to delivery of a state service pursuant to this section that requires the transfer of any appropriated funds shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes, and subject to the approval of the Legislative Budget Commission.

In the event that the documentation submitted to the Legislative Budget Commission pursuant to the provisions of this section fails to demonstrate that the proposed contract or memorandum of agreement will result in an ongoing net cost savings to the state, the Legislative Budget Commission shall deny the transfer of funds proposed to implement the contract or memorandum of agreement.

Senator Holzendorf offered the following amendments which were moved by Senator Clary and adopted:

Amendment 18 (995001)—

In Section: On Page: 357 Specific Appropriation: Delete Insert

In Section On Page 357

After Section 25., in the last paragraph, delete the last sentence which reads:

"This section is subject to the passage of Senate Bill_____."

Amendment 19 (995002)—

In Section: On Page: 357 Specific Appropriation: Delete Insert

In Section On Page 357

INSERT new section after Section 25, and renumber subsequent sections:

Pursuant to the provisions of section 440.51(14), Florida Statutes, for the fiscal year 2000-2001, the Department of Labor and Employment Security, Division of Workers' Compensation is authorized to transfer up to \$750,000 from the Workers' Compensation Trust Fund to the Florida Workers' Compensation Joint Underwriting Association. This section shall be effective upon becoming law.

Senator Klein offered the following amendment which was moved by Senator Clary and adopted:

Amendment 20 (995003)—

In Section: On Page: 356 Specific Appropriation: Delete Insert

In Section On Page 356

INSERT new section after Section 24, and renumber subsequent sections:

The unexpended balance of funds from section 38 of chapter 2000-164, Laws of Florida, authorized to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point, is hereby reappropriated for Fiscal Year 2001-2002 to the Department of Revenue for reimbursement of such sales tax payments as provided in section 212.08(5), Florida Statutes.

Senator King offered the following amendment which was moved by Senator Clary and adopted:

Amendment 21 (995004)—

In Section: On Page: 357 Specific Appropriation: Delete Insert

In Section On Page 357

INSERT as the last sentence in Section 25:

In the event that the documentation submitted to the Legislative Budget Commission pursuant to the provisions stated herein fails to demonstrate that the proposed contract or contracts for human resource services will result in an ongoing net cost savings to the state, the Legislative Budget Commission shall deny the transfer of funds proposed to implement the contract or contracts.

Senator Clary moved the following amendments which were adopted:

Amendment 22 (995013)—

In Section: 05 On Page: 229 Specific Appropriation: 1858A Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Recreation And Parks
Coastal And Aquatic Managed Areas

1858A In Section 05 On Page 229
Data Processing Services
Environmental Protection Management
Information Center

From General Revenue Fund	-246,310	0
From Land Acquisition Trust Fund	246,310	0

Amendment 23 (995020)—

In Section: 06 On Page: 337 Specific Appropriation: 2912B Delete Insert

STATE, DEPARTMENT OF, AND SECRETARY OF
STATE
Program: Historical Resources
Historic Properties Preservation

2912B In Section 06 On Page 337
Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Historical Projects

Immediately following Specific Appropriation 2912B, in the list of projects, DELETE, the word:

"Bolls" From General Revenue Fund 48,852,607 43,852,607

And replace with the word: Delete the fifth paragraph of proviso following Specific Appropriation 112 on page 20.

Bolles Program: State Grants K/12 Program - Non FEFP

Senator Lawson offered the following amendment which was moved by Senator Sullivan and adopted:

Amendment 24 (995022)—

In Section: 02 On Page: 007 Specific Appropriation: 18 Delete Insert

131 In Section 02 On Page 027 Special Categories Grants And Aids - Assistance To Low Performing Schools

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Program: Education - Fixed Capital Outlay From General Revenue Fund 21,000,000 16,000,000 Program: Executive Direction Support Services

18 In Section 02 On Page 007 Fixed Capital Outlay State University System Projects 102 In Section 02 On Page 018 Special Categories Contracted Services

In the proviso after Specific Appropriation 18 for FAMU "Campus Electrical Upgrades (P,C)" strike From General Revenue Fund 4,527,968 14,527,968

6,045,500 Insert the following new paragraphs of proviso after the second paragraph of proviso following Specific Appropriation 102 on page 18:

and insert 2,545,500 and insert 2 new items for FAMU before the next line of proviso as follows:

Pharmaceutical Research Facilities.....1,500,000 Carnegie Library Remodeling/Expansion.....2,000,000 Senator Campbell offered the following amendment which was moved by Senator Sullivan and adopted:

Amendment 25 (995023)—

In Section: 02 On Page: 013 Specific Appropriation: 56A Delete Insert

From the funds appropriated in Specific Appropriation 102, \$10,000,000 is provided for technology initiatives that will benefit students and teachers. The Office of Technology and Information Services in the Department of Education shall convene a panel of recognized authorities in the field of education technology as the Technology Review Group (TRG). The TRG shall review and evaluate existing and emerging technologies that affect the performance of students and teachers and shall issue a request for proposals that addresses, at a minimum, the issues listed below. The TRG shall receive, evaluate and rank the responses to this request for proposals and shall award grants for these technology funds by December 1, 2001.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Program: Private Colleges And Universities (1) The RFP shall address the need for FCAT software. This software should provide a license for an online assessment system that comprehensively addresses the Sunshine State Standards and Florida Comprehensive Assessment Test. The software should include a menu driven interface that allows standards-based reports for schools, classes, and individual students. Teachers should be able to track the progress of individual students through this databank throughout the year, the software package should include a superintendents reporting module that is customizable for data analysis and progress reports for groups and subgroups of interest. Prospective vendors shall include a professional development package for teachers and an account manager to facilitate all aspects of the implementation. The vendor shall be provided appropriate access to FCAT test item banks to enhance and expand random diagnostic assessment.

In the list of programs that may be funded from the funds in specific appropriation 56A for Nova/Southeastern, after Speech Pathology, INSERT: (2) The RFP shall address the need for pilot projects to evaluate the efficacy of wireless communications systems for public schools and postsecondary institutions.

,Public Sector Urban, Rural and Unmet Needs (3) The RFP shall address the need for pilot projects to evaluate a web-based software system to improve academic achievement with a lesson plan module that enables teachers to improve academic achievement through a lesson plan module and a grading module that connects state or district standards to lesson plans, objectives and assessments. Any vendor selected should have experience implementing the following web-based modules: grade books linked to standards, lesson plans linked to standards, discipline, attendance and parent-teacher communications.

Senator Sullivan moved the following amendments which were adopted:

Amendment 26 (995024)—

In Section: 02 On Page: 020 Specific Appropriation: 112 Delete Insert

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of Program: State Oversight & Assistance - Public Schools (4) The RFP shall address the need for integrated services for K-12 schools that include (a) a content navigation system, appearing on every browser, to enable teachers, students and administrators to transparently access subscription and other educational content and tools, (b) real time emergency alerts delivered via the Internet and access to student health and safety information, (c) enhanced Internet filtering and caching that allows for greater bandwidth management while still permitting individual teachers the ability to access the materials that they need to fulfill their educational mission.

112 In Section 02 On Page 020 Special Categories Assessment And Evaluation

Amendment 27 (995025)—

In Section: 02 On Page: 023 Specific Appropriation: 119
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of
Program: State Grants/K-12 Programs -
FEFP

In Section 02 On Page 023
119 Aid To Local Governments
Grants And Aids - Teacher Recruitment And
Retention

In the fifth line of the first paragraph of proviso following Specific
Appropriation 119 on page 23 after the period, insert the following new
sentence of proviso:

These funds are provided also to full-time exceptional student education
teachers at the elementary school level.

In the last line of the third paragraph of proviso following Specific
Appropriation 119 on page 23, delete

August

and insert the following new proviso:

October

Amendment 28 (995026)—

In Section: On Page: 000 Specific Appropriation: 120A
Delete Insert

In Section On Page 000
120A

Insert the following new paragraph of proviso as the second paragraph of
proviso following Specific Appropriation 120A on page 24:

School districts may use a maximum of ten percent of their allocation
of funds appropriated in Specific Appropriation 120A for
technology-related staff development.

Senator Jones offered the following amendment which was moved by
Senator Sullivan and adopted:

Amendment 29 (995027)—

In Section: 02 On Page: 028 Specific Appropriation: 131B
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of
Program: State Grants K/12 Program - Non
FEFP

In Section 02 On Page 028
131B Special Categories
Grants And Aids - Mentoring/Student
Assistance Initiatives

In the last line of the first paragraph of proviso following Specific
Appropriation 131B on page 28 after the word "Program," insert the
following new proviso:

\$100,000 is provided for the Newfound Harbor Marine Institute,

Senator Sullivan moved the following amendment which was adopted:

Amendment 30 (995028)—

In Section: 02 On Page: 028 Specific Appropriation: 131B
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of
Program: State Grants K/12 Program - Non
FEFP

In Section 02 On Page 028
131B Special Categories
Grants And Aids - Mentoring/Student
Assistance Initiatives

In the last line of the second paragraph of proviso following Specific
Appropriation 131B on page 28 after the words "Boys and Girls Clubs",
add a comma and the following new proviso:

Help One Student Succeed,

Senator Sullivan moved the following amendment:

Amendment 31 (995030)—

In Section: 02 On Page: 035 Specific Appropriation: 170
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Workforce Development, Division Of
Program: Workforce Education Administered
Funds

In Section 02 On Page 035
170 Aid To Local Governments
Critical Jobs Initiative

After the last line of existing proviso for Specific Appropriation 170
insert:

From the funds in Specific Appropriation 170, \$800,000 is provided to
Manatee Technical Institute to create an instructional training program
in information technology.

Senator Sullivan moved the following substitute amendment which
was adopted:

Substitute Amendment 31 (995118)—

In Section: 02 On Page: 035 Specific Appropriation: 170
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Workforce Development, Division Of
Program: Workforce Education Administered
Funds

In Section 02 On Page 035
170 Aid To Local Governments
Critical Jobs Initiative

After the last line of existing proviso for Specific Appropriation 170
insert:

From the funds in Specific Appropriation 170, \$800,000 is provided to
Manatee Community College to create an instructional training program
in information technology.

Senator Holzendorf offered the following amendment which was
moved by Senator Sullivan and adopted:

Amendment 32 (995031)—

From General Revenue Fund 650,000 750,000

In Section: 02 On Page: 042 Specific Appropriation: 194 Delete Insert

INSERT the following proviso at the end of the list of projects following Specific Appropriation 337 on page 68:

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Program: Educational And General Activities

Adult Protection Team Pilot Program - Dade County.....100,000

Amendment 35 (995035)—

In Section: 03 On Page: 069 Specific Appropriation: 344 Delete Insert

194 In Section 02 On Page 042 Lump Sum Educational And General Activities From General Revenue Fund 1,230,716,024 1,230,966,024

CHILDREN AND FAMILIES, DEPARTMENT OF Services Program: Family Safety Program Child Protection And Permanency

209 In Section 02 On Page 047 Financial Assistance Payments Scholarships From General Revenue Fund 5,567,055 5,317,055

344 In Section 03 On Page 069 Salaries And Benefits Positions 5,064 5,072 From Federal Grants Trust Fund 92,999,513 93,215,783

On page 47, following specific appropriation 209, DELETE:

2.) \$250,000 for minority scholarships

346 Expenses From Federal Grants Trust Fund 20,735,013 20,944,389

The list of items on page 44, immediately following USF Ports Federal Matching, INSERT:

347 Operating Capital Outlay From Federal Grants Trust Fund 22,024

FAMU Institute on Urban Policy and Commerce.....\$250,000

Amendment 36 (995036)—

Senator Sullivan moved the following amendment which was adopted:

In Section: 03 On Page: 074 Specific Appropriation: 377 Delete Insert

Amendment 33 (995032)—

In Section: 02 On Page: 042 Specific Appropriation: 194 Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF Services Program: Persons With Disabilities Program Home And Community Services

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Program: Educational And General Activities

377 In Section 03 On Page 074 Special Categories Home And Community Based Services Waiver

194 In Section 02 On Page 042 Lump Sum Educational And General Activities From General Revenue Fund 1,230,716,024 1,230,566,024

At the end of existing proviso language, following Specific Appropriation 377, INSERT:

From the funds in Specific Appropriations 377, support coordinators shall be paid at a rate of \$148.39 per month per client to a maximum of thirty-six (36) clients per case worker.

198 In Section 02 On Page 045 Lump Sum Lump Sum - Operation Of Branch Campuses And Centers From General Revenue Fund 100,014,782 100,164,782

Amendment 37 (995037)—

In Section: 03 On Page: 090 Specific Appropriation: 488 Delete Insert

Senator Silver moved the following amendments which were adopted:

ELDER AFFAIRS, DEPARTMENT OF Program: Services To Elders Program Home And Community Services

Amendment 34 (995034)—

In Section: 03 On Page: 068 Specific Appropriation: 337 Delete Insert

488 In Section 03 On Page 090 Special Categories Community Care Programs For The Elderly From General Revenue Fund 1,947,000 2,147,000

CHILDREN AND FAMILIES, DEPARTMENT OF Services Program: Family Safety Program Adult Protection

At the end of existing proviso language, following Specific Appropriation 488, INSERT:

Alzheimer's Caregiver Program - Dade County.....200,000

337 In Section 03 On Page 068 Special Categories Grants And Aids - Domestic Violence Program

CHILDREN AND FAMILIES, DEPARTMENT OF Services Program: Mental Health Program Violent Sexual Predator Program

399A In Section 03 On Page 078
 Special Categories
 Grants And Aids - Contracted Services

From General Revenue Fund	3,817,877	3,617,877
---------------------------	-----------	-----------

CHILDREN AND FAMILIES, DEPARTMENT OF
 Services
 Program: Mental Health Program
 Violent Sexual Predator Program

Senator Sanderson offered the following amendment which was moved by Senator Silver and adopted:

399A In Section 03 On Page 078
 Special Categories
 Grants And Aids - Contracted Services

From General Revenue Fund	3,817,877	3,737,877
---------------------------	-----------	-----------

Amendment 38 (995038)—

In Section: 03 On Page: 085 Specific Appropriation: 443
 Delete Insert

Senator Dyer offered the following amendment which was moved by Senator Silver and adopted:

Amendment 41 (995041)—

CHILDREN AND FAMILIES, DEPARTMENT OF
 Services
 Program: Economic Self Sufficiency
 Program
 Program Management And Compliance

In Section: 03 On Page: 078 Specific Appropriation: 400
 Delete Insert

443 In Section 03 On Page 085
 Special Categories
 Grants And Aids - Contracted Services

From General Revenue Fund	900,000	1,100,000
---------------------------	---------	-----------

CHILDREN AND FAMILIES, DEPARTMENT OF
 Services
 Program: Mental Health Program
 Adult Community Mental Health Services

INSERT as the last project at the end of existing proviso following Specific Appropriation 443 on page 85:

Broward Partnership for the Homeless.....200,000

400 In Section 03 On Page 078
 Special Categories
 Grants And Aids - Community Mental Health Services

At the end of existing proviso language, following Specific Appropriation 400, INSERT:

From the funds in Specific Appropriation 400, \$7,644,579 in recurring Tobacco Settlement Trust Funds is to be allocated to the Department of Children and Families to increase services to persons with severe and persistent mental illness as follows:

District 4.....	1,620,465
District 7.....	5,024,008
District 11.....	1,000,106

Program: Mental Health Program
 Violent Sexual Predator Program

399A In Section 03 On Page 078
 Special Categories
 Grants And Aids - Contracted Services

From General Revenue Fund	3,817,877	3,617,877
---------------------------	-----------	-----------

Senator Carlton offered the following amendments which were moved by Senator Silver and adopted:

Amendment 42 (995042)—

Consideration of **Amendment 39** was deferred.

Senator Silver moved the following amendment which was adopted:

Amendment 40 (995040)—

In Section: 03 On Page: 104 Specific Appropriation: 598
 Delete Insert

In Section: 03 On Page: 079 Specific Appropriation: 402A
 Delete Insert

HEALTH, DEPARTMENT OF
 Program: Children's Medical Services
 Children's Special Health Care

CHILDREN AND FAMILIES, DEPARTMENT OF
 Services
 Program: Mental Health Program
 Adult Community Mental Health Services

598 In Section 03 On Page 104
 Special Categories
 Contracted Services

From General Revenue Fund	2,772,147	2,852,147
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402A In Section 03 On Page 079
 Special Categories
 Mental Health Programs

From General Revenue Fund	1,628,000	2,628,000
---------------------------	-----------	-----------

After Specific Appropriation 598 on page 104, DELETE:

Immediately following Specific Appropriation 402A, DELETE:

From the funds in Specific Appropriation 556, \$250,000 in recurring General Revenue is provided for Developmental Center for Infants and Children and \$375,000 in recurring General Revenue is provided for Northeast Florida Regional Pediatric Diabetes Program at Wolfson Hospital.

The recurring General Revenue in Specific Appropriation 402A is provided for mental health projects and shall be allocated as follows:

and INSERT:

Immediately following Specific Appropriation 402A, INSERT:

From the funds in Specific Appropriation 556, \$250,000 in recurring General Revenue is provided for Developmental Center for Infants and Children; \$375,000 in recurring General Revenue is provided for Northeast Florida Regional Pediatric Diabetes Program at Wolfson Hospital; and \$80,000 is provided for Foundation for Dreams, a child care facility for children with special needs in Manatee County.

From the funds in Specific Appropriation 402A, the following mental health projects are from recurring General Revenue unless specifically noted:

Family Emergency Treatment Center - Sarasota County
 (Non-Recurring).....1,000,000

FISH AND WILDLIFE CONSERVATION COMMISSION
 Program: Florida Marine Research

Institute
Marine Status And Trends Assessments,
Restoration And Technical Support

2005B In Section 05 On Page 244
Special Categories
S.T.A.R.T. - Red Tide

From General Revenue Fund 3,000,000 2,000,000

Amendment 43 (995043)—

In Section: 03 On Page: 079 Specific Appropriation: 402A
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
Services
Program: Mental Health Program
Adult Community Mental Health Services

402A In Section 03 On Page 079
Special Categories
Mental Health Programs

From General Revenue Fund 1,628,000 2,128,000

Immediately following Specific Appropriation 402A, DELETE:

The recurring General Revenue in Specific Appropriation 402A is
provided for mental health projects and shall be allocated as follows:

and insert in lieu thereof:

From the funds in Specific Appropriation 402A, the following mental
health projects are from recurring General Revenue unless specifically
noted:

Residential Level 2 Housing - Charlotte, Desoto, Manatee, Sarasota
Counties (Non-recurring General Revenue).....500,000

FISH AND WILDLIFE CONSERVATION COMMISSION
Program: Florida Marine Research
Institute
Marine Status And Trends Assessments,
Restoration And Technical Support

2005B In Section 05 On Page 244
Special Categories
S.T.A.R.T. - Red Tide

From General Revenue Fund 3,000,000 2,500,000

Senator Silver moved the following amendment which was adopted:

Amendment 44 (995045)—

In Section: 03 On Page: 084 Specific Appropriation: 442
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
Services
Program: Economic Self Sufficiency
Program
Program Management And Compliance

442 In Section 03 On Page 084
Lump Sum
Homeless Program

Immediately following Specific Appropriation 442 on page 84, DELETE the
following proviso:

From the recurring General Revenue funds in Specific Appropriation
442, the Department of Children and Families shall provide funding
for one full-time staff position in each of the Local Coalitions for the
Homeless as authorized in s. 420.623, Florida Statutes and two full-time

equivalent positions in the Department of Children and Families for
administrative support to the Homeless Program. In addition, the
department shall utilize the remaining General Revenue funds in Specific
Appropriation 442, to provide additional services to the homeless
pursuant to the grant-in-aid program authorized in s. 420.624, Florida
Statutes.

Following Specific Appropriation 442 on page 84, INSERT the following
proviso:

From the recurring General Revenue funds in Specific Appropriation 442,
\$177,332 shall be retained by the Department of Children and Families to
fund two full-time administrative positions to support the Homeless
Program; \$625,000 shall be utilized to fund one full-time position in
each of the Local Coalitions for the Homeless, and \$197,668 shall be
used to fund an increase in the homeless grant-in-aid program annual
appropriation. The remaining sum of \$4 million shall be used to provide
additional services to the homeless pursuant to the "Challenge Grants"
program authorized in s. 420.622, Florida Statutes.

Senator Pruitt offered the following amendment which was moved by
Senator Silver and adopted:

Amendment 45 (995046)—

In Section: 03 On Page: 088 Specific Appropriation: 476
Delete Insert

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Home And Community Services

476 In Section 03 On Page 088
Lump Sum
Home And Community Services Long Term
Care Options

At the end of existing proviso language, following Specific
Appropriation 476, INSERT:

In allocating funds and slots in Specific Appropriation 476 for Assisted
Living for the Elderly Medicaid Waivers, priority consideration shall be
given to slots that are available in areas where services are
coordinated through a public housing program.

Senator Garcia offered the following amendment which was moved by
Senator Silver and adopted:

Amendment 46 (995047)—

In Section: 03 On Page: 090 Specific Appropriation: 488
Delete Insert

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Home And Community Services

488 In Section 03 On Page 090
Special Categories
Community Care Programs For The Elderly

From General Revenue Fund 1,947,000 2,147,000

At the end of the project list, following Specific Appropriation 488,
INSERT:

Alzheimers Services - Dade and Monroe Counties.....200,000

479 In Section 03 On Page 089
Special Categories
Grants And Aids - Alzheimers Disease
Respite Services

From General Revenue Fund 7,295,680 7,095,680

Senator Horne offered the following amendment which was moved by
Senator Silver and adopted:

Amendment 47 (995048)—

In Section: 03 On Page: 090 Specific Appropriation: 488
Delete Insert

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Home And Community Services

In Section 03 On Page 090
488 Special Categories
Community Care Programs For The Elderly

From General Revenue Fund 1,947,000 2,007,000

At the end of the project list, following Specific Appropriation 488, INSERT:

Senior Citizen Advocacy - Duval County.....60,000

In Section 03 On Page 089
480 Special Categories
Grants And Aids - Community Care For The Elderly

From General Revenue Fund 47,135,201 47,075,201

Senator King offered the following amendment which was moved by Senator Silver and adopted:

Amendment 48 (995049)—

In Section: 03 On Page: 092 Specific Appropriation: 500
Delete Insert

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Consumer Advocate Services

In Section 03 On Page 092
500 Special Categories
Public Guardianship Contracted Services

From General Revenue Fund 406,286 456,286

Amendment 49 was withdrawn.

Senator Sullivan offered the following amendment which was moved by Senator Silver and adopted:

Amendment 50 (995051)—

In Section: 03 On Page: 098 Specific Appropriation: 551
Delete Insert

HEALTH, DEPARTMENT OF
Program: Community Public Health
Infectious Disease Prevention And Control

In Section 03 On Page 098
551 Special Categories
Grants And Aids - Contracted Services

INSERT a new paragraph of proviso language following the existing paragraph on page 98 following Specific Appropriation 551:

Funds from Specific Appropriation 551 may be used by the Department of Health in order to contract with a research institute, specializing in the study, cure, and prevention of chronic and debilitating diseases, for the development, production and implementation of a statewide chronic disease prevention and awareness initiative.

Senator Garcia offered the following amendment which was moved by Senator Silver and adopted:

Amendment 51 (995052)—

In Section: 03 On Page: 100 Specific Appropriation: 575
Delete Insert

HEALTH, DEPARTMENT OF
Program: Community Public Health
County Health Departments Local Health Needs

In Section 03 On Page 100
575 Aid To Local Governments
Grants And Aids - Minority Health Initiatives

DELETE the existing paragraph of proviso language following Specific Appropriation 575:

And INSERT the following language:

From the funds in Specific Appropriation 575, \$300,000 in recurring General Revenue is provided for the Jessie Trice Cancer Prevention Project, \$300,000 in recurring General Revenue is provided for the statewide Sickle Cell Outreach Program, \$100,000 in recurring General Revenue is provided for the Community Environmental Health Advisory Board (CEHAB) and its pilot projects, and \$500,000 in recurring General Revenue is provided for the Minority Outreach Program at the Rafael Penalver Clinic, Inc.

Senator Silver moved the following amendments which were adopted:

Amendment 52 (995033)—

In Section: 23 On Page: 356 Specific Appropriation:
Delete Insert

In Section 23 On Page 356

In Section 23 on page 356 in the fifth line of proviso:

STRIKE "is"

Amendment 53 (995044)—

In Section: 03 On Page: 082 Specific Appropriation: 430
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
Services
Program: Substance Abuse Program
Child Substance Abuse Prevention,
Evaluation And Treatment Services

In Section 03 On Page 082
430 Special Categories
Grants And Aids - Children And Adolescent
Substance Abuse Services

From General Revenue Fund 27,346,094 26,621,094

At the end of the third paragraph, following Specific Appropriation 430, DELETE:

PAR Adolescent Intervention Center (PAIC) - Pasco County.....725,000

JUVENILE JUSTICE, DEPARTMENT OF
Program: Prevention And Victim Services
Delinquency Prevention And Diversion

In Section 04 On Page 161
1233A Special Categories
Legislative Initiatives To Reduce And
Prevent Juvenile Crime

From General Revenue Fund 6,508,449 7,233,449

Immediately following Specific Appropriation 1233A, Insert the following in the table:

PAR Adolescent Intervention Center (PAIC) - Pasco County.....725,000

Senator Sanderson offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 54 (995053)—

In Section: On Page: 000 Specific Appropriation: Delete Insert

In Section On Page 000

Immediately following the last paragraph of Section 25, insert the following new section/language and renumber subsequent sections:

Section 26. Notwithstanding the proviso language contained in Specific Appropriations 1129C and 1149A, Chapter 2000-166, Laws of Florida, moneys appropriated for Grants and Aids to Local Governments and Nonprofit Organizations - Fixed Capital Outlay Local Delinquency Intervention Facilities and Legislative Initiatives to Reduce Juvenile Crime, may be released without the execution of a lease to the Department of Juvenile Justice, so long as the Department of Juvenile Justice is given a first mortgage lien of 10 years on the facility relocated, expanded, constructed, or renovated with such appropriation.

Senator Lee offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 55 (995054)—

In Section: On Page: 357 Specific Appropriation: Delete Insert

In Section On Page 357

Immediately following the last paragraph of Section 25, insert the following new section language and renumber subsequent sections:

Section 26. The unencumbered General Revenue balance of funds provided in Specific Appropriation 1925, Chapter 99-226, Laws of Florida, for the West Palm Beach Regional Service Center shall revert on June 30, 2001, and is hereby re-appropriated and authorized to cover expenses associated with final architectural work and permitting costs for the Second District Court of Appeal branch courthouse located in Hillsborough County.

Senator Cowin moved the following amendment which was adopted:

Amendment 56 (995055)—

In Section: 04 On Page: 129 Specific Appropriation: 841A Delete Insert

CORRECTIONS, DEPARTMENT OF Program: Education And Programs Basic Education Skills

841A In Section 04 On Page 129 Lump Sum Inmate Education Programs

Immediately following Specific Appropriation 841A, INSERT:

Funds are provided in Specific Appropriation 841A to enhance educational programs for male and female youthful offenders. These funds shall be placed initially in reserve and shall be released only upon receipt of an implementation plan to increase the number of male and female youthful offenders receiving General Equivalency Diplomas and vocational certificates in occupational fields with a demonstrated job market labor

demand. The implementation plan must: (1) give priority to inmates within five years of release, (2) contain measurable outcomes and outputs with standards and time frames by which the standards will be achieved, and (3) include an evaluation component. In developing the implementation plan for vocational programs, the department is encouraged to emphasize programs which have been proven successful, such as guide dog training.

Senator Laurent offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 57 (995056)—

In Section: 04 On Page: 161 Specific Appropriation: 1225 Delete Insert

JUVENILE JUSTICE, DEPARTMENT OF Program: Residential Corrections Program Secure Residential Commitment

1225 In Section 04 On Page 161 Special Categories Grants And Aids - Contracted Services

Insert proviso immediately following Specific Appropriation 1225:

From the funds provided in Specific Appropriation 1225, the Department of Juvenile Justice shall fund the annual operation of the Polk Youth Development Center, a secure, 350-bed facility for high risk youth, at a per diem rate of \$78.29 times the minimum occupancy of 315 beds, plus \$34.50 per bed for each additional bed.

Amendments 58-68 were withdrawn.

Consideration of Amendment 69 was deferred.

Amendments 70 and 71 were withdrawn.

Consideration of Amendment 72 was deferred.

Senator Lawson moved the following amendment which failed:

Amendment 73 (995075)—

In Section: 06 On Page: 288 Specific Appropriation: 2422 Delete Insert

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF Program: Licenses, Titles And Regulations Driver Licensure

2422 In Section 06 On Page 288 Expenses

Immediately following Specific Appropriation 2422, INSERT:

From the funds in Specific Appropriation 2422, \$80,000 is provided from the Highway Safety Operating Trust Fund for the Partners for Highway Safety Program.

Amendments 74-85 were withdrawn.

Consideration of Amendment 86 was deferred.

Amendments 87-94 were withdrawn.

Senator Saunders moved the following amendment which was adopted:

Amendment 95 (995096)—

In Section: 03 On Page: 079 Specific Appropriation: 402A Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF Services Program: Mental Health Program Adult Community Mental Health Services

In Section 03 On Page 079
 402A Special Categories
 Mental Health Programs

From General Revenue Fund	1,628,000	1,808,000
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At the end of the project list, following Specific Appropriation 402A, INSERT:

Ruth Cooper Center Crisis Stabilization Unit - Charlotte, Collier, Desoto, Glades, Lee and Sarasota Counties.....180,000

HEALTH, DEPARTMENT OF
 Program: Children's Medical Services
 Children's Special Health Care

In Section 03 On Page 105
 608 Special Categories
 Grants And Aids - Regional Perinatal Intensive Care Center/ Perinatal Support Services

From General Revenue Fund	1,601,183	1,421,183
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THE PRESIDENT PRESIDING

Amendments 96-107 were withdrawn.

Consideration of Amendment 108 was deferred.

Amendments 109 and 110 were withdrawn.

Consideration of Amendment 111 was deferred.

On motion by Senator Horne, further consideration of SB 2000 with pending Amendments 39, 69, 72, 86, 108 and 111 was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Cowin, by two-thirds vote SB 2040 was withdrawn from the committees of reference and further consideration.

RECESS

On motion by Senator King, the Senate recessed at 11:58 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:39 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

SPECIAL GUEST

The President introduced former U. S. Senator Connie Mack who was present in the gallery.

SPECIAL ORDER CALENDAR, continued

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

SB 2000—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay -

buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—which was previously considered and amended this day.

Senator Holzendorf moved the following amendment:

Amendment 39 (995039)—

In Section: 03 On Page: 101 Specific Appropriation: 580A
 Delete Insert

HEALTH, DEPARTMENT OF
 Program: Community Public Health
 County Health Departments Local Health Needs

In Section 03 On Page 101
 580A Fixed Capital Outlay
 Construction, Renovation, And Equipment -
 County Health Departments

From County Health Department Trust Fund	3,300,000	3,500,000
--	-----------	-----------

Immediately following Specific Appropriation 580B on page 102, INSERT the following proviso:

From the County Health Department Trust Funds in Specific Appropriation 580A, \$200,000 shall be provided to the Jacksonville Community Health Center for planning funds for the design of a new medical facility in northwest Duval County.

CHILDREN AND FAMILIES, DEPARTMENT OF
 Services
 Program: Mental Health Program
 Violent Sexual Predator Program

In Section 03 On Page 078
 399A Special Categories
 Grants And Aids - Contracted Services

From General Revenue Fund	3,817,877	3,617,877
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Senator Holzendorf moved the following substitute amendment which was adopted:

Substitute Amendment 39 (995115)—

In Section: 03 On Page: 101 Specific Appropriation: 580B
 Delete Insert

HEALTH, DEPARTMENT OF
 Program: Community Public Health
 County Health Departments Local Health Needs

In Section 03 On Page 101
 580B Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Family Health Facilities

From General Revenue Fund	5,850,000	6,050,000
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Immediately following Specific Appropriation 580B on page 102, INSERT the following proviso at the end of the current list:

Jacksonville Community Health Center - Planning.....200,000

CHILDREN AND FAMILIES, DEPARTMENT OF
 Services
 Program: Mental Health Program
 Violent Sexual Predator Program

In Section 03 On Page 078
 399A Special Categories
 Grants And Aids - Contracted Services

From General Revenue Fund 3,817,877 3,617,877

From General Revenue Fund 1,230,716,024 1,230,966,024

Senator Dawson moved the following amendment:

On page 42, immediately following specific appropriation 194 insert a new first paragraph:

Amendment 69 (995071)—

From the funds in specific appropriation 194, \$250,000 is provided to Florida Agricultural and Mechanical University to develop a plan for a Program in Medical Sciences in affiliation with the University of Florida College of Medicine. The plan shall include a Memorandum of Understanding describing the major programmatic components and proposed budget for the program that has been signed by both universities. The plan shall be submitted to the Governor, President of the Senate and Speaker of the House of Representatives by February 15, 2002.

In Section: 05 On Page: 246 Specific Appropriation: 2011 Delete Insert

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Highway And Bridge Construction

2011 In Section 05 On Page 246
Special Categories
Transfer To The State Transportation
Trust Fund

From General Revenue Fund 92,343,183 97,343,183

Program: Public Transportation

2045 In Section 05 On Page 249
Fixed Capital Outlay
Transportation Outreach Program

From State Transportation (Primary) Trust Fund 120,043,183 125,043,183

At the end of the projects after Specific Appropriation 2045, INSERT:

"Widening of SR 710 - Riviera Beach...5,000,000"

Senators Klein, Campbell and Pruitt offered the following substitute amendment which was moved by Senator Klein and failed:

Substitute Amendment 69 (995149)—

202 In Section 02 On Page 046
Special Categories
Challenge Grants

From General Revenue Fund 16,857,214 16,607,214

Senator Meek moved the following substitute amendment which was adopted:

Substitute Amendment 86 (995160)—

In Section: 02 On Page: 042 Specific Appropriation: 194 Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Program: Educational And General
Activities

194 In Section 02 On Page 042
Lump Sum
Educational And General Activities

From General Revenue Fund 1,230,716,024 1,230,816,024

On page 42, immediately following specific appropriation 194 insert a new first paragraph:

From the funds in specific appropriation 194, \$100,000 is provided to Florida Agricultural and Mechanical University to study and to develop a plan for a Program in Medical Sciences in affiliation with the University of Florida College of Medicine. The plan shall describe the major programmatic components and proposed budget for the program. The plan shall be submitted to the Governor, President of the Senate and Speaker of the House of Representatives by October 1, 2001.

At the end of existing proviso language following Specific Appropriation 2045, INSERT:

From the list of projects funded in Specific Appropriation 2045, an amount of 10 percent shall be deducted from each project to provide \$12,000,000 for District 4 transportation projects.

The question recurred on Amendment 69 which failed.

Amendment 72 was withdrawn.

Senator Meek moved the following amendment:

Amendment 86 (995087)—

202 In Section 02 On Page 046
Special Categories
Challenge Grants

From General Revenue Fund 16,857,214 16,757,214

Amendment 108 was withdrawn.

Senator Garcia moved the following amendment:

Amendment 111 (995112)—

In Section: 02 On Page: 042 Specific Appropriation: 194 Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Program: Educational And General
Activities

In Section: 04 On Page: 173 Specific Appropriation: 1340 Delete Insert

LEGAL AFFAIRS, DEPARTMENT OF, AND
ATTORNEY GENERAL
Program: Office Of Attorney General
Victim Services

194 In Section 02 On Page 042
Lump Sum
Educational And General Activities

1340 In Section 04 On Page 173
Special Categories
Grants And Aids - Minority Communities
Crime Prevention Programs

Immediately following Specific Appropriation 1340, INSERT:

From General Revenue Fund 7,000,000 6,900,000

From the funds in Specific Appropriations 1340, \$500,000 from recurring General Revenue is provided for the operation of the Neighborhood Watch Resource Center to implement the Neighborhood Watch Program in Miami-Dade county (CBIR 182).

In proviso after item 2367B strike:

Plant City - International Softball Federation (ISF)....1,500,000

Senator Garcia offered the following substitute amendment which was moved by Senator Horne and adopted:

In proviso after item 2367B insert:

Plant City - International Softball Federation (ISF)....1,400,000

Substitute Amendment 111 (995127)—

In Section: On Page: 000 Specific Appropriation: Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF

In Section 06 On Page 193 1520-A Aid To Local Governments Community Development Corporation Grants

From General Revenue Fund 100,000

Senator Miller moved the following substitute amendment which was adopted:

Substitute Amendment 128 (995173)—

In Section On Page 000 ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration

In Section: 06 On Page: 281 Specific Appropriation: 2367B Delete Insert

1740B In Section 05 On Page 218 Special Categories Transfer To Ecosystem Management And Restoration Trust Fund - Water Projects From General Revenue Fund 36,838,553 36,738,553

GOVERNOR, EXECUTIVE OFFICE OF THE Program: Office Of Tourism, Trade And Economic Development Economic Development Programs And Projects

1748 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Restoration Projects From Ecosystem Management And Restoration Trust Fund 87,838,553 87,738,553

Immediately following Specific Appropriation 1748, in the table below, revise funding for the Sweetwater Comprehensive Drainage Plan - Dade to the following:

2367B In Section 06 On Page 281 Special Categories Economic Development Projects From General Revenue Fund 7,000,000 6,900,000

Sweetwater Comprehensive Drainage Plan-DADE....3,365,279

In proviso after item 2367B strike:

Plant City - International Softball Federation (ISF)....1,500,000

In proviso after item 2367B insert:

Plant City - International Softball Federation (ISF)....1,400,000

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL Program: Office Of Attorney General Victim Services In Section 04 On Page 173 1340 Special Categories Grants And Aids - Minority Communities Crime Prevention Programs From General Revenue Fund 3,929,163 4,029,163

COMMUNITY AFFAIRS, DEPARTMENT OF

In Section 06 On Page 193 1520-A Aid To Local Governments Community Development Corporation Grants From General Revenue Fund 100,000

Senator Saunders moved the following amendment which was adopted:

Amendment 112 (995114)—

Immediately following Specific Appropriation 1340, INSERT:

From the funds in Specific Appropriation 1340, \$100,000 from recurring General Revenue is provided for the Neighborhood Watch Resource Center in Miami-Dade County (CBIR 182).

In Section: 05 On Page: 202 Specific Appropriation: 1597B Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF Program: Housing And Community Development Affordable Housing And Neighborhood Redevelopment

Consideration of Amendment 112 was deferred.

Senator Miller moved the following amendment:

Amendment 128 (995153)—

In Section: 06 On Page: 281 Specific Appropriation: 2367B Delete Insert

In Section 05 On Page 202 1597B Special Categories Grants And Aids - Community Development Services Projects

GOVERNOR, EXECUTIVE OFFICE OF THE Program: Office Of Tourism, Trade And Economic Development Economic Development Programs And Projects

2367B In Section 06 On Page 281 Special Categories Economic Development Projects

In proviso language following Specific Appropriation 1597B, DELETE:

Empowerment Zone Miami/Dade.....1,700,000

And, INSERT:

Empowerment Zone Miami/Dade.....1,475,000
Empowerment Alliance of Southwest Florida.....225,000

Senator Carlton moved the following amendment which was adopted:

Amendment 134 (995161)—

In Section: 05 On Page: 243 Specific Appropriation: 1998
Delete Insert

FISH AND WILDLIFE CONSERVATION COMMISSION
Program: Florida Marine Research
Institute
Marine Status And Trends Assessments,
Restoration And Technical Support

1998 In Section 05 On Page 243
Other Personal Services

From General Revenue Fund 25,000 480,000

(Note: This is a stacking amendment; proviso will need to be adjusted
for this amendment in conjunction with amendment #16). In proviso
following Specific Appropriation 1998, INSERT:

From the General Revenue Funds provided in Specific Appropriation 1998,
\$455,000 is provided to the Florida Marine Research Institute for Red
Tide Research.

2005B In Section 05 On Page 244
Special Categories
S.T.A.R.T. - Red Tide

From General Revenue Fund 3,000,000 2,545,000

Senator Sanderson moved the following amendment which was
adopted:

Amendment 137 (995171)—

In Section: 03 On Page: 074 Specific Appropriation: 375
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
Services
Program: Persons With Disabilities
Program
Home And Community Services

375 In Section 03 On Page 074
Special Categories
Grant And Aid Individual And Family
Supports

Immediately following Specific Appropriation 375, DELETE:

Thera Residence for Autistic Care - Broward County.....200,000

Following Specific Appropriation 375, INSERT:

Thera Residence for Autistic Care - Broward
County.....100,000
Inclusive Child Care Project - Broward, Clay, and Duval
Counties.....100,000

Pursuant to Rule 4.19, SB 2000 as amended was ordered engrossed
and then placed on the calendar of Bills on Third Reading.

SB 2002—A bill to be entitled An act implementing the 2001-2002
General Appropriations Act; providing legislative intent; providing for
allocation of moneys provided for workforce development and providing
for budget amendment when a program is moved; requiring the Agency
for Health Care Administration to use a specified disproportionate share
formula, specified audited financial data, and a specified Medicaid per
diem rate in fiscal year 2001-2002 for qualifying hospitals; amending s.
409.9116, F.S.; providing a formula for rural hospital disproportionate
share payments; amending s. 216.181, F.S.; authorizing the Department
of Children and Family Services and the Department of Health to advance
certain moneys for certain contract services; directing the Agency
for Health Care Administration to include health maintenance organiza-
tion recipients in the county billing for a specified purpose; amending s.
409.905, F.S.; prescribing conditions upon which an adjustment in a
hospital's inpatient per diem rate may be based; amending s. 216.177,
F.S.; providing notice requirements for the Department of Children and
Family Services with respect to transferring portions of district budgets;
amending s. 409.915, F.S.; exempting counties from contributing toward
the increased cost of hospital inpatient services due to elimination of
Medicaid ceilings on certain types of hospitals and for special Medicaid
reimbursements to hospitals; revising the level of county participation;
prohibiting the Agency for Health Care Administration from adjusting
premiums paid to health maintenance organizations or prepaid health
care plans due to elimination of Medicaid ceilings on certain types of
hospitals and special Medicaid payments to hospitals; amending s.
409.904, F.S.; revising eligibility requirements for certain medical as-
sistance payments; amending s. 409.905, F.S.; prescribing additional
limitations that may be placed on hospital inpatient services under
Medicaid; amending s. 409.906, F.S.; revising standards for payable
intermediate care services; amending s. 409.908, F.S.; revising stand-
ards, guidelines, and limitations relating to reimbursement of Medicaid
providers; amending s. 409.91195, F.S.; providing for a restricted drug
formulary applicable to Medicaid providers; amending s. 409.912, F.S.;
prescribing additional services that the Agency for Health Care Admin-
istration may provide through competitive bidding; authorizing the
agency to establish, and make exceptions to, a restricted drug formulary;
amending s. 409.904, F.S.; providing additional limitations on services
that may be furnished to medically needy patients; amending s. 409.913,
F.S.; requiring the Agency for Health Care Administration to implement
a pilot program to prevent Medicaid fraud and abuse with respect to
pharmaceuticals; amending s. 409.906, F.S.; providing for reimburse-
ment and use-management reforms with respect to community mental
health services; amending s. 409.912, F.S.; authorizing the agency to
contract with children's clinic networks for certain purposes; amending
s. 409.9122, F.S.; providing for disproportionate assignment of certain
Medicaid-eligible children to children's clinic networks; providing for the
assignment of certain Medicaid recipients to managed care plans;
amending s. 409.904, F.S.; providing for the Agency for Health Care
Administration to pay for specified cancer treatment; amending s.
39.3065, F.S.; prescribing responsibility of the Seminole County Sheriff
with respect to child protective investigations; amending s. 414.045,
F.S.; revising reporting requirements with respect to the cash assistance
program; providing legislative intent and directives with respect to com-
munity-based care initiatives; requiring the availability of certain funds
for the temporary assistance for needy families program; authorizing a
transfer of funds between the Department of Children and Family Ser-
vices and the Department of Juvenile Justice relating to transfer of staff
between the departments; amending s. 318.21, F.S.; distributing a por-
tion of the civil penalties paid to the county courts to the state courts
system instead of the Department of Children and Family Services for
administrative, training, and other costs associated with the implemen-
tation and maintenance of Florida foster care citizen review panels;
amending s. 925.037, F.S.; providing that the state courts system shall
allocate conflict counsel funds among certain counties; amending s.
25.402, F.S.; revising membership of the County Article V Trust Fund
advisory committee; revising uses of the fund; amending s. 216.262, F.S.;
providing for additional positions to operate additional prison bed capac-
ity under certain circumstances; amending ss. 938.01, 943.25, F.S.; pro-
viding for deposit of certain funds for use by the Department of Law
Enforcement, rather than the Department of Community Affairs; pro-
viding for future reversion to current text; transferring the Criminal
Justice Program from the Department of Community Affairs to the
Department of Law Enforcement; transferring the Prevention of Domes-
tic and Sexual Violence Program from the Department of Community
Affairs to the Department of Children and Family Services; providing
matching funds for the administration of such program; directing Enter-
prise Florida, Inc., to operate sister-city and sister-state programs ac-
cording to specified standards; authorizing Enterprise Florida, Inc., to

contract for the implementation of Florida's international volunteer corps; authorizing the Department of Community Affairs to use specified methods to issue notices of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; amending s. 259.105, F.S.; deleting a restriction on use of moneys allocated under the Florida Forever Act to the South Florida Water Management District; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (152652)(with title amendment)—On page 10, line 27 through page 11, line 3, delete section 6 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 18-21, delete those lines and insert: contract services;

Amendment 2 (821416)—On page 32, lines 20 and 21, delete those lines and insert: percent or based on competitive bid in counties with more than 35 Medicaid participating pharmacies.

Senator Mitchell moved the following amendment:

Amendment 3 (061034)(with title amendment)—On page 71, between lines 24 and 25, insert:

Section 63. *A contract for services, request for proposal, or invitation to bid between an agency of this state and a contract vendor succeeding to the operation of a program or function of an agency of this state may not be executed unless the vendor is a corporation that is domiciled in this state or that will maintain a significant business presence in this state for the duration of the contract. For the purposes of this section, the term "significant business presence" means a retention of substantially all of the filled positions previously assigned the state agency at substantially the same total cash equivalent of salaries and benefits.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 8, following the semicolon (;) insert: prescribing requirements for entities contracting for the assumption of state programs or functions;

On motion by Senator Horne, further consideration of **SB 2002** with pending **Amendment 3** was deferred.

On motion by Senator Diaz de la Portilla—

SB 946—A bill to be entitled An act relating to the Key Largo Hammocks State Botanical Site; changing the name of the site; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 1 (120834)(with title amendment)—On page 1, lines 8 and 10, delete "*Hammocks*" and insert: *Hammock*

And the title is amended as follows:

On page 1, line 2, delete "*Hammocks*" and insert: *Hammock*

Pursuant to Rule 4.19, **SB 946** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 98—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Campbell and adopted:

Amendment 1 (825402)—On page 3, line 17, between "*rights*" and "*as*" insert: *upon request*

Amendment 2 (551328)—On page 3, line 16, before the period (.) insert: *, including any restrictions on this right as provided in a domestic violence injunction*

Pursuant to Rule 4.19, **SB 98** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 252—A bill to be entitled An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the terms "employing agency" and "employment information"; providing for injunctive relief; providing a presumption; providing qualified immunity from civil liability for release; providing for fees to cover certain costs incurred by the employer; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (821306)(with title amendment)—On page 3, lines 8-11, delete those lines and insert:

(5) *An employer who discloses employment information under this section is immune from civil liability for such disclosure or its consequences as provided in section 768.095, Florida Statutes.*

And the title is amended as follows:

On page 1, delete line 13 and insert: for injunctive relief;

Pursuant to Rule 4.19, **CS for SB 252** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

CS for SB 780—A bill to be entitled An act relating to parental consent; amending s. 232.465, F.S.; providing that a student is exempt from certain services under the school health services plan if his or her parent or guardian requests such an exemption in writing; amending s.

234.02, F.S.; limiting transportation of a student to a medical treatment facility without parental consent; providing an effective date.

—as amended March 27 was read the third time by title.

On motion by Senator Dawson, **CS for SB 780** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SENATOR CLARY PRESIDING

CS for SB 938—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions or creditors and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; amending s. 627.679, F.S.; requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

—as amended March 27 was read the third time by title.

On motion by Senator Peaden, **CS for SB 938** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Clary

CS for CS for SB 108—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for CS for SB 108** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Clary

CS for SB 232—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; amending s. 948.01, F.S.; authorizing drug offender probation only for those offenders being sentenced for certain drug possession offenses or drug purchase offenses; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 232** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 720—A bill to be entitled An act relating to criminal history records; amending ss. 943.0585, 943.059, F.S.; prohibiting a court from expunging or sealing the criminal history record of a person who has been found guilty of or pled guilty or nolo contendere to distributing or showing obscene material to a minor or who has been found guilty of or pled guilty or nolo contendere to certain activities involving computer pornography; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **SB 720** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Campbell	Cowin	Diaz de la Portilla
Brown-Waite	Carlton	Crist	Dyer
Burt	Constantine	Dawson	Garcia

Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster
Klein	Mitchell	Sebesta	
Latvala	Peaden	Silver	

Nays—None

Vote after roll call:

Yea—Clary

SB 810—A bill to be entitled An act relating to law enforcement officers; amending s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **SB 810** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 838—A bill to be entitled An act relating to landlord and tenant; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending s. 475.011, F.S.; providing an exemption from the real estate brokers and salespersons regulatory law; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing for termination of a rental agreement by a member of the United States Armed Forces; providing an effective date.

—as amended March 27 was read the third time by title.

On motion by Senator Saunders, **CS for SB 838** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR, continued

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

SB 2002—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2001-2002 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; amending s. 216.177, F.S.; providing notice requirements for the Department of Children and Family Services with respect to transferring portions of district budgets; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursements to hospitals; revising the level of county participation; prohibiting the Agency for Health Care Administration from adjusting premiums paid to health maintenance organizations or prepaid health care plans due to elimination of Medicaid ceilings on certain types of hospitals and special Medicaid payments to hospitals; amending s. 409.904, F.S.; revising eligibility requirements for certain medical assistance payments; amending s. 409.905, F.S.; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; revising standards for payable intermediate care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.91195, F.S.; providing for a restricted drug formulary applicable to Medicaid providers; amending s. 409.912, F.S.; prescribing additional services that the Agency for Health Care Administration may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted drug formulary; amending s. 409.904, F.S.; providing additional limitations on services that may be furnished to medically needy patients; amending s. 409.913, F.S.; requiring the Agency for Health Care Administration to implement a pilot program to prevent Medicaid fraud and abuse with respect to pharmaceuticals; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; amending s. 409.912, F.S.; authorizing the agency to contract with children's clinic networks for certain purposes; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for the assignment of certain Medicaid recipients to managed care plans; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for specified cancer treatment; amending s. 39.3065, F.S.; prescribing responsibility of the Seminole County Sheriff with respect to child protective investigations; amending s. 414.045, F.S.; revising reporting requirements with respect to the cash assistance program; providing legislative intent and directives with respect to community-based care initiatives; requiring the availability of certain funds for the temporary assistance for needy families program; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the

Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; directing Enterprise Florida, Inc., to operate sister-city and sister-state programs according to specified standards; authorizing Enterprise Florida, Inc., to contract for the implementation of Florida's international volunteer corps; authorizing the Department of Community Affairs to use specified methods to issue notices of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; amending s. 259.105, F.S.; deleting a restriction on use of moneys allocated under the Florida Forever Act to the South Florida Water Management District; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3 (061034)** by Senator Mitchell was withdrawn.

Senator Cowin moved the following amendment which was adopted:

Amendment 4 (030226)—On page 53, line 11 through page 54, line 29, delete those lines and insert: *fewer less than 90,000 75,000.*

b. Two persons residing in counties with populations greater than 89,999 74,999, but *fewer less than 700,000.*

c. Two persons residing in counties with populations greater than 699,999.

2. Six persons appointed by the Chief Justice of the Supreme Court, as follows:

a. Two persons residing in counties with populations *fewer less than 90,000 75,000.*

b. Two persons residing in counties with populations greater than 89,999 74,999, but *fewer less than 700,000.*

c. Two persons residing in counties with populations greater than 699,999.

3. Three persons appointed by the Florida Association of Court Clerks and Comptrollers, as follows:

a. One person residing in a county with a population *fewer less than 90,000 75,000.*

b. One person residing in a county with a population greater than 89,999 74,999, but *fewer less than 700,000.*

c. One person residing in a county with a population greater than 699,999.

The allocation and disbursement plan shall include provisions to compensate counties with fewer than 85,000 75,000 residents for court facility needs.

(c) Amendments to the approved operating budget for expenditures from the County Article V Trust Fund must be approved in accordance with the provisions of s. 216.181. The total amount disbursed from the County Article V Trust Fund may not exceed the amount authorized by the General Appropriations Act.

(d) Effective July 1, 2001 ~~1998~~, moneys generated from civil penalties distributed under s. 318.21(2)(h) shall be deposited in the trust fund for the following purposes:

1. Funds paid to counties with populations *fewer less than 90,000 75,000* shall be grants-in-aid to be used, in priority order, for: *operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978A*; consulting or architectural studies related to the improvement of courthouse facilities; improving court facilities to ensure compliance with the Americans with Disabilities Act and other federal or state requirements; other renovations in court facilities; improvements in court security; and expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

2. Funds paid to counties with populations exceeding 89,999 74,999 shall be grants-in-aid to be used, in priority order, for *operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978A*, costs paid by the county for

Pursuant to Rule 4.19, **SB 2002** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Horne, the rules were waived and staff of the Committee on Appropriations was instructed to make title amendments and technical changes in **SB 2000** and **SB 2002** as necessary.

MOTIONS TO INTRODUCE BILLS

On motion by Senator Burt, the rules were waived and the following bill was introduced notwithstanding the fact that the final day had passed for introduction of bills:

A joint resolution proposing the creation of Section 20 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

Senator Burt moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of bills:

A bill to be entitled An act relating to imposition of a death sentence.

Senator Lee offered a substitute motion to refer Senator Burt's motion to introduce the bill relating to imposition of a death sentence to the Committee on Rules and Calendar. The substitute motion was adopted.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committee on Criminal Justice was granted permission to add **SB 1282** to the agenda at the meeting on April 2.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **SB 116** was withdrawn from the committees of reference and further consideration.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m. Friday, March 30, was set for filing amendments to the appropriations bills on Third Reading to be considered Tuesday, April 3.

On motion by Senator Lee, a deadline of 5:00 p.m. Monday, April 2, was set for filing amendments to all other Bills on Third Reading to be considered Tuesday, April 3.

REPORTS OF COMMITTEES

The Committee on Education recommends the following pass: SB 1596, SB 1780 with 1 amendment, SB 1840

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1142

The Committee on Regulated Industries recommends the following pass: SB 958

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

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 84 with 1 amendment

The bill was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB 1084, SB 1568, SB 2082 with 3 amendments

The bills were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Education recommends the following pass: SB 1278

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1826 with 1 amendment

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 818 with 1 amendment, SB 1646

The Committee on Natural Resources recommends the following pass: SB 834 with 1 amendment, SB 1614 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Ethics and Elections recommends the following pass: SJR 434

The Committee on Transportation recommends the following pass: SB 1634

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1800 with 1 amendment

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 864 with 1 amendment, SB 1366 with 1 amendment, SB 1522 with 1 amendment, SB 1694

The Committee on Ethics and Elections recommends the following pass: SJR 1176

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 74 with 1 amendment, SB 1648

The Committee on Natural Resources recommends the following pass: SB 2024 with 6 amendments

The Committee on Regulated Industries recommends the following pass: SB 358

The Committee on Transportation recommends the following pass: SB 244 with 1 amendment, SJR 948

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

The Committee on Children and Families recommends the following pass: SB 1606

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1620

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1132 with 1 amendment, SB 1616

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 622, SB 1042 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 1468 with 1 amendment

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

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1528

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

The Committee on Ethics and Elections recommends the following pass: SB 1420, SJR 1426

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

The Committee on Natural Resources recommends the following pass: SB 1514 with 1 amendment

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 1052 with 1 amendment, SB 1516

The Committee on Ethics and Elections recommends the following pass: SB 308 with 1 amendment

The Committee on Finance and Taxation recommends the following pass: SB 1020

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 968 with 1 amendment, SB 1942

The Committee on Transportation recommends the following pass: SB 1412 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 784

The Committee on Natural Resources recommends a committee substitute for the following: SB 1758

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

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 1048

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

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 2042

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2008

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 1850, SB 1852

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 1410, SB 1506

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1234

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 306, SB 524, Senate Bills 1080 and 950

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: Senate Bills 1970 and 164

The bills with committee substitute attached were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1672

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1520

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1092

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1612

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 1404, SB 2092

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

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 460, CS for SB's 1526 and 314

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 6

The Committee on Regulated Industries recommends committee substitutes for the following: SB 104, SB 1692

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1280, SB 1466, SB 1734

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1750

The Committee on Criminal Justice recommends a committee substitute for the following: SB 832

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

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1652

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1920

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1272

The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 2058

The Committee on Criminal Justice recommends a committee substitute for the following: SB 144

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1470

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1128

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: CS for SB 870

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 684, SB 1096, SB 1788

The Committee on Natural Resources recommends a committee substitute for the following: SB 1524

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: SB 462, SB 680, SB 820, CS for SB 866 with 1 amendment, SB 1162

The Appropriations Subcommittee on Education recommends a committee substitute for the following: SB 118

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: SB 634, CS for SB 858, CS for SB 1214

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Regulated Industries recommends that the Senate confirm the following appointment made by the Governor: Kimberly Binkley-Seyer as **Secretary of Business and Professional Regulation**, to serve at the pleasure of the Governor.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health, Aging and Long-Term Care; and Senator Campbell—

CS for SB 6—A bill to be entitled An act relating to the Department of Health; providing for the relief of Minouche Noel, a minor, and her parents and natural guardians, Jean and Flora Noel, for injuries sustained due to the negligence of Children's Medical Services of the Department of Health and Rehabilitative Services; providing for the use of such funds; providing for a reversion to the state; providing an effective date.

By the Committee on Regulated Industries; and Senator Geller—

CS for SB 104—A bill to be entitled An act relating to the operation of cardrooms; amending s. 849.086, F.S.; authorizing a permitholder to amend a license renewal application in certain circumstances; prescribing licensing requirements when more than one permitholder uses the same facility; providing cardroom license fees; revising standards on when cardrooms may be operated and the amount of bets allowable for each round, hand, or game; authorizing facilities to award prizes; revising the rate of the gross receipts tax on admissions; revising the amount of cardroom receipts that must be used to supplement greyhound and jai alai purses; providing an effective date.

By the Committee on Criminal Justice; and Senator Geller—

CS for SB 144—A bill to be entitled An act relating to improper activity over the Internet; amending s. 847.001, F.S.; defining the term "child pornography" for purposes of ch. 847, F.S.; clarifying the definition of the term "sexual conduct"; defining the term "transmit"; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s.

847.0139, F.S.; providing immunity from civil liability for reporting child pornography; providing an effective date.

By the Committee on Criminal Justice; and Senators Clary and Smith—

CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or personal representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a crime victim or witness be informed of the address confidentiality program; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Clary, Smith and Mitchell—

CS for SB 460—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; defining the term "qualified area"; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; increasing the limitation on annual credits; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term

“rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 624.5105, F.S.; increasing the annual limitation on community contribution tax credits; conforming definitions; revising eligibility and administrative requirements; providing effective dates.

By the Committee on Criminal Justice; and Senators Burt and Crist—

CS for SB 524—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Cowin, Smith, Sullivan, Mitchell and Latvala—

CS for SB 684—A bill to be entitled An act relating to organ transplantation programs; providing for an impact study and report to the Legislature; providing an effective date.

By the Committee on Appropriations; and Senator Sullivan—

CS for SB 746—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher-education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a

chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Geller—

CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing an effective date.

By the Committee on Criminal Justice; and Senators Mitchell, Lawson, Diaz de la Portilla and Wasserman Schultz—

CS for SB 832—A bill to be entitled An act relating to the Correctional Privatization Commission; amending s. 957.03, F.S.; prohibiting the executive director, a member, or an employee of the commission from acting as a consultant for a criminal justice entity; providing penalties; providing for the commission and its staff to be under the control of the Department of Management Services; amending ss. 957.07, 957.11, F.S.; providing for the Office of Program Policy Analysis and Government Accountability rather than the Auditor General to certify certain cost savings and evaluate contracts and private contractors that construct and operate prisons; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Senators Webster, Peadar, Posey, Lee and Sanderson—

CS for CS for SB 870—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms “proper invoice,” “local government entity,” “purchase,” and “construction services” and defining the terms “payment request” and “agent” for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; providing for disputed payment requests; providing for payment of undisputed amounts; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney’s fees under certain circumstances; providing an effective date.

By the Committee on Finance and Taxation; and Senators Pruitt and Sullivan—

CS for SB 1048—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing an effective date.

By the Committee on Criminal Justice; and Senators Villalobos, Smith and Crist—

CS for SB's 1080 and 950—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

By the Committee on Banking and Insurance; and Senator Campbell—

CS for SB 1092—A bill to be entitled An act relating to insurance fraud; providing legislative findings; creating s. 456.0375, F.S., relating to clinics; defining the term "clinic"; imposing registration requirements for certain clinics; providing for medical directors; providing for enforcement; amending s. 626.989, F.S., relating to Department of Insurance investigation of insurance fraud; revising immunity provisions; amending s. 627.732, F.S., relating to definitions; defining the terms "medically necessary" and "broker"; amending s. 627.736, F.S.; revising provisions relating to required personal injury protection benefits; deleting provisions specifying what medical payments insurance pays; revising provisions for charges for treatments; providing for presuit notice; amending s. 627.739, F.S.; revising provisions relating to deductibles; amending s. 817.234, F.S.; revising provisions relating to false and fraudulent insurance claims; amending s. 817.505, F.S.; providing penalties; amending s. 324.021, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Campbell—

CS for SB 1096—A bill to be entitled An act relating to pharmacy; providing a short title; defining the term "pharmaceutical adverse incident" and requiring that such incidents be reported to the Department of Health; requiring the department to review reported incidents to determine if the incidents potentially involve conduct by a health care practitioner that is subject to disciplinary action; specifying that any disciplinary action shall be taken by the appropriate board; providing for the adoption of rules and forms; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Latvala—

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the "Access to Medical Treatment Act"; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual's legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional

conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

By the Committees on Appropriations; Children and Families; and Senator Peaden—

CS for CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term "related services"; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

By the Committee on Regulated Industries; and Senator Sebesta—

CS for SB 1234—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing definitions; creating s. 548.015, F.S.; authorizing the commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; amending s. 548.008, F.S.; increasing the penalty for participating in or promoting a toughman or badman competition; providing for certification of violations; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules providing for background investigations of applicants for licensure; authorizing the commission to require submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission may not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture

and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

By the Committee on Regulated Industries; and Senator Burt—

CS for SB 1272—A bill to be entitled An act relating to consumer services; amending s. 455.228, F.S.; authorizing the Department of Business and Professional Regulation to seek restitution in a civil action for an injured consumer; creating s. 468.90, F.S.; prohibiting employment agencies and assistance referral services from charging advance fees and not providing the promised services; defining terms; providing a criminal penalty; amending s. 484.0512, F.S.; providing a criminal penalty for sellers of hearing aids who fail to make required refunds; defining the terms “seller” and “person selling a hearing aid”; creating s. 501.162, F.S.; providing a criminal penalty for a violation of s. 501.160, F.S.; providing an effective date.

By the Committee on Banking and Insurance; and Senator Burt—

CS for SB 1280—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for certain information relating to abandoned property which is contained in reports to the Department of Banking and Finance under s. 717.117, F.S.; providing an exception to the exemption; providing for future review and repeal; providing findings of public necessity; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Meek—

CS for SB 1404—A bill to be entitled An act relating to medical education; providing legislative intent with respect to establishing a Program in Medical Sciences (PIMS) at Florida Agricultural and Mechanical University, in affiliation with the University of Florida College of Medicine; specifying the number of students to be accepted into the program; providing for students admitted to the program to transfer to the University of Florida College of Medicine upon completion of the first year of study; providing for the program to recruit students to serve areas in the state that lack sufficient medical services; providing an appropriation for program planning activities, including the development of a memorandum of understanding; requiring that the memorandum of understanding be submitted to the Governor and presiding officers of the Legislature; providing an effective date.

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

CS for SB 1410—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing ss. 121.22, 121.23, 121.231, 121.24, F.S., to abolish the State Retirement Commission and delete provisions relating to its duties; amending ss. 121.0515, 121.091, F.S.; transferring

to the Department of Management Services duties of the State Retirement Commission and revising cross references, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121, 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26), 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 570.248, F.S., to abolish the Agricultural Economic Development Project Review Committee; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the Florida Business Partners for Prevention under the Department of Juvenile Justice; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver’s Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Agriculture and Livestock Fair Council, Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory

Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Racing Quarter Horse Advisory Council, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing an effective date.

By the Committee on Banking and Insurance; and Senator Sander-
son—

CS for SB 1466—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

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

CS for SB 1470—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; providing for the appointment of members to each judicial nominating commission; prohibiting judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; prohibiting reappointment with certain exceptions; abolishing prior offices; providing for suspension or removal; requiring appointing authorities to seek to ensure racial, ethnic, gender, and geographical diversity of membership; requiring consideration of county representation on circuit judicial nominating commissions; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; providing an appropriation; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

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

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator
Constantine—

CS for SB 1520—A bill to be entitled An act relating to Medicaid environmental modification services; creating s. 409.9072, F.S.; providing for Medicaid enrollment of licensed general, building, and residential contractors as providers of environmental modification services for Medicaid recipients under any home and community-based services waiver program; providing a definition; providing an effective date.

By the Committee on Natural Resources; and Senator Constantine—

CS for SB 1524—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088,

F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Bank-
ing and Insurance; and Senators Constantine and Campbell—

CS for CS for SB's 1526 and 314—A bill to be entitled An act relating to the Money Transmitter's Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

By the Committee on Banking and Insurance; and Senators Latvala
and King—

CS for SB 1612—A bill to be entitled An act relating to the Hurricane Loss Mitigation Program; amending s. 215.559, F.S.; providing for an allocation of appropriated funds to a specified school district; providing for the use of the allocated funds; specifying the amount of funds to be used to inspect and improve tie-downs for manufactured/mobile homes; requiring the Department of Community Affairs to contract with an administrative entity; revising the process for establishing an advisory council; providing for an annual report; extending the future repeal of the section; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator
Crist—

CS for SB 1652—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising membership and terms of the Governor's Panel on Excellence in Long-Term Care; providing for selection of a panel chair; providing a definition; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and
Senators Lee, Miller, Sebesta and Crist—

CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of

Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

By the Committee on Regulated Industries; and Senator Wasserman Schultz—

CS for SB 1692—A bill to be entitled An act relating to greyhound adoptions; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

By the Committee on Banking and Insurance; and Senator Rossin—

CS for SB 1734—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public-records requirements for specific information related to financial or medical records of insureds and consumers which are in the possession of the Department of Insurance; providing for future review and an expiration date; providing a finding of public necessity; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Klein—

CS for SB 1750—A bill to be entitled An act relating to economic development; creating the “Florida Emerging and Strategic Technologies Act”; creating s. 112.3133, F.S.; providing legislative findings and intent relating to the transfer of technology and conflicts of interest for public university employees; directing the State Board of Education to develop guidelines for public universities requiring disclosure of employees’ significant financial interests; prescribing minimum requirements for such guidelines; defining the term “significant financial interests”; requiring public universities to enforce and oversee implementation of such guidelines; requiring a report; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term “project” to include information technology facilities; defining the term “information technology facility”; amending s. 212.08, F.S.; revising the sales and use tax exemption for certain machinery and equipment to include machinery and equipment used by health technology facilities to produce health technology products, as defined, and machinery and equipment used in research and development or manufacturing in a health technology facility; expanding a sales tax exemption for clean-room building materials to include health-technology facil-

ities; amending s. 220.02, F.S.; expressing legislative intent on the order in which a corporate income tax credit for certain education costs should be applied; amending s. 220.13, F.S.; redefining the term “adjusted federal income” to conform to the creation of a corporate income tax credit for certain information technology education costs; creating s. 220.192, F.S.; authorizing a credit against corporate income tax for certain information technology education costs paid by an employer on behalf of an employee; providing eligibility and application requirements; providing for administration and expiration of the tax credit program; providing a definition; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; raising the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high-technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term “digital media”; providing appropriations; providing an effective date.

By the Committee on Natural Resources; and Senators Laurent, Posey, Lawson, Bronson, Smith, Brown-Waite, Pruitt, Mitchell and Constantine—

CS for SB 1758—A bill to be entitled An act relating to rural land conservation; creating the “Rural and Family Lands Protection Act”; defining terms; providing legislative intent; creating s. 570.70, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for an enforceable option to purchase property; directing the department to seek funds from federal sources; amending s. 201.15, F.S.; providing for the distribution of certain taxes to the department to be used for the program; creating s. 215.619, F.S.; providing for bonds; amending s. 570.207, F.S.; providing uses for funds from the Conservation and Recreation Lands Program Trust Fund; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Wasserman Schultz, Peaden, Sanderson, Clary and Cowin—

CS for SB 1788—A bill to be entitled An act relating to continuing dental education; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

By the Committee on Finance and Taxation; and Senator Burt—

CS for SB 1850—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Finance and Taxation; and Senator Burt—

CS for SB 1852—A bill to be entitled An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 329.73, 372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, 318.14, 327.35, 382.022, 569.11, 938.23, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

By the Committee on Regulated Industries; and Senator Crist—

CS for SB 1920—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 320.0805, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing for its purposes; providing for funding the trust fund; providing for legislative review and termination or re-creation of the trust fund; creating s. 320.08051, F.S.; providing for the levy of a surcharge on mobile home license taxes; amending s. 320.081, F.S.; providing for the collection and distribution of the license tax surcharge; amending s. 723.007, F.S.; providing for imposition of a surcharge on annual fees paid by mobile home park owners; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park in which the homeowner is required to move; providing certain exceptions; providing a contingent effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Latvala, Geller and Garcia—

CS for SB's 1970 and 164—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 442.0011, 633.801-633.825, F.S.; transferring to the Division of State Fire Marshall, Department of Insurance, all powers and duties, and responsibilities of

chapter 442, excluding ss. 442.101-442.127, which relate to firefighter employers, firefighter employees, and firefighter places of employment, from the Division of Safety, Department of Labor and Employment Security; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Diaz de la Portilla—

CS for SB 2008—A bill to be entitled An act relating to economic development; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; providing an application deadline; revising provisions relating to the order authorizing a tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; providing applicability to tax refund agreements and claims for refund executed prior to the effective date of the act; revising the agencies with which the office may verify information and to which the office may provide information; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.980, F.S.; providing that grants by the Office of Tourism, Trade, and Economic Development to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Bronson—

CS for SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; repealing s. 482.211(11), F.S., which provides an exemption from regulation for certain yard workers; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Sebesta—

CS for SB 2058—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay

for boarding during certain hearings and appeals and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 767.14, F.S.; deleting an application exemption; amending s. 828.055, F.S.; authorizing additional drugs for which permits may be issued for the capture or euthanasia of animals; amending s. 828.058, F.S.; requiring chemical immobilization training, which training must be approved by the Board of Veterinary Medicine; amending s. 828.03, F.S.; requiring training for certain agents of counties or societies that may prosecute violators; amending s. 828.073, F.S.; authorizing officers and agents of municipalities to take actions with respect to animals in distress and officers and agents of counties; amending s. 828.27, F.S.; redefining the term "animal control officer"; increasing training requirements; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Sanderson—

CS for SB 2092—A bill to be entitled An act relating to hospitals and community hospital education; amending ss. 381.0403, 409.908, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.911, F.S.; redefining the term "charity care" or "uncompensated charity care" for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; providing an effective date.

By the Committee on Education; and Senators Pruitt, Horne and Lawson—

CS for SB 2108—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of regents; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Commission, respectively; creating the Education K-20 Policy and Research Commission within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by a type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Non-public Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Commission; establishing the membership and duties of the commission; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross-references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross-references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director and to serve as secretary of the Florida Board of Education and as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools,

the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and the already accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission and goals and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of regents and a Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; creating s. 229.0073, F.S.; directing the Commissioner of Education to work with the Florida Board of Education to reorganize the Department of Education as provided by the act; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Non-public Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; providing composition of the Commission for Independent Education; creating s. 229.008, F.S.; providing for establishment and membership of boards of regents of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of regents; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying responsibilities of the Florida Partnership for School Readiness, the Department of Education, and parents relating to school readiness; creating s. 229.0084, F.S.; providing a statement of legislative finding and intent regarding liability for student achievement; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.0865, F.S., relating to the Knott Data Center and projects, contracts, and grants; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 303, HB 1083 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Lifelong Learning; the Committee on Education Innovation; and Representative Lacasa and others—

CS for CS for HB 303—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

—was referred to the Committees on Education; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Education; and Appropriations.

By Representative Johnson and others—

HB 1083—A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof, or a state or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or

her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 27 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 1122; Brown-Waite—CS for SB 1116, CS for SB 1118, CS for SB 1120, SB 1122; Clary—SB 1324; Cowin—CS for CS for SB 446, SB 1568; Crist—CS for SB 224, CS for SB 400, SB 1082; Diaz de la Portilla—SB 2138; Dyer—SB 234, CS for SB 1116, CS for SB 1118, CS for SB 1120, SB 1122; Latvala—SJR 1768; Lawson—SB 1122; Miller—SB 1630; Pruitt—SB 1878; Sanderson—SB 2110; Sebastia—SB 1122; Silver—SB 716; Smith—CS for SB 1118, SB 1122; Sullivan—SB 716, SJR 1768

RECESS

On motion by Senator Lee, the Senate recessed at 3:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, April 3.



Journal of the Senate

Number 12—Regular Session

Tuesday, April 3, 2001

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CALL TO ORDER

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

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

PRAYER

The following prayer was offered by Lieutenant Colonel David Fuller, State Command Chaplain for the Florida National Guard, and Senior Pastor of St. Andrew's United Methodist Church, Brandon:

O Lord of light and love, we thank you for the fresh new day that lies before us. We thank you for the opportunity of living in a land where the principles of liberty, justice, dignity and responsibility guide our personal and corporate lives.

We recognize, O Lord, that the principles that guide our life as a nation must be guarded with care and diligence. We thank you for the men and women of the armed forces who stand as sturdy sentinels on the frontier of freedom. We ask you to bless them and their families for the sacrifices they make to insure that freedom and justice will remain bold beacons of hope in the 21st Century.

Lord, we thank you for the role that each of us can play as dedicated citizens in a good and gracious land. Give us insight and wisdom as we seek to serve the needs of our fellow citizens. Give us courage and faith to undertake even the most difficult issues with compassion and understanding. Unite us as a people ready to share the bounty of our blessings and the opportunity that freedom brings.

O Lord, we ask your blessing upon those who have been elected and appointed to serve over us. We pray that you will guide, guard and direct

the President of the United States, the Governor and Senate of the State of Florida, and the citizen soldiers who are poised and ready to bring safety and comfort to those in need.

Father, we ask that your special blessing and healing touch be upon Senator Pruitt's wife, Aileen, and Senator Miller's daughter, LéJean. Be with them in a special way. O Lord, we are a grateful people. Bless us with your presence now. In your name we pray. Amen.

HONOR GUARD

The Honor Guard of the Florida National Guard from St. Augustine was in the chamber bearing flags of the United States of America and the State of Florida.

The Honor Guard included the following members: Lieutenant Richard Wolf; Master Sergeant Kim Elam; Master Sergeant Emilo Gelfenstein; Sergeant First Class Shawn Gray; Staff Sergeant Dan Nester; and Sergeant Jeff Beck.

PLEDGE

Senate Pages Jacqueline Miller of Tallahassee, Yasmin Young of Havana and Brittani Faulkenberry of Cocoa, led the Senate in the pledge of allegiance to the flag of the United States of America.

RESOLUTIONS

On motion by Senator Smith—

By Senator Smith—

SR 2246—A resolution honoring the Florida National Guard and recognizing April 3, 2001, as Florida National Guard Day.

WHEREAS, the Florida National Guard is the military arm of the Governor and the people of the great State of Florida, and

WHEREAS, whenever there is a crisis or an emergency, the Florida National Guard stands ready to immediately respond to a call from the Governor, and

WHEREAS, the citizens of Florida can always be assured that, when called to protect their lives and property, the Florida National Guard will respond, prepared to accomplish any task or mission, and

WHEREAS, the Florida National Guard deployed on January 26, 2001, for Operation Swift Suppression to fight wildfires throughout the State of Florida and are still on duty, and

WHEREAS, elements of the 1st Battalion, 111th Aviation (ATK HEL) deployed on July 6, 2000, for 6 months in the continued defense of the nation of Kuwait, and

WHEREAS, the 125th Fighter Wing deployed October 17, 2000, to November 11, 2000, for Operation Southern Watch, and

WHEREAS, as the 2001 hurricane season approaches, the Florida National Guard richly deserves recognition for its past successes while its members stand ready to meet any future crisis, NOW THEREFORE,

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

That the Florida Senate recognizes the valiant and faithful service of the members of the Florida National Guard.

BE IT FURTHER RESOLVED that the Florida Senate salutes the Florida National Guard for its significant contributions and constant readiness by recognizing April 3, 2001, as Florida National Guard Day in the state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Major General Ronald O. Harrison, Adjutant General of Florida, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Smith, **SR 2246** was read the second time in full and adopted.

SPECIAL GUESTS

The President introduced Major General Ronald O. Harrison, Adjutant General of Florida, and his wife Mysie; Brigadier General and Mrs. Jimmy Watson, Assistant Adjutant General for the Army; Brigadier General and Mrs. Douglas Burnett, Assistant Adjutant General for the Air Force; and other members of the Florida National Guard and Department of Military Affairs who were present in the gallery.

MOMENT OF SILENCE

At the request of Senator Campbell, the President asked that the Senate observe a moment of silence on behalf of the military personnel being held captive in China.

On motion by Senator Sanderson—

By Senator Sanderson—

SR 2238—A resolution recognizing the month of April 2001, as Child Abuse Prevention Month.

WHEREAS, 85,644 children in Florida were identified as having been abused or neglected in reports closed during fiscal year 1999-2000, and

WHEREAS, in 1998, 82 children died as a result of a verified finding of abuse or neglect and an additional 39 deaths showed some indication of abuse or neglect, and

WHEREAS, child abuse and neglect causes significant trauma to the abused child and society, inflicting upon children serious illness and injury resulting in physical, intellectual, and emotional impairment, or death, and

WHEREAS, abused or neglected children are at much greater risk of becoming abusive or neglectful parents, and

WHEREAS, prevention services can reduce the costs society must bear in dealing with the results of child abuse and neglect and can help children and families avoid the overburdened and expensive social welfare and criminal justice systems, and

WHEREAS, children deserve the opportunity to grow and thrive in healthful environments, free from threats of violence and harm, and

WHEREAS, during the month of April, public and private-sector agencies, child care professionals, child advocates, and residents will be increasing the public's awareness of child abuse and neglect prevention, NOW, THEREFORE,

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

That the Florida Senate recognizes April 2001, as Child Abuse Prevention Month.

BE IT FURTHER RESOLVED that the Florida Senate urges the participation and support of all persons in making a conscious effort to prevent child abuse.

—was introduced out of order and read by title. On motion by Senator Sanderson, **SR 2238** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Sanderson recognized parents who are participating in the Blue Ribbon Campaign who were present in the gallery.

DOCTOR OF THE DAY

The President recognized Dr. Frederick Southwith of Gainesville, sponsored by Senator Smith, as doctor of the day. Dr. Southwith specializes in Internal Medicine.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 248** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 338** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SB 344** was withdrawn from the Committee on Rules and Calendar; **CS for SB 360** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 366** was withdrawn from the Committee on Judiciary; **SB 418** was withdrawn from the Committee on Rules and Calendar; **SB 428** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 452** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SJR 488** was withdrawn from the Committee on Judiciary; **SB 532** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 650** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; **SB 654** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 688** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 782** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 814** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 828** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 850** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **SB 916** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 992** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 1048** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for SB 1210** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and **SB 1840** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Horne, by two-thirds vote **CS for SB 634** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **SB 462** which has been reported favorably by the Appropriations Subcommittee on Education was withdrawn from the Committee on Appropriations.

BILLS ON THIRD READING

SB 2000—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—as amended March 29 was read the third time by title.

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

Amendment 139 (995177)—

In Section: On Page: 357 Specific Appropriation: Delete Insert

Amendment 138 (995175)—

In Section: 02 On Page: 004 Specific Appropriation: 15 Delete Insert

In Section On Page 357

On Page 357 and 358, DELETE:

All of Section 26.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Program: Education - Fixed Capital Outlay

On motions by Senator Horne, SB 2000 as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

15 In Section 02 On Page 004 Fixed Capital Outlay Maintenance, Repair, Renovation, And Remodeling

Yeas—40

Table with 4 columns: Name, Dawson, Latvala, Rossin. Lists names of senators and their votes.

Nays—None

DISCLOSURES

Pursuant to Senate Rule 1.39, and in an abundance of caution, I am disclosing that the current Senate budget contains funding for the City of West Miami for a waste water project. My father is the City Attorney for City of West Miami.

J. Alex Villalobos, Senator, 37th District

In an abundance of caution, pursuant to Senate Rule 1.39, I am disclosing that there are several places in SB 2000 that Nova Southeastern University is designated as the recipient of funds appropriated by the Legislature.

I am a salaried employee of, and the Director of Career Placement for, the Health Professions Division of Nova Southeastern University.

As directed by Senate Rule and as permitted by law, once disclosed, it is my duty to vote on the General Appropriations Bill.

Debbie Wasserman Schultz, Senator, 32nd District

Insert the following new proviso as the first paragraph of proviso following Specific Appropriation 15 on page 4:

Funds in Specific Appropriation 15 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for the release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

16 In Section 02 On Page 005 Fixed Capital Outlay Survey Recommended Needs - Public Schools

Insert the following new proviso as the first paragraph of proviso following Specific Appropriation 16 on page 5:

Funds in Specific Appropriation 16 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Public Schools, Division Of Program: State Oversight & Assistance - Public Schools

111-A In Section 02 On Page 020 Special Categories Land Acquisition and Facilities Advisory Board

From General Revenue Fund 250,000

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

SB 2002—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2001-2002 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; amending s. 216.177, F.S.; providing notice requirements for the Department of Children and Family Services with respect to transferring portions of district budgets; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursements to hospitals; revising the level of county participation; prohibiting the Agency for Health Care Administration from adjusting premiums paid to health maintenance organizations or prepaid health care plans due to elimination of Medicaid ceilings on certain types of hospitals and special Medicaid payments to hospitals; amending s. 409.904,

F.S.; revising eligibility requirements for certain medical assistance payments; amending s. 409.905, F.S.; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; revising standards for payable intermediate care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.91195, F.S.; providing for a restricted drug formulary applicable to Medicaid providers; amending s. 409.912, F.S.; prescribing additional services that the Agency for Health Care Administration may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted drug formulary; amending s. 409.904, F.S.; providing additional limitations on services that may be furnished to medically needy patients; amending s. 409.913, F.S.; requiring the Agency for Health Care Administration to implement a pilot program to prevent Medicaid fraud and abuse with respect to pharmaceuticals; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; amending s. 409.912, F.S.; authorizing the agency to contract with children's clinic networks for certain purposes; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for the assignment of certain Medicaid recipients to managed care plans; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for specified cancer treatment; amending s. 39.3065, F.S.; prescribing responsibility of the Seminole County Sheriff with respect to child protective investigations; amending s. 414.045, F.S.; revising reporting requirements with respect to the cash assistance program; providing legislative intent and directives with respect to community-based care initiatives; requiring the availability of certain funds for the temporary assistance for needy families program; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; directing Enterprise Florida, Inc., to operate sister-city and sister-state programs according to specified standards; authorizing Enterprise Florida, Inc., to contract for the implementation of Florida's international volunteer corps; authorizing the Department of Community Affairs to use specified methods to issue notices of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; amending s. 259.105, F.S.; deleting a restriction on use of moneys allocated under the Florida Forever Act to the South Florida Water Management District; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing for future repeal of various provisions; providing effect of veto of specific appropriation or

proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—as amended March 29 was read the third time by title.

On motions by Senator Horne, **SB 2002** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

MOTIONS

On motions by Senator Horne, the House was requested to pass **SB 2000** as amended and **SB 2002** as amended and, in the event the House fails to pass the Senate bills, that a conference committee be appointed.

Senator Horne moved that Rule 2.19(2) be waived to allow Senate Budget Conferees on **SB 2000** as amended and **SB 2002** as amended, the latitude to deal with additional issues which may develop in conference. The motion was adopted.

SB 946—A bill to be entitled An act relating to the Key Largo Hammock State Botanical Site; changing the name of the site; providing an effective date.

—as amended March 29 was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 946** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

On motion by Senator Campbell, by two-thirds vote **CS for HB 215** was withdrawn from the Committee on Judiciary.

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

CS for HB 215—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

—a companion measure, was substituted for **SB 98** as amended and read the second time by title. On motion by Senator Campbell, by two-

thirds vote **CS for HB 215** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for SB 252—A bill to be entitled An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the terms “employing agency” and “employment information”; providing for injunctive relief; providing qualified immunity from civil liability for release; providing for fees to cover certain costs incurred by the employer; providing an effective date.

—as amended March 29 was read the third time by title.

On motion by Senator King, **CS for SB 252** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Campbell, by two-thirds vote **SB 1432** was withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **SB 904** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; and referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar; and **SB 2028** was withdrawn from the Committees on Criminal Justice and Judiciary and referred to the Committees on Judiciary and Criminal Justice.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 4, 2001: **CS for CS for SB 1214, CS for CS for SB 870, CS for SB 208, SB 150, CS for SB 788, CS for SB 178, SB 648, SB 426, SB 418, CS for SB 778, CS for SB 746, CS for SB 1788, CS for SB 836, SB 1094, CS for SB 1398, CS for SB 1052, SB 1372, CS for SB 1524, SB 854, CS for SB 1030, SB 1564, CS for SB 240, CS for SB 888, SB 676, SB 1066, CS for SB 1274, SB 308, SB 412, SB 1942, SB 1786**

Respectfully submitted,
Tom Lee, Chairman

The Committee on Criminal Justice recommends the following pass: **SB 698, SB 1430** with 1 amendment

The bills were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: **SB 26, SB 32** with 3 amendments, **SB 56, SB 58** with 1 amendment, **SB 66** with 1 amendment, **SB 800**

The bills were referred to the Committee on Finance and Taxation under the original reference.

The Committee on Criminal Justice recommends the following pass: **SB 2006**

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

The Committee on Criminal Justice recommends the following pass: **SB 1450**

The bill was placed on the calendar.

The Committee on Ethics and Elections recommends a committee substitute for the following: **SB 1122**

The bill with committee substitute attached was referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: **SB 1056**

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: **SB 1216**

The Committee on Transportation recommends a committee substitute for the following: **SB 1068**

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: **SB 1290**

The Committee on Ethics and Elections recommends a committee substitute for the following: **SB 1138**

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

The Committee on Children and Families recommends committee substitutes for the following: **SB 1286, SB 1346**

The bills with committee substitutes attached were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 152

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Garcia—

SB 2120—A bill to be entitled An act relating to the efficient administration of government; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.085, F.S.; authorizing water management districts to limit permit durations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks; creating s. 373.610, F.S.; allowing water management districts to bar from future contracts contractors who have defaulted in the past; creating s. 373.611, F.S.; authorizing water management districts to limit or alter damages in certain vendor contracts; amending s. 712.04, F.S.; excluding property of water management districts from operation of the Marketable Record Title Act; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Oversight and Productivity; and Judiciary.

By Senator Holzendorf—

SB 2170—A bill to be entitled An act relating to public records; providing exemption from public-records requirements for documents, materials, or other information furnished to the Department of Insurance by insurers, producers, or their agents or employees or obtained by the department pursuant to certain investigations; providing for future review and repeal; prohibiting the department, its employees, or its agents from testifying in a private civil action concerning such information; authorizing the department to disclose the information under specified conditions; providing that such disclosure does not waive the protected person's privilege; providing that nothing in the act prohibits the department from releasing adjudicated actions available to the public to the National Association of Insurance Commissioners and its affiliates; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Sullivan, Crist and Miller—

SB 2172—A bill to be entitled An act relating to state universities; amending s. 240.209, F.S.; increasing certain student fees; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; changing language to conform with other provisions of the bill; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; requiring the approval of projects to be funded from Capital Improvement Trust Fund fees or building fees by committees partially appointed by the student government president; amending s. 240.531, F.S.; conforming language to other provisions of the act and Florida law; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Holzendorf—

SB 2174—A bill to be entitled An act relating to insurance; amending s. 624.318, F.S.; requiring access to records by the department; repealing s. 624.501(11) and (23), F.S.; repealing provisions establishing specified fees; amending s. 626.112, F.S.; prohibiting certain activities that constitute solicitation of insurance by unlicensed persons; amending s. 626.171, F.S.; revising agent application requirements; creating s. 626.202, F.S.; requiring fingerprinting of specified persons; amending s. 626.431, F.S.; extending the nonappointment period to 48 months; amending s. 626.521, F.S.; requiring certain information upon demand of the department; amending s. 626.541, F.S.; requiring notification to the department of certain name changes and other information; amending s. 626.5715, F.S.; removing a requirement that the Department of Insurance adopt rules to assure parity of regulation; providing that the Insurance Code applies to all transactions; amending s. 626.601, F.S.; revising a confidentiality provision; amending s. 626.611, F.S.; prohibiting the sale of unregistered securities; amending ss. 626.741, 626.792, 626.835, F.S.; limiting the authority of certain nonresident licenses to that granted by the resident state; amending s. 626.8427, F.S.; revising provisions governing the duration of licenses; amending s. 626.856, F.S.; revising the definition of the term "company employee adjuster"; amending s. 626.872, F.S.; limiting the term of a temporary adjuster's license; amending s. 626.873, F.S.; revising a catchline regarding nonresident company adjusters; amending s. 627.927; limiting an experience requirement for surplus lines agents; extending a renewal grace period; creating s. 626.9531, F.S.; requiring the identification of certain persons in advertisements and other communications; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Taxation.

By Senator Clary—

SB 2176—A bill to be entitled An act relating to access to health care; creating s. 456.40, F.S.; providing legislative intent with respect to patients' access to complementary or alternative health care treatment, as defined; prescribing standards for communicating the offer of complementary or alternative health care treatment; requiring keeping of certain records; amending s. 381.026, F.S.; including access to complementary or alternative health care among the rights to which a patient is entitled; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Peaden—

SB 2178—A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., The Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board, or their contract service providers, at which certain identifying information regarding temporary cash assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities' records of such programs; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

SR 2180—Not referenced.

By Senator Lawson—

SB 2182—A bill to be entitled An act relating to the State Council on Competitive Government; amending s. 14.203, F.S.; providing definitions; requiring the council to direct the Office of Program Policy Analysis and Government Accountability and the Director of Efficiency and Enterprise Development of the office of planning and budgeting in the Executive Office of the Governor to review and report on all requests for proposals, invitations to bid, invitations to negotiate, or contracts issued by state agencies that propose the privatization of funded government; requiring state agencies to submit certain privatization proposals to the council; providing considerations and criteria for review and report; providing circumstances for competition with private sources or other state agency service providers; requiring a contract entered into by an executive branch agency to include a statement of contingent effect; providing for open meetings and records; providing that a vendor must be a domiciled state corporation or have a significant business presence in the state; providing a definition; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

SR 2184—Not referenced.

SR 2186—Introduced and adopted March 29.

By Senator Holzendorf—

SB 2188—A bill to be entitled An act relating to education; creating the “Education Investment Act”; providing definitions; providing legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing academic preparation tools, including test preparation study skills and advanced writing programs for certain students; authorizing the development of programs through the Internet; providing for separation of open enrollment programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; authorizing rules of the Department of Education; authorizing state-funded test-preparation courses for certain students; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Klein—

SB 2190—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; authorizing school districts to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a conditional effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Holzendorf—

SB 2192—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; requiring rules providing staffing requirements for nursing homes; providing minimum ratios of certified nursing assistants to residents; providing applicability of requirements; requir-

ing that certain information be posted in each facility; amending s. 400.063, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Dyer, Dawson, Lawson, Miller, Rossin, Wasserman Schultz, Campbell and Klein—

SB 2194—A bill to be entitled An act relating to elections; providing legislative findings; requiring supervisors of elections to conduct voter-education projects; requiring reports to the Division of Elections; prescribing duties of the division; providing an appropriation; prescribing duties of the State Board of Education with respect to civic and voter education; providing an effective date.

—was referred to the Committees on Ethics and Elections; Education; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Smith—

SB 2196—A bill to be entitled An act relating to elections; abolishing the Florida Elections Commission and transferring its powers, duties, functions, and assets to the Florida Commission on Ethics; renaming the Elections Commission Trust Fund as the Elections Trust Fund; amending ss. 99.092, 99.093, 99.0955, 102.112, 104.271, 104.42, 105.031, 105.071, 106.03, 106.04, 106.06, 106.07, 106.085, 106.087, 106.141, 106.22, 106.24, 106.25, 106.26, 106.29, 106.35, F.S., to conform; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Holzendorf and Horne—

SB 2198—A bill to be entitled An act relating to wetland mitigation; creating s. 373.4139, F.S.; providing definitions; authorizing the mitigation of wetland and surface water impacts resulting from the Better Jacksonville Plan through the acquisition of lands for preservation and through wetland restoration, enhancement, and creation projects of regional environmental benefit; providing legislative intent with respect to such mitigation; specifying areas to be afforded preference as mitigation areas; authorizing the City of Jacksonville and the St. Johns River Water Management District to jointly determine other areas to be afforded preference as mitigation lands; providing sources of funds for wetland and surface water mitigation; providing procedure with respect to land acquisition; requiring the preparation of an inventory of wetland and surface water resources to be impacted; providing for annual updating of the inventory; specifying inventory contents; requiring the district to develop a mitigation plan annually; requiring annual approval of a conceptual plan for mitigating impacts contained in the inventory by the governing board of the district; providing that approval of the conceptual plan creates a presumption that the mitigation contained therein satisfies the mitigation permitting requirements of ch. 373, F.S.; requiring the district to forward copies of the conceptual plan to, and seek to obtain formal concurrence of, specified federal agencies; providing procedure and requirements with respect to wetland and surface water mitigation; specifying powers of the district with regard to permitting; providing funding requirements; requiring specified deposits by permittees; authorizing the district and the City of Jacksonville to enter into certain agreements; authorizing the district to enter into certain contracts; providing specified powers of the district; providing procedure in the event that conceptual mitigation plans are not approved or adopted; authorizing exclusion of certain projects from the conceptual plan; providing construction; amending s. 373.4135, F.S.; providing nonapplicability to the provisions of s. 373.4139 with respect to the required establishment

of specified environmental creation, preservation, enhancement, and restoration projects; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

SR 2200—Not referenced.

By Senator Saunders—

SB 2202—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; revising criteria for firefighters' membership in the special risk class; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 2204—A bill to be entitled An act relating to a road designation; designating a portion of I-275 in Pinellas County as the "St. Petersburg Parkway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 2206—A bill to be entitled An act relating to motorcycles; amending s. 316.211, F.S.; requiring an insurance decal on specified license plates; authorizing law enforcement to stop persons riding a motorcycle without protective headgear to show proof of compliance with specified insurance requirements; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 2208—A bill to be entitled An act relating to real property; amending s. 197.402, F.S.; reducing the number of times a tax collector must advertise the sale of real property that is subject to delinquent taxes; providing a form; amending s. 197.403, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Senator Campbell—

SB 2210—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; removing a reference to the Florida Board of Auctioneers; combining the Barbers' Board and the Board of Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; eliminating a reference to the Board of Funeral Directors and Embalmers; amending s. 110.205, F.S.; specifying positions that are exempt from the career service system; amending ss. 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising penalty provisions; requiring that all funds collected pursuant to the regulation

be deposited into the Professional Regulation Trust Fund; amending s. 455.213, F.S.; providing that all applications for licensure be prescribed by the department; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the renewal or issuance of a license; amending s. 468.381, F.S.; revising the purpose of regulating auctioneering; amending s. 468.382, F.S.; revising definitions; amending ss. 468.385, 468.3851, 468.3852, F.S.; providing for registration in lieu of licensure; amending s. 468.386, F.S.; revising fee authority and providing for local regulation; amending s. 468.388, F.S.; revising requirements for the conduct of auctions; amending s. 468.389, F.S.; making violations a deceptive and unfair trade practice; providing penalties; amending s. 468.391, F.S.; conforming penalty provisions; repealing ss. 468.384, 468.3855, 468.387, 468.392, 468.393, 468.394, 468.395, 468.396, 468.397, 468.398, 468.399, F.S.; abolishing the Florida Board of Auctioneers; providing for the use of funds; providing for the continuation of legal proceedings; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing for remedies under the Unfair and Deceptive Trade Practices Act; repealing ss. 468.405 and 468.408, F.S.; relating to qualifications of talent agencies and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building direct supervision of code administrators by telecommunications devices in certain localities under specific circumstances; amending s. 468.617, F.S.; requiring the payment of costs for applicants who fail to appear for scheduled examinations; amending s. 469.001, F.S.; transferring the regulation of asbestos abatement from the Department of Business and Professional Regulation to the Department of Environmental Protection; amending s. 255.552, F.S.; transferring the asbestos management program from the Department of Labor and Employment Security to the Department of Environmental Protection; amending ss. 255.553, 255.5535, 255.555, 255.556, 255.557, 255.562, 255.563, 255.565, F.S.; conforming provisions; saving existing rules and legal proceedings; amending s. 470.002, F.S.; redefining the term "department" to refer to the Department of Banking and Finance and the term "board" to refer to the Board of Funeral and Cemetery Services; repealing s. 470.003, F.S., relating to the Board of Funeral Directors and Embalmers; redesignating s. 455.2226, F.S., as s. 470.0205, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome and amending to conform; amending ss. 470.015, 470.018, 470.036, F.S., conforming provisions; saving all related administrative rules; transferring the regulation of funeral directing, embalming, and direct disposition from the Department of Business and Professional Regulation to the Department of Banking and Finance; placing the regulation under the Board of Funeral and Cemetery Services; abolishing the Board of Funeral Directors and Embalmers; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; amending s. 476.064, F.S.; conforming provisions; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; eliminating a requirement for refresher courses and examinations for failure to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees; amending s. 489.105, F.S.; redefining the term "contractor"; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; eliminating reference to divisions of the board; relocating the offices of the board; amending s. 489.113, F.S.; expanding permitted scope of practice of a general, building, or residential contractor regarding the installation or repair of certain roofing materials; creating s. 489.1135, F.S.; providing for temporary certificates; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.507, F.S.; reducing the number of members on the Electrical Contractors' Licensing Board; abolishing a joint committee; amending s. 489.511, F.S.; revising provisions relating to licensure by endorsement; amending ss. 498.005, 498.019, 718.103, 718.501, 718.509, 719.103, 719.501, 721.05, 721.26, 721.28, 721.301, 723.003, 723.006, 723.09, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare,

and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; repealing s. 718.1255, F.S., relating to requirements governing the arbitration of certain condominium and cooperative association disputes; amending ss. 718.112, 718.501, 719.106, 719.501, F.S.; conforming provisions; reducing fees paid by condominium and cooperative associations; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 2212—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; substantially revising provisions governing compensation for disability; providing guidelines relating to permanent total disability, to temporary total disability, to permanent partial disability, to temporary partial disability, and to subsequent injury; providing consequences if an employee refuses or leaves employment; amending s. 440.34, F.S.; substantially revising provisions relating to attorney's fees and costs; providing that reasonable attorney's fees must be awarded to a claimant, as specified; providing penalties for violations; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Burt—

SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the term "participating manufacturer"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.02, F.S.; imposing a price-equalization assessment on cigarettes not manufactured by a participating manufacturer, as defined by the act; providing for calculating the amount of the assessment; amending s. 210.20, F.S.; providing for the deposit of proceeds of the assessment; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Taxation.

By Senators Lawson and Diaz de la Portilla—

SB 2216—A bill to be entitled An act relating to the food stamp program; amending s. 414.31, F.S.; providing a methodology for valuing vehicles as assets for purposes of food stamp eligibility; providing rule-making authority; providing a deadline for implementation; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Rossin—

SB 2218—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; exempting work papers relating to examinations and investigations of insurers from public records requirements;

providing legislative findings; providing for future review and repeal of the exemption; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Posey—

SB 2220—A bill to be entitled An act relating to copyrighted materials; creating s. 119.084, F.S.; providing for copyrights to software materials created by local governments; providing for fees for use of such materials; providing for access to public records contained in copyrighted materials; prohibiting contracts relating to public records databases when the contracts impair access to public records; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Finance and Taxation.

SR 2222—Introduced and adopted March 29.

By Senator Clary—

SB 2224—A bill to be entitled An act relating to workers' compensation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; amending s. 20.13, F.S.; creating the Division of Workers' Compensation in the Department of Insurance; amending s. 20.171, F.S.; deleting the Division of Workers' Compensation from the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; providing for substitution of a successor agency as a party in judicial and administrative proceedings; providing severability; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Holzendorf—

SB 2226—A bill to be entitled An act relating to insurance coverage for nursing homes and assisted living facilities; amending s. 627.351, F.S.; providing that nursing homes and assisted living facilities are immediately eligible for coverage in the Florida Property and Casualty Joint Underwriting Association; providing that rates used by the association are subject to s. 27.062, F.S.; eliminating provisions tying the initial rates of the association to rates contained in the Insurance Services Office filing with the Department of Insurance; creating the Long-Term-Care-Facility Casualty Joint Underwriting Plan; providing for participation in the plan by casualty insurers; creating and providing for operation of the plan by the Long-Term-Care-Facility Casualty Joint Underwriting Association; providing for membership of the association; providing for coverage of certain long-term-care facilities for death and personal injury claims of residents arising out of activities of nursing homes and assisted living facilities; providing for classification of risks and rates; providing coverage limits and a deductible; providing for a

risk-management program; providing for assessments of insureds and participating insurers for deficits under certain circumstances; providing for service of policies; providing for public access to records; providing eligibility criteria for coverage; requiring insureds to provide evidence of financial responsibility; providing for service of process; providing appropriations; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Holzendorf—

SB 2228—A bill to be entitled An act relating to public-records exemptions; exempting from the public-records law certain claim file records pertaining to the Long-Term-Care-Facility Joint Underwriting Association; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

SR 2230—Not referenced.

By Senator Silver—

SB 2232—A bill to be entitled An act relating to health care; amending s. 456.072, F.S.; requiring disclosure of training in health care advertisements and relationships; amending s. 458.309, F.S.; establishing criteria for approved board certification; amending s. 458.331, F.S.; requiring disclosure of training in advertisements and informed-consent forms; amending s. 459.005, F.S.; establishing criteria for approved board certification; amending s. 459.015, F.S.; requiring disclosure of training in advertisements and informed-consent forms; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Garcia—

SB 2234—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S.; renaming the Residential Property and Casualty Joint Underwriting Association as the Citizens Property Insurance Corporation to provide residential and commercial property insurance through a public benefits corporation; requiring insurers writing property insurance to participate in the corporation; providing for dividing the revenues, assets, liabilities, losses, and expenses of the corporation into three accounts; providing for emergency assessments for policyholders of participating insurers; providing a plan of operation; providing for a board of governors; providing that the corporation is not required to obtain a certificate of authority from the Department of Insurance; providing that the corporation is not required to be a member of the Florida Insurance Guaranty Association; requiring the corporation to pay assessments pledged by the association to secure bonds to pay covered claims arising from insurer insolvencies caused by hurricane losses; providing for transfer of policies of the association and the Florida Windstorm Underwriting Association to the corporation; providing for a transfer of assets and liabilities; requiring the associations to take actions necessary to further such transfers; providing that such transfers do not affect the coverage of “covered policies;” providing for the redesignation of certain coverage as the high-risk account of the corporation; providing that such account be treated as if it were a separate participating insurer for certain purposes; providing that the personal lines and commercial lines accounts be treated as a single participating insurer for certain purposes; providing that the department may postpone the October 1, 2001, effective date of transfer under the act; providing legislative intent not to interfere with the rights of creditors, to preserve the obliga-

tion of the association, and to assure that outstanding financing agreements pass unchanged to the corporation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ethics and Elections; and Senators Dawson, Campbell and Miller—

CS for SB 152—A bill to be entitled An act relating to elections; amending s. 97.041, F.S.; providing for automatic restoration of former felons’ right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, 98.0975, F.S., to conform; providing a conditional effective date.

By the Committee on Appropriations; and Senators Clary and Cown—

CS for SB 634—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenzae and pneumococcal polysaccharide vaccinations; providing an appropriation; providing an effective date.

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

CS for SB 1056—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the list of eligible children to include otherwise eligible children for whom the state is paying a relative caregiver payment; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; amending ss. 240.235, 240.35, F.S.; exempting certain children in the custody of a relative from payment of postsecondary undergraduate fees; requiring the Department of Children and Family Services to contract for a study of relative caregiver families; requiring a report to be submitted to the Department of Children and Family Services and the Legislature; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 1068—A bill to be entitled An act relating to highway safety, motor vehicles, and vessels; amending s. 316.003, F.S.; defining the term “motorized scooter”; amending s. 316.1945, F.S.; revising provisions relating to the parking of vehicles in specified areas; amending s. 316.1951, F.S.; revising provisions regulating removal of certain unlawfully parked vehicles; amending s. 316.1975, F.S.; revising provisions relating to unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; revising provisions relating to the use of lamps on vehicles transporting certain loads; amending s. 316.520, F.S.; revising penalties for violation of load limits on vehicles; exempting certain vehicles carrying agricultural products from load limits; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 318.1451, F.S.; requiring governmental entities and courts to maintain information on driver improvement schools; revising the duties of the Department of Highway Safety and Motor Vehicles; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; revising provisions relating to the sale of certain vehicles; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt vehicles; redefining the term “assembled from parts” and deleting the term “combined”; providing a penalty for the removal of decals designating rebuilt vehicles; amending s. 319.23, F.S.; revising provisions relating to the transfer of ownership of an antique vehicle; amending s. 319.27, F.S.; revising

provisions with respect to the filing of liens on motor vehicles and mobile homes; amending s. 319.28, F.S.; revising requirements relating to the transfer of ownership by operation of law; amending s. 319.30, F.S.; redefining the terms "major component part"; providing standards for the sale of certain vehicles; amending s. 320.01, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; conforming the length limitation for a motor home to that established in s. 316.515, F.S.; amending s. 320.023, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 320.025, F.S.; revising provisions relating to the issuance of confidential registration certificates and license plates; amending s. 320.05, F.S.; revising provisions relating to vessel registration records; amending s. 320.055, F.S.; revising registration periods for certain vehicles; amending s. 320.06, F.S.; providing for the placement of registration validation stickers; amending s. 320.0605, F.S.; revising provisions relating to fleet vehicles and registration certificates; amending s. 320.072, F.S.; revising provisions relating to the exemption of certain registration fees; amending s. 320.0805, F.S.; revising provisions relating to the issuance of personalized license plates; amending s. 320.08056, F.S.; providing for the exemption of certain collegiate specialty license plates from sales requirements; amending s. 320.08062, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 320.083, F.S.; revising vehicle weight restrictions relating to the amateur radio operator's license plate; amending s. 320.089, F.S.; revising vehicle weight restrictions relating to the Ex-POW and Purple Heart license plates; amending s. 320.18, F.S.; providing for cancellation of a license and fuel use decal for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; revising requirements relating to motor vehicle dealers; defining the term "bona fide employee"; revising grounds for denial, suspension, or revocation of a dealer license; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for driver's licensing purposes; amending s. 322.0261, F.S.; requiring the department to regulate and approve certain courses for driver improvement schools; amending s. 322.05, F.S.; conforming a statutory cross-reference; amending s. 322.081, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 322.095, F.S.; requiring the Department to approve and regulate certain courses for driver improvement schools; amending s. 322.126, F.S.; revising provisions relating to the reporting of a disability to the department; creating s. 322.222, F.S.; authorizing the department to conduct hearings for medical review cases; amending s. 322.2615, F.S.; revising provisions relating to temporary driving permits; amending s. 322.27, F.S.; revising provisions relating to the revocation of license for habitual traffic offenders; amending s. 322.28, F.S.; deleting obsolete provisions; repealing s. 322.282, F.S., which prescribes procedures governing certain court-ordered reinstatements of a driver's license or driving privilege; amending s. 322.292, F.S.; revising requirements relating to the operation of DUI programs; repealing s. 322.331, F.S., relating to the restoration of the license of habitual traffic offenders; amending s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle; amending s. 322.64, F.S.; revising provisions relating to commercial vehicle operators and driving under the influence; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; revising requirements relating to the application for certificate of title; amending s. 328.42, F.S.; revising provisions relating to the payment of certain transactions by dishonored check; amending s. 328.56, F.S.; revising provisions relating to the display of vessel registration numbers; amending s. 328.72, F.S.; revising requirements relating to the transfer of an antique vessel; amending s. 328.76, F.S.; providing for an annual appropriation to the Highway Safety Operating Trust Fund; amending s. 681.1096, F.S.; extending the pilot program an additional period; amending s. 681.1097, F.S.; providing for technical corrections to an arbitrator's decision; prescribing guidelines for appealing an arbitrator's decision; amending s. 713.78, F.S.; providing for the notification of insurers when a vehicle is towed; revising requirements for selling an unclaimed vehicle or vessel; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; redefining the term "vessel"; providing for the removal of undocumented vessels from private property; amending s. 832.09, F.S.; providing for the use of a standardized form in reporting certain information to the department; providing effective dates.

By the Committee on Ethics and Elections; and Senators Posey, Brown-Waite, Dyer, Lawson, Bronson, Sebesta, Smith and Constantine—

CS for SB 1122—A bill to be entitled An act relating to election recounts; amending s. 97.021, F.S.; defining the terms "overvote" and "undervote"; amending s. 101.5614, F.S.; clarifying the standard for counting votes on spoiled ballots; clarifying the timing of official election returns; amending s. 102.141, F.S.; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; providing an effective date.

By the Committee on Ethics and Elections; and Senator Jones—

CS for SB 1138—A bill to be entitled An act relating to elections; prohibiting a member of the Elections Canvassing Commission or a member of a county canvassing board from rendering a post-election decision that may affect the outcome of any race in which the member publicly endorsed or solicited contributions; providing an effective date.

By the Committee on Commerce and Economic Opportunities—

CS for SB 1216—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; qualifying certain communities within a rural area of economic critical concern to participate in the rural job tax credit program; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; increasing the limitation on annual credits; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the responsibilities of Enterprise Florida, Inc., relating to rural and distressed urban communities; directing Enterprise Florida, Inc., to develop a plan for marketing programs and initiatives designed to enhance conditions in economically distressed communities; specifying components of such plan; requiring development of and reporting on performance measures; requiring coordination with agencies and organizations; directing Enterprise Florida, Inc., to combine and leverage the use of certain programs to benefit economically distressed communities; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; eliminating certain authority for the office to change enterprise zone boundaries; providing for municipalities in certain counties to change the boundaries of enterprise zones; amending s. 290.0066, F.S.; prescribing circumstances under which designation of an enterprise zone must be revoked; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the

enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.015, F.S.; transferring responsibility for creating the research design for review of the Enterprise Zone Act to Enterprise Florida, Inc.; providing for review of enterprise zones by the Auditor General and a recommendation of zones the designation of which should be revoked; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation related to the department's administration of the Small Cities Community Development Block Grant Loan Guarantee Program; repealing s. 290.049, F.S., which provides for the creation of the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 420.503, F.S.; revising the definitions of the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the Florida Housing Finance Corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; increasing the annual limitation on community contribution tax credits; conforming definitions; revising eligibility and administrative requirements; amending s. 163.356, F.S.; authorizing certain counties or municipalities to create more than one community redevelopment agency under specified conditions; conforming provisions; revising the number of members on community redevelopment boards in certain municipalities; providing an appropriation; providing effective dates.

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

CS for SB 1286—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

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

CS for SB 1290—A bill to be entitled An act relating to children; creating as a pilot program an Office of Counsel for Children in the tenth regional district of the Department of Children and Family Services to represent the legal interests of children in out-of-home care pursuant to court order; providing an administrative counsel for the office; specifying qualifications; placing the office in the Department of Legal Affairs for budget purposes; requiring the court to appoint the office to represent the legal interests of the child continued in out-of-home care; providing for appointment by the Governor; providing duties of the Office of Counsel for Children; providing that a child may not waive the right to counsel supplied by the office; providing that the office is substituted for the department in dependency cases when appointed by the court; requiring a report to the Legislature and the Governor; requiring the office to conduct an evaluation of the pilot program with a report to the Legislature and Governor; providing for the expiration of the pilot program; amending s. 39.013, F.S.; providing that time limitations under ch. 39, F.S., do not include continuances requested by any party; providing limitations on continuances; amending s. 39.402, F.S.; providing that time limitations governing placement of a child in a shelter do not include continuances requested by any party; providing limitations on continuances; amending s. 39.506, F.S.; eliminating the requirement for a court's continued review of a child's placement in a shelter; amending s. 39.601, F.S.; modifying case-plan requirements; requiring the department to adopt rules governing the content and format of case plans;

amending s. 39.602, F.S.; eliminating certain criteria in case plans when parents do not participate and the child is in out-of-home care; providing an effective date.

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

CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Investment Advisory Council Appointees: Dahl, James H., Jacksonville Nast, Donald A., Tallahassee	12/12/2004 12/12/2004
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc. Appointee: Wallace, Derrick D., Orlando	09/30/2003
Withlacoochee Regional Planning Council, Region 5 Appointee: Gabriel, Patricia R., Ocala	10/01/2001
Florida Commission on Veterans' Affairs Appointee: Dozier, James L., North Ft. Myers	11/16/2005
Governing Board of the Northwest Florida Water Management District Appointees: Hughes, Stephanie C., Panama City Beach Petermann, Richard P., Ft. Walton Beach	03/01/2002 03/01/2005
Governing Board of the South Florida Water Management District Appointees: Brooks-Thomas, Pamela D., Lauderhill Lindahl, Lennart E., Tequesta	03/01/2002 03/01/2005
Governing Board of the Southwest Florida Water Management District Appointees: Chance, Edward W., Palmetto Dominguez, Margarita N., Tampa Johnson, Ronald C., Lake Wales	03/01/2005 03/01/2005 03/01/2005
Hillsborough River Basin Board of the Southwest Florida Water Management District Appointee: Baldwin, Martha Jane, Brooksville	03/01/2004
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District Appointee: Fischer, Rodney S., Palm Harbor	03/01/2003

[Referred to the Committee on Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 544, SB 546, SB 548, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614 and SB 616 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

JOINT SELECT COMMITTEE APPOINTED

The President announced the appointment of Senator Garcia, Co-Chair; Senators Lawson and Sanderson to the Joint Select Committee on Collective Bargaining.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 29 was corrected and approved.

CO-SPONSORS

Senators Bronson—SJR 1768; Campbell—SB 964, SB 1834; Carlton—SB 2114; Constantine—CS for SB 1116, CS for SB 1118, CS for SB 1120, CS for SB 1122; Klein—SB 256, SB 1160, SB 1324, SB 1826; Mitchell—SM 2134; Peaden—SB 2114; Sanderson—CS for SB 1758; Sebesta—SB 234; Webster—SB 2054

RECESS

On motion by Senator Lee, the Senate recessed at 9:54 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:45 a.m., Wednesday, April 4.

SENATE PAGES

April 2-6

Michael Bisceglia, Longwood; Sharika Ceaser, Tallahassee; Brittani Faulkenberry, Cocoa; Daniel Glinn, Miami; James "Noland" Greene, Madison; Derek Jones, Miami; Durel Jones, Miami; Tony Lindle, Gainesville; Kirbi Long, Naples; Erin McIntosh, Spring Hill; Nicole McNight, Rockledge; Jacqueline Miller, Tallahassee; Julia Mitchell, Altamonte Springs; Ashley Palmer, Bradenton; Jennifer "Jenny" Peterson, Tallahassee; Heather Rissinger, Cocoa; Daniel Rodriguez, Miami Beach; Monique Wells, Tallahassee; Yasmin Young, Havana



Journal of the Senate

Number 13—Regular Session

Wednesday, April 4, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:45 a.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

PRAYER

The following prayer was offered by the Rev. Karl Flagg, Mount Tabor First Baptist Church, Palatka:

Almighty and Everlasting God, our help in ages past, our hope in years to come. This morning we entreat thee, O Lord, at thy eternal throne in the spirit of humility and submission unto thy will. In our time of need, we are suppliant and you are our source.

Our Father, we are grateful for the countless blessings you bestow upon us. We come now to thank you for entrusting us to this sacred service, for it is thee alone, our Father and creator, who hath brought us and taught us; it is thee who has cared for us and shared with us; it is thou who enlightens and empowers us. You, our Father, have made a way out of no way and now we pray for your grace and mercy; your provision and protection.

O Holy One, we ask that you would lead, guide and order the steps of our Florida Senate. Please give us an attitude of gratitude and simultaneously, an intrinsic fortitude that unites rather than divides. Grant all of our leaders wisdom, knowledge and understanding so that our hearts may be applied to the needs and the issues of our State. For our past, forgive us and heal us; for our present, rekindle us and redirect us; for our future, grant us exemplary vision and keep us forever within thy sacred service. We also ask a special prayer and blessing upon Aileen Pruitt, wife of Senator Ken Pruitt, LéJean Miller, daughter of Senator Les Miller and Jim Lee, father of Senator Tom Lee. Meet their needs according to your riches in glory. We will give thee praise, glory and honor both today and in the days to come. In thy sovereign name we pray. Amen.

PLEDGE

Senate Pages Julia Mitchell of Altamonte Springs and Erin McIntosh of Spring Hill, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. David Levine of Plantation, sponsored by Senator Silver, as doctor of the day. Dr. Levine specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Silver—

By Senator Silver—

SR 204—A resolution commending the osteopathic physicians of this state and recognizing April 4, 2001, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians provide health care services that account for more than 100 million patient visits in this country each year, and

WHEREAS, this state has nine accredited osteopathic hospitals, an osteopathic medical college, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, since 1990, the number of active osteopathic physicians in this state has increased by 47 percent, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the Florida Senate commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes April 4, 2001, as Osteopathic Medicine Day.

—**SR 204** was introduced, read and adopted by publication.

On motion by Senator Carlton—

By Senator Carlton—

SR 2148—A resolution honoring Dr. William Russell Mote.

WHEREAS, born in 1906 in Tampa, Florida, Dr. William Russell Mote grew up by the sea and developed an intense love for all the treasures that it holds, and

WHEREAS, Dr. Mote left his home in 1929 for New York, where he founded the Republic Carloading and Distributing Company with partner Ted Bartels, popularizing a technique that made it practical to transport large trailers and containers on train flatcars across the United States, and

WHEREAS, although he made his fortune developing efficient means of moving cargo from ship to shore, Dr. William Mote never forgot his love for the sea, and focused much of his energy and his fortune to protecting the vast riches it held, and

WHEREAS, upon his retirement from the Republic Carloading and Distributing Company's Board of Directors, Dr. Mote directed his focus on his first love, serving on The Florida Council of 100 Committee on Oceanography and, after moving to Sarasota, Florida, in 1965, working to make Cape Haze Marine Laboratory a thriving marine research facility, and

WHEREAS, for his efforts in transforming the small Cape Haze Marine laboratory into an internationally recognized institution, the name was changed to Mote Marine Laboratory in 1967, in honor of the members of the Mote family, the laboratory's main benefactors, and the following year, Dr. William Mote received the Gold Medal Award of the International Oceanographic Foundation, and

WHEREAS, Dr. William Russell Mote actively participated in the Mote Marine laboratory affairs until his death on July 18, 2000, and

WHEREAS, in his lifetime, Dr. Mote dedicated his services to preserving the sea through partnerships with the Florida State University, from which he received an honorary doctorate degree, establishing the William R. and Lenore Mote Eminent Scholar Chair in Fisheries Ecology and Enhancement and providing intern scholarships, as well as establishing the Mote Vascular Foundation to further the lay public's and the medical community's knowledge of vascular diseases and their treatment, NOW, THEREFORE,

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

That the Florida Senate pauses in its deliberations to honor the memory of Dr. William Russell Mote in recognition of his tireless efforts to preserve our beautiful seas and all life therein, and to encourage everyone to honor the memory of one of Florida's most accomplished philanthropists, a man whose life is a testament to the good that we all can accomplish when we follow our hearts.

—was introduced out of order and read by title. On motion by Senator Carlton, **SR 2148** was read the second time in full and adopted.

On motion by Senator Carlton—

By Senator Carlton—

SR 2200—A resolution recognizing April 2-8, 2001, as "Oceans Week" and April 4, 2001, as "Oceans Day."

WHEREAS, the Florida Senate recognizes that coastal and ocean resources are vital to Florida's quality of life and economic vitality, and

WHEREAS, it is the policy of the State of Florida to conserve and protect its natural resources and scenic beauty, in accordance with Article II, Section 7 of the Florida Constitution, and

WHEREAS, Florida is the only state in the contiguous United States that is bordered on three sides by the sea, with over 8,000 miles of continuous tidal shoreline, and

WHEREAS, over 75 percent of Florida's citizens live within its coastal counties, and

WHEREAS, there is a need to coordinate the protection, enhancement, and management of our state's ocean resources so that future generations will enjoy healthy ocean and coastal resources, and

WHEREAS, oceans provide the basis for a significant part of the state's economic, ecological, and social well-being, and

WHEREAS, tourism is Florida's largest industry, depending in large part on its oceans and beaches, generating more than \$40.8 billion in taxable spending, and

WHEREAS, recreational boating depends on Florida's coasts and oceans, contributing over \$3.5 billion per year to the state's economy, along with commercial fishing valued at approximately \$900 million annually to Florida's economy, and

WHEREAS, Florida's fourteen deepwater ports handle over \$40.9 billion worth of imports and exports, expected to reach \$130 billion in trade by 2005, and serve over 80 percent of homeport cruise passenger movements in North America, and

WHEREAS, the United States Congress has called for the establishment of a coordinated and comprehensive national ocean policy by passing the Oceans Act of 2000, with appointment of a national commission by April 20, 2001, and a final report due 18 months after the commission is established, or by late 2002, and

WHEREAS, Oceanology International 2001, a world-class exhibition and joint ocean forum, is holding its first biennial Americas Conference in Miami, Florida, on April 3-5, 2001, and

WHEREAS, Mote Marine Laboratory and the Florida Institute of Oceanography are organizing ocean-related exhibitions and a reception for legislators and governmental officials at the State Capitol on April 4, 2001, and

WHEREAS, the Florida Ocean Alliance has been formed as a non-profit, nonpartisan, public-private partnership of ocean-related interests to promote awareness and understanding of the ocean's importance to the ecology and economy of Florida and its neighbors, NOW, THEREFORE,

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

That the Florida Senate recognizes the week of April 2-8, 2001, as Oceans Week, and April 4, 2001, as Oceans Day in recognition of the importance of Florida's ocean resources, and to promote public awareness of this importance.

—was introduced out of order and read by title. On motion by Senator Carlton, **SR 2200** was read the second time in full and adopted.

At the request of Senator Bronson—

By Senator Bronson—

SR 2244—A resolution honoring the Florida 4-H Youth Development Program for serving the needs of the young people of our state.

WHEREAS, the Florida 4-H Youth Development Program at the University of Florida's Institute of Food and Agricultural Sciences exists to develop young people ages five through eighteen, and

WHEREAS, the 4-H youth development program has served young people in our state since 1909 and will celebrate its national centennial in 2002, and

WHEREAS, the 4-H program has molded itself to meet the need of our citizens by focusing on developing rural, suburban, and urban youth, and

WHEREAS, the 4-H program has taught youth using the research and knowledge base of our state's land grant institutions, the University of Florida, and Florida A&M University, and has broadened its program areas to encompass not only agriculture and animal science, but also public speaking, computers, wildlife, forestry, and many other topics of interest to today's young people, and

WHEREAS, through "learning by doing" experiences young people in the 4-H program learn through hands-on instruction about the world around them and with the guidance of caring adult volunteer mentors and cooperative extension service faculty and staff, and

WHEREAS, through the call to excellence epitomized in its motto "to make the best better," 4-H inspires today's young people to strive for their dreams and to not settle for anything less than their best effort, and

WHEREAS, the 4-H program enables young people to grow up and become participating citizens in a democracy and defenders of democracy through outstanding and exemplary programs such as the Florida 4-H Legislature and the citizenship project, and

WHEREAS, the Florida 4-H program served 241,628 youth in the Sunshine State last year alone through 4-H clubs, special interest groups, camping, and school enrichment educational programs, and

WHEREAS, 4-H young people across Florida devote thousands of hours in service to their communities annually through the 4-Hers Helping the Hungry project and other service activities, and

WHEREAS, positive youth development is violence prevention, and the 4-H program teaches conflict resolution skills to elementary schoolers through the Talking with TJ program and is conducting a "Take a Stand Against Violence" Pledge Card campaign to encourage youth and adults to stand up to the violence in today's society, NOW, THEREFORE,

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

That the Florida 4-H Youth Development Program is commended for its efforts on behalf of young people in the state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida 4-H Youth Development Program as a tangible token of the sentiments of the Florida Senate.

—**SR 2244** was introduced, read and adopted by publication.

At the request of Senator Garcia—

By Senator Garcia—

SR 2254—A resolution recognizing Wednesday and Thursday, April 4 and 5, 2001, as "Miami-Dade County Days."

WHEREAS, Greater Miami-Dade County contains more than 72,000 businesses that employ over 1 million people and is the site of 50 foreign consulates, 23 international trade offices, and 31 bi-national Chambers of Commerce, and

WHEREAS, Miami-Dade County is a center of world finance, with 150 financial institutions and foreign agencies within its boundaries, and

WHEREAS, the film and TV industry has made Miami-Dade County one of the largest production centers in the nation, and last year the economic impact of this industry was estimated at \$2.5 billion, and

WHEREAS, agriculture continues to provide over \$800 million in economic activity, and the industry has diversified such that Miami-Dade County is one of the largest producers in the United States of tropical fruits, ornamental plants, and fish, and

WHEREAS, manufacturing is also a key industry in Miami-Dade County, with nearly 2,700 companies that employ approximately 68,100 individuals, and

WHEREAS, Miami-Dade County is experiencing a cultural boom in world-class entertainment and cultural activities, which is evidenced by the more than 1,000 nonprofit cultural organizations offering dance, theater, music and visual arts, and festivals and special events and by the development of a state-of-the-art performing arts center, and

WHEREAS, the Miami-Dade community is a microcosm of the world, in which 156 countries are represented, 60 languages are spoken daily, and 15 languages are taught in the community's schools, from which 69 direct, nonstop flights take passengers to Latin America and the Caribbean, and at which trade flourishes in the U.S. port located closest to Africa, and

WHEREAS, today the tourism industry and the spillover created by the industry creates jobs for one in every six residents of the Miami-Dade area, NOW, THEREFORE,

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

That Wednesday and Thursday, April 4 and 5, 2001, are recognized as "Miami-Dade County Days."

—**SR 2254** was introduced, read and adopted by publication.

At the request of Senator Garcia—

By Senator Garcia—

SR 2256—A resolution recognizing the contributions of the Greater Miami Host Committee, Inc., to Miami-Dade County and the State of Florida.

WHEREAS, the Greater Miami Host Committee, Inc., celebrates its 20th Anniversary as the first host committee incorporated in the State of Florida, and

WHEREAS, the Greater Miami Host Committee, Inc., is a nonprofit, civic organization, established in 1981, whose mission is to provide services for those signature events which promote the tourism, industry, business, trade and commerce, culture, education, governmental relations, international affairs, and community and economic development of Miami-Dade County to local, national, and international markets, and

WHEREAS, the Greater Miami Host Committee has defined its role of service and set the standards for hosting signature events by encouraging the support of corporate, public, and private partners who have demonstrated an ongoing commitment to the committee and Miami-Dade County, and

WHEREAS, the committee's events provide an opportunity for community building, recreation, publicity for economic growth, and a means by which people may express a sense of pride and promote the common good and welfare, civic betterment, and social improvements, and

WHEREAS, the committee is committed to embracing Miami-Dade County's global connections by hosting international signature events that promote hospitality, goodwill, trust, intercultural communications, and international exchange, and

WHEREAS, the committee, over the past 20 years, has hosted and introduced Miami-Dade County to billions the world over by launching such signature events as Miss U.S.A., Miss Universe, the 63rd U.S. Conference of Mayors, ASTA, Sabado Gigante, Super Bowl XXIX, Miss Collegiate Black America, the Miami International Rowing Regatta, Fashion Week of the Americas, The Big Orange New Year's Eve Celebration, the largest free family New Year's Event in South Florida, and the Miami-Dade Millennium Celebration, and

WHEREAS, the committee, chaired by Monty P. Trainer, has hosted the Miami-Dade Days in Tallahassee for 13 years, promoting the needs of Miami-Dade County and presenting its World Famous "Paella Fest" to statewide and international leaders, NOW, THEREFORE,

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

That the Florida Senate recognizes the Greater Miami Host Committee, Inc., for its contributions to Miami-Dade County and the State of Florida.

—**SR 2256** was introduced, read and adopted by publication.

MOTION

On motion by Senator Mitchell, the House was requested to return **CS for SB 238**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1116**, **CS for SB 1118** and **CS for SB 1122** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations.

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

SPECIAL ORDER CALENDAR

On motion by Senator Peaden—

CS for CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1214** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for CS for SB 870—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms “proper invoice,” “local government entity,” “purchase,” and “construction services” and defining the terms “payment request” and “agent” for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; providing for disputed payment requests; providing for payment of undisputed amounts; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney’s fees under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (094180)—On page 2, line 13, delete “community college,”

Pursuant to Rule 4.19, **CS for CS for SB 870** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BROWN-WAITE PRESIDING

On motion by Senator Geller—

CS for SB 208—A bill to be entitled An act relating to consumer protection; amending s. 501.202, F.S.; revising rules of construction to provide date of applicability for conforming state consumer protection and enforcement with federal law; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (820168)(with title amendment)—On page 2, line 21 through page 3, line 5, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: amending s.

Pursuant to Rule 4.19, **CS for SB 208** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 150** was deferred.

On motion by Senator Silver—

CS for SB 788—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified discriminatory acts based upon an applicant or insureds having been or likelihood to become a victim of specified abuse; providing exceptions; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (333494)—On page 2, between lines 30 and 31, insert flush left:

This subparagraph does not prohibit a property and casualty insurer or an automobile insurer from excluding coverage for intentional acts by the insured if such exclusion does not constitute an act of unfair discrimination as defined in this paragraph.

Pursuant to Rule 4.19, **CS for SB 788** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 150—A bill to be entitled An act relating to property exempt from legal process; amending s. 222.25, F.S.; exempting certain debtor’s interests from attachment, garnishment, or legal process; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (430468)(with title amendment)—On page 1, line 24, following the period (.) insert: *This exemption does not apply to a debt owed for child support or spousal support.*

And the title is amended as follows:

On page 1, line 5, following the semicolon (;) insert: providing that such exemption does not apply to debts owed for child support or spousal support;

Pursuant to Rule 4.19, **SB 150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 178** was deferred.

On motion by Senator Garcia—

SB 648—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11, 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 648** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt, consideration of **SB 426** was deferred.

On motion by Senator Pruitt—

SB 418—A bill to be entitled An act relating to public records and meetings; repealing s. 240.2995(6), F.S., which contains a declaration that meetings of the governing board of a university health services support organization are public and a requirement that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S.; requiring such an organization to make certain records available to the Department of Insurance; revising those records of such organizations pertaining to marketing plans and managed care contracts and those committee, governing board, and peer review panel meetings which are exempted from open-records and open-meetings requirements; providing for recording proceedings at meetings; prescribing a schedule for release of records; providing findings of public necessity; providing for subsequent repeal and legislative review; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 418** to **HB 407**.

Pending further consideration of **SB 418** as amended, on motion by Senator Pruitt, by two-thirds vote **HB 407** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Pruitt—

HB 407—A bill to be entitled An act relating to public records and meetings exemptions for university health services support organizations; repealing s. 240.2995(6), F.S., which provides that meetings of the governing board of a university health services support organization are public and requires that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S., which provides exemptions from public records and meetings requirements for certain contracts and related documents, marketing plans, trade secrets, and evaluation records of such organizations, for meetings at which any of such records or information is discussed, and for records of such meetings; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of

1995; narrowing the type of marketing plans exempted; requiring university health services support organizations to make certain records available to the Department of Insurance; providing an effective date.

—a companion measure, was substituted for **SB 418** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 407** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 778** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 746—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher-education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 746** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

CS for SB 1788—A bill to be entitled An act relating to continuing dental education; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1788** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 836—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring contracted health care providers to accept the terms of other health care contracts as a condition of continuation or renewal; amending s. 627.662, F.S.; applying such prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying such prohibition to health maintenance organizations; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (072784)—On page 1, line 23 and on page 2, line 8, after “renewal” insert: *of the contract*

Senator Crist moved the following amendment which was adopted:

Amendment 2 (944832)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.6474, Florida Statutes, is created to read:

627.6474 *Provider contracts.*—A health insurer shall not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the insurer, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, or s. 641.315, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. Any contract provision that violates this section is void. A violation of this section is not subject to the criminal penalty specified in s. 624.15.

Section 2. Subsection (11) is added to section 627.662, Florida Statutes, to read:

627.662 Other provisions applicable.—The following provisions apply to group health insurance, blanket health insurance, and franchise health insurance:

(11) Section 627.6474, relating to provider contracts.

Section 3. Subsection (10) is added to section 641.315, Florida Statutes, to read:

641.315 Provider contracts.—

(10) A health maintenance organization shall not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the health maintenance organization, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, or s. 641.315, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. Any contract provision that violates this section is void. A violation of this section is not subject to the criminal penalty specified in s. 624.15.

Section 4. This act shall take effect July 1, 2001, and shall apply to contracts entered into or renewed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 836** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 1094—A bill to be entitled An act relating to property or liability insurance contracts; providing that certain pollution-exclusion provisions may exclude only certain incidents and hazards; providing an effective date.

—was read the second time by title.

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

Amendment 1 (663470)—On page 1, lines 16 and 17, delete “are traditionally associated with environmental pollution” and insert: *involve long-term environmental degradation or an environment-wide exposure*

Pursuant to Rule 4.19, **SB 1094** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 1398—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner’s representatives and receiving and making payments to an owner or owner’s representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner’s representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendments which were adopted:

Amendment 1 (161742)—On page 18, lines 5-9, delete those lines and insert: *owner using due diligence. For purposes of this section, except for banks, credit unions, and state or federal savings associations, an account is inactive if 2 years have transpired after the last owner-initiated account activity, if 2 years have transpired after the expiration date on the instrument or contract, or if 2 years have transpired since first-class mail has been returned as undeliverable. With respect to banks, credit unions, and state or federal savings associations, an account is inactive if 2 years have transpired after the last owner-initiated account activity and first-class mail has been returned as undeliverable or 2 years after the expiration date on the instrument or contract and first-class mail has been returned as undeliverable.*

Amendment 2 (954214)—On page 32, lines 19-22, delete those lines and insert:

(a) Limit the fees for services for each owner contract to \$25 for all contracts relating to unclaimed property with a dollar value below \$250. For all contracts relating to unclaimed property with a dollar value of \$250 and above, fees shall be limited to 15 percent on property held by the department for 24 months or less and 25 percent on property held by the department more than 24 months. Fees for cash accounts shall be based on the value

Pursuant to Rule 4.19, **CS for SB 1398** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1052—A bill to be entitled An act relating to pest control; amending s. 482.2267, F.S.; providing for a physician licensed under ch. 459, F.S., to provide certification for purposes of placing a person on the registry for prior notification of the application of a pesticide or class of pesticides; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (415648)—On page 5, lines 18, 19, 22 and 25, delete "or chapter 487"

Senator Silver moved the following amendment which was adopted:

Amendment 2 (330962)(with title amendment)—On page 1, line 15 through page 4, line 22, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: An act relating to pest control; amending s. 482.242, F.S.;

SENATOR WEBSTER PRESIDING

Pursuant to Rule 4.19, **CS for SB 1052** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 1372—A bill to be entitled An act relating to persons with developmental disabilities; reenacting s. 400.962, F.S., to ratify prior changes that removed the licensure requirement for comprehensive transitional educational programs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1372** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 178—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing for application to existing liens; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1 (634198)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), (3), and (4) of section 55.10, Florida Statutes, are amended to read:

55.10 Judgments, orders, and decrees; lien of all, generally; extension of liens; transfer of liens to other security.—

(1) A judgment, order, or decree becomes a lien on real property estate in any county when a certified copy of it is recorded in the official records or judgment lien record of the county, whichever is maintained at the time of recordation, and it shall be a lien for a period of 7 years from the date of the recording provided that the judgment, order, or decree contains the address of the person who has a lien as a result of such judgment, order, or decree or a separate affidavit is recorded simultaneously with the judgment, order, or decree stating the address of the person who has a lien as a result of such judgment, order, or decree. A judgment, order, or decree does not become a lien on real property estate unless the address of the person who has a lien as a result of such judgment, order, or decree is contained in the judgment, order, or decree or an affidavit with such address is simultaneously recorded with the judgment, order, or decree. *If the certified copy was first recorded in a county in accordance with this subsection between July 1, 1987, and June 30, 1994, then the judgment, order, or decree shall be a lien in that county for an initial period of 7 years from the date of the recording. If the certified copy is first recorded in accordance with this subsection on or after July 1, 1994, then the judgment, order, or decree shall be a lien in that county for an initial period of 10 years from the date of the recording.*

(2) The lien provided for in subsection (1) or an extension of that lien as provided by this subsection may be extended for an additional period of 10 years, subject to the limitation in subsection (3), by rerecording a certified copy of the judgment, order, or decree prior to the expiration of the lien or the expiration of the extended lien provided for in subsection (1) and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of the judgment, order, or decree. The extension one additional period of 10 years shall be effective from the date the certified copy of the judgment, order, or decree is rerecorded. The lien or extended lien will not be extended unless the affidavit with the current address is simultaneously recorded.

(3) In no event shall the lien upon real property created by this section be extended beyond the period provided for in s. 55.081 or beyond the point at which the lien is satisfied, whichever occurs first.

(4) ~~Except as otherwise provided in this subsection, This act shall apply to all judgments, orders, and decrees of record which constitute a lien on real property; except that immediately prior to the effective date of this act, any judgment, order, or decree recorded prior to July 1, 1987, shall be unaffected by the changes in this act and shall remain a lien on real property until the period provided for in s. 55.081 expires or until the lien is satisfied, whichever occurs first.~~

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 178** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 1524—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1524** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 854—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendments which were adopted:

Amendment 1 (374424)(with title amendment)—On page 6, between lines 5 and 6, insert:

(14) By January 31, 2003, and annually thereafter, the department shall report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and to the chairs of the committees with substantive jurisdiction over the department on the number, location, and size of all aquifer storage and recovery wells that have been permitted with a zone of discharge under the provisions of this section. The report shall also include summary information on the results of any monitoring associated with a zone of discharge.

And the title is amended as follows:

On page 1, line 18, after the first semicolon (;) insert: requiring a report;

Amendment 2 (395918)(with title amendment)—On page 6, lines 6-21, delete those lines and insert:

Section 2. Paragraph (g) is added to subsection (1) of section 373.309, Florida Statutes, to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(g) Ensure that such rules prohibit the construction of any water well in a location that intersects, or the use of which in such a location would influence, a zone of discharge for an aquifer storage and recovery well approved by the department under s. 403.065. The department shall make available to water management districts, regional planning councils, the Department of Health, and county building and zoning departments, maps of zones of discharge for aquifer storage and recovery wells it has approved. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request.

And the title is amended as follows:

On page 1, lines 18 and 19, delete those lines and insert: authority; amending s. 373.309, F.S.; requiring the department to enact rules relating to the construction of water wells in certain locations and requiring the department to make certain information available to governmental agencies and the public;

Pursuant to Rule 4.19, **SB 854** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 1030—A bill to be entitled An act relating to water resources; amending s. 403.852, F.S.; redefining the terms “public water system,” “noncommunity water system,” “nontransient noncommunity water system,” and “transient noncommunity water system”; amending s. 403.853, F.S.; requiring the Department of Environmental Protection to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the Department of Environmental Protection to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.589, F.S.; providing that it is a violation for failure to comply with certain permit requirements; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to issue permits for altering or extending a public water system based on the size of the system under certain circumstances; requiring suppliers of water to submit periodic operating reports and testing data which may include certain raw water data; amending s. 403.865, F.S.; providing a legislative finding that the operation of water and wastewater treatment systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining the terms “operator” and “water distribution system”; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the Department of Environmental Protection to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring any person to be licensed as a water distribution system operator to take the licensure examination; amending s. 403.875, F.S.; prohibiting any person from performing the duties of an operator of a water distribution system unless licensed; amending s. 403.88, F.S.; requiring the Department of Environmental Protection to classify water treatment plants and water distribution systems by size, complexity, and level of treatment necessary to render the source water suitable for its intended purpose; requiring the Department of Environmental Protection to establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing a water treatment plant operator’s license is also valid as a water distribution system license of the same classification or lower; amending s. 403.1832, F.S.; conforming a cross-reference; amending s. 403.1835, F.S.; providing a definition of local governmental agencies; repealing s. 403.1821, F.S., relating to the short title of the “Florida Water Pollution Control and Sewage Treatment Plant Grant Act”; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to funding project priorities; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

Amendment 1 (500578)—On page 11, lines 23-30, delete those lines and insert: *application and license renewal shall be nonrefundable.* The department shall establish fees adequate to administer and implement ss. 403.865-403.876.

- (1) The application fee may not exceed \$100 and is not refundable.
- (2) The renewal fee may not exceed \$100 and is not refundable.
- (3) All fees collected under this section must be

Amendment 2 (582002)(with title amendment)—On page 14, between lines 27 and 28, insert:

Section 16. Subsection (5) is amended and subsection (10) is added to section 373.323, Florida Statutes, to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(5) The water management district shall issue a water well contracting license to any applicant who receives a passing grade on the exami-

nation, has paid the initial application fee, *take and completes, to the satisfaction of the department a minimum of 12 hours of approved coursework*, and has complied with the requirements of this section. A passing grade on the examination shall be as established by the department by rule. A license issued by any water management district shall be valid in every water management district in the state.

(10) *Water well contractors licensed pursuant to this section shall be authorized to install, repair and modify pumps and tanks in accordance with the Florida Building Code, chapter 29; Section 612 -- Well Pumps and Tanks Used for Private Potable Water Systems. In addition, licensed water well contractors shall be able to install pumps, tanks, and water conditioning equipment for all water well systems.*

Section 17. Section 373.324, Florida Statutes, is amended to read:

373.324 License renewal.—

(1) A water well contractor shall submit an application for renewal of a license to the water management district which issued the license.

(2) The water management district shall renew a license upon receipt of the renewal application, *proof of completion of 12 classroom hours of continuing education for each renewal cycle*, and renewal fee.

(3) *The department shall prescribe by rule the method for renewal of license which shall include continuing education requirements of not less than 12 classroom hours for each renewal cycle.*

(4)(3) The department shall adopt rules establishing a procedure for the biennial renewal of licenses, which shall be adopted by each water management district.

(5)(4) A license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the licensee meets the qualifications for reactivation in s. 373.325.

(6)(5) At least 60 days prior to the automatic reversion of a license to inactive status, the water management district shall mail a notice of such reversion to the last known address of the licensee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 7, after “agencies”; insert: amending s. 373.323, F.S.; providing continuing education requirements for water well contractors; authorizing water well contractors to install and repair certain equipment on water systems; amending s. 373.324, F.S.; providing continuing education requirements for license renewal;

Pursuant to Rule 4.19, **CS for SB 1030** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Carlton—

SB 1564—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2001 version of the Internal Revenue Code; providing for retroactivity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1564** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 240—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system serve the sentence for such crime in the state system, regardless of the length of sentence imposed; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 240** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 888—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (102780)—On page 2, line 15, after the period (.) insert: *The probation officer is permitted to continue to supervise any offender who remains available to the officer for supervision until the supervision expires pursuant to the order of probation or community control or until the court revokes or terminates the probation or community control, whichever comes first.*

Amendment 2 (510306)—On page 3, line 13, after the period (.) insert: *Notwithstanding s. 775.082, when a period of probation or community control has been tolled, upon revocation or modification of the probation or community control, the court may impose a sanction with a term that when combined with the amount of supervision served and tolled, exceeds the term permissible pursuant to s. 775.082 for a term up to the amount of the tolled period supervision.*

Pursuant to Rule 4.19, **CS for SB 888** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 676—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; redefining the term “prison releasee reoffender” to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (215040)—On page 2, delete line 11 and insert:

q. Burglary of a dwelling or burglary of an occupied structure ~~or dwelling~~; or

Amendment 2 (741912)—On page 2, lines 20 and 31, delete “*jurisdiction*” and insert: *jurisdiction*,

Amendment 3 (024810)—On page 2, line 22 and on page 3, lines 1 and 2, delete “*imposed exceeded 1 year*” and insert: *is punishable by more than 1 year in this state*

Pursuant to Rule 4.19, **SB 676** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

SB 1066—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence of an admission of liability in a civil action; providing for the admissibility of certain statements; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (291126)—In title, on page 1, lines 6 and 7, delete those lines and insert: gestures as evidence in a civil action; providing for the

Pursuant to Rule 4.19, **SB 1066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1274—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a group-home representative who signs an application for a learner's driver's license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent's vehicle, during the time that the minor has a learner's driver's license; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (732260)—On page 3, line 2, delete "parent or"

Pursuant to Rule 4.19, **CS for SB 1274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 308—A bill to be entitled An act relating to the definition of "political committee"; amending s. 106.011, F.S.; modifying the definition of "political committee"; providing an effective date.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendment which was moved by Senator Saunders and adopted:

Amendment 1 (040392)—On page 1, lines 23 and 24, delete those lines and insert:

c. Makes expenditures that expressly advocate the election or defeat of a candidate or issue; or

Pursuant to Rule 4.19, **SB 308** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 412—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (100550)(with title amendment)—On page 4, between lines 4 and 5, insert:

Section 2. (1) *Except as permitted by this section, a legal action against a manufacturer, trade association, distributor, or dealer on behalf of the state or its agencies and instrumentalities, or on behalf of a county, municipality, special district, or any other political subdivision or agency of the state, for damages, abatement, or injunctive relief resulting from or arising out of the lawful design, marketing, distribution, or sale of a lawful product to the public is prohibited. However, this prohibition does not infringe upon the right of a natural person to sue a manufacturer, trade association, distributor, or dealer in any other capacity.*

(2) *A county, municipality, special district, or other political subdivision or agency of the state may not sue for or recover from a manufacturer, trade association, distributor, or dealer damages, abatement, or injunctive relief in any case that arises out of or results from the lawful design, marketing, distribution, or sale of a lawful product to the public.*

(3) *This section does not prohibit an action against a manufacturer, distributor, or dealer for:*

(a) *Breach of contract or warranty in connection with a product purchased by a county, municipality, special district, or other political subdivision or agency of the state.*

(b) *Injuries resulting from a defective product.*

(4)(a) *If a civil action is brought in violation of this section, the defendant may recover all expenses resulting from such action from the governmental entity bringing such action.*

(b) *In any civil action where the court finds that the defendant is immune as provided in this section, the court shall award the defendant all attorney's fees, costs and compensation for loss of income, and expenses incurred as a result of such action.*

(5) *This section applies to any action brought on or after the effective date of this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: prohibiting a legal action on behalf of the state or other political subdivisions against a manufacturer, trade association, distributor, or dealer for damages arising out of the marketing or sale of a lawful product; providing for actions for breach of contract or warranty; providing for actions for injuries resulting from a defective product; providing for an award of attorney's fees and compensation for loss of income if the court finds the defendant is immune as provided by the act; providing for application of the act;

On motion by Senator Bronson, further consideration of **SB 412** with pending **Amendment 1** was deferred.

On motion by Senator Diaz de la Portilla—

SB 1942—A bill to be entitled An act relating to employment screening; requiring administrators of medical clinics to successfully complete level 1 background screening; providing for payment of screening costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1942** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

SB 1786—A bill to be entitled An act relating to insurance; creating s. 627.4553, F.S.; requiring life insurers having certain types of policies in force to annually notify policyholders of certain information concerning their policies; providing exceptions; amending s. 627.4555, F.S.; limiting an exception from specified notice requirements with respect to lapse of life insurance coverage for nonpayment of premium; creating s. 627.4587, F.S.; requiring benefit enhancement of certain types of policies if the premium payment reaches certain levels; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a specified date; requiring notice to policyholders of existing policies; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1786** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Burt, the rules were waived and the Committee on Judiciary was granted permission to extend time of adjournment until 5:00 p.m., in lieu of 4:00 p.m. as scheduled this day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Campbell, by two-thirds vote **SB 134** was withdrawn from the committees of reference and further consideration.

On motion by Senator Meek, by two-thirds vote **SB 48** was withdrawn from the committee of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **SB 2214** was withdrawn from the Committees on Regulated Industries; and Finance and Taxation; and referred to the Committees on Judiciary; and Finance and Taxation.

SPECIAL GUESTS

Senator Diaz de la Portilla introduced his parents, Miguel and Faviola Diaz, who were present in the gallery.

POINT OF PERSONAL PRIVILEGE

On motion by Senator Lee, the following remarks were ordered spread upon the Journal:

Senator Garcia: When I took the responsibility of becoming Chairman of the Governmental Oversight and Productivity Committee, the staff told us that it would be a very exciting process as we would move forward. Nonetheless, I never imagined that I would be involved in something quite so different that has affected this Legislature as never before.

Yesterday afternoon, AFSCME obtained a Restraining Order against the Legislature from holding the Collective Bargaining Joint Select Committee meeting. A substitute judge, without a hearing, without hearing from the Florida Senate or myself, made the decision without reasonable notice and issued an Order to the Legislature—a Temporary Restraining Order.

This is the first time in the institutional memory of this Legislature that a Florida Judge has *ever* told a legislative committee not to meet, or how to conduct its internal business.

The role of the courts is to evaluate the **product** of the legislative process, not to interfere with our **process**.

Under the authority of Article III, Section 4(a), the Florida Constitution, each house has adopted Rules of Procedure under which this meeting was noticed. Each house is the “sole judge” of the interpretation, implementation, and enforcement of these Rules.

How the Legislature operates under, and thus implements its Rules of Procedure, is and should be of no concern to the courts of the State of Florida. Separation of powers between the three branches demands no less.

The Legislature is an equal, co-ordinate branch of state government. For this court to prohibit a legislative committee from meeting is as unsound as the Legislature enacting a law to attempt to prohibit a court from hearing a case.

If we had cancelled this meeting, we would have set precedent to invite the Circuit Court of Leon County to determine the future decisions that this body makes. That’s why I, yesterday, under advice of counsel, determined that we should have our meeting. In referring to the statement

that I made earlier today, I was willing to do the ultimate for this body because of the separation of power. We were joking about this earlier, but the key is “What is this Legislature here to do?” if the courts interfere with the process.

We were not willing to turn over our constitutional prerogatives and responsibilities to the circuit judge.

The Legislature proceeded with the meeting for another separate reason.

The Temporary Restraining Order required us to do two things:

- a. Cancel the meeting yesterday, and
- b. Not reschedule it until the parties “invoke the jurisdiction of the Legislature in the time and the manner as provided by Section 447.403, F.S.”

The law (s. 447.403, F.S.) says that *either* party can reject the Special Master’s Report **within 20 days**. In the event that either the public employer or the employee organization rejects the Special Master’s recommendation, the Governor shall **within 10 days** after rejection of a Special Master’s Report, submit a copy of the Special Master’s Report to the Legislature, along with the Governor’s recommendation for settling the disputed issues. The Legislative body shall “forthwith” conduct a public hearing at which the parties shall be required to explain their positions on why they rejected the Special Master’s recommendation.

The Special Master’s Report was dated March 31, 2001. The Governor’s rejection of the Special Master’s Report and transmittal of it to the Legislature occurred yesterday afternoon, before the scheduled meeting time. All this activity was 100 percent consistent with the statute which, as noted above, has “up to” time periods, not fixed minimum time periods for these objections and reports to be filed.

So, by the time of the meeting yesterday, we were released from the Restraining Order, by the Restraining Order’s own terms.

Today we read in the newspaper clips that the unions will continue to pursue this matter with the courts today. I thought that it was important that the members of this body hear what has been happening, pursuant to this issue. This may be about an entirely different argument, but they should not have brought in other issues. A Personal Restraining Order or a Temporary Restraining Order on a member of this body—my God, what could be next?

That’s why I wanted to stand up and tell the members of this body that I respect, as a new member of the Florida Senate, I will do what needs to be done, Mr. President, to continue and uphold the Rules of this body and the laws of the State of Florida and the Constitution of the State of Florida. Thank you very much for this opportunity, Sir, and members. Thank you very much.

Mr. President: Thank you, Senator. That’s very well said. I appreciate your efforts on behalf of the Senate. We applaud your decision and the calm method in which you are fulfilling your duties. Thank you so very much.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m. Tuesday, April 10, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 11.

REPORTS OF COMMITTEES

The Committee on Education recommends the following pass: SB 982, SB 1636 with 3 amendments, SB 1644 with 2 amendments, SB 1684 with 1 amendment

The Committee on Finance and Taxation recommends the following pass: SB 302

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

The Committee on Finance and Taxation recommends the following pass: SB 1648

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Education recommends the following pass: SB 422 with 3 amendments

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

The Committee on Education recommends the following pass: SB 1872 with 2 amendments

The bill was referred to the Committee on Finance and Taxation under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1428

The Committee on Education recommends the following pass: SB 1572

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

The Committee on Banking and Insurance recommends the following pass: CS for SB 924

The Committee on Finance and Taxation recommends the following pass: SB 8 with 1 amendment, SB 20, SB 22, SB 30, SB 36 with 1 amendment, SB 40 with 1 amendment, SB 52, SB 62, SB 68, SB 74, SB 78, SB 244, CS for SB 1260

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

The Committee on Education recommends a committee substitute for the following: SB 1704

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1896, CS for SB's 1970 and 164

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 2024

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1318

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1282

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1670, SB 2082

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 1708 and 1626

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

The Committee on Education recommends a committee substitute for the following: Senate Bills 1442 and 1570

The bills with committee substitute attached were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 180

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 890, SB 2060

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

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 42, CS for SB 158

The bills with committee substitutes attached were placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: CS for SB 986, SB 1596 with 1 amendment

The Appropriations Subcommittee on General Government recommends the following pass: SB 674, SB 770 with 2 amendments

The Appropriations Subcommittee on Education recommends committee substitutes for the following: SB 1190, SB 1780

The Appropriations Subcommittee on General Government recommends a committee substitute for the following: SB 660

The Appropriations Subcommittee on Public Safety and Judiciary recommends committee substitutes for the following: CS for SB 268, CS for SB 400

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Finance and Taxation; and Senators Campbell, Diaz de la Portilla and Pruitt—

CS for SB 42—A bill to be entitled An act for the relief of the Guardianship of Kimberly Godwin; providing an appropriation to compensate

her for injuries she sustained as a result of the negligence of the Department of Children and Family Services; specifying use of funds; requiring a reversion of funds to the state; providing an effective date.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; and Senator Brown-Waite—

CS for CS for SB 158—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; providing an effective date.

By the Committee on Criminal Justice; and Senator Silver—

CS for SB 180—A bill to be entitled An act relating to computer crimes; providing a short title; providing legislative intent and findings; providing definitions; prohibiting specified activities that, if performed knowingly and without permission, constitute the offense of computer interference; specifying penalties to be imposed for the offense of computer interference; authorizing an action for compensatory damages against a person convicted of the offense of computer interference; providing for an award of attorney's fees to the prevailing party; requiring colleges and universities to include computer-related crime as a violation of rules governing student conduct; providing for disciplinary sanctions; providing that property used in connection with an offense of computer interference is subject to forfeiture under the Florida Contraband Forfeiture Act; providing circumstances under which a person may be convicted under the act in multiple jurisdictions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Campbell—

CS for SB 890—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney's fees are reasonable are not necessary under certain conditions; providing that attorney's fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney's fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing an effective date.

By the Committee on Criminal Justice; and Senators Burt and Horne—

CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.015, F.S.; defining the term "merchant's employee" to include private security guards; redefining the term "retail

theft" to include theft of property and altering or removing a universal product code; redefining the term "antishoplifting or inventory control device" to include film used for security purposes and cash register receipts; redefining the term "antishoplifting or inventory control device countermeasure" to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a second-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; requiring that the court order a person's driver's license to be suspended following an adjudication of guilt for certain misdemeanor violations involving retail theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor's driver's license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; prohibiting the use of a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; providing penalties for the offense of drawing a check, draft, or other order on a nonexistent account or closed account; providing penalties for a third or subsequent violation; amending s. 877.26, F.S., relating to the offense of observing or videotaping customers in a dressing room; prohibiting the surreptitious direct observation or use of visual surveillance by a merchant; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing an effective date.

By the Committee on Criminal Justice; and Senator Saunders—

CS for SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing penalties for an assault or battery upon specified facility staff; creating s. 784.078, F.S.; defining the terms "facility" and "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have

transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; amending s. 806.13, F.S.; providing a penalty for damaging specified detention or commitment facilities; providing an effective date.

By the Committee on Education; and Senators Campbell and Sebastia—

CS for SB's 1442 and 1570—A bill to be entitled An act relating to interscholastic athletics; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Constantine—

CS for SB 1670—A bill to be entitled An act relating to security for public deposits; revising the Florida Security for Public Deposits Act; amending s. 280.02, F.S.; defining terms; amending s. 280.04, F.S.; revising general provisions relating to collateral for public deposits; amending s. 280.041, F.S.; prescribing requirements for collateral arrangements; prescribing requirements for Federal Reserve Bank agreements; allowing the use of letters of credit under certain conditions; revising the description of triggering events that result in the Treasurer's requiring certain deposits or transfers for the purpose of properly maintaining collateral; amending s. 280.05, F.S.; revising the powers and duties of the Treasurer; amending s. 280.051, F.S.; specifying the grounds for suspending or disqualifying a qualified public depository; amending s. 280.054, F.S.; describing acts for which a qualified public depository is subject to an administrative penalty; amending s. 280.055, F.S.; revising grounds for the issuance of cease and desist orders and corrective orders; amending s. 280.07, F.S.; providing for contingent liability of a qualified public depository; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing the purpose of the board; providing for identifying representative qualified public depositories; providing for member selection and responsibilities; providing for rulemaking by the Treasurer; amending s. 280.08, F.S.; prescribing the procedure for payment of losses after a default or insolvency has occurred; conforming a cross-reference; amending s. 280.09, F.S.; providing for deposit into the Public Deposits Trust Fund of the draw on letters of credit held as collateral; conforming a cross-reference; amending s. 280.10, F.S.; providing for the effect of consolidations of a qualified public depository with an institution that is not such a depository; providing for rulemaking; amending s. 280.11, F.S.; conforming a cross-reference; amending s. 280.13, F.S.; providing collateral requirements for letters of credit issued by a Federal Home Loan Bank; amending other collateral requirements; providing for rulemaking; amending s. 280.16, F.S.; eliminating a date that is no longer relevant; prescribing requirements of qualified public depositories; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 1704—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; requiring a review by the principal prior to reassigning a teacher; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than

the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board, subject to applicable collective bargaining requirements, to recognize and accept years of satisfactory performance for purposes of pay and retirement; providing an exemption; amending s. 231.625, F.S.; requiring the Department of Education to perform specified activities to improve teacher recruitment and retention; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending ss. 230.2305, 231.045, 231.1725, 231.471, 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; providing an effective date.

By the Committee on Criminal Justice; and Senators Bronson and Burt—

CS for SB's 1708 and 1626—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the secretary of the department to designate as law enforcement officers employees of the department's inspector general's office who are certified as law enforcement officers; prescribing the powers and duties of employees so designated; providing an effective date.

By the Committee on Banking and Insurance; and Senator Constantine—

CS for SB 1896—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

By the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Senators Latvala, Geller and Garcia—

CS for CS for SB's 1970 and 164—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to

prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; authorizing representatives of the division to enter and inspect any place of firefighter employment; providing criminal penalties for refusal to allow inspection; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in firefighter places of employment and establish standards for construction, repair, and maintenance, and related rules; requiring the division to inspect firefighter employers; requiring firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of this act; providing exemptions; providing for the source of funding of the division; specifying firefighter employees' rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; providing an effective date.

By the Committee on Finance and Taxation; and Senator Pruitt—

CS for SB 2024—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing a civil penalty for violation of certain established vessel speed limits; making provisions for dismissal of a boating violation; amending s. 328.72, F.S.; increasing registration fees for vessels; providing for the distribution of certain vessel fees; amending s. 328.76, F.S.; providing for the use of vessel and dealer registration fees transferred into the Marine Resources Conservation Trust Fund; providing funding for manatee protection; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 372.105, F.S.; revising provisions relating to the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; conforming cross-references; amending s. 372.16, F.S.; increasing the permit fee for a private game preserve or farm; amending s. 372.561, F.S.; revising provisions relating issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees; amending s. 372.57, F.S.; creating a gold sportsman's license for residents; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; creating s. 372.5701, F.S.; prescribing requirements for the deposit of saltwater license fees and allocation of federal funds; creating s. 372.5702, F.S.; prescribing requirements for the expenditure of certain funds for marine research; creating s. 372.5704, F.S.; providing a license program to take tarpon; amending ss. 372.571, 372.5712, 372.5715, 372.573, F.S.; conforming cross-references; amending s. 372.547, F.S.; prescribing requirements for subagents for the sale of certain licenses and permits; creating s. 372.579, F.S.; authorizing the Fish and Wildlife Conservation Commission to prescribe a processing fee for certain licenses and permits; amending s. 372.661, F.S.; increasing fees for operating a private hunting preserve; amending s. 372.711, F.S.; providing for a fee for dismissing certain violations of license and permit requirements; amending s. 372.921, F.S.; increasing fees for possession and exhibition of wildlife; amending s. 372.922, F.S.; increasing certain fees for the personal possession of wildlife; amending s. 705.101, F.S., adding derelict vessels to the definition of abandoned property; repealing s. 370.0605, F.S., which provides for saltwater fishing licenses; repealing s. 370.0608, F.S., which provides for deposit of saltwater license fees; repealing s. 370.0609, F.S., which provides for expenditure of funds for marine research; repealing s. 370.0615, F.S.,

which provides for lifetime saltwater fishing licenses; repealing s. 370.062, F.S., which provides for tarpon tags and fees; repealing s. 370.1111, F.S., which provides for snook regulation; repealing s. 370.14(10) and (11), F.S., which provides for crawfish regulation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Geller—

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term "claim" for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.31, F.S.; specifying reimbursement for emergency services under health maintenance organization contracts; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; providing an effective date.

By the Committee on Banking and Insurance; and Senator Carlton—

CS for SB 2082—A bill to be entitled An act relating to public records and meetings; creating s. 641.264, F.S.; providing exemptions from public records requirements and public meetings requirements for health maintenance organizations for certain risk-based capital reports, orders, instructions, and plans and related documents, materials, providing for termination of exemptions; and information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 367, CS for HB 409; has passed as amended HB 369, CS for HB 501 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Smarter Government; and Representative Brummer and others—

CS for HB 367—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as

state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Lifelong Learning; and Representative Farkas and others—

CS for HB 409—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Representative Diaz-Balart and others—

HB 369—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may request voluntary binding arbitration or apply to the circuit court for relief; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused annual and sick leave, and, under certain conditions, unused compensatory leave, shall carry forward; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; requiring completion of a probationary period before attainment of permanent

status for new employees; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a public employee performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; specifying actions that constitute an abuse of the agency head's sound discretion; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of Management Services; providing for an executive director, a general counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.307, F.S.; providing requirements with respect to bargaining units for certain law enforcement agencies; amending s. 447.503, F.S.; conforming language;

amending s. 447.507, F.S.; revising conditions under which a person who violates the strike prohibition may be employed or appointed; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary binding arbitration; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; conforming language; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending s. 415.107, F.S.; providing for access to certain records by the office; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the office to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to hear certain appeals after June 30, 2002; providing an appropriation; transferring the commission to the Department of Management Services and certain of its property and personnel to the office; providing for budget amendments; providing for rules; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Smarter Government; and Representative Brummer and others—

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of

the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrates Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

RETURNING MESSAGES ON SENATE BILLS

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 238.

John B. Phelps, Clerk

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury's recommendation for life imprison-

ment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

CS for SB 1750; Garcia—CS for CS for SB 1356; Geller—SJR 1700; Posey—SB 854, SB 1610; Rossin—SJR 1700; Saunders—SJR 1700; Silver—SB 904

CORRECTION AND APPROVAL OF JOURNAL

RECESS

The Journal of April 3 was corrected and approved.

On motion by Senator Lee, the Senate recessed at 12:24 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:45 a.m., Wednesday, April 11 or upon call of the President.

CO-SPONSORS

Senators Carlton—SJR 1700; Clary—SJR 1700; Crist—CS for SB 784,



Journal of the Senate

Number 14—Regular Session

Wednesday, April 11, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:45 a.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Senator Horne; Senator Webster from 11:35 a.m. until 12:25 p.m.

MOMENT OF SILENCE

The President asked that the Senate observe a moment of silence in memory of David Howard Horne, Sr., father of Senator Jim Horne, who passed away early this morning.

PRAYER

The following prayer was offered by the Rev. James Vaughn, Executive Director, Communities In Schools of the Thomas Area, Thomasville, Georgia:

Shema Yisrael, Adonai, Elohanu Adonai, echod—Hear O Israel, our Lord, our God is one! Eternal and Everlasting Creator, we pause now to ask your blessing upon the members of this august body in their several responsibilities. Give them guiding grace in their offices, in committees and above all, as they meet here in legislative session.

May the Senators never forget that what is said and done is not done in a corner, but always under your ubiquitous presence. May they also feel the weight of their responsibility before you, and remember the influence of a good example, that all who come to this place may have a stronger faith in government of the people, by the people and for the people.

May the Senators so speak and act that all who wait upon them and serve them may be inspired, rather than disillusioned. Lord, make your presence so real to these your servants, that each may feel you sitting beside them.

In this moment of intercession we have asked, in the strong name of Him who said, “My word is a lamp unto your feet and a light unto your path.” Shalom.

PLEDGE

Senate Pages Erin Rowland of Alachua, Jason Wetherington of Fort Lauderdale and Hunter Williams of Coral Springs, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Howard Rogers of Gainesville, sponsored by Senators Cowin and Smith, as doctor of the day. Dr. Rogers specializes in Pediatrics.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Bob Johnson who was present in the chamber.

SPECIAL GUESTS

The President introduced the following representatives of the National Conference of State Legislatures who were present in the chamber: New York Senator Stephen Saland, President-Elect, and Brenda Erickson, Program Principal, Legislative Management Program.

ADOPTION OF RESOLUTIONS

On motion by Senator Sanderson—

By Senators Sanderson and Miller—

SR 1396—A resolution recognizing Breast Cancer Awareness Month.

WHEREAS, breast cancer is the most common cancer diagnosed in women in the nation, and

WHEREAS, Florida ranks third in the nation for total number of new cases and deaths from breast cancer, and

WHEREAS, all women are at risk for breast cancer and the single most important risk factor is age, and

WHEREAS, the highest number of breast cancer cases in Florida is mainly due to the concentration of older women in the state, and

WHEREAS, 64 percent of all breast cancers occur in women age 60 and older, and

WHEREAS, the American Cancer Society estimates that there will be 12,500 new cases of invasive breast cancer in Florida in the year 2001, and

WHEREAS, the American Cancer Society reported that 11, 844 women in Florida were diagnosed with breast cancer in 1999, and

WHEREAS, every 3 hours, one woman in Florida dies of breast cancer, and a total of 2,600 will die from breast cancer in the year 2001, and

WHEREAS, breast cancer is the second most common cause of cancer death in white women but the leading cause of cancer death among African-American women, and

WHEREAS, early detection through routine clinical and mammography screening beginning at age 40 in compliance with the American Cancer Society recommended breast cancer screening guidelines is the key to improving survival rates for breast cancer, and

WHEREAS, almost 1 million women over the age of 40 living in Florida have never had a mammogram, and

WHEREAS, breast-cancer awareness programs, such as the American Cancer Society's Tell-A-Friend-Tuesday program, will promote early detection through regular screening in conjunction with the promotion of October as Breast Cancer Awareness Month, NOW, THEREFORE,

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

That the Florida Senate recognizes the month of October as Breast Cancer Awareness Month in Florida and urges all women to understand the risks associated with breast cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures, such as mammography and compliance with the recommended breast cancer screening guidelines.

—was introduced out of order and read by title. On motion by Senator Sanderson, **SR 1396** was read the second time in full and adopted. The vote on adoption was:

Yeas—38

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Laurent	Sanderson	

Nays—None

CO-SPONSORS

On motion by Senator Sanderson, all Senators, not previously shown as co-sponsors, were recorded as co-sponsors of **SR 1396**.

At the request of Senator Miller—

By Senator Miller—

SR 2180—A resolution recognizing June 2001 as Prostate Cancer Awareness Month.

WHEREAS, prostate cancer is the most common type of cancer among men in the United States and in Florida, and the second leading cause of cancer death among men, and

WHEREAS, more than 180,000 men in the United States are diagnosed with prostate cancer each year, and approximately 14,000 of them are residents of Florida, and

WHEREAS, over 41,000 men in the United States die each year from prostate cancer, and approximately 2,400 of them are residents of Florida, and

WHEREAS, men who are members of a racial minority have a 50 percent higher risk of being diagnosed with prostate cancer and are more than twice as likely to die from the disease, and

WHEREAS, Florida has the second-highest number of prostate cancer cases and deaths in the United States, and

WHEREAS, June is a month in which we commemorate men by the observance of Father's Day and of National Men's Health Week, NOW, THEREFORE,

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

That the Florida Senate recognizes June 2001 as Prostate Cancer Awareness Month in Florida and urges all men, and particularly members of high-risk populations, to become aware of the risks and symptoms associated with prostate cancer and to be informed about screening tests, methods for early detection, and treatment.

—**SR 2180** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1116**, **CS for SB 1118** and **CS for SB 1122** were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Lee, by two-thirds vote **HB 1727** was withdrawn from the Committees on Children and Families; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations; and referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 466** was withdrawn from the Committee on Appropriations Subcommittee on General Government; **CS for SB 1202** was withdrawn from the Committee on Appropriations Subcommittee on Health and Human Services; and **SB 978** was withdrawn from the Committees on Natural Resources; Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; and referred to the Committees on Transportation; Natural Resources; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Lee, by two-thirds vote **SB 122**, **SB 226**, **CS for SB 322**, **CS for SB 388**, **SB 514**, **SB 518**, **SB 540** and **SB 1198** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 200**, **SB 1166**, **CS for SB 1850**, **CS for SB 1852** and **CS for SB 2042** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **SB 666** and **SB 672** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 1644** and **CS for SB 1704** were withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; and **SB 1036** and **SJR 1426** were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 268** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for CS for SB 400** and **SB 1190** which have been reported favorably by the Appropriations Subcommittee on Education with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **SB 1596** which has been reported favorably by Appropriations Subcommittee on Education was withdrawn from the Committee on Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 2000, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve the differences between the houses.

John B. Phelps, Clerk

SB 2000—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Lee, the Senate refused to concur in the House amendment to **SB 2000** and acceded to the request for a conference committee. The action of the Senate was certified to the House.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 2002, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve the differences between the houses.

John B. Phelps, Clerk

SB 2002—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2001-2002 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; amending s. 216.177, F.S.; providing notice requirements for the Department of Children and Family Services with respect to transferring portions of district budgets; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursements to hospitals; revising the level of county participation; prohibiting the Agency for Health Care Administration from adjusting premiums paid to health maintenance organizations or prepaid health care plans due to elimination of Medicaid ceilings on certain types of hospitals and special Medicaid payments to hospitals; amending s. 409.904, F.S.; revising eligibility requirements for certain medical assistance payments; amending s. 409.905, F.S.; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; revising standards for payable intermediate care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.91195, F.S.; providing for a restricted drug formulary applicable to Medicaid providers; amending s. 409.912, F.S.; prescribing additional services that the Agency for Health Care Administration may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted drug formulary; amending s. 409.904, F.S.; providing additional limitations on services that may be furnished to medically needy patients; amending s. 409.913, F.S.; requiring the Agency for Health Care Administration to implement a pilot program to prevent Medicaid fraud and abuse with respect to pharmaceuticals; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; amending s. 409.912, F.S.; authorizing the agency to contract with children's clinic networks for certain purposes; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for the assignment of certain Medicaid recipients to managed care plans; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for specified cancer treatment; amending s. 39.3065, F.S.; prescribing responsibility of the Seminole County Sheriff with respect to child protective investigations; amending s. 414.045, F.S.; revising reporting requirements with respect to the cash assistance program; providing legislative intent and directives with respect to community-based care initiatives; requiring the availability of certain funds for the temporary assistance for needy families program; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s.

925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; directing Enterprise Florida, Inc., to operate sister-city and sister-state programs according to specified standards; authorizing Enterprise Florida, Inc., to contract for the implementation of Florida's international volunteer corps; authorizing the Department of Community Affairs to use specified methods to issue notices of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; amending s. 259.105, F.S.; deleting a restriction on use of moneys allocated under the Florida Forever Act to the South Florida Water Management District; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Lee, the Senate refused to concur in the House amendment to **SB 2002** and acceded to the request for a conference committee. The action of the Senate was certified to the House.

BILLS ON THIRD READING

CS for CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term "related services"; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services

programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1214** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Sebasters
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

CS for CS for SB 870—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms “proper invoice,” “local government entity,” “purchase,” and “construction services” and defining the terms “payment request” and “agent” for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; providing for disputed payment requests; providing for payment of undisputed amounts; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney’s fees under certain circumstances; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Webster, **CS for CS for SB 870** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Lee	Sebesta
Bronson	Diaz de la Portilla	Meek	Silver
Brown-Waite	Dyer	Miller	Smith
Burt	Garcia	Mitchell	Sullivan
Campbell	Geller	Peaden	Villalobos
Carlton	Holzendorf	Posey	Wasserman Schultz
Clary	Jones	Pruitt	Webster
Constantine	King	Rossin	
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Dawson, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Dawson, by unanimous consent—

CS for SB 224—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Dawson and adopted:

Amendment 1 (471880)—On page 1, line 29, after “the” insert: *residential*

Senator Dawson moved the following amendments which were adopted:

Amendment 2 (253798)—On page 2, line 11, after “chapter 458” insert: *or chapter 459*

Amendment 3 (675320)—On page 2, line 15, after “s. 458.331(1)(h)” insert: *or s. 459.015(1)(i)*

Pursuant to Rule 4.19, **CS for SB 224** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

SENATOR KING PRESIDING

CS for SB 208—A bill to be entitled An act relating to consumer protection; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Geller, **CS for SB 208** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Constantine	Garcia	Laurent
Brown-Waite	Cowin	Geller	Lawson
Burt	Crist	Holzendorf	Lee
Campbell	Dawson	Jones	Meek
Carlton	Diaz de la Portilla	Klein	Miller
Clary	Dyer	Latvala	Mitchell

Peaden	Sanderson	Silver	Villalobos
Posey	Saunders	Smith	Wasserman Schultz
Pruitt	Sebesta	Sullivan	Webster
Rossin			

Nays—None

Vote after roll call:

Yea—King

SB 150—A bill to be entitled An act relating to property exempt from legal process; amending s. 222.25, F.S.; exempting certain debtor’s interests from attachment, garnishment, or legal process; providing that such exemption does not apply to debts owed for child support or spousal support; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Mitchell, **SB 150** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

On motion by Senator Silver, consideration of **CS for SB 788** was deferred.

CS for SB 178—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 178** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for SB 788—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified discriminatory acts based upon an applicant or insureds having been or likelihood to become a victim of specified abuse; providing exceptions; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Silver, **CS for SB 788** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

SB 648—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11, 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

—was read the third time by title.

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

Amendment 1 (041852)—On page 1, line 30, delete “college” and insert: “institution”

On motion by Senator Garcia, **SB 648** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bronson	Dawson	Latvala	Sanderson
Brown-Waite	Diaz de la Portilla	Laurent	Saunders
Burt	Dyer	Lawson	Sebesta
Campbell	Garcia	Lee	Silver
Carlton	Geller	Meek	Smith
Clary	Holzendorf	Miller	Sullivan
Constantine	Jones	Mitchell	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	

Nays—3

Peaden	Posey	Webster
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HB 407—A bill to be entitled An act relating to public records and meetings exemptions for university health services support organizations; repealing s. 240.2995(6), F.S., which provides that meetings of the governing board of a university health services support organization are public and requires that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S., which provides exemptions from public records and meetings requirements for certain contracts and related documents, marketing plans, trade secrets, and evaluation records of such organizations, for meetings at which any of such records or information is discussed, and for records of such meetings; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the type of marketing plans exempted; requiring university health services support organizations to make certain records available to the Department of Insurance; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **HB 407** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	
Dawson	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—King

CS for SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **CS for SB 778** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Consideration of **CS for SB 746** was deferred.

CS for SB 1788—A bill to be entitled An act relating to continuing dental education; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

—was read the third time by title.

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

Amendment 1 (575848)(with title amendment)—On page 2, delete line 14 and insert:

Section 3. Subsection (9) is added to section 627.419, Florida Statutes, to read:

627.419 Construction of policies.—

(9) *With respect to any group or individual insurer covering dental services, each claimant, or dentist acting for a claimant, who has had a claim denied as not medically or dentally necessary or who has had a claim payment based on an alternate dental service in accordance with accepted dental standards for adequate and appropriate care must be*

provided an opportunity for an appeal to the insurer's licensed dentist who is responsible for the medical necessity reviews under the plan or is a member of the plan's peer review group. The appeal may be by telephone, and the insurer's dentist must respond within a reasonable time, not to exceed 15 business days.

Section 4. This act shall take effect July 1, 2001, and section 3 of this act, amending section 627.419, Florida Statutes, shall apply to policies issued or renewed after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to dentistry; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

On motion by Senator Wasserman Schultz, **CS for SB 1788** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Constantine

Consideration of **CS for SB 836** was deferred.

SB 1094—A bill to be entitled An act relating to property or liability insurance contracts; providing that certain pollution-exclusion provisions may exclude only certain incidents and hazards; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Campbell, **SB 1094** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

On motion by Senator Carlton, by two-thirds vote **CS for CS for HB 107** was withdrawn from the Committee on Banking and Insurance.

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

CS for CS for HB 107—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner’s representatives and receiving and making payments to an owner or owner’s representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner’s representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1398** as amended and by two-thirds vote read the second time by title.

Senator Carlton moved the following amendments which were adopted:

Amendment 1 (933892)—On page 18, lines 10 and 11, delete those lines and insert: *instrument or contract, or if 2 years have transpired since first-class mail has been returned as undeliverable. With respect to banks, credit*

Amendment 2 (113270)—In title, on page 1, line 10, delete “and”

On motion by Senator Carlton, by two-thirds vote **CS for CS for HB 107** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for SB 1052—A bill to be entitled An act relating to pest control; amending s. 482.242, F.S.; providing additional exceptions to the state’s preemption of pest-control regulation; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Silver, **CS for SB 1052** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

SB 1372—A bill to be entitled An act relating to persons with developmental disabilities; reenacting s. 400.962, F.S., to ratify prior changes that removed the licensure requirement for comprehensive transitional educational programs; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **SB 1372** was passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Dawson	Latvala	Saunders
Brown-Waite	Diaz de la Portilla	Laurent	Sebesta
Burt	Dyer	Lawson	Silver
Campbell	Garcia	Meek	Smith
Carlton	Geller	Miller	Sullivan
Clary	Holzendorf	Mitchell	Villalobos
Constantine	Jones	Pruitt	Wasserman Schultz
Cowin	King	Rossin	Webster
Crist	Klein	Sanderson	

Nays—None

Vote after roll call:

Yea—Peaden, Posey

Consideration of **CS for SB 1524** was deferred.

SB 854—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; requiring a report; amending s. 373.309, F.S.; requiring the department to enact rules relating to the construction of water wells in certain locations and requiring the department to make certain information available to governmental agencies and the public; providing an effective date.

—as amended April 4 was read the third time by title.

THE PRESIDENT PRESIDING

Senators Brown-Waite, Mitchell, Smith and Cowin offered the following amendment which was moved by Senator Brown-Waite and failed to receive the required two-thirds vote:

Amendment 1 (611134)(with title amendment)—On page 6, between lines 18 and 19, insert:

(15) This section does not apply to the following counties: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Lake, Leon, Levy, Madison, Marion, Nassau, Pasco, Putnam, Seminole, Sumter, Suwannee, Taylor, and Union.

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: providing that this section is inapplicable to specified counties;

On motion by Senator Pruitt, SB 854 as amended was passed and certified to the House. The vote on passage was:

Yeas—29

Table with 4 columns: Name, Garcia, Miller, Silver. Rows include Mr. President, Bronson, Burt, Carlton, Clary, Constantine, Diaz de la Portilla, Dyer.

Nays—7

Table with 4 columns: Name, Crist, Holzendorf, Meek. Rows include Brown-Waite, Cowin.

Vote after roll call:

Yea—Sanderson, Webster

CS for SB 1030—A bill to be entitled An act relating to water resources; amending s. 403.852, F.S.; redefining the terms “public water system,” “noncommunity water system,” “nontransient noncommunity water system,” and “transient noncommunity water system”; amending s. 403.853, F.S.; requiring the Department of Environmental Protection to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the Department of Environmental Protection to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.589, F.S.; providing that it is a violation for failure to comply with certain permit requirements; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to issue permits for altering or extending a public water system based on the size of the system under certain circumstances; requiring suppliers of water to submit periodic operating reports and testing data which may include certain raw water data; amending s. 403.865, F.S.; providing a legislative finding that the operation of water and wastewater treatment systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining the terms “operator” and “water distribution system”; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the Department of Environmental Protection to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring any person to be licensed as a water distribution system operator to take the licensure examination; amending s. 403.875, F.S.; prohibiting any person from performing the duties of an operator of a water distribution system unless licensed; amending s. 403.88, F.S.; requiring the Department of Environmental Protection to classify water treatment plants and water distribution systems by size, complexity, and level of treatment neces-

sary to render the source water suitable for its intended purpose; requiring the Department of Environmental Protection to establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing a water treatment plant operator’s license is also valid as a water distribution system license of the same classification or lower; amending s. 403.1832, F.S.; conforming a cross-reference; amending s. 403.1835, F.S.; providing a definition of local governmental agencies; amending s. 373.323, F.S.; providing continuing education requirements for water well contractors; authorizing water well contractors to install and repair certain equipment on water systems; amending s. 373.324, F.S.; providing continuing education requirements for license renewal; repealing s. 403.1821, F.S., relating to the short title of the “Florida Water Pollution Control and Sewage Treatment Plant Grant Act”; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to funding project priorities; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Bronson, CS for SB 1030 as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Table with 4 columns: Name, Dawson, Laurent, Rossin. Rows include Mr. President, Bronson, Brown-Waite, Burt, Campbell, Clary, Constantine, Cowin, Crist.

Nays—None

Vote after roll call:

Yea—Carlton, King, Webster

On motion by Senator Carlton, consideration of SB 1564 was deferred.

CS for SB 240—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system serve the sentence for such crime in the state system, regardless of the length of sentence imposed; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, CS for SB 240 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Name, Dawson, Laurent, Sanderson. Rows include Mr. President, Bronson, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist.

Nays—None

Vote after roll call:

Yea—Webster

CS for SB 888—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for

tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Campbell, **CS for SB 888** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Burt	Dyer	Lawson	Saunders
Campbell	Garcia	Lee	Sebesta
Carlton	Geller	Meek	Silver
Clary	Holzendorf	Miller	Smith
Constantine	Jones	Mitchell	Sullivan
Cowin	King	Peaden	Villalobos
Crist	Klein	Pruitt	Wasserman Schultz

Nays—None

Vote after roll call:

Yea—Brown-Waite, Posey, Webster

CS for SB 836—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

—as amended April 4 was read the third time by title.

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

Amendment 1 (952002)—On page 1, line 23, after “insurer” insert: *or any other insurer, or health maintenance organization, under common management and control with the insurer,*

Amendment 2 (411670)—On page 2, line 14, after “organization” insert: *or any insurer, or other health maintenance organization, under common management and control with the health maintenance organization,*

On motion by Senator Crist, **CS for SB 836** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—None

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Dick Langley who was present in the chamber.

CS for SB 1524—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB 1524** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Lawson	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Webster

SB 1564—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2001 version of the Internal Revenue Code; providing for retroactivity; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **SB 1564** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Webster

SB 676—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; redefining the term “prison releasee reoffender” to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Smith, **SB 676** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Webster

SENATOR SILVER PRESIDING

SB 1066—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence in a civil action; providing for the admissibility of certain statements; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Peaden, **SB 1066** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Webster

CS for SB 1274—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a group-home representative who signs an application for a learner’s driver’s license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent’s vehicle, during the time that the minor has a learner’s driver’s license; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Burt, **CS for SB 1274** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Carlton	Crist	Garcia
Brown-Waite	Clary	Dawson	Geller
Burt	Constantine	Diaz de la Portilla	Jones
Campbell	Cowin	Dyer	King

Klein	Meek	Pruitt	Silver
Latvala	Miller	Rossin	Smith
Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz

Nays—None

Vote after roll call:

Yea—Webster

SB 308—A bill to be entitled An act relating to the definition of “political committee”; amending s. 106.011, F.S.; modifying the definition of “political committee”; providing an effective date.

—as amended April 4 was read the third time by title.

On motion by Senator Saunders, **SB 308** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Webster

SB 1942—A bill to be entitled An act relating to employment screening; requiring administrators of medical clinics to successfully complete level 1 background screening; providing for payment of screening costs; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 1942** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Webster

THE PRESIDENT PRESIDING

SB 1786—A bill to be entitled An act relating to insurance; creating s. 627.4553, F.S.; requiring life insurers having certain types of policies in force to annually notify policyholders of certain information concerning their policies; providing exceptions; amending s. 627.4555, F.S.; limiting an exception from specified notice requirements with respect to lapse of life insurance coverage for nonpayment of premium; creating s. 627.4587, F.S.; requiring benefit enhancement of certain types of policies if the premium payment reaches certain levels; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a specified date; requiring notice to policyholders of existing policies; providing an exception; providing an effective date.

—was read the third time by title.

On motion by Senator Dawson, **SB 1786** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Webster

SPECIAL ORDER CALENDAR, continued

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

SB 412—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—which was previously considered April 4. Pending **Amendment 1 (100550)** by Senator Bronson was withdrawn.

Pursuant to Rule 4.19, **SB 412** was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

CS for SB 746—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher-education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathe-

matics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **CS for SB 746** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Laurent	Sanderson	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Pruitt, by two-thirds vote **CS for HB 271** was withdrawn from the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Pruitt—

CS for HB 271—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a nonprofit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; providing an effective date.

—a companion measure, was substituted for **CS for SB 1048** and read the second time by title.

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of **CS for HB 271**, motions and announcements.

Senator Pruitt moved the following amendment:

Amendment 1 (463418)(with title amendment)—Delete every-thing after the enacting clause and insert:

Section 1. Section 220.187, Florida Statutes, is created to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) *PURPOSE.—The purpose of this section is to:*

(a) *Provide a tax credit for certain contributions to a nonprofit scholarship-funding organization.*

(b) *Expand educational opportunities for children of families that have limited financial resources.*

(c) *Enable children in this state to achieve a greater level of excellence in their education.*

(2) **DEFINITIONS.**—As used in this section, the term:

- (a) “Department” means the Department of Revenue.
- (b) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child or group of children as the beneficiaries of the contribution.
- (c) “Eligible nonpublic school” means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).
- (d) “Eligible nonprofit scholarship-funding organization” means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) “Qualified student” means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time-equivalent student during the previous state fiscal year for purposes of state per-student funding;
2. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year; or
3. Is eligible to enter kindergarten or first grade.

(3) **AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.**—

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.

(b) The total amount of tax credit which may be granted each state fiscal year under this section is \$50 million.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) **OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.**—

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided by the eligible nonprofit scholarship-funding organization from eligible contributions may not exceed \$3,500 annually for a scholarship awarded to a student enrolled in an eligible nonpublic school.

(d) The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible nonpublic schools have been identified.

(e) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which

the contribution was received. No portion of eligible contributions may be used for administrative expenses.

(f) An eligible nonprofit scholarship-funding organization that receives eligible contributions must be audited annually by an independent certified public accountant in accordance with rules adopted by the Department of Education. The annual audit report must be submitted to the Auditor General and the Department of Education for review. The Auditor General and the Department of Education are each authorized to require and obtain from the eligible nonprofit scholarship-funding organization, or from its certified public accountant, any data regarding the provision of scholarships to qualified students or the uses of eligible contributions.

(g) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant made payable to the student’s parent or guardian and mailed by the eligible nonprofit scholarship-funding organization to the nonpublic school of the parent’s or guardian’s choice, and the parent or guardian shall restrictively endorse the warrant to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant, the parent or guardian to whom the warrant is made restrictively endorses the warrant to the nonpublic school of the parent’s or guardian’s choice for deposit into the account of the nonpublic school.

(5) **ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.**—An eligible nonpublic school must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Notify the Department of Education of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice must specify the grade levels and services that the nonpublic school has available for students who are participating in the scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes.

(e) Be academically accountable to the parent or guardian for meeting the educational needs of the student.

(f) Employ or contract with teachers who hold baccalaureate or higher degrees; or have at least 3 years of teaching experience in public or private schools; or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Comply with all state laws relating to general regulation of nonpublic schools.

(h) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of a scholarship student.

(6) **ADMINISTRATION; RULES.**—

(a) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph

(2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(c), and eligibility of expenditures under this section as provided in subsection (4).

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(e) The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations and identify qualified students.

(7) **DEPOSITS OF ELIGIBLE CONTRIBUTIONS.**—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).

Section 2. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185, and those enumerated in s. 220.187.

Section 3. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 “Adjusted federal income” defined.—

(1) The term “adjusted federal income” means an amount equal to the taxpayer’s taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers’ cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

Section 4. Paragraph (u) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(u) Information relative to s. 220.187 to the Department of Education in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 5. This act shall take effect January 1, 2002, and shall apply to tax years beginning on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for allocation; providing requirements for deposit of eligible contributions; providing duties of the Department of Revenue and Department of Education; establishing criteria for nonpublic school eligibility; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer’s adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing an effective date.

Senator Geller moved the following amendment to **Amendment 1** which failed:

Amendment 1A (880108)—On page 1, line 17 through page 7, line 10, delete those lines and insert:

Section 1. Section 220.187, Florida Statutes, is created to read:

220.187 Credits for contributions to district school board direct-support organizations, charter schools, and nonprofit scholarship-funding organizations.—

(1) **PURPOSE.**—The purpose of this section is to:

(a) Provide a tax credit for certain contributions to a nonprofit direct-support organization or charter school.

(b) Enable children in this state to achieve a greater level of excellence in their education.

(2) **DEFINITIONS.**—As used in this section, the term:

(a) “Department” means the Department of Revenue.

(b) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to a district

school board direct-support organization or charter school. The taxpayer making the contribution may not designate a specific child or group of children as the beneficiaries of the contribution.

(c) "Direct-support organization" means a district school board direct-support organization created pursuant to s. 237.40(1)(a).

(3) **AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—**

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, the total state and federal tax credits and deductions may not exceed the amount of the contribution.

(b) The total amount of tax credit which may be granted each state fiscal year under this section is \$50 million.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) **OBLIGATIONS OF DIRECT-SUPPORT ORGANIZATIONS OR CHARTER SCHOOLS.—**Contributions received by a direct-support organization or charter school shall be acted upon pursuant to s. 237.40, except that a contributor may designate a particular school or schools as recipients of the contribution.

(5) **ADMINISTRATION; RULES.—**

(a) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting, by June 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and eligibility of expenditures under this section as provided in subsection (4).

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(e) The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations and charter schools and identify qualified students.

Senator Dyer moved the following amendment to **Amendment 1** which failed:

Amendment 1B (655038)—On page 1, line 30 through page 2, line 14, delete those lines and insert:

(b) "Eligible contribution" means a monetary contribution from a corporation, subject to the restrictions provided in this section, to a district school board direct-support organization or an eligible nonprofit scholarship funding organization, if the taxpayer making the contribution does not designate a specific child as the beneficiary of the contribution.

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers a general education to K-12 students and complies with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) "Eligible nonprofit scholarship funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) "Direct-support organization" means a district school board direct-support organization created pursuant to s. 237.40(1)(a).

(f) "Qualified student" means a student who qualifies

The vote was:

Yeas—16

Campbell	Geller	Latvala	Rossin
Crist	Holzendorf	Meek	Silver
Dawson	Jones	Miller	Smith
Dyer	Klein	Mitchell	Wasserman Schultz

Nays—22

Mr. President	Constantine	Lee	Sebesta
Bronson	Cowin	Peaden	Sullivan
Brown-Waite	Diaz de la Portilla	Posey	Villalobos
Burt	Garcia	Pruitt	Webster
Carlton	King	Sanderson	
Clary	Laurent	Saunders	

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **CS for HB 271** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Miller, by two-thirds vote **SB 404** and **SJR 406** were withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 2072** was withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 476**, **SB 1222** and **SB 1224** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bronson, by two-thirds vote **SB 762** was withdrawn from the committees of reference and further consideration.

On motion by Senator Smith, by two-thirds vote **SB 926** and **SB 952** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 1096** was removed from the Special Order Calendar and referred to the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday April 12.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 12.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committees on Children and Families; Ethics and Elections; and Regulated Industries were granted permission to meet beginning 30 minutes after recess for up to 3 hours, in lieu of 1:15 p.m. until 4:15 p.m. as scheduled this day.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 11, 2001: SB 412, CS for SB 1048, SB 814, CS for SB 1260, CS for SB 224, CS for SB 992, CS for CS for SB 158, SB 850, SB 338, CS for CS for SB 248, CS for SB 424, SB 532, SB 1516, CS for SB 688, SB 782, CS for SB 452, SB 1126, CS for SB 828, SB 654, CS for SB 1096, CS for SB 972, CS for SB 360, SB 916, SB 428, SB 2104, SB 1834, SB 1412

Respectfully submitted,
Tom Lee, Chairman

The Committee on Education recommends the following pass: SB 458 with 1 amendment, CS for SB 1404, SB 2172, SB 2188

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 940 with 1 amendment, CS for SB 2108 with 6 amendments

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

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1380 with 1 amendment

The Committee on Banking and Insurance recommends the following pass: SJR 300

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1720

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 522, SB 848, SB 868, CS for SB 1012, CS for SB 1172 with 1 amendment, SB 2168

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 718 with 1 amendment, SB 1812, SB 1968

The Committee on Natural Resources recommends the following pass: SB 1394 with 1 amendment

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

The Committee on Children and Families recommends the following pass: SB 1278

The Committee on Education recommends the following pass: CS for SB 2092 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 622, SB 1230, SB 1650

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB 1286 with 1 amendment, SB 1324, CS for SB 1346, SB 2192

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1146, SB 1634

The Committee on Ethics and Elections recommends the following pass: SB 1194, SB 1712 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1444

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1886 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1680

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

The Committee on Education recommends the following pass: SB 2004

The Committee on Transportation recommends the following pass: SB 1956

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1980

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1022 with 1 amendment, SB 1738, SB 2114 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1916 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 1820

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

The Committee on Ethics and Elections recommends the following pass: SB 1950 with 1 amendment

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1532 with 1 amendment, SB 1618, SB 2010

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

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1828

The Committee on Banking and Insurance recommends the following pass: CS for SB 500 with 1 amendment, SB 1220 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1978, SB 2140

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 54 with 1 amendment, CS for SB 668 with 1 amendment, SB 818, SB 1544

The Committee on Criminal Justice recommends the following pass: SB 10, SB 50 with 1 amendment, CS for SB 1778

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 486

The Committee on Judiciary recommends the following pass: SB 1580

The Committee on Regulated Industries recommends the following pass: SB 1212

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

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1912

The Committee on Banking and Insurance recommends the following pass: SB 1958

The Committee on Children and Families recommends the following pass: SB 1650 with 2 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1764 with 1 amendment, SB 2126 with 1 amendment

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 768, SB 1344, SJR 1700 with 1 amendment, SB 1766, SB 1986, SB 2018

The Committee on Education recommends the following pass: SB 2166 with 2 amendments

The Committee on Ethics and Elections recommends the following pass: SB 1158 with 2 amendments

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1314

The Committee on Judiciary recommends the following pass: SB 1200

The Committee on Natural Resources recommends the following pass: SB 1408 with 3 amendments

The Committee on Regulated Industries recommends the following pass: SB 1400 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1948

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 2142 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: HB 389, HB 391

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SJR 526 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 484 with 2 amendments, SB 692 with 1 amendment, CS for SB 840

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

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1834

The Committee on Banking and Insurance recommends the following pass: SB 1906 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2104 with 1 amendment

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1126

The Committee on Criminal Justice recommends the following pass: SB 766

The Committee on Ethics and Elections recommends the following pass: SB 1422

The Committee on Finance and Taxation recommends the following pass: CS for SB 6 with 1 amendment, SB 26, SB 32, SB 56, SB 58, SB 66, SB 1212, SB 1266, SB 1522 with 1 amendment, CS for SB 1692 with 2 amendments

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 224 with 1 amendment

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB's 1442 and 1570

The Committee on Judiciary recommends the following pass: CS for SB 354, SB 1658

The Committee on Regulated Industries recommends the following pass: SB 1424

The Committee on Rules and Calendar recommends the following pass: SB 1714

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

The Committee on Agriculture and Consumer Services recommends the following not pass: SB 236

The bill was laid on the table.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2034

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

The Committee on Education recommends committee substitutes for the following: SB 1046, SB 1640, SB 2054

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: CS for SB 784

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1140

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1624

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 1010

The Committee on Education recommends a committee substitute for the following: CS for SB 1612

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 1374

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for SB 1376, SB 1540, SB 1878

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 874, SB 876, SB 1368

The Committee on Transportation recommends committee substitutes for the following: SB 146, SB 1566, SB 1776

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

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: CS for SB 1258, SB 1306, SB 1456, SB 2110

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 492, CS for SB 1092, SB 1196, SB 1348, SB 1534, SB 1932

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 2146

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

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 1864 and 2086

The Committee on Natural Resources recommends committee substitutes for the following: SB 1246, SB 2074

The Committee on Transportation recommends committee substitutes for the following: SB 626, SB 1268, SB 1276

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1778

The Committee on Transportation recommends a committee substitute for the following: SB 678

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1622

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 478

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1256

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

The Committee on Agriculture and Consumer Services recommends committee substitutes for the following: CS for SB 738, SB 1204, CS for SB 1758, SB 1922

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 1482, SB 1826

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: Senate Bills 310 and 380, SB 1642

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: CS for SB 1208

The Committee on Natural Resources recommends a committee substitute for the following: SB 1376

The Committee on Transportation recommends a committee substitute for the following: SB 256

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

The Committee on Banking and Insurance recommends committee substitutes for the following: Senate Bills 182, 328 and 970, SB 1530, SB 2224, SB 2234

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: CS for SB 1178

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1914, SB 2036

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 1836

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 792, SB 904, SB 1726

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1562

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2080

The Committee on Children and Families recommends a committee substitute for the following: SB 1724

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1926

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1880

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1038

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 822

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 1312, SB 2156

The Committee on Natural Resources recommends a committee substitute for the following: SB 1664

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

The Committee on Natural Resources recommends a committee substitute for the following: SB 1662

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

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 202

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1722

The Committee on Children and Families recommends a committee substitute for the following: CS for SB 1016

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1518, SB 1666

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2098

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 800

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 972

The Committee on Rules and Calendar recommends a committee substitute for the following: CS for SJR 488

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: SB 330

The Appropriations Subcommittee on General Government recommends the following pass: CS for SB 350 with 1 amendment, SB 958, CS for SB 1120 with 1 amendment

The Appropriations Subcommittee on Health and Human Services recommends the following pass: SB 1230, CS for CS for SB 1258 with 1 amendment, SB 1278 with 1 amendment, CS for SB 1306

The Appropriations Subcommittee on Education recommends committee substitutes for the following: SB 302, SB 1684

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for SB 170, CS for SB 2008

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Burt and Rossin—

SJR 2236—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

SR 2238—Introduced and adopted on April 3.

By Senator Garcia—

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term “additive product”; redefining the terms “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons are subject to pt. X of ch. 626, F.S., relating to viatical settlements; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.301, F.S.; redefining the term “home warranty”; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.313, F.S.; providing for submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.336, F.S.; including advertising, offering, or providing a free home warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending s. 634.415, F.S.; providing for submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair

or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Banking and Insurance; Transportation; Appropriations Subcommittee on General Government; and Appropriations.

SR 2242—Not referenced.

SR 2244—Introduced and adopted on April 4.

SR 2246—Introduced and adopted on April 3.

By Senator Cowin—

SB 2248—A bill to be entitled An act relating to nurses; providing an appropriation to the Department of Health; requiring private match of appropriated funds; providing for grants to hospitals for nurse recruitment and retention; providing for rules; providing eligibility criteria; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

SR 2250—Not referenced.

By Senator Garcia—

SB 2252—A bill to be entitled An act relating to community colleges; amending s. 240.359, F.S.; revising the procedure for determining state financial support and annual apportionment of state funds to each community college district; prescribing how funds are to be disbursed; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

Senate Resolutions 2254 - 2256—Introduced and adopted on April 4.

By Senator Miller—

SB 2258—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; specifying that the rates provided in the schedule of non-ad valorem assessments are caps on the rates that may be levied without legislative approval; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2260—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Garcia—

SB 2262—A bill to be entitled An act relating to social and economic assistance; amending s. 409.814, F.S.; providing for Kidcare enrollment of certain immigrant children not eligible for specified federal programs; creating s. 409.9041, F.S.; requiring a state medical assistance program for certain immigrants not eligible for federal Medicaid benefits; amending s. 414.31, F.S.; requiring a state food stamp program for certain immigrants not eligible for the federal food stamp program; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Burt—

SB 2264—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city's acquisition of the pier situated upon the leased lands; providing additional terms of the lease; providing severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Peadar—

SB 2266—A bill to be entitled An act relating to workers' compensation; amending s. 61.13, F.S.; providing that workers' compensation benefits are not exempt from child-support claims; amending s. 61.30, F.S.; providing that workers' compensation benefits and settlements count as income under child-support guidelines; amending s. 440.02, F.S.; defining terms; amending s. 440.05, F.S.; substantially revising provisions relating to exemption from ch. 440, F.S.; amending s. 440.09, F.S.; providing guidelines for coverage; amending s. 440.10, F.S.; revising liability for compensation; revising criteria for conclusively presuming that a person is an independent contractor; amending s. 440.13, F.S.; providing maximum amounts that a family member may receive for nonprofessional attendant care; revising the standard for determining when an employer must pay for certain medical treatment; revising provisions relating to provider eligibility and authorization; allowing a carrier to provide certain financial incentives for reducing service costs and utilization; revising provisions relating to independent medical examinations; placing limitations on medical opinions in cases involving occupational disease or repetitive trauma; adding opinions of peer-review consultants to the list of admissible medical opinions; amending s. 440.134, F.S.; providing that workers' compensation managed care arrangements are optional rather than mandatory; amending s. 440.14, F.S.; redefining the term "substantially the whole of 13 weeks" for purposes of determination of pay; providing requirements that must be met if concurrent employment is used in calculating the average weekly wage; amending s. 440.15, F.S.; prescribing the elements of a compensable injury eligible for permanent total benefits; changing the period for which and the rate at which impairment income benefits are paid; providing that compensation is not payable for certain conditions; amending s. 440.151, F.S.; providing an evidentiary standard relating to occupational diseases; excluding certain conditions from the term "occupational disease"; amending s. 440.185, F.S.; changing procedures relating to carriers' filings with the division; amending s. 440.191, F.S.; allowing the Employee Assistance Office to participate in an early intervention program; providing that specified claims are to be determined by a judge of compensation claims, without the parties being represented by counsel; providing for review; providing for a petition for benefits; amending procedures relating to disputed issues; amending s. 440.192, F.S.; amending procedures for resolving benefit disputes; allowing the dismissal of a portion of a petition; replacing a notice of denial with a response to petition; amending s. 440.20, F.S.; providing procedures for a carrier to fulfill its obligation to pay compensation directly to the employee; extending the time limit for paying compensation; replacing the term "award" with the term "order"; providing circumstances in which a hearing is unnecessary; providing procedures applicable when a claimant is not represented by an attorney; amending s. 440.22, F.S.; providing that the exemption of workers' compensation claims from creditors does not

apply to child support or alimony; amending s. 440.25, F.S.; revising procedures for mediation and hearings; providing for a Motion to Dismiss for Lack of Prosecution; prohibiting the award of interest on unpaid medical bills; amending s. 440.29, F.S.; revising the list of admissible evidentiary items; amending s. 440.34, F.S.; prohibiting the payment of attorney's fees on specified issues; restricting the amounts of attorney's fees which may be awarded; amending s. 440.39, F.S.; providing that an employer has no duty to preserve certain evidence; amending s. 440.42, F.S.; revising provisions governing the expiration of insurance contracts or policies issued under ch. 440, F.S.; amending s. 440.45, F.S.; transferring the Office of the Judges of Compensation Claims from the Department of Labor and Employment Security to the Department of Management Services; providing that the head of the office is the Deputy Chief Judge of Compensation Claims; providing for evaluating a judge's performance; providing for the Governor to appoint such judges; prescribing judges' qualifications; providing a procedure for instigating and resolving complaints against judges; providing for rulemaking; requiring a report; amending s. 627.914, F.S.; requiring self-insurance funds, as well as other insurers, to follow certain rules and plans in recording and reporting loss, expense, and claims experience; amending the date by which an annual report must be filed; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; creating the Workers' Compensation Appeals Commission; providing for the Governor to select commissioners; providing for terms of office; providing for the Statewide Nominating Commission to review each commissioner's performance and to recommend for or against retention; providing for the appointment of associate commissioners; providing the commission with authority to review decisions of judges of compensation claims; providing that the commission is not an agency; providing for a presiding commissioner and prescribing his or her duties; providing for a clerk; providing a filing fee and exempting state agencies; providing for a seal; allowing the commission to destroy its obsolete records; allowing reimbursement for travel expenses; providing for rules governing practice and procedure; providing effective dates.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Transportation; and Senator Geller—

CS for SB 146—A bill to be entitled An act relating to high-occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in such lanes, regardless of occupancy; providing an effective date.

By the Committee on Banking and Insurance; and Senators Silver, Geller and Clary—

CS for SB's 182, 328 and 970—A bill to be entitled An act relating to insurance; amending s. 627.062, F.S.; excluding the Florida Windstorm Underwriting Association from certain rate-filing arbitration provisions; amending s. 627.0628, F.S.; limiting authority of insurers to use findings of the Florida Commission on Hurricane Loss Projection Methodology in a rate filing under s. 627.062, F.S.; providing that such findings are not admissible and relevant in consideration of a rate filing by the Department of Insurance unless the department has access to all factors and assumptions used in developing the standards or models found by the commission to be reliable or accurate; amending s. 627.351, F.S.; modifying membership of the board of directors of the Florida Windstorm Underwriting Association; revising the criteria for limited apportionment companies; requiring insurers taking policies out of the association to pay certain amounts or take certain actions relative to the producing agent of record; deleting a requirement that certain insureds lose their eligibility for coverage by the association under certain circumstances; revising the immunity from liability for members of the board of the association; providing for assignment by the association of personal lines residential policies located in a deauthorized area to authorized insurers; providing criteria for distributing assigned policies; providing procedures; providing that assignment of a policy does not affect the producing agent's entitlement to unearned commission; providing for appeals of assignment of policies to the Department of Insurance;

providing that a failure to accept residential policies assigned by the association is a willful violation of the Florida Insurance Code; authorizing the department to adopt rules; amending s. 627.7013, F.S.; extending the operation of the law limiting the number of personal lines residential policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; amending s. 627.7014, F.S.; extending the operation of the law limiting the number of condominium association property insurance policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senators Lee and Latvala—

CS for SB 202—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; creating s. 564.055, F.S.; providing certain size restrictions on containers in which cider is packaged and sold; providing an effective date.

By the Committee on Transportation; and Senators Mitchell, Latvala, Miller, Campbell, Clary, Sullivan, Dawson, Lawson and Klein—

CS for SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senator Silver—

CS for CS for SB 268—A bill to be entitled An act relating to DNA testing and analysis; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data banks's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Carlton—

CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies include a representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; authorizing local governments to designate certain lands as rural land stewardship areas; providing requirements for amending the comprehensive plan to designate such areas; providing for landowners in such areas to convey development rights; providing for certain incentives; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3181, F.S.; providing for public notices and public participation in the comprehensive planning process; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments;

amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; creating s. 163.3198, F.S.; requiring the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; providing for appointment of a committee to advise the agency; requiring that the model be field tested; requiring a report to the Governor and the Legislature; providing an appropriation; amending s. 163.3215, F.S.; providing remedies for aggrieved or adversely affected parties; expanding the class of persons who may seek such remedies; amending s. 163.3244, F.S.; providing for a livable-communities certification program; providing for certification criteria; eliminating state review of certain local comprehensive plan amendments; creating s. 163.32446, F.S.; providing for a sustainable rural communities demonstration program; amending s. 186.008, F.S.; providing for revisions to the state comprehensive plan; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 218.25, F.S.; prescribing limitations on the use of specified funds; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; creating s. 236.255, F.S.; creating the School District Guaranty Program; allowing district school boards to request the financial backing of the state or county in the issuance of certificates of participation; providing that such financial backing by the state or county is optional and contingent on funds set aside for that purpose; amending s. 380.06, F.S.; revising provisions governing developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; requiring the Governor to report to the Legislature on using compelling state interest as a standard to limit state review of comprehensive plan amendments; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; providing an effective date.

By the Committees on Appropriations; Children and Families; and Senators Horne, Campbell, Mitchell, Sanderson, Sullivan, Smith, Burt, Bronson, Peaden, Lee and Crist—

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Pruitt, Crist and Posey—

CS for SB 478—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term “public school member” for purposes of the system; amending s. 121.071, F.S.; providing contribution rates for public school members; amending s. 121.091, F.S.; providing retirement benefits payable to public school members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

By the Committees on Rules and Calendar; Ethics and Elections; and Senator Rossin—

CS for CS for SJR 488—A joint resolution proposing amendments to Section 15 of Article III and Section 4 of Article VI of the State Constitution; revising the terms of office for certain elected constitutional officers; providing for staggered terms of office; revising limitations on the number of consecutive years during which certain elected constitutional officers may hold office.

By the Committee on Criminal Justice; and Senators Rossin and Crist—

CS for SB 492—A bill to be entitled An act relating to the offense of possessing a firearm at school; amending s. 230.235, F.S.; requiring that a child found to have committed the act of bringing a firearm to school, to any school function, or onto any school-sponsored transportation be assigned to a disciplinary program or second-chance school; requiring that the court retain jurisdiction over the child during the expulsion period; providing that sanctions pursuant to s. 985.231, F.S., apply if the child fails to comply with the requirements of the disciplinary program or second-chance school; providing an effective date.

By the Committee on Transportation; and Senator Saunders—

CS for SB 626—A bill to be entitled An act relating to driver improvement schools; amending s. 318.1451, F.S.; authorizing governmental entities to maintain and provide certain information regarding driver improvement schools and course providers; revising the duties of the Department of Highway Safety and Motor Vehicles; amending s. 322.0261, F.S.; requiring the department to approve and regulate certain courses for driver improvement schools; amending s. 322.095, F.S.; requiring the department to approve and regulate certain courses for driver improvement schools; providing an effective date.

By the Committee on Transportation; and Senator Klein—

CS for SB 678—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; providing an effective date.

By the Committees on Agriculture and Consumer Services; Transportation; and Senator King—

CS for CS for SB 738—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the T. Mark Schmidt Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division

of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for re-registration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; providing an effective date.

By the Committees on Agriculture and Consumer Services; Commerce and Economic Opportunities; and Senators Geller and Crist—

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Silver—

CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; revising eligibility requirements for certain medical assistance payments; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.;

modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; providing for a restricted-drug formulary applicable to Medicaid providers; revising membership of the Medicaid Pharmaceutical and Therapeutics Committee; authorizing the agency to negotiate rebates from drug manufacturers; amending s. 409.912, F.S.; authorizing the agency to contract with children's provider networks for certain purposes; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.913, F.S.; requiring the agency to implement a pilot program to prevent Medicaid fraud and abuse with respect to pharmaceuticals; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation; providing an effective date.

By the Committee on Finance and Taxation; and Senator Silver—

CS for SB 800—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in certain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

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

CS for SB 822—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 287.058, F.S.; clarifying current requirement that contractor on certain state contracts must allow access to public records unless the records are exempt; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing for binding arbitration in fee disputes; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; amending s. 86.091, F.S.; providing that the State of Florida, the Governor, any state department, agency, officer, or employee shall not be made a party in certain proceedings; amending s. 16.01, F.S.; clarifying that certain provisions are not intended to authorize the joinder of the Attorney General as party; amending s. 48.121, F.S.; clarifying that the section is not intended to authorize the joinder of the Attorney General or a state attorney as a party; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management Trust Fund; providing for severability; providing an effective date.

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

CS for SB 874—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range-program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S., relating to review of agency information resources management needs; eliminating the Technology Review Workgroup; providing for assumption of the duties of the Technology Review Workgroup by the State Technology Office; requiring the reporting of specified information to the Executive Office of the Governor; providing powers and duties of the State Technology Office; amending s. 216.181, F.S., relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original approved operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; transferring, renumbering, and amending s. 282.303, F.S.; revising definitions; defining “information technology”; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be an agency head; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending ss. 282.104, 282.105, 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office’s authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the

Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; eliminating provisions relating to the special monitoring process for designated information resources management projects; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; establishing a pilot project for a statewide eLibrary system; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources that were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; providing an effective date.

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

CS for SB 876—A bill to be entitled An act relating to state technology resource procurement; amending s. 287.042, F.S.; requiring the State Technology Office to assess technological needs of agencies and to evaluate contracts; amending s. 287.057, F.S.; requiring state agencies to participate in the on-line procurement program; requiring the State Technology Office to determine criteria for exceptions to participation; authorizing the collection of fees for use of the procurement program; authorizing the creation of State Strategic Information Technology Alliances; amending s. 287.0731, F.S.; requiring the Department of Management Services to consult with the State Technology Office in the establishment of a permanent team for contract negotiations; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Garcia and Silver—

CS for SB 904—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to supplemental drug rebates; providing an exemption from the public meetings law for certain portions of meetings of the Medicaid Pharmaceutical and Therapeutics Committee; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

CS for SB 972—A bill to be entitled An act relating to water management district fiscal matters; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts’ tentative budgets must be sent for review; specifying the contents of the tentative budgets; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts’ tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement

that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; amending s. 373.501, F.S.; providing procedures for the transfer of funds for proposed water management district projects; amending s. 373.59, F.S.; authorizing the use of the Water Management Lands Trust Fund for specified purposes other than acquisition; deleting a prospective repeal; authorizing the South Florida Water Management District to acquire specified mining and quarry lands; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Garcia—

CS for SB 1010—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; extending the repeal date of a provision authorizing operating grants; requiring the Division of Library and Information Services to facilitate the extension of free library services through interlocal agreement; requiring reports; providing an effective date.

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

CS for CS for SB 1016—A bill to be entitled An act relating to guardianship; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

By the Committee on Criminal Justice; and Senator Sanderson—

CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn child; amending s. 782.071, F.S.; revising the offense of “vehicular homicide” to include the killing of an unborn quick child by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing a right of action for civil damages; providing a definition; providing penalties; providing that the act does not authorize the prosecution of a person for conduct relating to a lawful abortion or for medical treatment; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the act does not authorize the prosecution of a person for conduct relating to a lawful abortion or for medical treatment; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Education; and Senator Pruitt—

CS for SB 1046—A bill to be entitled An act relating to student financial assistance; creating s. 240.4061, F.S.; creating the Teach Florida Scholarship Loan Program; providing a purpose; defining eligible institutions and programs of study; authorizing summer-term receipt of funds; authorizing part-time enrollment; specifying summer institutes to be developed by the Department of Education; providing eligibility criteria; providing for repayment of a scholarship loan; providing a definition; providing renewal and restoration requirements; setting a limit upon repayment authority; authorizing the Department of Education to adopt rules; providing an effective date.

By the Committees on Criminal Justice; Banking and Insurance; and Senators Campbell and Crist—

CS for CS for SB 1092—A bill to be entitled An act relating to insurance fraud; providing legislative findings; creating s. 456.0375, F.S., relating to clinics; defining the term “clinic”; imposing registration requirements for certain clinics; providing for medical directors; providing for enforcement; amending s. 626.989, F.S., relating to Department of Insurance investigation of insurance fraud; revising immunity provisions; amending s. 627.732, F.S., relating to definitions; defining the terms “medically necessary” and “broker”; amending s. 627.736, F.S.; revising provisions relating to required personal injury protection benefits; deleting provisions specifying what medical payments insurance pays; revising provisions for charges for treatments; providing for pre-suit notice; amending s. 627.739, F.S.; providing circumstances for which an insurer is not required to pay any charge; amending s. 817.234, F.S.; revising provisions relating to false and fraudulent insurance claims; amending s. 817.505, F.S.; providing penalties; amending s. 324.021, F.S.; conforming provisions to changes made by the act; providing effective dates.

By the Committee on Banking and Insurance; and Senator Villalobos—

CS for SB 1140—A bill to be entitled An act relating to self-insurers; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers’ Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer’s Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association’s creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Sebesta—

CS for CS for SB 1178—A bill to be entitled An act relating to high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation; providing an effective date.

By the Committee on Appropriations; and Senator Sullivan—

CS for SB 1190—A bill to be entitled An act relating to higher education; providing Legislative intent; redesignating St. Petersburg Junior College as “St. Petersburg College”; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number;

establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

By the Committee on Criminal Justice; and Senators Smith and Crist—

CS for SB 1196—A bill to be entitled An act relating to sentencing; amending s. 921.0022, F.S.; authorizing the state and defendant to waive preparation of a worksheet and scoresheet under the Criminal Punishment Code and for the court to impose a sentence; requiring that the scoresheet be filed within a specified period after sentencing; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Bronson—

CS for SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 372.561, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; providing an effective date.

By the Committees on Health, Aging and Long-Term Care; Banking and Insurance; and Senator Latvala—

CS for CS for SB 1208—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term “eligible individual” for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual’s family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department

review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487, F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; providing effective dates.

By the Committee on Natural Resources; and Senator King—

CS for SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Campbell—

CS for SB 1256—A bill to be entitled An act relating to nursing education; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; providing an effective date.

By the Committees on Health, Aging and Long-Term Care; Children and Families; and Senator Mitchell—

CS for CS for SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children’s behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children’s crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children

and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an effective date.

By the Committee on Transportation; and Senator Wasserman Schultz—

CS for SB 1268—A bill to be entitled An act relating to motorized scooters; amending s. 316.003; defining the term “motorized scooter”; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; providing an effective date.

By the Committee on Transportation; and Senator Lee—

CS for SB 1276—A bill to be entitled An act relating to driver’s licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver’s license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Sanderson and Miller—

CS for SB 1306—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; creating the Mary Brogan Breast and Cervical Cancer Early Detection Program Act; amending s. 409.904, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Saunders—

CS for SB 1312—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background-screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient’s Bill of Rights and Responsibilities; replacing references to the term “physical handicap” with the term “handicap”; amending ss. 382.003, 382.004, 382.013, 382.016, 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the department to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgement of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 381.0056, F.S.; providing requirements for school health programs

and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1348—A bill to be entitled An act relating to youthful offenders; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing that the court may not sentence as youthful offenders certain offenders who have pled nolo contendere or guilty to, or been found guilty of, capital felonies, life felonies, first-degree felonies, or second-degree felonies involving the use or threatened use of force or violence; increasing the maximum period of commitment of a youthful offender to the custody of the Department of Corrections or maximum period of incarceration or placement under supervision on probation or community control; removing legislative declaration with respect to construction of a basic training program facility; reenacting s. 958.03(5), F.S., relating to the definition of the term “youthful offender,” s. 958.046, F.S., relating to placement in county-operated boot camp programs for youthful offenders, and s. 958.11(4), F.S., relating to designation of institutions and programs for youthful offenders and assignment from youthful offender institutions and programs, to incorporate the amendment to s. 958.04, F.S., in references thereto; amending s. 951.231, F.S.; conforming an obsolete reference to provisions relating to mandatory participation in the youthful offender basic training program under certain circumstances; amending s. 958.045, F.S., relating to youthful offender basic training program; revising the sanctions for a youthful offender in the basic training program who becomes unmanageable; allowing the department to revoke the offender’s gain-time, to terminate the offender’s participation in the program, and to return the offender to the general population of inmates in the correctional system; providing for alternative placement on probation or community control of an offender who has completed the basic training program; providing for the offender to remain on community control upon release from a community residential program; providing for revocation of community control and sentencing of the offender if the offender violates the conditions of community control; conforming terminology; providing an effective date.

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

CS for SB 1368—A bill to be entitled An act providing adoption benefits for employees of the state or water management districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; providing for priority in the allocation of funds; providing an effective date.

By the Committee on Ethics and Elections; and Senator Carlton—

CS for SB 1374—A bill to be entitled An act relating to elections; repealing s. 100.091, F.S., to eliminate the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 101.62, F.S.; eliminating advance absentee ballots, to conform; amending ss. 97.021, 99.061, 99.095, 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 102.112, 102.168, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S.; revising references, to conform; creating s. 102.014, F.S.;

providing for pollworker recruitment and training; repealing s. 102.012(7), (8), and (9), F.S., relating to pollworker training and election boards; amending s. 101.131, F.S., to eliminate a requirement to call out names of voters; amending s. 98.255, F.S.; providing for voter education; amending s. 97.021, F.S.; modifying and creating definitions; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; amending s. 103.101, F.S., to conform; amending s. 582.18, F.S.; conforming a cross-reference; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on overvotes and undervotes following the general election; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; providing for the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; amending s. 100.341, F.S.; eliminating a requirement that a bond referendum ballot be on white paper; amending ss. 100.361, 101.21, 101.24, 101.292, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 102.166, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, F.S., relating to voting machines, to conform; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.168, F.S.; revising the grounds for an election contest; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, 98.0975, F.S., to conform; prohibiting a member of the Elections Canvassing Commission or a member of a county canvassing board from rendering a post-election decision that may affect the outcome of any race in which the member publicly endorsed or solicited contributions; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items in order to qualify for election; amending s. 105.035, F.S.; providing alternative procedures for candidates for supervisor of elections to qualify for election; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections are to be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; providing an appropriation from the appropriations act to implement provisions of the bill; providing an appropriation for the design of a statewide voter registration database; providing effective dates.

By the Committee on Natural Resources; and Senator Laurent—

CS for SB 1376—A bill to be entitled An act relating to mining; amending s. 378.035, F.S.; reserving certain funds in the Nonmandatory Land Reclamation Trust Fund for use by the Department of Environmental Protection for reclaiming lands; authorizing the department to use funds from the trust fund for the purpose of closing certain abandoned phosphogypsum stack systems; limiting the period of operation of the program; requiring the Bureau of Mine Reclamation to review the sufficiency of the trust fund to support certain objectives and make reports; amending s. 378.601, F.S.; deleting provisions exempting certain mining operations from review as developments of regional impact; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to take action to abate or reduce any imminent hazard caused by a phosphogypsum stack system; requiring the depart-

ment to recover moneys from the owner or operator of the system; providing for attorney's fees and costs; authorizing the department to impose a lien for the recovery of such moneys; imposing certain fees upon an owner or operator who has not demonstrated financial responsibility; providing for the refund of the fee upon closure of the phosphogypsum stack; authorizing the department to expend moneys from the Nonmandatory Land Reclamation Trust Fund to close abandoned phosphogypsum stack systems; providing for a lien for the recovery of such moneys; amending s. 403.4155, F.S.; requiring the department to review certain rules and determine the adequacy of the rules; providing an effective date.

By the Committees on Finance and Taxation; Natural Resources; and Senator Laurent—

CS for CS for SB 1376—A bill to be entitled An act relating to mining; amending s. 378.035, F.S.; reserving certain funds in the Nonmandatory Land Reclamation Trust Fund for use by the Department of Environmental Protection for reclaiming lands; authorizing the department to use funds from the trust fund for the purpose of closing certain abandoned phosphogypsum stack systems; limiting the period of operation of the program; requiring the Bureau of Mine Reclamation to review the sufficiency of the trust fund to support certain objectives and make reports; amending s. 378.601, F.S.; deleting provisions exempting certain mining operations from review as developments of regional impact; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to take action to abate or reduce any imminent hazard caused by a phosphogypsum stack system; requiring the department to recover moneys from the owner or operator of the system; providing for attorney's fees and costs; authorizing the department to impose a lien for the recovery of such moneys; imposing certain fees upon an owner or operator who has not demonstrated financial responsibility; providing for the refund of the fee upon closure of the phosphogypsum stack; authorizing the department to expend moneys from the Nonmandatory Land Reclamation Trust Fund to close abandoned phosphogypsum stack systems; providing for a lien for the recovery of such moneys; amending s. 403.4155, F.S.; requiring the department to review certain rules and determine the adequacy of the rules; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Saunders, Peaden, Campbell, Pruitt, Smith, Latvala, Dawson, Brown-Waite and Wasserman Schultz—

CS for SB 1456—A bill to be entitled An act relating to health care facilities; creating the Florida Alzheimer's Training Act; amending s. 400.4178, F.S.; revising training standards for employees of assisted living facilities that provide care for residents with Alzheimer's disease or related disorders; creating ss. 400.1755, 400.4786, 400.55715, and 400.626, F.S.; prescribing training standards for employees of nursing homes, home health agencies, adult day care centers, and adult family-care homes, respectively, that provide care for persons with Alzheimer's disease or related disorders; providing for training fees; prescribing duties of the Department of Elderly Affairs; directing the department to convene a working group to develop training guidelines; providing for membership; providing for compliance with guidelines within a certain time period; requiring dementia-specific care providers to be included in community care service systems; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Bronson—

CS for SB 1482—A bill to be entitled An act creating the Aerospace Infrastructure Reinvestment Act; providing legislative findings; amending s. 212.20, F.S.; providing that taxes collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions thereto and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the

authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing for rules; providing an effective date.

By the Committee on Criminal Justice; and Senator Constantine—

CS for SB 1518—A bill to be entitled An act relating to transportation of prisoners; amending s. 944.17, F.S.; changing references from “sheriff” to “chief correctional officer”; providing an effective date.

By the Committee on Banking and Insurance; and Senator Geller—

CS for SB 1530—A bill to be entitled An act relating to viaticals; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability to purchase in the secondary market; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department’s Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional institutions as “prisons” and community correctional centers as “work-release centers”; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; providing an effective date.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1540—A bill to be entitled An act relating to trust funds; creating s. 202.193, F.S.; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of fund balances; providing that the trust fund is exempt from constitutional termination; providing a contingent effective date.

By the Committee on Regulated Industries; and Senator Burt—

CS for SB 1562—A bill to be entitled An act relating to public-records exemptions; creating s. 569.215; providing that proprietary confidential business information used to negotiate or verify annual tobacco settlement payments are exempt from public records requirements; providing a statement of public necessity; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 1566—A bill to be entitled An act relating to the Tampa-Hillsborough County Expressway System; amending s. 348.565, F.S.; authorizing the finance of a specified project through issuance of revenue bonds; amending s. 373.4137, F.S.; providing mitigation requirements on certain expressway authorities; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending ss. 348.754, 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance of bonds; amending s. 348.765, F.S.; providing the section does not repeal, rescind, or modify s. 215.821, F.S.; providing an effective date.

By the Committees on Education; Banking and Insurance; and Senators Latvala and King—

CS for CS for SB 1612—A bill to be entitled An act relating to the Hurricane Loss Mitigation Program; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for manufactured/mobile homes; requiring the Department of Community Affairs to contract with an administrative entity; revising the process for establishing an advisory council; providing for an annual report; extending the future repeal of the section; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator King—

CS for SB 1622—A bill to be entitled An act relating to workforce development; amending s. 239.514, F.S., relating to the Workforce Development Capitalization Incentive Grant Program; providing additional purposes for a grant awarded under the program; authorizing the use of program funds to upgrade and expand workforce development programs to meet provisions required by law; authorizing use of grant funds for recurring instructional costs upon approval of the Postsecondary Education Planning Commission; replacing obsolete reference to Jobs and Education Partnership with reference to Workforce Florida, Inc.; amending s. 239.213, F.S.; revising provisions relating to vocational-preparatory instruction; changing the date for the submission of a report; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator King—

CS for SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund to be administered by the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for disposition of trust fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Education; and Senator Clary—

CS for SB 1640—A bill to be entitled An act relating to education; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Latvala—

CS for SB 1642—A bill to be entitled An act relating to homestead exemption; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; providing an effective date.

By the Committee on Natural Resources; and Senator Laurent—

CS for SB 1662—A bill to be entitled An act relating to Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; authorizing a line item on utility sewer rates to cover wastewater residual treatment and disposal in certain counties; providing exemption from requirements of the Public Service Commission; providing an effective date.

By the Committee on Natural Resources; and Senator Laurent—

CS for SB 1664—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; providing an effective date.

By the Committee on Criminal Justice; and Senator Laurent—

CS for SB 1666—A bill to be entitled An act relating to sex crimes; amending ss. 794.011, 796.07, 800.04, 825.1025, 827.071, 847.001, F.S., relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms “vaginal” and “vagina” for purposes of laws defining certain prohibited sexual activities; creating s. 775.251, F.S.; defining the terms “dangerous sexual felony offender” and “felony sexual offense”; creating s. 775.252, F.S.; requiring certain offenders convicted of specified felony sexual offenses to be sentenced as dangerous sexual felony offenders; creating s. 775.253, F.S.; requiring the court, prior to acceptance of a plea, to advise a defendant convicted of a felony sexual offense of sentencing as a dangerous sexual felony offender; creating s. 775.254, F.S.; establishing a separate proceeding for determining whether an offender is a dangerous sexual felony offender; setting forth procedures and indicating what evidence may be considered; authorizing direct appeal of sentence; identifying factors used for making a determination of whether an offender is a dangerous sexual felony offender; creating s. 775.255, F.S.; providing penalties; providing that the determination that an offender is not a dangerous sexual felony offender does not preclude a future determination that the offender is a sexually violent predator under ch. 394, F.S.; creating s. 775.256, F.S.; providing for release of otherwise confidential records to a state attorney or state experts for use in determining whether the offender is a dangerous sexual felony offender; providing effective dates.

By the Committee on Banking and Insurance; and Senator Horne—

CS for SB 1722—A bill to be entitled An act relating to surety bonds; amending s. 625.071, F.S.; modifying the amount of reserve which surety insurers may maintain on bail bonds and judicial bonds in lieu of the unearned premium reserve required under s. 625.051, F.S.; providing financial reporting requirements; providing an effective date.

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

CS for SB 1724—A bill to be entitled An act relating to children and families; creating s. 409.9072, F.S.; requiring the Agency for Health Care Administration to develop mechanisms for certification of local funds as state match for Medicaid projects, to maximize federal Title XIX funding for children and families; providing for return of funds to the local entities; requiring prior approval of local projects by the agency and the Department of Children and Family Services; specifying project requirements; providing for modification of the Medicaid state plan; providing for federal waivers; providing responsibilities of the agency with respect to administrative and service costs, monitoring of service delivery, and standards and quality of care; authorizing the department and the agency to adopt rules; requiring an annual report; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Saunders—

CS for SB 1726—A bill to be entitled An act relating to public records; providing for release of such information under certain circumstances; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

By the Committees on Agriculture and Consumer Services; Natural Resources; and Senators Laurent, Posey, Lawson, Bronson, Smith, Brown-Waite, Pruitt, Mitchell, Constantine and Sanderson—

CS for CS for SB 1758—A bill to be entitled An act relating to rural land conservation; creating the “Rural and Family Lands Protection Act”; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for an enforceable option to purchase property; directing the department to seek funds from federal sources; amending s. 201.15, F.S.; providing for the distribution of certain taxes to the department to be used for the program; creating s. 215.619, F.S.; providing for bonds; amending s. 570.207, F.S.; providing uses for funds from the Conservation and Recreation Lands Program Trust Fund; providing an effective date.

By the Committee on Transportation; and Senator Jones—

CS for SB 1776—A bill to be entitled An act relating to small aircraft transportation; providing legislative intent with respect to NASA’s Small Aircraft Transportation System; providing an appropriation; providing an effective date.

By the Committee on Children and Families; and Senators Cowin and Crist—

CS for SB 1778—A bill to be entitled An act relating to acts of violence; providing a short title; amending s. 39.301, F.S.; requiring that staff who conduct child protective investigations receive training on removing a perpetrator of domestic violence from the home by use of injunction; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence that intentionally caused bodily harm to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic violence and other assault, battery, and stalking offenses; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; providing for the clerk of the court to retain a service charge; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers’ intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; amending s. 741.281, F.S.; requiring the court to impose the batterers’ intervention program as a condition of probation; providing for an exception; requiring that the batterers’ intervention program be certified; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Mitchell and Klein—

CS for SB 1826—A bill to be entitled An act relating to rural development; creating the Florida Rural Heritage Act; providing legislative findings; providing definitions; providing for the designation of a Rural Heritage Area; providing for a community-based planning process; specifying guidelines for Rural Heritage Area plans; providing procedure for adoption of a plan; providing for economic incentives, reports, and technical assistance; creating the Rural Heritage Grant Program to assist local governments in adopting Rural Heritage Areas, to be administered by the Department of Community Affairs; providing for priority of funding; requiring the Department of Community Affairs to adopt rules; providing for development of a nature-and-heritage-based tourism business micro-loan program; providing for establishment of a revolving loan fund; providing for wireless community-based network technology pilot programs to be established by the State Technology Office; providing for pilot projects to encourage diversification of agricultural products and marketing to be developed by the Department of Agriculture and Consumer Services; providing for review and evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 163.3187, F.S.; providing conditions for adoption of local comprehensive plans for rural activity centers; amending s. 187.201, F.S.; modifying goals of the State Comprehensive Plan to include housing for specified persons in rural areas and development of nature-based tourism; providing a policy of fostering integrated and coordinated community planning efforts; providing support for rural communities in developing nature-and-heritage-based tourism enterprises; providing support for landowners who wish their lands to remain in agricultural use; amending s. 212.096, F.S.; providing a credit against sales tax for businesses located in an enterprise zone within a rural county or city as defined; amending s. 220.181, F.S.; providing enterprise-zone jobs credits for businesses within jurisdiction of a rural local government; amending s. 290.0055, F.S.; providing a condition for designating communities within the jurisdiction of a rural local government as an enterprise zone; amending s. 420.507, F.S.; modifying powers of the Florida Housing Finance Corporation; providing that specified provisions are subject to appropriations or the availability of agency funds; providing an effective date.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1836—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Criminal Justice; and Senators Bronson, Burt and Crist—

CS for SB's 1864 and 2086—A bill to be entitled An act relating to criminal justice; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; adding members; revising powers and duties of the council, particularly with respect to money laundering and with drug control; limiting funding that agencies may receive from the council; amending s. 943.042, F.S.; redesignating the Violent Crime Emergency Account as the Violent Crime Emergency and Drug Control Strategy Implementation Account; prescribing uses that may be made of moneys from the account; limiting funding that agencies may receive from the account; requiring rules that provide funding criteria; providing for disqualification of an agency from funding eligibility and for demand for reimbursement by an agency for failure to use funds as authorized; creating s. 943.0582, F.S.; authorizing the expunction under certain circumstances of the arrest record of a minor who successfully completes a prearrest, postarrest, or teen court diversion program; amending s. 985.3065, F.S.; providing for a law enforcement agency or school district to establish a postarrest diversion program; providing for expunction of the arrest of a minor who completes such program; amending ss. 943.0585, 943.059,

F.S.; prescribing additional criminal violations for which a criminal history record may not be expunged or sealed; amending s. 943.325, F.S.; authorizing use of biological specimens other than blood for DNA analysis; authorizing use of trained, nonmedical personnel in collecting specimens; providing for collection of specimens from persons who are required to provide specimens but have never been incarcerated; providing immunity from liability for persons assisting in collecting specimens; authorizing collection of specimens at remote sites; amending s. 760.40, F.S.; exempting tests performed under s. 943.325, F.S., from requirements for informed consent to genetic testing; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; providing an effective date.

By the Committee on Finance and Taxation; and Senators Horne, Carlton, Sanderson, Peadar, Pruitt, Geller, Latvala and Campbell—

CS for SB 1878—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of said tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer's place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming language; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications

services; deleting language relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing for a transition from previous taxes to tax changes contained in this act and in ch. 2000-260, Laws of Florida; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; replacing the term "franchised cable television company" with the term "provider of communications services, as defined in s. 202.11"; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; specifying that registration does not establish certain rights for placement or maintenance of a communications facility; requiring notice to the department; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under that section; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunication services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; amending s. 212.20, F.S.; deleting a reference to the Mail Order Sales Tax Clearing Trust Fund; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund; providing effective dates.

By the Committee on Commerce and Economic Opportunities; and Senator Klein—

CS for SB 1880—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term "electronic transmission" to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet for purposes of proxy voting; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional

procedures for shareholders to use in exercising certain rights; providing an effective date.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice; amending s. 230.23161, F.S.; providing legislative goals with respect to educational services within department programs; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01, 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; prohibiting the Department of Juvenile Justice from exempting certain persons from a disqualification from employment; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending ss. 985.207, 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; providing for the clerk of the court to collect and maintain certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; requiring the parent or guardian to provide certain information; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231, 985.233, F.S.; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; providing for the clerk of the court to collect and maintain certain fees; requiring the parent or guardian to provide certain information; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; clarifying conditions under which a juvenile may be transferred; creating s. 985.4043, F.S.; providing certain payments made under a provider service contract to be deposited into the Administrative Trust Fund; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the department to take necessary action to collect or settle unpaid fees or judgments; providing effective dates.

By the Committee on Agriculture and Consumer Services; and Senator Geller—

CS for SB 1922—A bill to be entitled An act relating to agriculture and consumer services; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best

management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; redefining the term "goat" to include certain additional farm equipment for purposes of the annual license tax imposed on trucks; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; repealing ss. 536.20, 536.21, 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Apalooosa racing; amending ss. 550.2625, 550.2633, F.S.; conforming cross-references; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; authorizing the department to repair or construct structures; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.031, F.S.; revising definitions; amending s. 580.051, F.S.; revising label requirements for feed; amending s. 580.065, F.S.; revising feed laboratory procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; amending s. 580.112, F.S.; expanding prohibited acts; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.002, F.S.; prohibiting regulation of care and treatment of livestock and poultry by other agencies when the department has undertaken to do so; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 589.19, F.S.; naming a state forest; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the "Humane Slaughter Act"; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; providing effective dates.

By the Committee on Banking and Insurance; and Senator King—

CS for SB 1926—A bill to be entitled An act relating to workers' compensation; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions

to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in the definition of the term "casual"; excluding certain sports officials from the definition of the term "employee"; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring the employee to provide information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as the "response to petition"; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for a carrier that is uncertain of its obligations to provide benefits or compensation; waiving hearing requirements under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report in certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge of Compensation Claims; amending s. 440.34, F.S.; providing for a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; conforming cross-references; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring legislative approval before modifying the number or location of the judges or mediators; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; revising Judicial Code of Conduct requirements; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; eliminating injury report; revising reporting requirements; transferring reporting responsibilities from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.593, F.S., providing enforcement authority relating to electronic reporting; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending ss. 489.114,

489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

By the Committee on Criminal Justice; and Senator Laurent—

CS for SB 1932—A bill to be entitled An act relating to controlled substances; authorizing the creation of a pilot program in Orange County to intercept illegal drug shipments through package delivery services; amending ss. 823.10, 823.01, F.S.; providing that a person who willfully maintains a place where controlled substances are unlawfully kept, sold, or delivered commits the offense of keeping or maintaining a public nuisance; providing a penalty; amending s. 877.111, F.S., relating to inhalation, ingestion, sale, purchase, or transfer of certain harmful chemical substances; providing exceptions to applications of offenses relating to unlawful distribution, sale, purchase, transfer, or possession of nitrous oxide; amending s. 893.03, F.S., relating to controlled substance standards and schedules; adding 4-methoxymethamphetamine, 1, 4-Butanediol, Gamma-butyrolactone (GBL), Gamma-hydroxybutyric acid (GBH), methaqualone, and mecloqualone to Schedule I; deleting 1, 4-Butanediol and Gamma-hydroxybutyric acid from Schedule II; adding drug products containing Gamma-hydroxybutyric acid which are approved under the Federal Food, Drug, and Cosmetic Act to Schedule III; amending s. 893.033, F.S., relating to listed chemicals; adding chloroephedrine and chloropseudoephedrine to the list of precursor chemicals; amending s. 893.135, F.S., relating to drug trafficking; creating offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD); providing penalties; amending scheduling references for trafficking in Gamma-hydroxybutyric acid (GHB) and 1, 4-Butanediol; providing effective dates.

By the Committee on Commerce and Economic Opportunities; and Senator Latvala—

CS for SB 2034—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

By the Committee on Criminal Justice; and Senator Bronson—

CS for SB 2036—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s.

943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers; providing an effective date.

By the Committee on Education; and Senators Sebesta and Webster—

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University's College of Nursing the "Louis and Anne Green Alzheimer's Research Center"; designating the Florida Atlantic University Dania Beach Campus facility the "Kenneth C. Jenne Building"; designating the observatory at Florida Gulf Coast University the "Evelyn L. Egan Astronomical Observatory"; designating the student and educational center at Florida Gulf Coast University the "Sugden Welcome Center"; designating the building at the Women's Soccer and Softball Complex at Florida State University the "Mary Ann Stiles and Barry Smith Team Building"; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the "Kasha Laboratory"; designating the University of Central Florida's School of Hospitality Management the "Rosen School of Hospitality Management" and the facility that houses said school "Rosen Hall"; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the "William W. and Nadine M. McGuire Hall"; designating the new alumni center at the University of Florida the "Emerson Alumni Hall"; designating the new accounting building at the University of Florida's Warrington School of Business the "Gary R. Gerson Hall"; designating the women's gymnasium at the University of Florida the "Kathryn Chicone Ustler Hall"; designating the marine science complex at the University of South Florida's St. Petersburg Campus as the "C.W. 'Bill' Young Marine Science Complex"; designating the science research building at Florida Agricultural and Mechanical University as the "Frederick S. Humphries Science and Research Center"; authorizing the erection of suitable markers; providing an effective date.

By the Committee on Natural Resources; and Senator Brown-Waite—

CS for SB 2074—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing exemption from permits for certain floating vessel platforms; requiring the Department of Environmental Protection to adopt a general permit by rule for floating vessel platforms after January 1, 2002, which meet certain conditions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Carlton—

CS for SB 2080—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; revising definitions; amending s. 624.307, F.S.; authorizing the Department of Insurance to adopt rules with respect to required filings; amending s. 624.315, F.S.; revising specified contents of certain reports; amending s. 624.408, F.S.; deleting obsolete provisions; amending ss. 624.423, 626.742, 626.8736, 626.907, 634.161, F.S.; providing for alternative methods of service of process; amending s. 624.424, F.S.; exempting certain insurers from certain annual statement requirements; providing exceptions; transferring and renumbering s. 624.4435, F.S., as s. 624.4242, F.S.; amending s. 625.340, F.S.; requiring certain foreign insurers to comply with certain provisions; amending s. 626.8805, F.S.; exempting certain administrators from certificate-of-authority requirements; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; amending s. 627.914, F.S.; clarifying application of time-of-payment requirements to self-insurance funds; deleting provisions relating to certain required information relating to workers' compensation

insurance; amending s. 627.915, F.S.; revising certain reporting requirements concerning private passenger automobile insurance information; amending s. 641.19, F.S.; defining the term "health care risk contract"; amending s. 641.26, F.S.; revising health maintenance organization annual reporting requirements; creating s. 641.263, F.S.; providing for risk-based capital for health maintenance organizations; providing for risk-based capital reports; providing requirements for health maintenance organizations upon the occurrence of certain events; providing notice requirements; requiring a risk-based capital plan for such events; providing duties and responsibilities of the department; providing for department hearings of challenges by health maintenance organizations; providing for notice requirements; authorizing the department to adopt rules; authorizing the department to exempt certain health maintenance organizations; providing for effect of certain notices; providing for alternative requirements for certain time periods; providing legislative intent for the use of risk-based capital reports and other related documents; creating s. 641.265, F.S.; amending s. 641.35, F.S.; including under liabilities the amounts of certain claims in determinations of financial health of health maintenance organizations; amending ss. 641.2018, 641.495, 817.234, 817.50, F.S.; conforming cross-references; repealing s. 641.2342, F.S., relating to contract providers; providing effective dates.

By the Committee on Ethics and Elections; and Senators Jones, Klein, Campbell, Mitchell, Dyer, Wasserman Schultz, Miller, Rossin, Dawson and Lawson—

CS for SB 2098—A bill to be entitled An act relating to elections; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Silver and Sanderson—

CS for SB 2110—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Mitchell—

CS for SB 2146—A bill to be entitled An act relating to medical records; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Klein—

CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term "end-stage condition"; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates, by persons who have durable powers of attorney for health care, and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

CS for SB 2224—A bill to be entitled An act relating to workers' compensation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; amending s. 20.13, F.S.; creating the Division of Workers' Compensation in the Department of Insurance; amending s. 20.171, F.S.; removing the Division of Workers' Compensation from the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; providing for substitution of a successor agency as a party in judicial and administrative proceedings; providing severability; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing effective dates.

By the Committee on Banking and Insurance; and Senator Garcia—

CS for SB 2234—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S.; renaming the Residential Property and Casualty Joint Underwriting Association as the Citizens Property Insurance Corporation to provide residential and commercial property insurance; requiring insurers writing property insurance to be assessed by the corporation; providing for dividing the revenues, assets, liabilities, losses, and expenses of the corporation into three accounts; providing for emergency assessments for policyholders of assessable insurers; providing a plan of operation; providing for a board of governors; providing that the corporation is not required to obtain a certificate of authority from the Department of Insurance; providing that the corporation is not required to be a member of the Florida Insurance Guaranty Association; requiring the corporation to pay assessments pledged by the association to secure bonds to pay covered claims arising from insurer insolvencies caused by hurricane losses; providing for transfer of policies of the association and the Florida Windstorm Underwriting Association to the corporation; providing for a transfer of assets and liabilities; requiring the associations to take actions necessary to further such transfers; providing that such transfers do not affect the coverage of "covered policies"; providing for the redesignation of certain coverage as the high-risk account of the corporation; providing that such account be treated as if it were a separate insurer for certain purposes; providing that the personal lines and commercial lines accounts be treated as a single insurer for certain purposes; providing that the department may postpone the October 1, 2001, effective date of transfer under the act; providing legislative intent not to interfere with the rights of creditors, to preserve the obligations of the association, and to assure that outstanding financing agreements pass unchanged to the corporation; amending s. 631.55, F.S.; creating a medical malpractice account within the Florida Insurance Guaranty Association; amending s. 627.351, F.S.; eliminating the provisions making a risk no longer eligible for coverage in the Florida Windstorm Underwriting Association if an offer of coverage is made by an authorized insurer; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Architecture and Interior Design Appointees: Del Bianco, Sharon M., Ft. Myers Hall, Daniel-Christopher, Miami Shores	10/31/2003 10/31/2003	Appointees: Howland, George A. III, New Port Richey Whitehead, Judith C., Brooksville	03/01/2004 03/01/2003
Florida Black Business Investment Board Appointee: Weaver, Ronnie H., Tallahassee	09/30/2004	Hillsborough River Basin Board of the Southwest Florida Water Management District Appointees: Johnson, Fred O., Plant City Mai, Hung T., Lutz	03/01/2003 03/01/2004
Florida Citrus Commission Appointees: Kemper, William E., Alva Raley, W. Lindsay, Jr., Winter Haven Richey, Daniel R., Vero Beach	05/31/2004 05/31/2004 05/31/2004	Manasota Basin Board of the Southwest Florida Water Management District Appointees: Almy, Marion M., Sarasota Benac, Elizabeth O., Sarasota Rathke, Edwin T., Bradenton	03/01/2004 03/01/2004 03/01/2004
Escambia County Civil Service Board Appointees: Gilliam, Thomas J., Jr., Cantonment Phillips, Sandra M., Pensacola Rittenhouse, Diana A., Pensacola	02/09/2005 02/13/2005 02/13/2005	Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District Appointees: Adams, Frank Lester III, Tampa Francois, Sharlene, Lutz Jordon-Robinson, Joseph William, Jr., Tampa	03/01/2004 03/01/2004 03/01/2003
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointee: Gray, Susan W., N. Miami Beach	10/31/2004	Peace River Basin Board of the Southwest Florida Water Management District Appointees: Dunlap, Ann W., Bartow Harrison, Ken, Arcadia	03/01/2004 03/01/2004
State of Florida Correctional Medical Authority Appointee: Griffin, E. Rawson III, Green Cove Springs	07/01/2003	Withlacoochee River Basin Board of the Southwest Florida Water Management District Appointees: Alexander, JoAnn R., Spring Hill Lyons, Samuel H., Crystal River	03/01/2004 03/01/2004
Education Standards Commission Appointees: Lynch, Thomas E., Village of Golf	09/30/2001	[Referred to the Committee on Ethics and Elections.]	
Florida Commission on Human Relations Appointees: Stall, Billy Whitefox, Panama City	09/30/2004	MESSAGES FROM THE HOUSE OF REPRESENTATIVES	
State Board of Independent Colleges and Universities Appointees: Matos, Ilia Y., St. Cloud	09/30/2002	FIRST READING	
Southeast Interstate Low-Level Radioactive Waste Management Commission Appointees: Hodes, Richard S., Tampa Hunter, Richard G., Tallahassee	06/30/2001 06/30/2002	The Honorable John M. McKay, President	
Gulf States Marine Fisheries Commission Appointee: Ward, William M., St. Petersburg	01/05/2004	I am directed to inform the Senate that the House of Representatives has passed HB 29, HB 499, HB 1711, HB 1715, HB 1719, HB 1727, HB 1729, HB 1739, HB 1741; has passed as amended CS for HB 41, HB 47, CS for CS for HB 107; has passed as amended by the required Constitutional two-thirds vote of the membership HB 1753 and requests the concurrence of the Senate.	
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc. Appointees: Hamilton, Lawrence W., Largo	09/30/2002	<i>John B. Phelps, Clerk</i>	
North Central Florida Regional Planning Council, Region 3 Appointee: Maultsby, Charles T., Perry	10/01/2003	By Representative Brummer and others—	
East Central Florida Regional Planning Council, Region 6 Appointees: Acevedo, Nancy C., Winter Springs DiLavore, Peter V., Melbourne Greene, Ronald C., Orlando	10/03/2003 10/01/2003 10/01/2003	HB 29 —A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county additions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.	
Board of Professional Surveyors and Mappers Appointee: Armenteros, Omar, Coral Gables	10/31/2002	—was referred to the Committees on Transportation; Criminal Justice; Appropriations Subcommittee on General Government; and Appropriations.	
Governing Board of the Northwest Florida Water Management District Appointees: Stuparich, Nancy, Pensacola	03/01/2005	By Representative Andrews—	
Governing Board of the South Florida Water Management District Appointees: English, Hugh M., LaBelle	03/01/2005	HB 499 —A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as “Bill of Rights Day”; providing	
Alafia River Basin Board of the Southwest Florida Water Management District Appointees: Hinton, Carol M., Plant City Kixmiller Shamblin, Brenda Lee, Plant City Minthorn, Robert Edward, Gibsonton	03/01/2004 03/01/2003 03/01/2004		
Coastal Rivers Basin Board of the Southwest Florida Water Management District			

for a proclamation by the Governor to that effect; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1711—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1715—A bill to be entitled An act relating to the recreational user permit fee; amending s. 372.57, F.S.; revising provisions relating to the recreational user permit fee to hunt, fish, or otherwise use certain land leased from private owners; removing a provision that provides for reduction of the permit fee based on the prior year’s landowner payment for certain property in the private landowner payment program; providing an effective date.

—was referred to the Committees on Natural Resources; Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1719—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Maygarden—

HB 1727—A bill to be entitled An act relating to community care for the elderly; amending s. 430.203, F.S.; redefining the term “lead agency”; removing the requirement of mandatory case management; providing an effective date.

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

By the Fiscal Responsibility Council; and Representative Ball—

HB 1729—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers’ Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections’ responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee as-

essment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1739—A bill to be entitled An act relating to the central voter file; amending s. 98.0975, F.S.; modifying requirements of the Division of Elections with respect to the information on persons included in the central voter file to be reported to the county supervisors of elections; eliminating the requirement for the division to annually contract with a private entity to provide list maintenance duties on the central voter file; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Maygarden—

HB 1741—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of “support coordinator” in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Local Government and Veterans Affairs; and Representative Argenziano—

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; repealing s. 13 of ch. 2000-350, Laws of Florida, which requires county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Bense and others—

HB 47—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the Executive Office of the Governor to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs

pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Banking; and Representative Prieguez and others—

CS for CS for HB 107—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Fiscal Responsibility Council; and Representative Maygar-den—

HB 1753—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.8132, F.S.; deleting the requirement to provide choice counseling to eligible applicants under the Medikids program component; amending s. 409.815, F.S.; correcting a cross reference; amending s. 409.904, F.S.; revising Medicaid eligibility requirements for certain elderly or disabled persons; authorizing payment for health insurance premiums of Medicaid-eligible individuals under certain circumstances; amending s. 409.905, F.S.; updating and revising provisions relating to hospital inpatient behavioral health services provided pursuant to a federally approved waiver; expanding provision of such services statewide; amending s. 409.906, F.S.; deleting adult denture services as optional Medicaid services and restricting authorized hearing and visual services to children; providing additional requirements for authorized intermediate care services; adding assistive

care services as an optional Medicaid service for certain recipients; amending s. 409.9065, F.S.; correcting a cross reference; amending s. 409.908, F.S.; providing for reimbursement of hospital inpatient and outpatient services at certain rates; permitting reimbursement for certain Medicaid services based on competitive bidding; deleting redundant provisions; prohibiting increases in reimbursement rates to nursing homes associated with changes in ownership; precluding premium adjustments to managed care organizations under certain circumstances; revising provisions relating to physician reimbursement and the reimbursement fee schedule; deleting certain preferential Medicaid payments for dually eligible recipients; authorizing competitive procurement of transportation services or the securing through waivers of federal financing of transportation services at certain rates; correcting a cross reference; authorizing public schools affiliated with Florida universities to separately enroll in the Medicaid certified school match program and certify local expenditures; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.91195, F.S.; revising provisions relating to the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for development and distribution of a restricted drug formulary for Medicaid providers; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distributions to rural hospitals; amending s. 409.912, F.S.; authorizing continued reimbursement of substance abuse treatment services on a fee-for-service basis under certain conditions; expanding Medicaid managed care behavioral health services statewide; deleting requirement for choice counseling; deleting authorization to test new marketing initiatives relating to managed care options; deleting a restriction on adjustment of capitation rates; permitting competitive bidding for certain services; modifying reimbursement to pharmacies; permitting use of a restricted drug formulary, authorizing exemptions therefrom, and authorizing negotiation of supplemental rebates from manufacturers pursuant thereto; requiring prescriptions for Medicaid recipients to be on certain standardized forms; amending s. 409.915, F.S.; increasing county contributions to Medicaid for inpatient hospitalization; exempting counties from contributing toward the cost of inpatient services provided by certain hospitals and for special Medicaid payments under certain conditions; repealing s. 636.0145, F.S., relating to requirement for licensure of certain entities contracting with Medicaid to provide mental health care services in certain counties pursuant to federal waiver, to conform to changes made in this act; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 4 was corrected and approved.

CO-SPONSORS

Senators Campbell—SJR 1700, SB 1878; Carlton—CS for SB 986; Cowin—SB 412, CS for SB 1214, SB 1610; Crist—SB 492, CS for SB 1092, SB 1196, CS for SB 1272, CS for SB 1692, CS for SB 1778, SB 1864; Dyer—SB 2172; Garcia—SB 1022; Geller—SB 1878; Klein—SB 2172, SB 2220; Latvala—SB 1878; Lawson—SB 2; Meek—SJR 1700; Miller—SB 1306, SR 1396, SB 2216; Mitchell—SB 2216; Peaden—SB 228; Posey—SB 622, SB 1916; Sanderson—SB 228; Silver—SJR 1700; Smith—SJR 1700; Sullivan—SB 1330; Villalobos—SJR 1700; Wasserman Schultz—SJR 1700, SB 2172

RECESS

On motion by Senator Lee, the Senate recessed at 1:38 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., in lieu of 9:45 a.m., Thursday, April 12.

SENATE PAGES

April 9-13

Ashley Baggett, Destin; Henry Bean II, Coconut Creek; Dakarai "D.C." Calhoun, Tallahassee; Frank Coleman III, Alexandria, VA; Desiree DeLoach, Edgewater; Jennifer "Jenni" Edmiston, Apalachicola;

Amanda Fasoli, Bradenton; Ryan Holley, Pensacola; Chloe Jacobs, Weston; Jamie Lawley, Cantonment; Carolyn Martin, Bradenton; Amanda May, Tallahassee; George McNerney, DeLand; Max Mersinger, Miramar; Aaron Mitz, Boca Raton; Matt Parrish, Tierra Verde; Erin Rowland, Alachua; Aaron Royer, Sarasota; Jason Wetherington, Ft. Lauderdale; Hunter Williams, Coral Springs



Journal of the Senate

Number 15—Regular Session

Thursday, April 12, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Senator Horne

PRAYER

The following prayer was offered by the Dr. Chuck Baldwin, Pastor, Crossroads Baptist Church, Pensacola:

Heavenly Father, we want to first of all remember the family of Senator Jim Horne whose father, Howard Horne, passed away yesterday morning. We pray that your grace and your mercy and your peace will be upon this family in a very special and real way; that you would undergird and hold them and strengthen them at this time of loss.

Father, we pray for this deliberation. We ask, dear Lord, that you would guide every member of this body; that your will be done in everything that we say and do today.

Lord, tomorrow we will remember the sacrifice of God's Son on Calvary's Cross. Then on Sunday we will celebrate the empty tomb.

Father, then next week we will remember the sacrifice of those American patriots who stood on Lexington Green and fired that shot heard around the world—the shot that birthed this free nation. I pray, dear heavenly Father, for everything we do here today. We thank you for the sacrifice of God's Son, and we thank you for the sacrifice of the Sons of Liberty. We ask that everything we do and everything we say today in this Chamber will pay tribute to the sacrifice made by each. Amen.

PLEDGE

Senate Pages Amanda May of Tallahassee, Matt Parrish of Tierra Verde and Carolyn Martin of Bradenton, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Rudolph Moise of North Miami, sponsored by Senator Meek, as doctor of the day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB's 310 and 380** was withdrawn from the Committees on Natural Resources; and Rules and Calendar; **CS for SB 478** was withdrawn from the Committee on Education; **CS for SB 658, CS for SB 1506 and CS for CS for SB's 1970 and 164** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for CS for SB 1178** was withdrawn from the Committees on Governmental Oversight and Productivity; and Finance and Taxation; **SB 1378** was withdrawn from the Committee on Natural Resources; **SB 1002 and SB 1820** were withdrawn from the Committee on Criminal Justice; **SB 1636** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for SB 2110** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; and **SCR 2106** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Lee, by two-thirds vote **CS for SB 1666** was also referred to the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Lee, by two-thirds vote **CS for SB 866** which has been reported favorably by the Appropriations Subcommittee on Education with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **CS for SB 1120** which has been reported favorably by the Appropriations Subcommittee on General Government with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

BILLS ON THIRD READING

SB 412—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **SB 412** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—27

Mr. President	Brown-Waite	Carlton	Constantine
Bronson	Burt	Clary	Cowin

Crist	Laurent	Posey	Smith
Diaz de la Portilla	Lawson	Pruitt	Sullivan
Garcia	Lee	Sanderson	Villalobos
King	Mitchell	Saunders	Webster
Latvala	Peaden	Sebesta	

Nays—12

Campbell	Geller	Klein	Rossin
Dawson	Holzendorf	Meek	Silver
Dyer	Jones	Miller	Wasserman Schultz

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (932166)(with title amendment)—On page 13, lines 5 and 6, delete “*the executive director*” and insert: *a representative*
And the title is amended as follows:

On page 1, lines 14 and 15, delete “the executive director” and insert: *a representative*

Pursuant to Rule 4.19, **SB 814** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for HB 271** was deferred.

On motion by Senator King—

CS for SB 224—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

CS for SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker’s bank; amending s. 658.165, F.S.; providing criteria for formation of a banker’s bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; providing effective dates.

—as amended April 11 was read the third time by title.

On motion by Senator Dawson, **CS for SB 224** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

—was read the second time by title.

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

Senator King moved the following amendments which were adopted:

SPECIAL ORDER CALENDAR

Amendment 1 (345688)—On page 20, line 22 through page 21, line 8, delete those lines and insert:

On motion by Senator Crist—

(d) *A one-bank holding company bank may make loans on its own one-bank holding company stock. For capital stock that is listed and traded on a recognized exchange, the stock may not be valued at more than 70 percent of its current market value, and for capital stock that is not listed and traded on a recognized exchange, the stock may not be valued at more than 70 percent of its current book value.*

SB 814—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding the executive director of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from the council’s appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of “eligible business” under the Urban High-Crime-Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming provisions to changes made by the act; providing an effective date.

(e)(~~d~~) Loans based upon the security of real estate mortgages shall be documented as first liens, except that liens other than first liens may be taken:

—was read the second time by title.

1. To protect a loan previously made in good faith;
2. To further secure a loan otherwise amply and entirely secured;
3. As additional security for Federal Housing Administration Title 1 loans or loans made with participation or guaranty by the Small Business Administration;
4. To secure a loan not in excess of 15 percent of the capital accounts of the bank; or
5. As provided by rules of the department.

(f)(e) In computing the total liabilities of any person, there shall be included all loans endorsed or guaranteed as to repayment by such person and by any related interest of such person.

(g)(f) All loan documentation shall be written in the

Amendment 2 (401664)(with title amendment)—On page 21, between lines 12 and 13, insert:

Section 19. Paragraph (b) of subsection (3) of section 655.82, Florida Statutes, is amended to read:

655.82 Pay-on-death accounts.—

(3) In an account with a pay-on-death designation:

(b) On the death of the sole party or the last survivor of two or more parties, sums on deposit belong to the surviving beneficiary or beneficiaries. If two or more beneficiaries survive, sums on deposit belong to them in equal and undivided shares, and, *unless otherwise provided in a depository agreement written between December 31, 1994, and July 1, 2001*, there is no right of survivorship in the event of death of a beneficiary thereafter. If no beneficiary survives, sums on deposit belong to the estate of the last surviving party.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, following the semicolon (;) insert: amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts;

Pursuant to Rule 4.19, **CS for SB 1260** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 992—A bill to be entitled An act relating to dental service claim denials; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 992** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for CS for SB 158—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (434390)(with title amendment)—On page 5, between lines 18 and 19, insert:

Section 6. *Enterprise zone designation for Hillsborough County.— Hillsborough County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, which zone encompasses a high-crime, low-income, high-unemployment area that is north of Fowler Avenue, south of Bearss Avenue, east of Florida Avenue, west of Bruce B. Downs Boulevard, near the University of South Florida, adjacent to University Square Mall, north of a major theme park, an area that has been designated a federal Weed & Seed target area, and a Community Development Block Grant (CDBG) target area and that houses an active public/private 501(c)(3) community development corporation working to improve the area. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

Senator Constantine moved the following amendment which was adopted:

Amendment 2 (341928)(with title amendment)—On page 6, between lines 24 and 25, insert:

Section 8. *Notwithstanding any provisions of law to the contrary, the governing body of an inland county with a state-designated enterprise zone and a population greater than 500,000 may apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of one noncontiguous area of an enterprise zone. The office shall approve the application as long as the amended area does not exceed 4 square miles and is consistent with the categories, criteria, and limitations imposed by section 290.0055, Florida Statutes, upon the establishment of such enterprise zone. The enterprise zone boundary-amendment application must be received before December 31, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 2, after the semicolon (;) insert: authorizing a boundary change in a specified enterprise zone;

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 3 (852012)—On page 3, lines 5-7, delete those lines and insert: *the number of enterprise zones within a population category, the*

Amendment 4 (954642)(with title amendment)—On page 2, line 15 through page 3, line 1, delete those lines and insert: *encompasses an area up to 10 contiguous square miles. The application must be submitted by*

And the title is amended as follows:

On page 1, lines 5 and 6, delete “a described area” and insert: an area

Pursuant to Rule 4.19, **CS for CS for SB 158** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 850** was deferred.

On motion by Senator Campbell—

SB 338—A bill to be entitled An act relating to criminal justice; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting a law enforcement officer with violence to the officer's person; providing penalties for specified murders involving the

perpetration of or the attempt to perpetrate the act of resisting a law enforcement officer with violence to the officer's person; reenacting ss. 775.0823(1), (2), (3), (4), (5), and (6), 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges, relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Campbell and adopted:

Amendment 1 (561998)(with title amendment)—On page 2, delete line 22 and insert:

p. Resisting an officer with violence

And the title is amended as follows:

On page 1, delete line 6 and insert: the act of resisting an officer

Amendment 2 (364064)(with title amendment)—On page 4, delete line 2 and insert:

(p) Resisting an officer with violence

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: perpetrate the act of resisting an officer with violence to the

Amendment 3 (270252)—On page 5, delete line 8 and insert:

(q) Resisting an officer with violence

Amendment 4 (772500)(with title amendment)—On page 5, line 14 through page 6, line 26, delete those lines and insert:

Section 2. Section 775.0823, Florida Statutes, is amended to read:

775.0823 Violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges.—~~Any provision of law to the contrary notwithstanding.~~ The Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

(1) For murder in the first degree as described in s. 782.04(1), if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(3) For murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(4) For attempted murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(5) For murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(6) For attempted murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(7) For manslaughter as described in s. 782.07 during the commission of a crime, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(8) For kidnapping as described in s. 787.01, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(9) For aggravated battery as described in s. 784.045, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

(10) For aggravated assault as described in s. 784.021, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment Code.~~

Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

And the title is amended as follows:

On page 1, lines 12-18, delete those lines and insert: officer's person; amending s. 775.0823, F.S.; correcting sentencing references; reenacting ss. 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to

Senator Campbell moved the following amendment which was adopted:

Amendment 5 (434050)(with title amendment)—On page 1, line 27, insert:

Section 1. *This act may be cited as the "Bryant Peney Act."*

(Redesignate subsequent sections.)

And the title is amended as follows:

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

Pursuant to Rule 4.19, **SB 338** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 248—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms "domestic violence" and "family or household member"; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers' intervention program; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (694758)—On page 3, lines 4 and 13 and on page 9, line 9, delete "*have a child in common*" and insert: *are parents of a child in common*

Amendment 2 (320940)—On page 9, line 1, following "*including*" insert: *, but not limited to,*

Amendment 3 (422398)(with title amendment)—On page 16, between lines 2 and 3, insert:

Section 8. Paragraph (c) of subsection (1) of section 28.101, Florida Statutes, is amended to read:

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(c) A charge of \$36 ~~\$18~~. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund. Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers.

(Redesignate subsequent section.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: amending s. 28.101, F.S.; increasing an additional charge on a dissolution of marriage petition to \$36;

Pursuant to Rule 4.19, **CS for CS for SB 248** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR CLARY PRESIDING

Consideration of **CS for SB 424** was deferred.

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment:

Amendment 1 (484182)(with title amendment)—On page 2, between lines 3 and 4, insert:

At the regular session immediately following the submission of the agency unit cost summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each state agency that fails to submit the report required under this subsection.

Section 3. Subsections (8), (9), and (10) of section 216.181, Florida Statutes, are repealed.

Section 4. Subsection (1) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(1) *Except as provided in s. 216.262(1)(h), the annual rate of salary of any officer or employee filling the position specifically named in an item in the appropriations acts shall be as provided in one of the following paragraphs:*

(a) In the amount appropriated for such position;

(b) The amount appropriated in an item for the named positions in that item, shall be divided by the indicated number of such positions, and the resulting quotient shall be the annual rate of salary of each such position; or

(c) Within the amounts appropriated where such salary may be otherwise fixed pursuant to law.

Section 5. Paragraph (h) is added to subsection (1) of section 216.262, Florida Statutes, to read:

216.262 Authorized positions.—

(1)

(h) *The Legislature recognizes the value of providing incentives to retain a quality workforce and that, oftentimes, necessary efficiency and cost-saving measures may lead to increased workloads and demands on the state workforce. Therefore, it is the intent of the Legislature to allow agencies to retain a portion of the savings that would be generated based on changes to authorized positions and to use those savings for permanent salary increases. To be eligible, an agency must submit to the Legislative Budgeting Commission its plan identifying the modification to an*

approved program resulting in efficiency and cost savings. The agency's plan must demonstrate how the agency intends to meet its goals and objectives established in the long-range program plan, as well as meet the performance standards established by the Legislature. The Legislative Budgeting Commission shall determine the amount to be retained by the agency. In determining that amount, the Legislative Budgeting Commission shall consider the actual savings for the current year and the annualized savings. The amount to be retained must be set by the Legislative Budget Commission at no less than 10 percent and no more than 30 percent of the actual savings and must be used for permanent salary increases that are specified in the agency's plan.

Section 6. Section 216.1826, Florida Statutes, is created to read:

216.1826 Activity-based planning and budgeting.—

(1) *Beginning July 1, 2003, and continuing thereafter, the state budget must be structured to encompass the principles of activity-based planning and budgeting. In preparation for the legislative budget requests and long-range program plans for fiscal year 2003-2004, agencies shall work in consultation with the Executive Office of the Governor and with the appropriations and appropriate substantive committees of the Legislature to identify and reach consensus on the appropriate services and activities for activity-based budgeting. It is the intent of the Legislature that all dollars within an agency be allocated to the appropriate activity for budgeting purposes. Additionally, agencies shall examine approved performance measures and recommend any changes so that outcomes are clearly delineated for each service or program, or both, as appropriate, and outputs are aligned with activities. Output measures must be capable of being used to generate a unit cost for each activity, resulting in a true accounting of what the state should spend on each activity it provides and what the state should expect to accomplish with those funds.*

(2) *Directions for developing activity-based budgets and plans must be included in the instructions for the Legislative Budget Request and Long-range Program Plan for Fiscal Year 2003-2004.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: providing for reducing funding of agencies that do not comply; repealing s. 216.181(8), (9), (10), F.S., relating to salary rates; amending ss. 216.215, 216.262, F.S.; providing for permanent salary increases, based on savings generated through changes in authorized positions; creating s. 216.1826, F.S.; requiring activity-based planning and budgeting after a specified date;

On motion by Senator Posey, further consideration of **SB 532** with pending **Amendment 1** was deferred.

On motion by Senator Jones—

CS for SB 424—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 424** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

SB 1516—A bill to be entitled An act relating to surety bonds; amending ss. 235.32, 255.05, F.S.; prohibiting public entities from directing that contractors building public facilities obtain surety bonds from a specific agent or bonding company; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1516** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 688—A bill to be entitled An act relating to health care; requiring the Agency for Health Care Administration to convene an interagency workgroup to study issues pertaining to certain background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; providing for composition of the workgroup; requiring a report; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 688** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Sanderson—

SB 782—A bill to be entitled An act relating to the Nursing Student Loan Forgiveness Program; amending ss. 240.4075, 240.4076, F.S.; including family practice teaching hospitals and specialty children’s hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendments which were moved by Senator Sanderson and adopted:

Amendment 1 (484918)(with title amendment)—On page 3, line 1, after “408.07,” insert: *nursing homes*,

And the title is amended as follows:

On page 1, line 4, after “including” insert: *nursing homes*,

Amendment 2 (395674)—On page 3, line 13, delete “*Board of Regents*” and insert: *Department of Education*

Senator Sanderson moved the following amendment which was adopted:

Amendment 3 (983814)—In title, on page 1, lines 2 and 3, delete those lines and insert: An act relating to nursing education; amending ss. 240.4075,

Pursuant to Rule 4.19, **SB 782** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

CS for HB 271—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a non-profit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer’s adjusted federal income; providing an effective date.

—as amended April 11 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Pruitt, by two-thirds vote the Senate reconsidered the vote by which **Amendment 1 (463418)** was adopted.

Senators Wasserman Schultz and Diaz de la Portilla offered the following amendment to **Amendment 1** which was moved by Senator Wasserman Schultz and adopted by two-thirds vote:

Amendment 1C (445500)—On page 3, line 3, after “*application*” insert: *The credit granted by this section shall be reduced, if necessary, so that the reduction in federal corporate income taxes and the reduction in taxes imposed pursuant to this chapter as a result of this section and s. 220.13(1)(a)11. will not exceed the amount of the contribution to the nonprofit scholarship-funding organization.*

Amendment 1 as amended was adopted by two-thirds vote.

SENATOR SULLIVAN PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Pruitt, **CS for HB 271** as amended was passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Constantine	Laurent	Sebesta
Bronson	Cowin	Lee	Sullivan
Brown-Waite	Crist	Peaden	Villalobos
Burt	Diaz de la Portilla	Posey	Webster
Campbell	Garcia	Pruitt	
Carlton	King	Sanderson	
Clary	Latvala	Saunders	

Nays—14

Dawson	Jones	Miller	Smith
Dyer	Klein	Mitchell	Wasserman Schultz
Geller	Lawson	Rossin	
Holzendorf	Meek	Silver	

MOTION

Senator Meek moved that the remarks made during debate on **CS for HB 271** be spread upon the Journal.

The President referred the motion to the Committee on Rules and Calendar.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Burt—

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing for direct negotiations of certain leases; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (794360)—On page 2, line 7, after “*independent*” insert: *comparative*

Senator Klein moved the following amendment which was adopted:

Amendment 2 (382878)(with title amendment)—On page 2, line 14 through page 3, line 21, delete those lines and insert:

(c) Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or \$5,000, whichever is greater, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and

in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(d) The agency and the lessor, when entering into a lease for 5,000 or more square feet of a privately owned building, shall, before the effective date of the lease, agree upon and separately state the cost of tenant improvements which may qualify for reimbursement if the lease is terminated before the expiration of its base term. The department shall serve as mediator if the agency and the lessor are unable to agree. The amount agreed upon and stated shall, if appropriated, be amortized over the original base term of the lease on a straight-line basis.

(e) The unamortized portion of tenant improvements,
And the title is amended as follows:

On page 1, lines 6 and 7, delete those lines and insert: providing an effective date.

Pursuant to Rule 4.19, **SB 850** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sebesta, by two-thirds vote **SB 2206** was withdrawn from the committees of reference and further consideration.

On motions by Senator Lee, by two-thirds vote **CS for SB 1750** was withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 890** was withdrawn from the Committee on Rules and Calendar; and **CS for CS for SB 1258** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m. Tuesday, April 17, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 18.

REPORTS OF COMMITTEES

The Committee on Regulated Industries recommends the following pass: SB 1382, CS for SB 1662

The bills were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Children and Families recommends the following pass: CS for SB 1672 with 1 amendment

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 1872

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

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for CS for SB's 1526 and 314, SB 1576

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2

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

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1558

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1476

The Committee on Judiciary recommends a committee substitute for the following: SB 386

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1744

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 744

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1910

The Committee on Judiciary recommends a committee substitute for the following: SB 1814

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

The Committee on Judiciary recommends a committee substitute for the following: SB 76

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

The Committee on Children and Families recommends a committee substitute for the following: SB 2178

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: SB 2124, SB 2220

The Committee on Judiciary recommends a committee substitute for the following: SB 620

The Committee on Natural Resources recommends a committee substitute for the following: SB 2120

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2096

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2062

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2066

The Committee on Transportation recommends a committee substitute for the following: SB 2044

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1226

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 834

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 1638

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1468

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: CS for SB 1272

The Committee on Judiciary recommends a committee substitute for the following: SB 1082

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Public Safety and Judiciary recommends committee substitutes for the following: CS for SB 306, CS for SB 366

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Silver—

SB 2268—A bill to be entitled An act relating to the corporate income tax; creating s. 220.17, F.S.; providing for a credit against the tax for a taxpayer that provides its employees with long-term-care insurance coverage; defining terms; amending s. 220.02, F.S.; providing for the order in which credits are to be applied; providing retroactive applicability; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Dawson—

SB 2270—A bill to be entitled An act relating to Broward County; authorizing each municipality within the county to adopt an ordinance regulating in public places the control and confinement of certain dogs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2272—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2274—A bill to be entitled An act relating to Broward County; authorizing local governments in the county to grant an exception from the concurrency requirement for transportation facilities under s. 163.3180, F.S., for certain developments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Senator Dawson—

SB 2276—A bill to be entitled An act relating to Broward County, Florida; amending chapter 2000-475, Laws of Florida; providing for de-annexation of certain lands from the Town of Davie; providing for annexation of certain lands into the Town of Southwest Ranches; providing for the transfer of all public roads and rights-of-way on the Broward County Road System lying within the corporate boundaries of the Town of Southwest Ranches as of June 6, 2000; excluding certain portions of Sheridan Street and Griffin Road from the transfer; providing for confirmation of corporate existence of the Town of Southwest Ranches on June 6, 2000; providing for retroactive application; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Sebesta—

SB 2278—A bill to be entitled An act relating to public guardianship; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; requiring an audit; providing an effective date.

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

Senate Resolutions 2280—2284—Not referenced.

By Senator Clary—

SB 2286—A bill to be entitled An act relating to state revenues; amending s. 215.5601, F.S.; defining the term “participating manufacturer”; revising legislative intent; specifying procedures by which a tobacco product manufacturer may become a participating manufacturer; providing that certain tobacco product manufacturers are participating

manufacturers; providing for funds received from participating manufacturers to be deposited into the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculating the amount of the fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the fee; amending ss. 17.41, 20.435, and 215.5602, F.S., relating to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Taxation.

SR 2288—Not referenced.

By Senator Peaden—

SB 2290—A bill to be entitled An act relating to taxation; amending s. 28.24, F.S.; increasing the amount of the service charges received by the clerk of court for processing an application for a tax deed sale and for disbursing the excess proceeds of a tax deed sale; amending s. 197.502, F.S.; increasing the amount of the tax deed application fee which is allowed to the tax collector; providing that certain fees must be paid at the time of application; amending procedures that apply if there are no bidders at a public sale of property against which tax certificates are held; prescribing the period during which interest on the opening bid continues to accrue; amending s. 197.512, F.S.; specifying the length of time for which notice of application for a tax deed must be published; providing an exception to certain recording duties of the clerk; amending s. 197.542, F.S.; revising procedures relating to the sale at public auction of lands on which an application for tax deed has been obtained; requiring the high bidder to post a nonrefundable cash deposit at the time of the sale; amending s. 197.582, F.S.; revising provisions governing the disbursement of the proceeds of a sale; amending s. 199.135, F.S.; increasing the percentage of the tax collected under s. 199.133, F.S., which the clerk retains as collection costs; amending s. 201.02, F.S.; increasing the tax imposed on deeds and other instruments relating to real property; providing for the clerk to retain a specified amount; amending s. 201.022, F.S.; increasing the amount retained by the clerk if the clerk must file a return that is required as a condition precedent to the recording of any deed that transfers an interest in real property; amending s. 201.05, F.S.; increasing the tax on stock certificates; providing that the clerk retains a portion of the tax; amending s. 201.07, F.S.; increasing the tax on bonds, debentures, and certificates of indebtedness; providing that the clerk retains a portion of the tax; amending s. 201.08, F.S.; increasing the tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; providing that the clerk retains a portion of the tax; amending s. 201.11, F.S.; increasing the amount of collection costs that agents for the collection of the tax imposed under ch. 201, F.S., receive; providing applicability of provisions of this act which relate to tax deeds; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Finance and Taxation.

By Senator Posey—

SB 2292—A bill to be entitled An act relating to health care; amending s. 641.28, F.S.; revising award of attorney's fees in civil actions under certain circumstances; amending s. 641.3917, F.S.; authorizing civil actions against health maintenance organizations by certain persons under certain circumstances; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting punitive damages under certain circumstances; requiring the advance posting of discovery costs; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application;

providing a legislative declaration; providing appropriation; providing an effective date.

—was referred to the Committees on Judiciary; and Health, Aging and Long-Term Care.

By Senator Rossin—

SB 2294—A bill to be entitled An act relating to local taxing jurisdiction property address databases; providing immunity from liability for an insurer for certain taxes, interest, and penalties due to the assignment of an insured property to an incorrect local taxing jurisdiction if the insurer uses the electronic database developed by the Department of Revenue; providing a penalty against an insurer that does not use such database and makes an improper assignment; requiring the Department of Revenue to develop, maintain, and update an electronic database for certain property addresses for certain purposes; providing requirements; providing duties of the department; requiring participating local taxing jurisdictions to provide certain information to the department for such purposes; requiring the department to update such database and to post the data on a website upon request; requiring the department to provide magnetic or electronic copies of such database to insurers upon request; providing definition of the term “due diligence”; authorizing the department to adopt rules; providing for a minimum excise tax distribution to certain participating local taxing jurisdictions; providing conditions under which a municipality or special fire control district must expend any increase in premium tax revenues to provide extra pension benefits; providing a startup appropriation; providing for a continuing appropriation to the department to implement the act; providing an effective date.

—was referred to the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Jones—

SB 2296—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality standards for reuse systems; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Cowin—

SB 2298—A bill to be entitled An act relating to Marion County; requiring a disclosure summary to prospective purchasers of property in a subdivision that requires membership in a homeowners' association; providing for audits of certain homeowners' associations; authorizing the creation of a homeowners' grievance board to mediate complaints from homeowners; authorizing the county to provide monetary penalties and the revocation or suspension of business permits or occupational licenses; providing for the disclosure of maintenance and amenity fees in a complete financial report by the developer; providing for methods of distribution of financial reports; providing exceptions; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Cowin—

SB 2300—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than “no-wake” speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Peaden—

SB 2302—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of “disciplinary action”; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2304—A bill to be entitled An act relating to Lee County and the City of Fort Myers; amending section 4, chapter 98-488, Laws of Florida, as amended; providing for the addition of a special election that may be conducted by the city for the interlocal agreement approval referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2306—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Cowin—

SB 2308—A bill to be entitled An act relating to the South Lake County Hospital District, Lake County; providing for codification of special laws relating to the South Lake County Hospital District; providing legislative intent; amending, codifying, reenacting, and repealing chapters 69-1201, 70-771, 75-415, 88-466, 95-456, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing a principal office of the district; authorizing the board to levy an annual ad valorem tax upon taxable property within the district; providing for purpose of the tax; providing for a method for such levy; exempting property of the district for assessment; prohibiting the board from transferring control of the district’s hospitals or facilities except upon approval by referendum; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Governmental Oversight and Productivity; and Senators Burt, Smith and Lawson—

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term “average final compensa-

tion” with respect to the Florida Retirement System; revising contribution rates as part of the funding process; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 76—A bill to be entitled An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages sustained as a result of the negligence of the Martin County Volunteer Fire Department; specifying the use of funds appropriated; providing for reimbursement of Medicaid and Brain and Spinal Cord Injury Program expenditures; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 386—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing authority for the Secretary of State to delegate certain filing functions to a private filing agency under certain circumstances; providing criteria, requirements, procedures, and limitations; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller’s interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers’ rights to goods on a seller’s repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer’s right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying

rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; providing effective dates.

By the Committee on Judiciary; and Senators Meek and Campbell—

CS for SB 620—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 16.57, F.S.; providing for the Attorney General to investigate violations of rights secured by state law; amending s. 760.34, F.S.; authorizing the Attorney General to intervene in certain civil actions to enforce compliance with part II of ch. 760, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a violation of rights secured by the State Constitution or state law; providing for a civil penalty; providing for attorney's fees and costs; amending s. 760.11, F.S.; authorizing the Attorney General to intervene in certain civil actions to enforce compliance with part I of ch. 760, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a violation of rights secured by the State Constitution or state law; providing for a civil penalty; providing for attorney's fees and costs; providing an effective date.

By the Committee on Regulated Industries; and Senator Clary—

CS for SB 744—A bill to be entitled An act relating to the review and inspection of building construction; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; providing for recommendations and a report by a date certain; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Bronson—

CS for SB 834—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

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

CS for SB 1082—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses and the Division of Motor Vehicles of the

Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the divisions; providing legislative findings regarding the missions of the divisions and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; amending s. 320.05, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 320, F.S., shall not be considered law enforcement functions; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Holzendorf—

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

By the Committees on Health, Aging and Long-Term Care; Regulated Industries; and Senators Burt and Crist—

CS for CS for SB 1272—A bill to be entitled An act relating to consumer services; amending s. 455.228, F.S.; authorizing the Department of Business and Professional Regulation to seek restitution in a civil action for an injured consumer; creating s. 468.90, F.S.; prohibiting employment agencies and assistance referral services from charging advance fees and not providing the promised services; defining terms; providing a criminal penalty; amending s. 484.0512, F.S.; providing a criminal penalty for sellers of hearing aids who fail to make required refunds; defining the terms "seller" and "person selling a hearing aid"; amending s. 501.160, F.S.; redefining the term "commodity"; prohibiting unconscionable pricing during an ordered evacuation as well as a declared state of emergency; providing an exception to the exemption for government-approved price increases for posted room rates; providing that the prohibition against unconscionable pricing during an emergency or ordered evacuation does not preempt local governments from enacting similar provisions; creating s. 501.162, F.S.; providing a criminal penalty for a violation of s. 501.160, F.S.; amending ss. 817.7005, 817.701, 817.702, 817.703, F.S.; prohibiting credit service organizations from accepting money in advance of performing services; revising requirements for surety bonds; conforming other provisions to this prohibition; providing an effective date.

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

CS for SB 1468—A bill to be entitled An act relating to the Florida Forever program; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; providing a definition for the term "conservation lands"; providing for the disposition of conservation lands in certain circumstances; revising appraisal requirements; providing for the deposit of funds received from the sale of surplus nonconservation lands into the Internal Improvement Trust Fund; providing that the management of certain lands is not subject to review by the Acquisition and Restoration Council; amending s. 253.82, F.S.; revising conditions under which lands to which title is vested in the Board of Trustees of the Internal Improvement Fund may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; amending s. 253.111, F.S.; providing that certain state lands are exempt from notice requirements prior to sale; amending s. 253.115, F.S.; revising exemptions to notice and publication requirements for certain leases, subleases, or easements; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Dawson—

CS for SB 1476—A bill to be entitled An act relating to the Florida Kidcare Act; amending ss. 409.811, 409.8132, 409.814, 409.818, 409.904, 624.91, F.S.; defining the term “Florida Kidcare program”; deleting certain limitations on enrolling in the Medikids program; revising criteria for Kidcare program components; extending the period that a child is eligible for coverage without a redetermination of eligibility; deleting obsolete provisions; providing for state funding of the Kidcare program; requiring uniform and joint administration of Kidcare program implementation; requiring joint development of a plan for Kidcare eligibility determinations and plan implementation by a date certain; creating s. 409.81753, F.S.; providing for Kidcare program providers; requiring the Department of Health to develop and implement uniform provider standards for Kidcare components; providing an effective date.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; Banking and Insurance; and Senators Constantine and Campbell—

CS for CS for CS for SB’s 1526 and 314—A bill to be entitled An act relating to the Money Transmitter’s Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer’s check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Saunders—

CS for SB 1558—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing-education tracking system;

amending ss. 457.107, 483.807, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination-item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee’s current mailing address and place of practice; amending s. 456.073, F.S.; prohibiting a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for publication of information; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising provisions governing and providing for disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of licenses for violations relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; providing effective dates.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts’ debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 193.461, F.S.; adding boarding of livestock to the list of agricultural purposes; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; providing an effective date.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1638—A bill to be entitled An act relating to sales and use tax administration; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under

the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 1744—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice to Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 1814—A bill to be entitled An act relating to the state court system; providing legislative intent with respect to the development of treatment-based drug courts; requiring each judicial circuit to establish one or more treatment-based drug courts within any of the divisions of the circuit; specifying the principles of therapeutic jurisprudence to be included in the drug court programs; establishing the position of drug court coordinator within each judicial circuit; providing duties of the coordinator; authorizing the drug courts to include certain pretrial intervention programs in the court's program; creating the Florida Association of Drug Court Professionals; providing for membership; requiring that the chairperson of the association provide recommendations to the Supreme Court Treatment-Based Drug Court Steering Committee; amending s. 910.035, F.S.; providing for a defendant to be transferred to a drug-treatment program in another county; providing criteria for such transfer; providing for the defendant to be prosecuted upon failure to successfully complete the drug-treatment program; amending s. 948.08, F.S.; providing for persons charged with certain offenses involving controlled substances who have not been charged with a crime involving violence to be admitted to a pretrial intervention program; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; creating s. 948.16, F.S.; providing a pretrial substance abuse treatment and intervention program; providing criteria for admission to the program; providing for denial of such admission if the defendant was involved in the dealing or selling of controlled substances; requiring the court to determine whether the defendant has successfully completed the program; providing contract requirements for entities that provide pretrial substance abuse treatment and intervention programs; providing an effective date.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Garcia—

CS for SB 1910—A bill to be entitled An act relating to medical practice; creating s. 456.0375, F.S.; defining the term "clinic"; imposing registration requirements for certain clinics; providing for medical directors; providing for enforcement; providing penalties; providing an effective date.

By the Committee on Transportation; and Senator Burt—

CS for SB 2044—A bill to be entitled An act relating to motor vehicles, vessels, and mobile homes; amending s. 320.03, F.S.; prohibiting the issuance of license plates or revalidation stickers to persons against whom a wrecker operator's lien has been filed; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing procedures for wrecker operators to notify the department of the existence of a wrecker operator's lien and providing procedures for the discharge of such liens; providing for fees and service charges; requiring the department to maintain a list of persons against whom such liens are filed and prohibiting the issuance of license plates or revalidation stickers to such persons; providing guidelines and providing for the adoption of rules; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Peaden—

CS for SB 2062—A bill to be entitled An act relating to local government regulation of water or wastewater utilities; amending s. 367.171, F.S.; providing for regulation of certain utilities by certain counties; prohibiting exercise of eminent domain by certain governmental entities under certain circumstances; providing an effective date.

By the Committee on Regulated Industries; and Senators King and Smith—

CS for SB 2066—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4563, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date

By the Committee on Regulated Industries; and Senator Sullivan—

CS for SB 2096—A bill to be entitled An act relating to public accountability; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees whose licenses have become void; providing an effective date.

By the Committee on Natural Resources; and Senator Garcia—

CS for SB 2120—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks; creating s. 373.610, F.S.; allowing water management districts to bar from future contracts contractors who have defaulted in the past; creating s. 373.611, F.S.; authorizing water management districts to limit or alter damages in certain vendor contracts; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Garcia—

CS for SB 2124—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

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

CS for SB 2178—A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., The Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board, or their contract service providers, at which certain identifying information regarding temporary assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities' records of such programs; defining the term "temporary assistance"; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Posey and Klein—

CS for SB 2220—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 1707, HB 1731, HB 1733, HB 1735, HB 1737, HB 1743, HB 1745; has passed as amended HB 1717, HB 1749, HB 1821, HB 1825 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1707—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1731—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1733—A bill to be entitled An act relating to the Department of Transportation; amending s. 341.302, F.S.; deleting provisions relating to the department's responsibility for the handling of hazardous materials under the statewide rail program; providing an effective date.

—was referred to the Committee on Transportation.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1735—A bill to be entitled An act relating to economic development; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; providing an application deadline; revising provisions relating to the order authorizing a tax refund; specifying that nothing in said section creates a presumption that a claim will be approved and paid; providing applicability to tax refund agreements and claims for refund executed prior to the effective date of the act; revising the agencies with which the office may verify information and to which the office may provide information; amending s. 288.980, F.S.; providing that grants by the office to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1737—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for compila-

tion and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency's notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By the Fiscal Responsibility Council; and Representative Ball—

HB 1743—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1745—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.021, F.S.; revising definitions; amending s. 367.022, F.S.; revising an exemption from regulation for small water and wastewater utilities; amending ss. 367.045 and 367.111, F.S.; deleting requirement for descriptions of service areas in water and wastewater utility certificates of authorization; deleting requirements relating to application for amended certificates of authorization to reduce or extend a utility's existing service area; amending s. 367.121, F.S.; providing authority of the Public Service Commission to resolve territorial disputes involving water and wastewater utilities; providing considerations; amending s. 367.171, F.S.; authorizing counties to set rates and charges for certain exempt small water and wastewater utilities; providing applicability of specified administrative procedures; amending s. 288.0655, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Regulated Industries; and Comprehensive Planning, Local and Military Affairs.

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1717—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Governmental Oversight and Productivity.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1749—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and

financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Oversight and Productivity.

By the Fiscal Responsibility Council; and Representative Murman and others—

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1825—A bill to be entitled An act relating to Class C travel; amending s. 112.061, F.S.; eliminating allowances for meals for Class C travel; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 11 was corrected and approved.

CO-SPONSORS

Senators Crist—CS for SB 1666; Smith—SB 2066

RECESS

On motion by Senator Lee, the Senate recessed at 11:58 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 12:30 p.m., Wednesday, April 18 or upon call of the President.



Journal of the Senate

Number 16—Regular Session

Wednesday, April 18, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 12:30 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

PRAYER

The following prayer was offered by Pastor Eric H. Jones, Jr., Koinonia Worship Center, West Hollywood:

Most gracious and everlasting Father, our omnipotent God, we acknowledge today your sovereignty. Father, we accept the fact that the governments that be are ordained by you and that you, God, hold the heart of the King in your hand. Today we humbly submit ourselves to you as we approach your throne. We ask these requests, Father, that you give wisdom to these decision makers of our state; that you empower our country through these leaders to fight for peace and justice for all.

We ask this special prayer for Mrs. Aileen Pruitt and Miss LéJean Miller that you would be a blessing; that you would be a healing factor and, Father, overall that you would let everything go well and those things necessary to come forth and we will be mindful to give you the praise. In his name we pray. Amen.

PLEDGE

Senate Pages Scott Morris of Fort Myers, Jennifer Maurer of Fort Lauderdale and Sharita Spradley of Havana, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Alexandra Kostick as doctor of the day. Dr. Kostick specializes in Ophthalmology.

ADOPTION OF RESOLUTIONS

On motion by Senator Smith—

By Senator Smith—

SR 2230—A resolution honoring and expressing condolences upon the death of Officer Scott M. Baird of the Gainesville Police Department.

WHEREAS, Officer Scott M. Baird of the Gainesville Police Department was killed in the line of duty after being struck by a vehicle while attempting to remove an obstruction that had been left in a roadway as a prank on February 12, 2001, and

WHEREAS, Officer Scott M. Baird was 23 years old and a 1-year veteran of the Gainesville Police Department at the time of his untimely death, and

WHEREAS, Officer Scott M. Baird in his short lifetime was living his dream of having a career in law enforcement and in doing so touched the lives of everyone with whom he came in contact, and

WHEREAS, Officer Scott M. Baird made the ultimate sacrifice to ensure the safety of the public, and

WHEREAS, Officer Scott M. Baird's death should serve as a reminder of the tragic consequences that can result from unthinking actions that endanger innocent other persons, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to Officer Scott M. Baird and that the Florida Senate in session assembled does hereby record this testimonial of condolences and bereavement:

IN MEMORIAM
SCOTT M. BAIRD

Scott M. Baird was born in West Palm Beach and raised in Ocala, Florida, was educated in the public school system, attended Santa Fe Community College and the University of Florida, and served the public as a police officer with the Gainesville, Florida Police Department. His untimely death prevented him from fulfilling his lifelong dream of becoming an agent with the Federal Bureau of Investigation. He is survived by his father, Walter Baird, III, of Orlando, Florida; his mother, Mrs. Kelly Gaudet, of Bellview, Florida; a brother, Walter Baird, IV, of Ocala, Florida; and a sister, Krista Baird, of Bellview, Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Florida Senate affixed, be transmitted to Walter Baird, III, and Mrs. Kelly Gaudet, the parents of Scott M. Baird, as a tangible and lasting symbol of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Smith, **SR 2230** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Smith introduced the following guests who were present in the gallery: Walter Baird, Officer Baird's father; Kelly Gaudet, his

mother; other family members; Chief Norman Botsford, Gainesville Police Department; Jeff McAdams, local Police Benevolent Association representative; and members of the Gainesville Police Department.

On motion by Senator Smith—

By Senator Smith—

SR 2288—A resolution recognizing the 25th anniversary of the College of Veterinary Medicine of the University of Florida.

WHEREAS, the College of Veterinary Medicine of the University of Florida has graduated more than 1,700 veterinarians since its establishment in 1976, and

WHEREAS, the faculty and alumni have discovered many ways to improve human and animal medicine, the environment, food production, and public health, and

WHEREAS, the College of Veterinary Medicine, through its Veterinary Medical Teaching Hospital and its diagnostic services, extensive research programs, and continuing education programs, provides practical research for animal and agricultural industries, and

WHEREAS, the graduates of the College of Veterinary Medicine provide comprehensive veterinary care, including preventative medicine, diagnoses, and the appropriate use of drugs and surgery to the state's animal populations, NOW, THEREFORE,

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

That the Florida Senate commends the College of Veterinary Medicine of the University of Florida on its 25th anniversary and for its contributions to the health and welfare of the state's animal populations.

—was introduced out of order and read by title. On motion by Senator Smith, **SR 2288** was read the second time in full and adopted.

On motion by Senator Dawson—

By Senator Dawson—

SR 2280—A resolution recognizing June 2001 as Scleroderma Awareness Month.

WHEREAS, the health of the residents in our communities is the foundation for a caring and productive society, and

WHEREAS, our future depends, in great measure, upon our ability to find cures for and adequately treat individuals who are afflicted with a variety of illnesses, and

WHEREAS, hundreds of thousands of Americans are afflicted with scleroderma, a disfiguring and debilitating connective-tissue disorder that affects the vascular and immune systems, resulting in a hardening of the skin and organs, and

WHEREAS, this painful condition can strike at any age, regardless of gender or ethnicity, although women between the ages of 25 and 55 are more likely to be afflicted than are men, and

WHEREAS, the noble work of the Scleroderma Foundation has provided us all with hope that some day this disease will be eradicated and that the foundation's efforts to educate and comfort those touched by scleroderma will be justly rewarded with a cure, NOW, THEREFORE,

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

That in order to provide an opportunity to educate the public about this often life-threatening disease and the more than 700,000 Americans who suffer from it, the Florida Senate recognizes the month of June 2001 to be Scleroderma Awareness Month.

—was introduced out of order and read by title. On motion by Senator Dawson, **SR 2280** was read the second time in full and adopted.

On motion by Senator Laurent—

By Senators Laurent, Campbell, Smith, Wasserman Schultz and Dyer—

SR 2330—A resolution expressing sorrow at the death of the Honorable Stephen C. O'Connell.

WHEREAS, the Florida Senate, with deep regret, was informed of the death of Stephen C. O'Connell, and

WHEREAS, Stephen C. O'Connell was a lawyer, banker, rancher, Supreme Court Justice, university president, athlete, Gator, father, husband, and friend, and

WHEREAS, Stephen C. O'Connell honorably served his nation, rising to the rank of Major during World War II, and

WHEREAS, Stephen C. O'Connell served his state as a Justice on the Florida Supreme Court from 1955 to 1967, as President of the University of Florida from 1967 to 1973, and was the only person to serve both as Chief Justice of the Florida Supreme Court and President of the University of Florida, and

WHEREAS, Stephen C. O'Connell exemplified the description of "scholar and gentleman," NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the Honorable Stephen C. O'Connell and that the Florida Senate in session assembled does hereby record this testimonial of esteem and bereavement:

IN MEMORIAM
STEPHEN C. O'CONNELL

Stephen C. O'Connell was born in West Palm Beach, Florida, on January 22, 1916. He attended the University of Florida, where he was president of the student body and captain of the boxing team. He served in the Army Air Corps in World War II, rising to the rank of Major. He returned to Ft. Lauderdale where he practiced law until he was appointed to the Florida Supreme Court in 1955. He served on the Supreme Court until 1967, serving as Chief Justice his final year. He left the court to accept the position of President of the University of Florida, serving from 1967 to 1973, during which time he guided the university through a turbulent period of campus unrest with the straight talk, old-world manners, impish humor, integrity, and determination to do the right thing -- qualities with which he was identified throughout his life.

Upon leaving the University of Florida in 1973, he returned to Tallahassee, where he embarked upon several successful enterprises and lived until his death on April 13, 2001.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Florida Senate affixed, be transmitted to Mrs. Cindy Bowling O'Connell, widow of Stephen C. O'Connell, as a tangible token of the sentiments expressed by the Florida Senate and as a lasting symbol of the respect held by the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Laurent, **SR 2330** was read the second time in full and adopted.

On motion by Senator Laurent—

By Senators Laurent, Campbell, Wasserman Schultz, Smith and Dyer—

SR 2316—A resolution celebrating April 18, 2001, as "University of Florida Day."

WHEREAS, the state's oldest land-grant university and its largest university, the University of Florida was the first Florida institution to achieve university status, is the most comprehensive university in the state, and is one of the three most academically diverse universities in the nation, and

WHEREAS, the University of Florida is the state's only member of the Association of American Universities, is the only university with exten-

sion programs in every county of the state plus the Seminole Tribe, has awarded more than 300,000 degrees, with an estimated 150,000 alumni currently living and working in Florida, and is exceeded by only two other public universities in the nation in the number of National Merit Scholars to its credit, and

WHEREAS, the University of Florida's Health Science Center is the most all-inclusive academic health center in the Southeast, and, through its Institute of Food and Agricultural Sciences, the university reaches a million and a half participants throughout the state, thanks to more than 50,000 volunteers in the areas of urban horticulture, youth and family development, nutrition education, and natural resources enhancement, and

WHEREAS, the University of Florida has just concluded a five-year "It's Performance that Counts" campaign that raised more than \$850 million toward the furtherance of academic excellence, has been awarded \$339 million in funding for sponsored research, and has a total annual impact on the state of almost \$3.2 billion, more than six times the \$511 million comprising the state's investment in the university, NOW THEREFORE,

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

That the Florida Senate pauses in its deliberations to recognize the University of Florida for its superlative accomplishments in the State of Florida and to celebrate April 18, 2001, as "University of Florida Day."

—was introduced out of order and read by title. On motion by Senator Laurent, **SR 2316** was read the second time in full and adopted.

On motion by Senator Clary—

By Senator Clary—

SR 2322—A resolution recognizing April 18, 2001, as "Florida's Great Northwest Day" in Tallahassee.

WHEREAS, Florida's extreme western tip was the location of North America's first European settlement, with Spanish colonists arriving in 1559, and

WHEREAS, Florida's Great Northwest is home to Port St. Joe, Florida's first Constitution Convention site, and

WHEREAS, Florida's Great Northwest encompasses sixteen counties across the Florida Panhandle, and over 13,000 square miles of beautiful coastline, winding rivers, vast tracts of forested land, and more than 100 freshwater springs, and

WHEREAS, Florida's Great Northwest is home to the largest military landmass training installation in the world, Eglin Air Force Base, and

WHEREAS, Florida's Great Northwest is home to Hurlburt Field, home of the 16th Special Operations Wing, which is the oldest and largest and most seasoned unit in the Air Force Special Operations Command, and

WHEREAS, Florida's Great Northwest is home to the Pensacola Naval Air Station, home of the Blue Angels, and

WHEREAS, Florida's Great Northwest is home to the Tyndall Air Force Base, home of the 325th Fighter Wing, and

WHEREAS, Florida's Great Northwest is home to many other military installations, including Duke Field, Whiting Field, Coastal System Station, and the United States Coast Guard, and

WHEREAS, Florida's Great Northwest is world-famous for its emerald green waters, natural reefs, and beautiful white sands, and

WHEREAS, Florida's Great Northwest is one of the nation's most recognized fishing destinations, including the "World's Luckiest Fishing Village" in Destin, and

WHEREAS, Florida's Great Northwest is home to Apalachicola Bay, one of the most productive bays in the country, and

WHEREAS, Florida's Great Northwest is home to the invention of air conditioning in Franklin County nearly 150 years ago by Dr. John Gorrie, and

WHEREAS, Florida's Great Northwest is the home of Milton, which is considered by the Florida Legislature to be Florida's Canoe Capitol, and

WHEREAS, Florida's Capital City, Tallahassee, is located in the Great Northwest, among a mix of historical and natural attractions, and

WHEREAS, Florida's Great Northwest is known for Southern hospitality, gracious folks, and quaint towns, and

WHEREAS, Florida's Great Northwest offers exciting events from wine festivals to seafood extravaganzas to ethnic heritage happenings, NOW, THEREFORE,

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

That the Florida Senate recognizes April 18, 2001, as "Florida's Great Northwest Day" in Tallahassee.

—was introduced out of order and read by title. On motion by Senator Clary, **SR 2322** was read the second time in full and adopted.

On motion by Senator Villalobos—

By Senator Villalobos—

SR 2324—A resolution commemorating the 40th anniversary of the Bay of Pigs invasion, on April 17, 2001.

WHEREAS, on January 1, 1959, a Communist dictator took over the government of the Republic of Cuba, and

WHEREAS, there began immediately afterward a massive exodus of Cuban nationals, most of whom came to the United States, and

WHEREAS, men and women of American and Cuban origin decided that the only way to overthrow the Communist dictatorship subjugating the people of Cuba was through an armed invasion, and

WHEREAS, on April 17, 1961, almost fifteen hundred men, trained, directed, armed, and equipped by the United States, landed on the southern coast of Cuba in an area known as "Bahia de Cochinos" (Bay of Pigs), and

WHEREAS, for the next few days, these men fought against an army immensely superior in manpower, firepower, and supplies, and

WHEREAS, in the course of battle, almost one hundred men died, including several who were captured and immediately assassinated by the forces of the Cuban dictator, and

WHEREAS, almost all of the remaining forces were captured and imprisoned for almost eighteen months, and

WHEREAS, these men were subsequently ransomed by President John F. Kennedy, returned to the United States, and became productive members of our society without ever forgetting their native country, Cuba, and

WHEREAS, on April 17, 2001, the 40th anniversary of the Bay of Pigs invasion will be commemorated, NOW, THEREFORE,

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

That the Florida Senate honors and extends its congratulations to Brigada de Asalto 2506 (Assault Brigade 2506) and to all its members living and deceased.

BE IT FURTHER RESOLVED that the Florida Senate expresses its desire for the prompt liberation of the Republic of Cuba from the Communist dictatorship that oppresses all its people.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Brigada de Asalto 2506 as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Villalobos, **SR 2324** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Villalobos introduced the following guests who were present in the chamber: former Senator Javier Souto; Rolando Rodriguez, Representative Annie Betancourt's husband; Miquel Diaz, father of Senator Alex Diaz de la Portilla and Representative Renier Diaz de la Portilla; former Representatives Humberto Cortina and former Speaker Pro Tempore Luis Morse.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 200**, **CS for SB 772**, **CS for SB 840**, **CS for SB 1120** and **CS for SB 2060** were withdrawn from the Committee on Rules and Calendar; **CS for SB 260**, **CS for SB 444**, **SB 698**, **SB 1170** and **SB 1430** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 316**, **SB 344**, **CS for SB 718**, **CS for CS for SB 784**, **CS for SB 1012**, **CS for SB 1172**, **CS for SB 1234**, **CS for SB 1368**, **SB 1380** and **CS for SB 2024** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **SB 1002** was withdrawn from the Committee on Governmental Oversight and Productivity; **SB 1324** and **SB 1648** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for CS for SB's 1526 and 314** was withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar; **CS for SB 1726** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar; **CS for SB's 1864 and 2086** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations Subcommittee on Health and Human Services; and **SB 1916** and **CS for SB 2118** were withdrawn from the Committee on Criminal Justice.

On motion by Senator Lee, by two-thirds vote **CS for SB 1772** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar; and referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **SB 2158** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; and referred to the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **HB 1727** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Governmental Oversight and Productivity; **HB 1741** was withdrawn from the Committee on Children and Families; and **CS for SB 2014** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of 6:00 p.m. this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Thursday, April 19.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for SB 118** and **CS for SB 1684** which have been reported favorably by the Appropriations Subcommittee on Education with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for CS for SB 306** and **CS for CS for SB 366** which have been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 350** which has been reported favorably by the Appropriations Subcommittee on

General Government with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **SB 674** which has been reported favorably by the Appropriations Subcommittee on General Government was withdrawn from the Committee on Appropriations; **CS for CS for SB 858** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 986** and **SB 1162** which have been reported favorably by the Appropriations Subcommittee on Education were withdrawn from the Committee on Appropriations; **SB 1230** and **CS for SB 1306** which have been reported favorably by the Appropriations Subcommittee on Health and Human Services were withdrawn from the Committee on Appropriations; and **SB 1278** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

MOTIONS

By permission, Senator Meek withdrew the motion made on April 12 to spread the remarks on the Journal which were made during debate on **CS for HB 271**.

BILLS ON THIRD READING

SENATOR LATVALA PRESIDING

SB 814—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding a representative of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from the council's appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of "eligible business" under the Urban High-Crime-Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Crist, **SB 814** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering

purposes; amending s. 658.12, F.S.; revising a definition of the term banker's bank; amending s. 658.165, F.S.; providing criteria for formation of a banker's bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts; providing effective dates.

—as amended April 12 was read the third time by title.

On motion by Senator King, **CS for SB 1260** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Name, Diaz de la Portilla, Lawson, Saunders. Lists names of senators who voted in favor of the bill.

Nays—None

CS for SB 992—A bill to be entitled An act relating to dental service claim denials; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; providing an effective date.

—was read the third time by title.

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

Amendment 1 (915146)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Subsection (3) of section 456.031, Florida Statutes, is amended to read:

456.031 Requirement for instruction on domestic violence.—

(3) (a) In lieu of completing a course as required in subsection (1), a licensee or certificateholder may complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466, who has completed an approved domestic-violence education course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

Section 3. Subsection (9) of section 456.033, Florida Statutes, is amended to read:

456.033 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(9)(a) In lieu of completing a course as required in subsection (1), the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved AIDS/HIV course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved AIDS/HIV course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses;

On motion by Senator Carlton, **CS for SB 992** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators who voted in favor of the bill.

Nays—None

CS for CS for SB 158—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; providing an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for SB 158** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Clary, Diaz de la Portilla, Horne. Lists names of senators who voted in favor of the bill.

Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster
Miller	Rossin	Smith	

Nays—None

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Burt, **SB 850** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 338—A bill to be entitled An act relating to criminal justice; providing a short title; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting an officer with violence to the officer’s person; providing penalties for specified murders involving the perpetration of or the attempt to perpetrate the act of resisting an officer with violence to the officer’s person; amending s. 775.0823, F.S.; correcting sentencing references; reenacting ss. 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Campbell, **SB 338** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for CS for SB 248—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers’ intervention program; amending s. 741.30,

F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; amending s. 28.101, F.S.; increasing an additional charge on a dissolution of marriage petition to \$36; providing an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 248** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 424—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 424** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1516—A bill to be entitled An act relating to surety bonds; amending ss. 235.32, 255.05, F.S.; prohibiting public entities from directing that contractors building public facilities obtain surety bonds from a specific agent or bonding company; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **SB 1516** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Crist	King	Mitchell
Brown-Waite	Dawson	Klein	Peaden
Burt	Diaz de la Portilla	Latvala	Posey
Campbell	Dyer	Laurent	Pruitt
Carlton	Garcia	Lawson	Rossin
Clary	Geller	Lee	Saunders
Constantine	Holzendorf	Meek	Sebesta
Cowin	Horne	Miller	Silver

Smith Villalobos Wasserman Schultz Webster
Sullivan
Nays—None
Vote after roll call:
Yea—Sanderson

CS for SB 688—A bill to be entitled An act relating to health care; requiring the Agency for Health Care Administration to convene an interagency workgroup to study issues pertaining to certain background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; providing for composition of the workgroup; requiring a report; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 688** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 782—A bill to be entitled An act relating to nursing education; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children’s hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—as amended April 12 was read the third time by title.

Senator Cowin moved the following amendment:

Amendment 1 (852120)(with title amendment)—On page 1, line 13, insert:

Section 1. (1) *The Legislature shall appropriate in the General Appropriations Act up to \$1 million from the General Revenue Fund to the Department of Health. Moneys in this appropriation shall be used by that department to make grants to local hospitals for nurse recruitment and retention activities during the 2001-2002 fiscal year. These moneys are subject to a one-for-one match from sources other than the government of this state or one of its political subdivisions. Moneys not matched by September 30, 2001, revert to the General Revenue Fund.*

(2) *The Department of Health shall accept requests for grants under this act beginning July 1, 2001. The department shall determine grant amounts beginning October 1, 2001, once the amount of the appropriation in subsection (1) which has been matched by additional moneys is determined and the department can determine the amount of grant moneys available.*

(3) *The department shall by rule adopt criteria for grant awards. In addition to other criteria, the department shall require that a hospital have experienced an average vacancy rate among nursing positions during the preceding 12 months of 10 percent or more. If the amount available for distribution is less than the aggregate amount of requests that meet the department’s criteria, the department shall make grants pro rata.*

(Redesignate subsequent sections.)
And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to nurses; providing for an appropriation to the Department of Health; requiring private match of appropriated funds; providing for grants to hospitals for nurse recruitment and retention; providing for rules; providing eligibility criteria; amending

Senator Cowin moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (931190)—On page 1, lines 17-19, delete those lines and insert:

Section 1. (1) *Contingent upon a specific appropriation in the General Appropriations Act, moneys shall be allocated for a nurse recruitment and retention grant program in the Department of Health. Moneys in*

Amendment 1 as amended failed to receive the required two-thirds vote.

On motion by Senator Sanderson, **SB 782** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Dawson

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

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 400** was deferred.

On motion by Senator Clary—

SB 462—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against the district’s nonexempt assessed property value; specifying funding eligibility of certain projects; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 462** to **CS for HB 1**.

Pending further consideration of **SB 462** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 1** was withdrawn from the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

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

CS for HB 1—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the

maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—a companion measure, was substituted for **SB 462** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

SB 1166—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Sebesta and failed:

Amendment 1 (885820)—On page 1, line 22, before “investment-quality” insert: *investment-grade investment-quality*

Senator Sebesta moved the following amendment which was adopted:

Amendment 2 (353184)—On page 1, line 22, after “instruments” insert: *of the types set forth in rules promulgated by the State Board of Administration*

Pursuant to Rule 4.19, **SB 1166** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1210** was deferred.

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

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

—which was previously considered April 12. Pending **Amendment 1 (484182)** by Senator Posey was withdrawn.

Pursuant to Rule 4.19, **SB 532** placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 540—A bill to be entitled An act relating to criminal activities; creating the White-Collar-Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white-collar crime; providing that a person commits an aggravated white-collar crime if the white-collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white-collar crimes; requiring that a defendant convicted of an aggravated white-collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; providing for severability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (852020)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 775.0844, Florida Statutes, is created to read:

775.0844 White Collar Crime Victim Protection Act.—

(1) This section may be cited as the “White Collar Crime Victim Protection Act.”

(2) Due to the frequency with which victims, particularly elderly victims, are deceived and cheated by criminals who commit nonviolent frauds and swindles, frequently through the use of the Internet and other electronic technology and frequently causing the loss of substantial amounts of property, it is the intent of the Legislature to enhance the sanctions imposed for nonviolent frauds and swindles, protect the public’s property, and assist in prosecuting white collar criminals.

(3) As used in this section, “white collar crime” means:

(a) The commission of, or a conspiracy to commit, any felony offense specified in:

1. Chapter 560, relating to the Money Transmitters’ Code.

2. Chapter 812, relating to theft, robbery, and related crimes.

3. Chapter 815, relating to computer-related crimes.

4. Chapter 817, relating to fraudulent practices.

5. Chapter 825, relating to abuse, neglect, and exploitation of elderly persons and disabled adults.

6. Chapter 831, relating to forgery and counterfeiting.

7. Chapter 832, relating to the issuance of worthless checks and drafts.

8. Chapter 838, relating to bribery and misuse of public office.

9. Chapter 839, relating to offenses by public officers and employees.

10. Chapter 895, relating to offenses concerning racketeering and illegal debts.

11. Chapter 896, relating to offenses related to financial transactions.

(b) A felony offense that is committed with intent to defraud or that involves a conspiracy to defraud.

(c) A felony offense that is committed with intent to temporarily or permanently deprive a person of his or her property or that involves a conspiracy to temporarily or permanently deprive a person of his or her property.

(d) A felony offense that involves or results in the commission of fraud or deceit upon a person or that involves a conspiracy to commit fraud or deceit upon a person.

(4) As used in this section, “aggravated white collar crime” means engaging in at least two white collar crimes that have the same or similar intents, results, accomplices, victims, or methods of commission, or that are otherwise interrelated by distinguishing characteristics and are not isolated incidents, provided that at least one of such crimes occurred after the effective date of this act.

(5) Any person who commits an aggravated white collar crime as defined in this section and in so doing either:

(a) Victimized 10 or more elderly persons, as defined in s. 825.101(5);

(b) Victimized 20 or more persons, as defined in s. 1.01; or

(c) Victimized the State of Florida, any state agency, any of the state’s political subdivisions, or any agency of the state’s political subdivisions, and thereby obtains or attempts to obtain \$50,000 or more, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or 775.084.

(6) Notwithstanding any other provision of chapter 921 or any other law, an aggravated white collar crime shall be ranked within the offense severity ranking chart at offense severity level 9.

(7) In addition to a sentence otherwise authorized by law, a person convicted of an aggravated white collar crime may pay a fine of \$500,000 or double the value of the pecuniary gain or loss, whichever is greater.

(8) A person convicted of an aggravated white collar crime under this section is liable for all court costs and shall pay restitution to each victim of the crime, regardless of whether the victim is named in the information or indictment. As used in this subsection, "victim" means a person directly and proximately harmed as a result of the commission of the offense for which restitution may be ordered, including any person directly harmed by the defendant's criminal conduct in the course of the commission of the aggravated white collar crime. The court shall hold a hearing to determine the identity of qualifying victims and shall order the defendant to pay restitution based on his or her ability to pay, in accordance with this section and s. 775.089.

(a) The court shall make the payment of restitution a condition of any probation granted to the defendant by the court. Notwithstanding any other law, the court may order continued probation for a defendant convicted under this section for up to 10 years or until full restitution is made to the victim, whichever occurs earlier.

(b) The court retains jurisdiction to enforce its order to pay fines or restitution. The court may initiate proceedings against a defendant for a violation of probation or for contempt of court if the defendant willfully fails to comply with a lawful order of the court.

Section 2. Section 910.15, Florida Statutes, is amended to read:

910.15 Theft and fraudulent practices concerning communication systems.—

(1) A person charged with committing:

(a) A fraudulent practice in a manner in which it may reasonably be assumed that a communication made to facilitate the fraudulent practice, solicitation or a false or misleading representation, could or would be disseminated across jurisdictional lines; or

(b) A theft involving the use of the mail, telephone, newspaper, radio, television, or other means of communication, may be tried in the county in which the dissemination originated, in which the dissemination was made, or in which any the last act necessary to consummate the offense occurred.

(2) For purposes of this section, if a communication is made by or made available through the use of the Internet, the communication was made in every county within the state.

Section 3. Paragraph (i) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(i) LEVEL 9
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
755.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.

Florida Statute	Felony Degree	Description
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.

Florida Statute	Felony Degree	Description
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(j)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 4. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 5. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal activities; creating the White Collar Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white collar crime; providing that a person commits an aggravated white collar crime if the white collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white collar crimes; requiring that a defendant convicted of an aggravated white collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; amending s. 921.0022, F.S.; adding certain aggravated white collar crimes to the Criminal Punishment Code offense severity ranking chart; providing for severability; providing an effective date.

Pursuant to Rule 4.19, **SB 540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Silver—

CS for SB 800—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in certain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 800** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 866—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for

the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

—was read the second time by title.

Amendments were considered and failed to conform **CS for SB 866** to **CS for HB 279**.

Pending further consideration of **CS for SB 866**, on motion by Senator Laurent, by two-thirds vote **CS for HB 279** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Laurent—

CS for HB 279—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB 866** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 279** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 360—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; providing additional acts which constitute cruelty to an animal; provides that any person convicted of such a violation, where the court determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall, in addition to any other sentence imposed, be ordered to complete an anger management treatment program; providing a minimum mandatory fine and minimum mandatory period of incarceration for conviction of any crime where the court determines that the violation includes an intentional act of cruelty to animals; providing for nonapplicability of the act; providing construction; reenacting ss. 550.2415(6)(d), 828.122(5) and (6)(a), 828.17, 828.29(14), 943.051(3)(b)11., 985.212(1)(b)11., and 921.0022(3)(c), F.S., to incorporate the amendment to s. 828.12, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (472444)—On page 1, line 31, delete “*medical attention*,”

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

On motion by Senator Sanderson—

SB 766—A bill to be entitled An act relating to driver’s licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 766** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

SB 518—A bill to be entitled An act relating to obtaining property by false personation; amending s. 817.02, F.S.; providing that obtaining property by false personation is a second-degree felony; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Miller and adopted:

Amendment 1 (712912)(with title amendment)—On page 1, lines 18 and 19, delete those lines and insert: *commits theft, punishable as provided in s. 812.014 shall be punished as*

And the title is amended as follows:

On page 1, lines 4-6, delete those lines and insert: *providing that the offense of obtaining property by false personation is punishable as theft; providing an effective*

Pursuant to Rule 4.19, **SB 518** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1198—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of a crime is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Webster and adopted:

Amendment 1 (613936)(with title amendment)—On page 1, delete line 21 and insert: *of any felony offense commits a felony of the third degree, punishable*

And the title is amended as follows:

On page 1, delete line 5 and insert: *further the commission of any felony offense is a felony*

Pursuant to Rule 4.19, **SB 1198** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 2104—A bill to be entitled An act relating to hiring or leasing with intent to defraud; amending s. 812.155, F.S.; providing that the exclusion of property obtained under a rental-purchase agreement from criminal statutes relating to hiring or leasing with intent to defraud and similar offenses does not apply when the rental store retains title to the property through the period of the agreement; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (745660)—On page 1, line 26, delete “*property*” and insert: *personal property or equipment*

Pursuant to Rule 4.19, **SB 2104** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 1518—A bill to be entitled An act relating to transportation of prisoners; amending s. 944.17, F.S.; changing references from “sheriff” to “chief correctional officer”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1518** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for CS for SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children’s behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children’s crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

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

Amendment 1 (984532)(with title amendment)—On page 25, between lines 27 and 28, insert a new section:

Section 10. *The sum of \$166,794 from the General Revenue Fund and \$85,924 from the Administrative Trust Fund is appropriated to the Department of Children and Family Services to implement the provisions of this act.*

(Redesignate subsequent section.)

And the title is amended as follows:

On page 3, line 3, after the semicolon (;) insert: *providing an appropriation;*

Pursuant to Rule 4.19, **CS for CS for SB 1258** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 452—A bill to be entitled An act relating to proceedings relating to children; amending the definition of the term “child who is found to be dependent,” as the term is used in ch. 39, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 452** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for CS for SB 1016—A bill to be entitled An act relating to guardianship; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1016** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1506** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1210—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; amending s. 627.6741, F.S.; requiring that insurers offer Medicare supplement policies to certain individuals; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying

the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1 (405594)—On page 3, lines 28 and 29, delete those lines and insert: *to determine coverage eligibility for an individual or premium rates to be charged to an individual, shall be considered policies issued on an individual*

Amendment 2 (740410)(with title amendment)—On page 4, lines 10-29, delete those lines and insert: *applicable premium rates. Changes in rates, rating manuals, and rating schedules for individual health insurance policies shall be filed for approval pursuant to this paragraph. Prior approval shall not be required for an individual health insurance policy rate filing which complies with the requirements of paragraph (6)(f). Nothing in this paragraph shall be construed to interfere with the department's authority to investigate suspected violations of this section or to take necessary corrective action where a violation can be demonstrated. Nothing in this paragraph shall prevent an insurer from filing rates or rate changes for approval or from deeming rate changes approved pursuant to an approved loss ratio guarantee pursuant to subsection (8). This paragraph does not apply to group health insurance policies insuring groups of 51 or more persons, except for Medicare supplement insurance, long-term care insurance, and any coverage under which the increase in claim costs over the lifetime of the contract due to advancing age or duration is prefunded in the premium.*

(f) An insurer that files changes in rates, rating manuals or rating schedules, with the department, for individual health policies as described in s. 627.6561(5)(a)2., but excluding Medicare supplement policies, according to this paragraph may begin providing required notice to policyholders upon filing provided the insurer certifies that it has met the requirements of subparagraphs 1. through 3. of this paragraph. Filings submitted pursuant to this paragraph shall contain the same information and demonstrations and shall meet the same requirements as rate filings submitted for approval under this section, including the requirements of s. 627.411, except as indicated in this paragraph.

1. The insurer has complied with annual rate filing requirements then in effect pursuant to subsection (7) since the effective date of this paragraph or for the previous 2 years, whichever is less and has filed and implemented actuarially justifiable rate adjustments at least annually during this period. Nothing in this section shall be construed to prevent an insurer from filing rate adjustments more often than annually.

2. The insurer has pooled experience for applicable individual health policy forms in accordance with the requirements of subparagraph (6)(e)3.

3. Rates for the policy form are anticipated to meet a minimum loss ratio of 65 percent over the expected life of the form.

As used in this paragraph, the term “rating characteristics” means demographic characteristics of individuals, including, but not limited to, age, gender, occupation, geographic area factors, benefit design, smoking status, and health status at issue.

(g) Subsequent to filing a change of rates for an individual health policy pursuant to paragraph (f), an insurer may be required to furnish additional information to demonstrate compliance with this section. If the department finds that the adjusted rates are not reasonable in relation to premiums charged pursuant to the standards of this section, the department may order appropriate corrective action.

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: *revising requirements for filing and approval of individual health insurance rates;*

Amendment 3 (710170)—On page 4, line 11, after “policies” insert: *, effectuated and delivered in this state,*

Amendment 4 (410760)—On page 6, line 25, after the period (.) insert: *This provision does not apply to pre-standardized Medicare supplement forms.*

Amendment 5 (742980)—On page 7, lines 20 and 21, delete those lines and insert:

phased-in pursuant to this paragraph.

(4) *Individual health insurance policies which are subject to renewability requirements of s. 627.6425 shall be deemed guaranteed renewable for purposes of establishing loss ratio standards and shall comply with the same loss ratio standards as other guaranteed renewable forms.*

(5) *In determining medical trend for application of*

Amendment 6 (322792)—On page 8, line 30 through page 9, line 10, delete those lines and insert:

(b) The requirement of this subsection is met for health insurance coverage policy forms offered by an issuer in the individual market if the issuer offers the *basic and standard health benefit plans as established pursuant to s. 627.6699(12) or policy forms for individual health insurance coverage with the largest, and next to largest, premium volume of all such policy forms offered by the issuer in this state or applicable marketing or service area, as prescribed in rules adopted by the department, in the individual market in the period involved. To the greatest extent possible, such rules must be consistent with regulations adopted by the United States Department of Health and Human Services.*

Amendment 7 (911248)—On page 9, delete line 30 and insert: *eligibility for an individual or premium rates to be charged to an individual shall be considered*

Amendment 8 (604964)(with title amendment)—On page 14, line 20 through page 15, line 29, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 8-10, delete those lines and insert: *employer carriers;*

Amendment 9 (712174)(with title amendment)—On page 17, delete line 18 and insert:

Section 9. Subsection (12) of section 627.6482, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(12) “Premium” means the entire cost of an insurance plan, including the administrative fee, the risk assumption charge, and, in the instance of a minimum premium plan or stop-loss coverage, the incurred claims whether or not such claims are paid directly by the insurer. ~~“Premium” shall not include a health maintenance organization’s annual earned premium revenue for Medicare and Medicaid contracts for any assessment due for calendar years 1990 and 1991. For assessments due for calendar year 1992 and subsequent years, A health maintenance organization’s annual earned premium revenue for Medicare and Medicaid contracts is subject to assessments unless the department determines that the health maintenance organization has made a reasonable effort to amend its Medicare or Medicaid government contract for 1992 and subsequent years to provide reimbursement for any assessment on Medicare or Medicaid premiums paid by the health maintenance organization and the contract does not provide for such reimbursement.~~

(15) “Federal poverty level” means the most current federal poverty guidelines, as established by the federal Department of Health and Human Services and published in the Federal Register, and in effect on the date of the policy and its annual renewal.

(16) “Family income” means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

Section 10. Section 627.6486, Florida Statutes, is amended to read:

627.6486 Eligibility.—

(1) Except as provided in subsection (2), any person who is a resident of this state and has been a resident of this state for the previous 6 months is shall be eligible for coverage under the plan, including:

(a) The insured’s spouse.

(b) Any dependent ~~unmarried~~ child of the insured, from the moment of birth. Subject to the provisions of ss. ~~s.~~ 627.6041 and 627.6562, such coverage shall terminate at the end of the premium period in which the child ~~marries, ceases to be a dependent of the insured, or attains the age of 19, whichever occurs first. However, if the child is a full-time student at an accredited institution of higher learning, the coverage may continue while the child remains unmarried and a full-time student, but not beyond the premium period in which the child reaches age 23.~~

(c) The former spouse of the insured whose coverage would otherwise terminate because of annulment or dissolution of marriage, if the former spouse is dependent upon the insured for financial support. The former spouse shall have continued coverage and shall not be subject to waiting periods because of the change in policyholder status.

(2)(a) The board or administrator shall require verification of residency for the preceding 6 months and shall require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy. *A person may demonstrate his or her residency by maintaining his or her residence in this state for the preceding 6 months, purchasing a home that has been occupied by him or her as his or her primary residence for the previous 6 months, or having established a domicile in this state pursuant to s. 222.17 for the preceding 6 months.*

(b) No person who is currently eligible for health care benefits under Florida’s Medicaid program is eligible for coverage under the plan unless:

1. He or she has an illness or disease which requires supplies or medication which are covered by the association but are not included in the benefits provided under Florida’s Medicaid program in any form or manner; and

2. He or she is not receiving health care benefits or coverage under Florida’s Medicaid program.

(c) No person who is covered under the plan and terminates the coverage is again eligible for coverage.

(d) No person on whose behalf the plan has paid out *the lifetime maximum benefit currently being offered by the association of \$500,000* in covered benefits is eligible for coverage under the plan.

(e) The coverage of any person who ceases to meet the eligibility requirements of this section may be terminated immediately. If such person again becomes eligible for subsequent coverage under the plan, any previous claims payments shall be applied towards the \$500,000 lifetime maximum benefit and any limitation relating to preexisting conditions in effect at the time such person again becomes eligible shall apply to such person. ~~However, no such person may again become eligible for coverage after June 30, 1991.~~

(f) No person is eligible for coverage under the plan unless such person has been rejected by two insurers for coverage substantially similar to the plan coverage and no insurer has been found through the market assistance plan pursuant to s. 627.6484 that is willing to accept the application. As used in this paragraph, “rejection” includes an offer of coverage with a material underwriting restriction ~~or an offer of coverage at a rate greater than the association plan rate.~~

(g) No person is eligible for coverage under the plan if such person has, or is eligible for, on the date of issue of coverage under the plan, substantially similar coverage under another contract or policy, unless such coverage is provided pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 100 Stat. 82 (1986) (COBRA), as amended, *or such coverage is provided pursuant to s. 627.6692 and such coverage is scheduled to end at a time certain and the person meets all other requirements of eligibility.* Coverage provided by the association shall be secondary to any coverage provided by an insurer pursuant to COBRA *or pursuant to s. 627.6692.*

(h) *A person is ineligible for coverage under the plan if such person is currently eligible for health care benefits under the Medicare program, except for a person who is insured by the Florida Comprehensive Health Association and enrolled under Medicare on July 1, 2001. All eligible persons who are classified as high-risk individuals pursuant to s.*

~~627.6498(4)(a)4. shall, upon application or renewal, agree to be placed in a case management system when it is determined by the board and the plan case manager that such system will be cost effective and provide quality care to the individual.~~

(i) A person is ineligible for coverage under the plan if such person's premiums are paid for or reimbursed under any government-sponsored program or by any government agency or health care provider.

(j) An eligible individual, as defined in s. 627.6487, and his or her dependents, as described in subsection (1), are automatically eligible for coverage in the association unless the association has ceased accepting new enrollees under s. 627.6488. If the association has ceased accepting new enrollees, the eligible individual is subject to the coverage rights set forth in s. 627.6487.

(3) A person's coverage ceases:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date of death of the covered person;

(d) On the date state law requires cancellation of the policy; or

(e) Sixty days after the person receives notice from the association making any inquiry concerning the person's eligibility or place or residence to which the person does not reply.

(4) All eligible persons must, upon application or renewal, agree to be placed in a case-management system when the association and case manager find that such system will be cost-effective and provide quality care to the individual.

(5) Except for persons who are insured by the association on December 31, 2001, and who renew such coverage, persons may apply for coverage beginning January 1, 2002, and coverage for such persons shall begin on or after April 1, 2002, as determined by the board pursuant to s. 627.6488(4)(n).

Section 11. Subsection (3) of section 627.6487, Florida Statutes, is amended to read:

627.6487 Guaranteed availability of individual health insurance coverage to eligible individuals.—

(3) For the purposes of this section, the term "eligible individual" means an individual:

(a)1. For whom, as of the date on which the individual seeks coverage under this section, the aggregate of the periods of creditable coverage, as defined in s. 627.6561(5) and (6), is 18 or more months; and

2.a. Whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan, or health insurance coverage offered in connection with any such plan; or

b. Whose most recent prior creditable coverage was under an individual plan issued in this state by a health insurer or health maintenance organization, which coverage is terminated due to the insurer or health maintenance organization becoming insolvent or discontinuing the offering of all individual coverage in the State of Florida, or due to the insured no longer living in the service area in the State of Florida of the insurer or health maintenance organization that provides coverage through a network plan in the State of Florida;

(b) Who is not eligible for coverage under:

1. A group health plan, as defined in s. 2791 of the Public Health Service Act;

2. A conversion policy or contract issued by an authorized insurer or health maintenance organization under s. 627.6675 or s. 641.3921, respectively, offered to an individual who is no longer eligible for coverage under either an insured or self-insured employer plan;

3. Part A or part B of Title XVIII of the Social Security Act; or

4. A state plan under Title XIX of such act, or any successor program, and does not have other health insurance coverage; or

5. The Florida Comprehensive Health Association, if the association is accepting and issuing coverage to new enrollees, provided that the 63-day period specified in s. 627.6561(6) shall be tolled from the time the association receives an application from an individual until the association notifies the individual that it is not accepting and issuing coverage to that individual;

(c) With respect to whom the most recent coverage within the coverage period described in paragraph (a) was not terminated based on a factor described in s. 627.6571(2)(a) or (b), relating to nonpayment of premiums or fraud, unless such nonpayment of premiums or fraud was due to acts of an employer or person other than the individual;

(d) Who, having been offered the option of continuation coverage under a COBRA continuation provision or under s. 627.6692, elected such coverage; and

(e) Who, if the individual elected such continuation provision, has exhausted such continuation coverage under such provision or program.

Section 12. Section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(1) There is created a nonprofit legal entity to be known as the "Florida Comprehensive Health Association." All insurers, as a condition of doing business, shall be members of the association.

(2)(a) The association shall operate subject to the supervision and approval of a ~~five-member~~ ~~three-member~~ board of directors consisting of the Insurance Commissioner, or his or her designee, who shall serve as chairperson of the board, and four additional members who must be state residents. At least one member must be a representative of an authorized health insurer or health maintenance organization authorized to transact business in this state. The board of directors shall be appointed by the Insurance Commissioner as follows:

1. ~~The chair of the board shall be the Insurance Commissioner or his or her designee.~~

2. ~~One representative of policyholders who is not associated with the medical profession, a hospital, or an insurer.~~

3. ~~One representative of insurers.~~

The administrator or his or her affiliate shall not be a member of the board. Any board member appointed by the commissioner may be removed and replaced by him or her at any time without cause.

(b) All board members, including the chair, shall be appointed to serve for staggered 3-year terms beginning on a date as established in the plan of operation.

(c) The board of directors ~~may shall have the power to~~ employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the association and to perform other necessary and proper functions not prohibited by law. ~~Employees of the association shall be reimbursed as provided in s. 112.061 from moneys of the association for expenses incurred in carrying out their responsibilities under this act.~~

(d) Board members may be reimbursed ~~as provided in s. 112.061~~ from moneys of the association for ~~actual and necessary~~ expenses incurred by them as members in carrying out their responsibilities under the Florida Comprehensive Health Association Act, but may not otherwise be compensated for their services.

(e) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the departmental representatives for any act or omission taken by them in the performance of their powers and duties under this act, unless such act or omission by such person is in intentional disregard of the rights of the claimant.

(f) Meetings of the board are subject to s. 286.011.

(3) The association shall adopt a plan pursuant to this act and submit its articles, bylaws, and operating rules to the department for approval. If the association fails to adopt such plan and suitable articles,

bylaws, and operating rules within 180 days after the appointment of the board, the department shall adopt rules to effectuate the provisions of this act; and such rules shall remain in effect until superseded by a plan and articles, bylaws, and operating rules submitted by the association and approved by the department. *Such plan shall be reviewed, revised as necessary, and annually submitted to the department for approval.*

(4) The association shall:

(a) Establish administrative and accounting procedures and internal controls for the operation of the association and provide for an annual financial audit of the association by an independent certified public accountant licensed pursuant to chapter 473.

(b) Establish procedures under which applicants and participants in the plan may have grievances reviewed by an impartial body and reported to the board. *Individuals receiving care through the association under contract from a health maintenance organization must follow the grievance procedures established in ss. 408.7056 and 641.31(5).*

(c) Select an administrator in accordance with s. 627.649.

(d) Collect assessments from all insurers to provide for operating losses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board, as formulated in s. 627.6492(1). Annual assessment of the insurers for each calendar year shall occur as soon thereafter as the operating results of the plan for the calendar year and the earned premiums of insurers being assessed for that year are known. Annual assessments are due and payable within 30 days of receipt of the assessment notice by the insurer.

(e) Require that all policy forms issued by the association conform to standard forms developed by the association. The forms shall be approved by the department.

(f) Develop and implement a program to publicize the existence of the plan, the eligibility requirements for the plan, and the procedures for enrollment in the plan and to maintain public awareness of the plan.

(g) Design and employ cost containment measures and requirements which may include preadmission certification, home health care, hospice care, negotiated purchase of medical and pharmaceutical supplies, and individual case management.

~~(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 110.123. If cost effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost effective and available in the county where the policyholder resides, the board, with the consent of the policyholder, may place a low risk or medium risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.~~

(h)(i) Make a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives not later than *March 1* ~~October 1~~ of each year. The report shall summarize the activities of the plan for the *prior fiscal 12-month period ending July 1* ~~of that year~~, including then-current data and estimates as to net written and earned premiums, the expense of administration, and the paid and incurred losses for the year. The report shall also include analysis and recommendations for legislative changes regarding utilization review, quality assurance, an evaluation of the administrator of the plan, access to cost-effective health care, and cost containment/case management policy and ~~recommendations concerning the opening of enrollment to new entrants as of July 1, 1992.~~

~~(i)(j)~~ Make a report to the Governor, the Insurance Commissioner, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives, not later than 45 days after the close of each calendar quarter, which includes, for the prior quarter, current data and estimates of net written and earned premiums, the expenses of administration, and the paid and incurred losses. The report shall identify any statutorily mandated program that has not been fully implemented by the board.

~~(j)(k)~~ To facilitate preparation of assessments and for other purposes, the board shall *engage an independent certified public accountant licensed pursuant to chapter 473 to conduct an annual financial audit of the association* ~~direct preparation of annual audited financial statements~~ for each calendar year as soon as feasible following the conclusion of that calendar year, and shall, within 30 days after the *issuance* ~~reduction~~ of such statements, file with the department the annual report containing such information as required by the department to be filed on March 1 of each year.

~~(k)(l)~~ Employ a plan case manager or managers to supervise and manage the medical care or coordinate the supervision and management of the medical care, with the administrator, of specified individuals. The plan case manager, with the approval of the board, shall have final approval over the case management for any specific individual. *If cost-effective and available in the county where the policyholder resides, the association, upon application or renewal of a policy, may place an individual with the plan case manager, who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent or guardian, and the health care providers.*

~~(l)~~ Administer the association in a fiscally responsible manner that ensures that its expenditures are reasonable in relation to the services provided and that the financial resources of the association are adequate to meet its obligations.

~~(m)~~ At least annually, but no more than quarterly, evaluate or cause to be evaluated the actuarial soundness of the association. The association shall contract with an actuary to evaluate the pool of insureds in the association and monitor the financial condition of the association. The actuary shall determine the feasibility of enrolling new members in the association, which must be based on the projected revenues and expenses of the association.

~~(n)~~ Restrict at any time the number of participants in the association based on a determination by the board that the revenues will be inadequate to fund new participants. However, any person denied participation solely on the basis of such restriction must be granted priority for participation in the succeeding period in which the association is reopened for participants. *Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons. Except as provided in s. 627.6486(2)(j), applications for enrollment must be processed on a first-in, first-out basis.*

~~(o)~~ Establish procedures to maintain separate accounts and record-keeping for policyholders prior to January 1, 2002, and policyholders issued coverage on and after January 1, 2002.

~~(p)~~ Appoint an executive director to serve as the chief administrative and operational officer of the association and operate within the specifications of the plan of operation and perform other duties assigned to him or her by the board.

(5) The association may:

(a) Exercise powers granted to insurers under the laws of this state.

(b) Sue or be sued.

(c) In addition to imposing annual assessments under paragraph (4)(d), levy interim assessments against insurers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for a calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment shall be due and payable

within 30 days *after* of receipt by an insurer of an interim assessment notice. Interim assessment payments shall be credited against the insurer's annual assessment. *Such assessments may be levied only for costs and expenses associated with policyholders insured with the association prior to January 1, 2002.*

(d) Prepare or contract for a performance audit of the administrator of the association.

(e) *Appear in its own behalf before boards, commissions, or other governmental agencies.*

(f) *Solicit and accept gifts, grants, loans, and other aid from any source or participate in any way in any government program to carry out the purposes of the Florida Comprehensive Health Association Act.*

(g) *Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into the association on a fraudulent basis.*

(h) *Procure insurance against any loss in connection with the property, assets, and activities of the association or the board.*

(i) *Contract for necessary goods and services; employ necessary personnel; and engage the services of private consultants, actuaries, managers, legal counsel, and independent certified public accountants for administrative or technical assistance.*

(6) The department shall examine and investigate the association in the manner provided in part II of chapter 624.

Section 13. Paragraph (b) of subsection (3) of section 627.649, Florida Statutes, is amended to read:

627.649 Administrator.—

(3) The administrator shall:

(b) Pay an agent's referral fee as established by the board to each insurance agent who refers an applicant to the plan, if the applicant's application is accepted. The selling or marketing of plans shall not be limited to the administrator or its agents. *Any agent must be licensed by the department to sell health insurance in this state.* The referral fees shall be paid by the administrator from moneys received as premiums for the plan.

Section 14. Section 627.6492, Florida Statutes, is amended to read:

627.6492 Participation of insurers.—

(1)(a) As a condition of doing business in this state an insurer shall pay an assessment to the board, in the amount prescribed by this section. *Subsections (1), (2), and (3) apply only to the costs and expenses associated with policyholders insured with the association prior to January 1, 2002, including renewal of coverage for such policyholders after that date.* For operating losses incurred in any calendar year ~~on July 1, 1991, and thereafter~~, each insurer shall annually be assessed by the board in the following calendar year a portion of such incurred operating losses of the plan; such portion shall be determined by multiplying such operating losses by a fraction, the numerator of which equals the insurer's earned premium pertaining to direct writings of health insurance in the state during the calendar year preceding that for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by participating insurers in the state during such calendar year.

(b) ~~For operating losses incurred from July 1, 1991, through December 31, 1991, the total of all assessments upon a participating insurer shall not exceed .375 percent of such insurer's health insurance premiums earned in this state during 1990. For operating losses incurred in 1992 and thereafter, the total of all assessments upon a participating insurer shall not exceed 1 percent of such insurer's health insurance premium earned in this state during the calendar year preceding the year for which the assessments were levied.~~

(c) ~~For operating losses incurred from October 1, 1990, through June 30, 1991, the board shall assess each insurer in the amount and manner prescribed by chapter 90-334, Laws of Florida. The maximum assessment against an insurer, as provided in such act, shall apply separately~~

~~to the claims incurred in 1990 (October 1 through December 31) and the claims incurred in 1991 (January 1 through June 30). For operating losses incurred on January 1, 1991, through June 30, 1991, the maximum assessment against an insurer shall be one half of the amount of the maximum assessment specified for such insurer in former s. 627.6492(1)(b), 1990 Supplement, as amended by chapter 90-334, Laws of Florida.~~

(c)(d) All rights, title, and interest in the assessment funds collected shall vest in this state. However, all of such funds and interest earned shall be used by the association to pay claims and administrative expenses.

(2) If assessments and other receipts by the association, board, or administrator exceed the actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses. As used in this subsection, the term "future losses" includes reserves for claims incurred but not reported.

(3) Each insurer's assessment shall be determined annually by the association based on annual statements and other reports deemed necessary by the association and filed with it by the insurer. Any deficit incurred under the plan shall be recouped by assessments against participating insurers by the board in the manner provided in subsection (1); and the insurers may recover the assessment in the normal course of their respective businesses without time limitation.

(4)(a) *This subsection applies only to those costs and expenses of the association related to persons whose coverage begins after January 1, 2002. As a condition of doing business in this state, every insurer shall pay an amount determined by the board of up to 25 cents per month for each individual policy or covered group subscriber insured in this state, not including covered dependents, under a health insurance policy, certificate, or other evidence of coverage that is issued for a resident of this state and shall file the information with the association as required pursuant to paragraph (d). Any insurer who neglects, fails, or refuses to collect the fee shall be liable for and pay the fee. The fee shall not be subject to the provisions of s. 624.509.*

(b) *For purposes of this subsection, health insurance does not include accident only, specified disease, individual hospital indemnity, credit, dental-only, vision-only, Medicare supplement, long-term care, nursing home care, home health care, community-based care, or disability income insurance; similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan and are specifically designed to fill gaps in the underlying health plan, coinsurance, or deductibles; any policy covering medical-payment coverage or personal injury protection coverage in a motor vehicle policy; coverage issued as a supplement to liability insurance; or workers' compensation insurance. For the purposes of this subsection, the term "insurer" as defined in s. 627.6482(7) also includes administrators licensed pursuant to s. 626.8805, and any insurer defined in s. 627.6482(7) from whom any person providing health insurance to Florida residents procures insurance for itself in the insurer, with respect to all or part of the health insurance risk of the person, or provides administrative services only. This definition of insurer excludes self-insured, employee welfare benefit plans that are not regulated by the Florida Insurance Code pursuant to the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, as amended. However, this definition of insurer includes multiple employer welfare arrangements as provided for in the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, as amended. Each covered group subscriber, without regard to covered dependents of the subscriber, shall be counted only once with respect to any assessment. For that purpose, the board shall allow an insurer as defined by this subsection to exclude from its number of covered group subscribers those who have been counted by any primary insurer providing health insurance coverage pursuant to s. 624.603.*

(c) *The calculation shall be determined as of December 31 of each year and shall include all policies and covered subscribers, not including covered dependents of the subscribers, insured at any time during the year, calculated for each month of coverage. The payment is payable to the association no later than April 1 of the subsequent year. The first payment shall be forwarded to the association no later than April 1, 2002, covering the period of October 1, 2001, through December 31, 2001.*

(d) *The payment of such funds shall be submitted to the association accompanied by a form prescribed by the association and adopted in the*

plan of operation. The form shall identify the number of covered lives for different types of health insurance products and the number of months of coverage.

(e) Beginning October 1, 2001, the fee paid to the association may be charged by the health insurer directly to each policyholder, insured member, or subscriber and is not part of the premium subject to the department's review and approval. Nonpayment of the fee shall be considered nonpayment of premium for purposes of s. 627.6043.

Section 15. Section 627.6498, Florida Statutes, is amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(1) COVERAGE OFFERED.—

(a) The plan shall offer in an annually ~~semiannually~~ renewable policy the coverage specified in this section for each eligible person. ~~For applications accepted on or after June 7, 1991, but before July 1, 1991, coverage shall be effective on July 1, 1991, and shall be renewable on January 1, 1992, and every 6 months thereafter. Policies in existence on June 7, 1991, shall, upon renewal, be for a term of less than 6 months that terminates and becomes subject to subsequent renewal on the next succeeding January 1 or July 1, whichever is sooner.~~

~~(b) If an eligible person is also eligible for Medicare coverage, the plan shall not pay or reimburse any person for expenses paid by Medicare.~~

~~(c) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan. If such coverage is applied for within 60 days after the involuntary termination and if premiums are paid for the entire period of coverage, the effective date of the coverage shall be the date of termination of the previous coverage.~~

~~(b)(4) The plan shall provide that, upon the death or divorce of the individual in whose name the contract was issued, every other person then covered in the contract may elect within 60 days to continue under the same or a different contract.~~

~~(c)(e) No coverage provided to a person who is eligible for Medicare benefits shall be issued as a Medicare supplement policy as defined in s. 627.672.~~

(2) BENEFITS.—

~~(a) The plan must offer coverage to every eligible person subject to limitations set by the association. The coverage offered must pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4). The lifetime benefits limit for such coverage shall be \$500,000. However, policyholders of association policies issued prior to 1992 are entitled to continued coverage at the benefit level established prior to January 1, 2002. Only the premium, deductible, and coinsurance amounts may be modified as determined necessary by the board. The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 110.123 except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of \$500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.~~

~~(b) The plan shall provide that any policy issued to a person eligible for Medicare shall be separately rated to reflect differences in experience reasonably expected to occur as a result of Medicare payments.~~

(3) COVERED EXPENSES.—

~~(a) The board shall establish the coverage to be issued by the association.~~

~~(b) If the coverage is being issued to an eligible individual as defined in s. 627.6487, the individual shall be offered, at the option of the individual, the basic and the standard health benefit plan as established in s.~~

~~627.6699. The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 110.123, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.~~

(4) PREMIUMS AND, DEDUCTIBLES, AND COINSURANCE.—

~~(a) The plan shall provide for annual deductibles for major medical expense coverage in the amount of \$1,000 or any higher amounts proposed by the board and approved by the department, plus the benefits payable under any other type of insurance coverage or workers' compensation. The schedule of premiums and deductibles shall be established by the board association. With regard to any preferred provider arrangement utilized by the association, the deductibles provided in this paragraph shall be the minimum deductibles applicable to the preferred providers and higher deductibles, as approved by the department, may be applied to providers who are not preferred providers.~~

~~1. Separate schedules of premium rates based on age may apply for individual risks.~~

~~2. Rates are subject to approval by the department pursuant to ss. 627.410 and 627.411, except as provided by this section. The board shall revise premium schedules annually, beginning January 2002.~~

~~3. Standard risk rates for coverages issued by the association shall be established by the department, pursuant to s. 627.6675(3).~~

~~3.4. The board shall establish three premium schedules based upon an individual's family income:~~

~~a. Schedule A is applicable to an individual whose family income exceeds the allowable amount for determining eligibility under the Medicaid program, up to and including 200 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 150 percent of the standard risk rate.~~

~~b. Schedule B is applicable to an individual whose family income exceeds 200 percent but is less than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 250 percent of the standard risk rate.~~

~~c. Schedule C is applicable to an individual whose family income is equal to or greater than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 300 percent of the standard risk rate. establish separate premium schedules for low-risk individuals, medium-risk individuals, and high-risk individuals and shall revise premium schedules annually beginning January 1999.~~

~~4. The standard risk rate shall be determined by the department pursuant to s. 627.6675(3). The rate shall be adjusted for benefit differences. No rate shall exceed 200 percent of the standard risk rate for low-risk individuals, 225 percent of the standard risk rate for medium-risk individuals, or 250 percent of the standard risk rate for high-risk individuals. For the purpose of determining what constitutes a low-risk individual, medium-risk individual, or high-risk individual, the board shall consider the anticipated claims payment for individuals based upon an individual's health condition.~~

~~(b) If the covered costs incurred by the eligible person exceed the deductible for major medical expense coverage selected by the person in a policy year, the plan shall pay in the following manner:~~

~~1. For individuals placed under case management, the plan shall pay 90 percent of the additional covered costs incurred by the person during the policy year for the first \$10,000, after which the plan shall pay 100 percent of the covered costs incurred by the person during the policy year.~~

~~2. For individuals utilizing the preferred provider network, the plan shall pay 80 percent of the additional covered costs incurred by the person during the policy year for the first \$10,000, after which the plan shall pay 90 percent of covered costs incurred by the person during the policy year.~~

3.—If the person does not utilize either the case management system or the preferred provider network, the plan shall pay 60 percent of the additional covered costs incurred by the person for the first \$10,000, after which the plan shall pay 70 percent of the additional covered costs incurred by the person during the policy year.

(5) **PREEXISTING CONDITIONS.**—An association policy *shall* ~~may~~ contain provisions under which coverage is excluded during a period of 12 months following the effective date of coverage with respect to a given covered individual for any preexisting condition, as long as:

(a) The condition manifested itself within a period of 6 months before the effective date of coverage; or

(b) Medical advice or treatment was recommended or received within a period of 6 months before the effective date of coverage.

This subsection does not apply to an eligible individual as defined in s. 627.6487.

(6) **OTHER SOURCES PRIMARY.**—

(a) No amounts paid or payable by Medicare or any other governmental program or any other insurance, or self-insurance maintained in lieu of otherwise statutorily required insurance, may be made or recognized as claims under such policy or be recognized as or towards satisfaction of applicable deductibles or out-of-pocket maximums or to reduce the limits of benefits available.

(b) The association has a cause of action against a participant for any benefits paid to the participant which should not have been claimed or recognized as claims because of the provisions of this subsection or because otherwise not covered.

(7) **NONENTITLEMENT.**—*The Florida Comprehensive Health Association Act does not provide an individual with an entitlement to health care services or health insurance. A cause of action does not arise against the state, the board, or the association for failure to make health services or health insurance available under the Florida Comprehensive Health Association Act.*

Section 16. *The Legislature finds that the provisions of this act fulfill an important state interest.*

Section 17. *The amendments in this act to section 627.6487(3), Florida Statutes, shall not take effect unless the Health Care Financing Administration of the U.S. Department of Health and Human Services approves this act as providing an acceptable alternative mechanism, as provided in the Public Health Service Act.*

Section 18. *Effective January 1, 2002, section 627.6484, Florida Statutes, is repealed.*

Section 19. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 2, delete line 25 and insert: of subscribers; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term “eligible individual” for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual’s family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members;

requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 1210** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BURT PRESIDING

On motion by Senator Smith—

SB 1644—A bill to be entitled An act relating to education; amending s. 231.262, F.S.; requiring school districts to institute policies regarding complaints against teachers and administrators; providing penalties for noncompliance; authorizing the Commissioner of Education to suspend certificates of certain educational personnel; providing appeals procedures; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Smith and adopted:

Amendment 1 (753822)—On page 2, line 22 through page 3, line 5, delete those lines and insert: filing. *Each district school board shall develop policies and procedures to comply with this reporting requirement. The policies and procedures must include appropriate penalties for nonreporting for all personnel of the district school board and procedures for promptly informing the superintendent of schools of each legally sufficient complaint. The superintendent of schools is charged with knowledge of these policies and procedures. If the superintendent of schools has knowledge of a legally sufficient complaint and does not report the legally sufficient complaint, or if the superintendent fails to enforce the policies and procedures of the district school board and fails to comply with the requirements of this subsection, in addition to other actions against a certificateholder authorized by law, the superintendent is subject to the penalties specified in s. 230.33(13).* This paragraph does

Amendment 2 (270774)(with title amendment)—On page 3, lines 10-24, delete those lines and insert:

(5) *When deemed necessary to protect the health, safety, and welfare of a student, the district school superintendent in consultation with the school principal may, and upon the request of the Commissioner of Education shall, temporarily suspend a certificateholder from the certificateholder’s regularly assigned duties, with pay, and reassign the suspended certificateholder to a position that does not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 231.2615.*

And the title is amended as follows:

On page 1, lines 7-9, delete those lines and insert: district school superintendent to temporarily suspend a certificateholder from regularly assigned duties until completion of certain proceedings; providing an

Pursuant to Rule 4.19, **SB 1644** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 972—A bill to be entitled An act relating to water management district fiscal matters; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budgets must be sent for review; specifying the contents of the tentative budgets; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; amending s. 373.501, F.S.; providing procedures for the transfer of funds for proposed water management district projects; amending s. 373.59, F.S.; authorizing the use of the Water Management Lands Trust Fund for specified purposes other than acquisition; deleting a prospective repeal; authorizing the South Florida Water Management District to acquire specified mining and quarry lands; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (065408)(with title amendment)—On page 14, lines 5-10, delete those lines and insert:

Section 6. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—Each appraiser registered, licensed, or certified under this part shall comply with the Uniform Standards of Professional Appraisal Practice. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation shall also be binding on any appraiser registered, licensed, or certified under this part. *Appraisers may use any recognized appropriate appraisal methodology, in compliance with the Uniform Standards of Professional Appraisal Practice and applicable statements issued through the Appraisal Foundation, including, but not limited to, cost, comparable sales and income approach.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 3-5 delete those lines and insert: repeal; amending s. 475.628, F.S.; recognizing certain appraisal methods;

Pursuant to Rule 4.19, **CS for SB 972** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 354—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the "Florida Civil Rights Act of 1992"; revising procedures for filing complaints; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 354** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 684—A bill to be entitled An act relating to organ transplantation programs; providing for an impact study and report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment:

Amendment 1 (273274)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Legislature finds that despite continuing advances in medicine and technology, the demand for organs drastically outstrips the amount of organ donors, that the waiting list for organs has grown dramatically in the 1990's to the point that over 70,000 people are on a waiting list for organ transplants, and that during this period, the number of available donor organs remained at 6,000 per year. The Legislature further finds that organ transplants are among the most complex and specialized of health care services and, due to its high level of intensity, complexity, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of this highly specialized service, and that multiple organ transplants are among the most complex and specialized of health care services and should be limited to teaching and research medical centers. In addition, the Legislature finds that the creation of a successful organ transplantation program is a costly initiative, including capital expenditures for physical plant improvements and acquisition of state-of-the-art medical equipment, and also in the recruitment, acquisition, and retention of qualified professional staff, such as surgeons, physicians, nurses, transplant coordinators, medical technicians, and assistants, who require the highest level of training, and that these professionals are in high demand. The Legislature finds that competition for organ transplantation programs should be based on quality that is demonstrated by outcome data in order to maximize the number of patients who undergo successful transplant surgery with excellent patient and transplant survival rates, that adding new transplantation programs only dilutes the pool of available organs among a larger number of hospitals, that it does not increase the number of organs available to patients, and therefore, proliferation of new transplantation programs should be carefully considered, based on the fact that proficiency of medical and nursing staff is maintained by participating in a higher volume of procedures rather than a lower volume due to disbursement of the same type of transplantation programs to numerous facilities.*

Section 2. (1)(a) *The Agency for Health Care Administration shall create an Organ Transplant Task Force within the Agency for Health Care Administration.*

(b) *Task force participants shall be responsible for only the expenses that they generate individually through participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.*

(2) *The task force shall consist of up to 15 members. The task force chairperson shall be selected by majority vote of a quorum present. Eight members shall constitute a quorum. The membership shall include, but not be limited to, a balance of members representing the Agency for Health Care Administration, health care facilities that have existing organ transplantation programs, individual organ transplant health care practitioners, pediatric organ transplantation programs, organ procurement agencies, and organ transplant recipients or family members.*

(3) *The task force shall meet for the purpose of studying and making recommendations regarding current and future supply of organs in relation to the number of existing organ transplantation programs and the future necessity of the issuance of a certificate of need for proposed organ transplantation programs. At a minimum, the task force shall submit a report to the Legislature which includes a summary of the method of allocation and distribution of organs; a list of facilities performing multiple organ transplants and the number being performed; the number of Medicaid and charity care patients who have received organ transplants by existing organ transplant programs; suggested mechanisms for funding organ transplants, which shall include, but need not be limited to, an organ transplant trust fund for the treatment of Medicaid and charity patients; the impact of trends in health care delivery and financing on organ transplantation; and the number of certificates of need applications reviewed by the Agency for Health Care Administration in the last*

5 years, including the number approved or denied and the number litigated.

(4) *The task force shall meet at the call of the chairperson. The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2002. The task force is abolished effective December 31, 2002.*

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to organ transplantation; providing legislative intent; providing for the Agency for Health Care Administration to create the Organ Transplant Task Force to study organ transplantation programs; requiring the task force to study and make recommendations on the necessity of the issuance of certificates of need for such programs and funding for organ transplantation; providing a date for the task force to report to the Governor and the Legislature; providing an effective date.

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

Amendment 1A (753964)—On page 2, line 26, after “Administration” insert: *, which task force must be funded by existing agency funds*

Senators Brown-Waite and Campbell offered the following amendment to **Amendment 1** which was moved by Senator Brown-Waite and adopted:

Amendment 1B (652338)(with title amendment)—On page 1, line 17 through page 2, line 23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, line 14, delete “providing legislative intent;”

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 684** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB’s 1442 and 1570—A bill to be entitled An act relating to interscholastic athletics; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (320098)—On page 3, line 16, after the comma (,) insert: *or if a parent consents in writing notwithstanding the results of any physical examination,*

Amendment 2 (720838)—On page 2, lines 28 and 29, delete “*abnormal findings in the cardiovascular system*” and insert: *cardiac anomalies that would place the student athlete at imminent health risk*

Pursuant to Rule 4.19, **CS for SB’s 1442 and 1570** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 666—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician

assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendments which were moved by Senator Sullivan and adopted:

Amendment 1 (514986)—On page 4, line 9, delete *antipsychotics*, and insert: *antipsychotics*,

Amendment 2 (125506)—On page 9, line 28, delete “July 1, 2001.” and insert: October 1, 2001.

Pursuant to Rule 4.19, **SB 666** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 924—A bill to be entitled An act relating to health care providers; amending ss. 458.331, 459.015, F.S.; providing an additional ground for discipline of persons licensed under ch. 458, F.S., or ch. 459, F.S.; providing an effective date.

—was read the second time by title.

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

Amendment 1 (272574)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (nn) and (oo) are added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Delegating post-operative responsibilities to a person not licensed as a physician under this chapter or chapter 459, except where delegation to another licensed health care practitioner is deemed medically appropriate by the delegating physician and the other licensed health care practitioner is required by law to conform to the same level of care provided by medical practitioners in accordance with the same or similar community standards. Such delegation shall be subject to the written informed consent of the patient, and the post-operative care shall be performed pursuant to a co-management protocol which requires regular reporting to the surgeon and immediate consultation with a surgeon when the care required by the patient exceeds the care which the other licensed health care practitioner is authorized or trained to perform.*

(oo) *Failing to report to the department any person licensed under this chapter, chapter 459, or the chapter regulating the alleged violator, whose failure to provide appropriate post-operative care has caused a patient to require emergency room treatment.*

Section 2. Paragraphs (pp) and (qq) are added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Delegating post-operative responsibilities to a person not licensed as a physician under this chapter or chapter 459, except where delegation to another licensed health care practitioner is deemed medically appropriate by the delegating physician and the other licensed health care practitioner is required by law to conform to the same level*

of care provided by medical practitioners in accordance with the same or similar community standards. Such delegation shall be subject to the written informed consent of the patient, and the post-operative care shall be performed pursuant to a co-management protocol which requires regular reporting to the surgeon and immediate consultation with a surgeon when the care required by the patient exceeds the care which the other licensed health care practitioner is authorized or trained to perform.

(qq) Failing to report to the department any person licensed under this chapter, chapter 458, or the chapter regulating the alleged violator, whose failure to provide appropriate post-operative care has caused a patient to require emergency room treatment.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 4, delete “an additional ground” and insert: additional grounds

Senator Smith moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (452078)—On page 1, delete line 31 and insert: *the same or similar community standards. Delegation of ocular postoperative responsibilities shall*

Amendment 1B (115090)—On page 2, lines 8-12, delete those lines and insert:

(oo) *Failing to report to the department, as required in s. 456.072, any person licensed under this chapter, chapter 459, or the chapter regulating the alleged violation, who fails to provide appropriate post-operative care.*

Amendment 1C (583164)—On page 2, delete line 27 and insert: *the same or similar community standards. Delegation of ocular postoperative responsibility shall*

Amendment 1D (331136)—On page 3, lines 4-8, delete those lines and insert: (qq) *Failing to report to the department, as required by s. 456.072, any person licensed under this chapter, chapter 458, or the chapter regulating the alleged violator, who fails to provide appropriate post-operative care.*

The question recurred on **Amendment 1** as amended.

Senator Webster moved the following substitute amendment:

Amendment 2 (471030)—On page 1, lines 17-29, delete those lines and insert:

(nn) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 28 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient’s post-operative care.*

Section 2. Paragraph (pp) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 458. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 28 days following cataract surgery, the board certified optometrist is supervised*

by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient’s post-operative care.

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

Amendment 2A (085188)—On page 1, lines 22-30 and on page 2, lines 11-19, delete those lines and insert: *an ophthalmologist performing ocular surgery from delegating ocular post-operative responsibilities relating to that ocular surgery to a board certified optometrist licensed under chapter 463; provided, that the delegation occurs no sooner than 7 days following the ocular surgery, the board certified optometrist is under general supervision by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient’s postoperative care. General supervision shall mean the ophthalmologist need not be present but readily available for consultation or to direct treatment.*

The vote was:

Yeas—21

Brown-Waite	King	Posey	Villalobos
Campbell	Latvala	Rossin	Wasserman Schultz
Carlton	Lee	Sanderson	Webster
Garcia	Meek	Sebesta	
Holzendorf	Mitchell	Smith	
Horne	Peaden	Sullivan	

Nays—15

Bronson	Cowin	Geller	Miller
Burt	Crist	Klein	Pruitt
Clary	Dawson	Laurent	Saunders
Constantine	Dyer	Lawson	

Vote after roll call:

Yea to Nay—Peaden

RECONSIDERATION OF AMENDMENT

On motion by Senator Webster, the Senate reconsidered the vote by which **Amendment 2A** was adopted. **Amendment 2A** failed. The vote was:

Yeas—16

Bronson	Horne	Mitchell	Sebesta
Brown-Waite	King	Peaden	Smith
Campbell	Lee	Rossin	Sullivan
Holzendorf	Meek	Sanderson	Villalobos

Nays—20

Burt	Crist	Klein	Posey
Carlton	Dawson	Latvala	Pruitt
Clary	Dyer	Laurent	Saunders
Constantine	Garcia	Lawson	Wasserman Schultz
Cowin	Geller	Miller	Webster

Vote after roll call:

Yea to Nay—Peaden

The question recurred on substitute **Amendment 2** which was adopted.

Pursuant to Rule 4.19, **CS for SB 924** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 654—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Saunders and adopted:

Amendment 1 (583128)—On page 1, line 26, delete “15 years” and insert: 12 years

Pursuant to Rule 4.19, **SB 654** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 634—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 634** to **HB 1003**.

Pending further consideration of **CS for SB 634** as amended, on motion by Senator Clary, by two-thirds vote **HB 1003** was withdrawn from the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

HB 1003—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; providing an effective date.

—a companion measure, was substituted for **CS for SB 634** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1003** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

SB 672—A bill to be entitled An act relating to financial responsibility for indigent hospital patients; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county’s financial responsibility for such hospital care; requiring the county of residence to accept the hospital’s documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 672** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 1722—A bill to be entitled An act relating to surety bonds; amending s. 625.071, F.S.; modifying the amount of reserve which surety insurers may maintain on bail bonds and judicial bonds in lieu of the unearned premium reserve required under s. 625.051, F.S.; providing financial reporting requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1722** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 1840—A bill to be entitled An act relating to school board service programs; creating the “David Levitt School Food Anti-Hunger Act of 2001”; amending s. 228.195, F.S.; requiring school districts to donate unused food to programs that assist hungry families under certain circumstances; providing exceptions; authorizing the Department of Education to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1840** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson, by two-thirds vote **HB 499** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Sanderson—

HB 499—A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as “Bill of Rights Day”; providing for a proclamation by the Governor to that effect; providing an effective date.

—a companion measure, was substituted for **SB 1036** and read the second time by title.

Pursuant to Rule 4.19, **HB 499** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Horne—

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

Amendment 1 (920520)—On page 1, line 23, delete “~~knows he or she~~” and insert: knows he or she

Amendment 2 (444582)—On page 2, line 24, delete “*bona fide*” and insert: *good-faith*

Amendment 3 (734348)—On page 2, line 28, delete “*satisfied if*” and insert: *proven by evidence that*

Pursuant to Rule 4.19, **CS for CS for SB 400** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1212—A bill to be entitled An act relating to special assessments; amending s. 189.420, F.S.; providing a method for special assessments of mobile home and recreational vehicle parks by municipalities and counties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1212** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1126** was deferred.

On motion by Senator Wasserman Schultz, consideration of **CS for SB 1692** was deferred.

CS for SB 1190—A bill to be entitled An act relating to higher education; providing Legislative intent; redesignating St. Petersburg Junior College as “St. Petersburg College”; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (104860)(with title amendment)—On page 2, between lines 21 and 22, insert:

Section 1. Section 240.3836, Florida Statutes, is amended to read:

240.3836 Site-determined baccalaureate degree access program; funding.—

(1) The Legislature recognizes that public and private postsecondary education institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of community colleges apply this concept in the creation and funding of a program that supports local economic development and responds to public demand for increased access to baccalaureate degrees in areas of the state that are underserved by 4-year institutions.

(2) A community college may be authorized by the State Board of Education to offer a limited number of baccalaureate degrees designed to meet local workforce needs through one of the following processes:

(a) A community college may enter into a formal agreement with the state university in its service area for the community college to deliver specified baccalaureate degree programs. The agreement must be submitted to the State Board of Education for approval. The college’s proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.
2. Unmet need for graduates of the proposed degree program is substantiated.
3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(b) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district. The proposal must be submitted to the State Board of Education for approval. The college’s proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(3) A community college may not terminate its Associate-in-Arts or Associate-in-Science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a college that offers baccalaureate-degree programs, continues to be the provision of associate degrees that provide access to a university.

(2) ~~Categorical funding is authorized for the site-determined baccalaureate-degree-access program created by this section. Funds may not be used to support the construction, renovation, or remodeling of facilities. This program is voluntary and does not preclude other mutually agreed-upon arrangements between community colleges and 4-year institutions for the delivery of baccalaureate degrees on community college sites.~~

(3) ~~Each community college wishing to participate in the site-determined baccalaureate-degree-access program must:~~

(a) ~~Identify baccalaureate degree programs that are not currently offered at the community college but are proposed for delivery at the college to meet the academic and economic development needs of one or more communities within the college’s service area. When assessing local needs, the college should seek input from the appropriate chamber of commerce, workforce development council, and other civic and business groups. As used in this section, the term “economic development” means entrepreneurial efforts, the attraction of new business and industry to the area, and the expansion of existing business and industry.~~

(b) ~~Determine the number of students interested in pursuing each proposed baccalaureate degree program and identify the enrollment patterns, any special characteristics of those students, and any unique combination or modification of course offerings that may be necessary to meet student enrollment needs.~~

(c) ~~Submit a proposal to the Postsecondary Education Planning Commission requesting validation of the need for the proposed baccalaureate degree program and tentative approval for program funding. The proposal must include:~~

1. ~~A description of each proposed baccalaureate degree program identifying the junior-level and senior-level courses to be offered and designating whether the program should be offered for a cohort group or as an ongoing degree program.~~
2. ~~Evidence that local occupational forecasts support the existence of jobs for graduates of the proposed baccalaureate degree programs.~~
3. ~~An estimated number of students to be served by each proposed degree program.~~
4. ~~An assurance that the community college’s existing facilities are sufficient to meet the additional demands for classroom and laboratory space for the proposed degree programs.~~

5. ~~Evidence that the college has requested the participation of no fewer than three regionally accredited 4-year postsecondary institutions, including at least one member of the State University System. Any member of the State University System and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in, Florida may be a partner in a site-determined baccalaureate-degree-access program at any community college.~~

6. ~~A tentative agreement between the community college and the 4-year postsecondary institution selected to offer the upper-level courses leading to the proposed degree or degrees.~~

7.—Any additional provisions that the Postsecondary Education Planning Commission considers pertinent to the proposal.

(4)—The Postsecondary Education Planning Commission, after soliciting comments from the Board of Regents and the State Board of Community Colleges, shall validate the need for each baccalaureate degree program proposed for delivery according to this section and shall notify the community college that its proposal has been approved or rejected. The commission shall establish procedures for the timely submission, review, and approval of the proposals and agreements required by this section. These procedures must be designed to allow the initiation of approved baccalaureate degree programs at least 3 times each fiscal year.

(5)—Once the Postsecondary Education Planning Commission validates the need for the proposed baccalaureate degree program and notifies the community college that its proposal has been approved, the community college shall finalize an agreement with the regionally accredited, public or nonpublic, 4 year postsecondary institution selected to provide the upper level instructional services in the approved baccalaureate degree program. The commission shall identify the common aspects that each agreement must address, including, but not limited to:

(a)—A course delivery pattern based on the student enrollment patterns and characteristics included in the approved proposal.

(b)—An articulation provision that guarantees acceptance of students who hold an associate in arts or associate in science degree and satisfy any other prerequisites for admission to the specific baccalaureate degree program.

(c)—The provision of library services and student support services.

(d)—An agreement that the participating 4 year postsecondary institution will continue offering instructional services at least until all qualified members of the initial group of students have had an opportunity to complete the degree program.

(e)—The specific and measurable performance criteria that the Postsecondary Education Planning Commission may use to evaluate the outcomes and outputs of the baccalaureate degree program within an identified timeframe.

(f)—An agreement that in state student tuition for the degree program will not exceed the matriculation fee for the State University System unless the proposal approved by the Postsecondary Education Planning Commission allows the participating institutions to charge differentiated tuition and fees to encourage student attendance and participation. Out of state students shall pay full costs. Notwithstanding s. 240.605, students participating in a site determined baccalaureate degree program may not receive a Florida Resident Access Grant.

(6)—Each participating community college must submit the agreement required by this section to the Postsecondary Education Planning Commission for review and final approval before initiating an approved site determined baccalaureate degree access program. Subject to the availability of legislative appropriations specifically provided for this purpose, the Postsecondary Education Planning Commission must recommend to the Commissioner of Education the total funds to be released to each participating community college for the initiation of the approved site determined baccalaureate degree access program. The community college shall distribute funds to the participating 4 year postsecondary institution at the rate specified in the approved agreement. The Postsecondary Education Planning Commission shall not recommend the release of funding for any program that is terminated before or after the evaluation required by this section. The total funds to be released for the initiation of an approved program shall be based on the number of fundable upper level student credit hours for each term. Unless otherwise provided in an appropriations act, the funding per credit hour shall be an amount equal to the state funds, excluding student fees, appropriated to the State University System for each full time equivalent student enrolled in upper level course work. Student credit hours funded under this program may not be duplicated in any other calculation of state funding for the 4 year institution.

(7)—The Postsecondary Education Planning Commission may require the participating community colleges and 4 year postsecondary institutions to submit information necessary to monitor the annual performance of the program. Within 90 days after the 2nd and 4th year of the

site determined baccalaureate degree access program, the commission shall submit to the chairs of the education and fiscal committees of the Legislature a progress report, including an evaluation of the funding mechanism created by this section. The commission shall review each site determined baccalaureate degree access program funded under this section to ascertain whether the performance measures specified in the agreement between the participating community college and the 4 year institution have been met. Each program must be reviewed 4 years after initiation unless a shorter timeframe is specified in the agreement. The performance measures must include the student graduation rate, the employment rate of program graduates both within and outside the community college service area, the continuing need to offer the specific baccalaureate degree program in the community college service area, and such other information as the Postsecondary Education Planning Commission may determine necessary for program and performance evaluation. Based on its evaluation, the commission shall either approve continuation of the program, require modifications prior to program approval, or recommend that the participating institutions terminate the program after all qualified members of the initial group of students have an opportunity to complete the degree program. The commission must submit to the Commissioner of Education for inclusion in the legislative budget a request for funding for approved site determined baccalaureate degree access programs.

(8)—If no accredited 4 year institution is willing to provide a baccalaureate degree program approved by the Postsecondary Education Planning Commission under this section, the community college board of trustees may ask the commission to evaluate the college's request to offer the degree program. If the commission is satisfied that the community college should offer the degree program, it shall recommend to the Legislature the enactment of statutory authority for the community college to offer that specific baccalaureate degree program.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs;

Senator Sullivan offered the following amendment which was moved by Senator Sebesta:

Amendment 2 (171796)(with title amendment)—On page 2, line 21, insert:

Section 1. Subsection (5) of section 240.2011, Florida Statutes, is amended to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County and a fiscally autonomous campus in Pinellas County, named the University of South Florida St. Petersburg.

Section 2. Section 240.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.527, F.S., for present text.)

240.527 The University of South Florida St. Petersburg.—

(1) The St. Petersburg campus of the University of South Florida is established and shall be known as the "University of South Florida St. Petersburg."

(a) The Legislature intends that the University of South Florida St. Petersburg be operated and maintained as a separate organizational and budget entity of the University of South Florida, and that all legislative appropriations for the University of South Florida St. Petersburg be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida St. Petersburg shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than the effective date of this act, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of

South Florida St. Petersburg. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall select one joint member. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida St. Petersburg Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South

Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) The following entities are not affected by this section and remain under the administrative control of the University of South Florida:

(a) The University of South Florida College of Marine Science, which is a component college of the main campus.

(b) The Florida Institute of Oceanography, which is a Type One Institute.

(c) The University of South Florida Pediatric Research Center.

(d) The University of South Florida/USGS joint facility.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 240.2011, F.S.; creating a fiscally autonomous campus of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions;

MOTION

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

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

Amendment 2A (191200)—On page 5, line 20, insert:

(6) Nothing contained within this section shall be construed to adversely impact the accreditation of the University of South Florida.

Amendment 2 as amended was adopted.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 3 (755010)—On page 6, lines 14 and 15, delete “the St. Petersburg College service area” and insert: *Pinellas County*

On motion by Senator Sullivan, further consideration of **CS for SB 1190** as amended was deferred.

On motion by Senator Wasserman Schultz—

CS for SB 1692—A bill to be entitled An act relating to greyhound adoptions; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator Wasserman Schultz and failed:

Amendment 1 (220788)—On page 2, lines 6-8, delete those lines and insert: *personnel or volunteers from a bona fide organization that promotes or encourages the adoption of grey hounds pursuant to s. 550.1647. As used in this*

Amendment 2 (022168)(with title amendment)—On page 4, line 10, after the period (.) insert: *Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.*

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: *requiring sterilization of greyhounds prior to adoption;*

Senator Wasserman Schultz moved the following amendment:

Amendment 3 (810814)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Greyhound adoptions.*—

(1) *Each dogracing permitholder operating a dogracing facility in this state shall provide for a greyhound-adoption booth to be located at the facility. The greyhound-adoption booth must be operated on weekends by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to section 550.1647, Florida Statutes. As used in this section, the term “weekend” includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. Information pamphlets and application forms shall be provided to the public upon request. In addition, the kennel operator or owner shall notify the permitholder that a greyhound is available for adoption and the permitholder shall provide information concerning the adoption of a greyhound in each race program and shall post adoption information at conspicuous locations throughout the dogracing facility. Any greyhound that is participating in a race and that will be available for future adoption must be noted in the race program. The permitholder shall allow greyhounds to be walked through the track facility to publicize the greyhound-adoption program.*

(2) *In addition to the charity days authorized under section 550.0351, Florida Statutes, a greyhound permitholder may fund the greyhound-adoption program by holding a charity racing day designated as “Greyhound Adopt-A-Pet Day.” All profits derived from the operation of the charity day must be placed into a fund used to support activities at the racing facility which promote the adoption of greyhounds. The division may adopt rules for administering the fund. Proceeds from the charity day authorized in this subsection may not be used as a source of funds for the purposes set forth in section 550.1647, Florida Statutes.*

(3)(a) *Upon a violation of this section by a permitholder or licensee, the division may impose a penalty as provided in section 550.0251(10), Florida Statutes, and require the permitholder to take corrective action.*

(b) *A penalty imposed under section 550.0251(10), Florida Statutes, does not exclude a prosecution for cruelty to animals or for any other criminal act.*

Section 2. Section 550.1647, Florida Statutes, is amended to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s.

550.0351, an amount not less than 10 percent of the amount of the credit provided by this section to any bona fide organization that promotes or encourages the adoption of greyhounds. *As used in this section, the term “bona fide organization that promotes or encourages the adoption of greyhounds” means any organization that provides evidence of compliance with chapter 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.*

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pari-mutuel wagering; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

Senator Lee moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (150452)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. *This act may be cited as the “Debbie Wasserman Schultz Act.”*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: *providing a title;*

Amendment 3 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1692** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1126—A bill to be entitled An act relating to nonprofit civic organizations; amending s. 561.422, F.S.; authorizing nonprofit civic organizations to purchase alcoholic beverage permits for three events per calendar year; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1126** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term “new construction”; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified class-

room training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; repealing s. 482.211(11), F.S., which provides an exemption from regulation for certain yard workers; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

Amendment 1 (133470)—On page 5, line 4, delete “*immediately*”

Amendment 2 (603026)(with title amendment)—On page 7, between lines 5 and 6, insert:

Section 7. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.—

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) *Regulations that:*

1. *Require annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.*

2. *Require pest control treatments of structures that have termite activity or damage, which must be performed by a person licensed under this chapter.*

3. *Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.*

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d)(e) Protection of wellhead protection areas and high recharge areas.

(e)(d) Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f)(e) Hazardous material unlawful discharge and disposal.

(g)(f) Hazardous materials remediation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation;

Amendment 3 (540418)(with title amendment)—On page 7, lines 6 and 7, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 21-23, delete those lines and insert: multiple business locations;

Pursuant to Rule 4.19, **CS for SB 2042** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

SB 916—A bill to be entitled An act relating to state veterans' homes; amending ss. 296.04, 296.34, F.S.; revising provisions relating to the appointment and duties of the veterans' homes' administrators; defining the duties of the administrators; deleting a residency requirement; revising the employment status of employees; amending s. 296.11, F.S.; deleting a requirement that certain interest be deposited into the Grants and Donations Trust Fund; amending s. 296.12, F.S.; requiring an accounting of certain funds in the Residents' Deposits Trust Fund and deleting a requirement that interest accrued in the fund be deposited into the Grants and Donations Trust Fund; amending s. 296.38, F.S.; requiring the accounting of certain funds; deleting a requirement that interest accrued be deposited into the Grants and Donations Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 916** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

SB 1424—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1424** was placed on the calendar of Bills on Third Reading.

SCR 2106—A concurrent resolution naming the legislative clinic in honor of Dr. Edward G. Haskell, Jr.

WHEREAS, Dr. Edward G. Haskell, Jr., founded the concept of health care for stressed-out, time-pressed legislators by voluntarily serving their health care needs during sessions of the Legislature in the mid and late 1960's, and

WHEREAS, Dr. Haskell was the philosophical designer of the concept of a legislative clinic and the “Doctor for the Day” program during legislative sessions, and

WHEREAS, the first legislative clinic opened early in 1967 in an unused portion of a supply room serving the Florida House of Representatives, and

WHEREAS, a terrible outbreak of influenza in 1967 and the passage of Senate Bill 135-X, Extraordinary Session, January 29, 1968, to February 16, 1968 which created the Joint Legislative Management Committee, combined to make a permanent fixture of the legislative clinic, and

WHEREAS, in the first few years of its existence, Dr. Haskell offered invaluable assistance to the clinic and its patients by lending his time, advice, and prescription support, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the legislative clinic, established in 1967, is named the “Dr. Ed Haskell Legislative Clinic.”

BE IT FURTHER RESOLVED that the members of the 2001 Legislature of the State of Florida express their gratitude to Dr. Edward G. Haskell, Jr., for his pioneering leadership and unselfish contributions to the health of colleagues of the past and for his perseverance in helping to establish the legislative clinic.

—was read the second time in full.

On motions by Senator Peaden, **SCR 2106** was adopted and by two-thirds vote immediately certified to the House.

On motion by Senator Silver—

CS for SB 2110—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (465908)(with title amendment)—On page 1, line 12, insert:

Section 1. Section 409.905, Florida Statutes, is amended to read:

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

(1) **ADVANCED REGISTERED NURSE PRACTITIONER SERVICES.**—The agency shall pay for services provided to a recipient by a licensed advanced registered nurse practitioner who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act.

(2) **EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES.**—The agency shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and provide treatment to correct or ameliorate these problems and conditions. These services include all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

(3) **FAMILY PLANNING SERVICES.**—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information; education; counseling regarding the availability, benefits, and risks of each method of pregnancy prevention; drugs and supplies; and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

(4) **HOME HEALTH CARE SERVICES.**—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An

entity that provides services pursuant to this subsection shall be licensed under part IV of chapter 400 or part II of chapter 499, if appropriate. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility. In providing home health care services, the agency may require prior authorization of care based on diagnosis.

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

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but are not limited to: prior authorization for inpatient psychiatric days; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as “institutions for mental disease” or “IMD’s.” The waiver proposal shall propose no additional aggregate cost to the state or Federal Government, and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.

(c) Agency for Health Care Administration shall adjust a hospital’s current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995; or

2. The hospital’s Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year.

No later than November 1, 2000, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Budget Committee. Before the agency implements a change in a hospital’s inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency. This paragraph is repealed on July 1, 2001.

(6) **HOSPITAL OUTPATIENT SERVICES.**—The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to \$1,500 per state fiscal year per recipient, unless an exception has been made by the agency, and with the excep-

tion of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

(7) **INDEPENDENT LABORATORY SERVICES.**—The agency shall pay for medically necessary diagnostic laboratory procedures ordered by a licensed physician or other licensed practitioner of the healing arts which are provided for a recipient in a laboratory that meets the requirements for Medicare participation and is licensed under chapter 483, if required.

(8) **NURSING FACILITY SERVICES.**—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a hospital, as defined by s. 395.002(11), that is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available.

(9) **PHYSICIAN SERVICES.**—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or osteopathic medicine. These services may be furnished in the physician's office, the Medicaid recipient's home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment of an injury, illness, or disease within the scope of the practice of medicine or osteopathic medicine as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

(10) **PORTABLE X-RAY SERVICES.**—The agency shall pay for professional and technical portable radiological services ordered by a licensed physician or other licensed practitioner of the healing arts which are provided by a licensed professional in a setting other than a hospital, clinic, or office of a physician or practitioner of the healing arts, on behalf of a recipient.

(11) **RURAL HEALTH CLINIC SERVICES.**—The agency shall pay for outpatient primary health care services for a recipient provided by a clinic certified by and participating in the Medicare program which is located in a federally designated, rural, medically underserved area and has on its staff one or more licensed primary care nurse practitioners or physician assistants, and a licensed staff supervising physician or a consulting supervising physician.

(12) **TRANSPORTATION SERVICES.**—The agency shall ensure that appropriate transportation services are available for a Medicaid recipient in need of transport to a qualified Medicaid provider for medically necessary and Medicaid-compensable services, provided a client's ability to choose a specific transportation provider shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act. The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to Medicaid services; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s.

Amendment 2 (935158)—On page 2, lines 14-23 and on page 4, lines 4-13, delete those lines and insert:

(a) *Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.*

(b) *Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.*

(c) *Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.*

(d) *Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.*

Pursuant to Rule 4.19, **CS for SB 2110** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 968** was deferred.

On motion by Senator Dyer—

SB 428—A bill to be entitled An act relating to construction contracting; amending s. 489.13, F.S.; providing for issuance of a notice of non-compliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 428** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

SB 520—A bill to be entitled An act relating to reading instruction; providing legislative intent regarding required reading instruction; requiring each public elementary school to develop and implement programs for reading and literacy development in kindergarten through grade 4; requiring the Department of Education to provide technical support; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 520** was placed on the calendar of Bills on Third Reading.

SB 1412—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Posey:

Amendment 1 (152972)—On page 1, lines 16-25, delete those lines and insert: the child is 8 ½ years of age or younger, and is less than 4 feet 9 inches in height, provide for protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 8 ½ years who are less than 4 feet 9 inches in height, a separate carrier, an integrated

On motion by Senator Posey, further consideration of **SB 1412** with pending **Amendment 1** was deferred.

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

CS for SB 1190—A bill to be entitled An act relating to higher education; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number;

establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

—which was previously considered and amended this day.

Senator Sullivan moved the following amendment which was adopted:

Amendment 4 (671846)(with title amendment)—On page 2, between lines 21 and 22, insert:

Section 1. Effective July 1, 2001, subsection (5) of section 240.2011, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County and two fiscally autonomous campuses, one in Pinellas County, named the University of South Florida St. Petersburg, and the other named the University of South Florida Sarasota/Manatee.

(12) New College of Florida, located in Sarasota County, which is the 4-year residential liberal arts honors college of the state of Florida.

Section 2. *The University of South Florida Sarasota/Manatee.*—

(1) *The Sarasota/Manatee campus of the University of South Florida is established and shall be known as the “University of South Florida Sarasota/Manatee.”*

(a) *The Legislature intends that the University of South Florida Sarasota/Manatee be operated and maintained as a separate organizational and budget entity of the University of South Florida and that all legislative appropriations for the University of South Florida Sarasota/Manatee be set forth as separate line items in the annual General Appropriations Act.*

(b) *The University of South Florida Sarasota/Manatee shall have a Campus Board and a Campus Executive Officer.*

(c) *As soon as possible, but no later than July 1, 2002, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida Sarasota/Manatee. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.*

(2) *The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County is appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the campus board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:*

(a) *Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.*

(b) *Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida Sarasota/Manatee Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.*

(c) *Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota/Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the Sarasota/Manatee campus.*

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) *The University of South Florida Sarasota/Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:*

(a) *Administer campus operations within the annual operating budget as approved by the Campus Board.*

(b) *Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.*

(c) *Recommend to the Campus Board an annual campus operating budget.*

(d) *Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.*

(e) *Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.*

(4) *Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.*

(5) *Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.*

Section 3. *New College of Florida.*—

(1) *Mission and goals.*—As a member of the State University System of Florida, New College of Florida preserves its distinctive mission as a residential liberal arts honors college. To maintain this mission, New College of Florida has the following goals:

(a) *To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.*

(b) *To engage in undergraduate educational reform by combining educational innovation with educational excellence.*

(c) *To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.*

(d) *To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.*

(2) *Accreditation.*—As soon as possible, New College of Florida shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.

(3) *Board of Trustees.*—The Governor shall appoint 11 members to the Board of Trustees, to serve 4-year staggered terms, as follows:

- (a) Three residents of Sarasota County.
- (b) Two residents of Manatee County.
- (c) Until the expiration date of the terms of office of the members who are on the board June 30, 2001, six members shall be selected from the Board of Trustees of the New College Foundation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida;

Pursuant to Rule 4.19, **CS for SB 1190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1412—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of **SB 1412**, motions and announcements.

Pending **Amendment 1 (152972)** by the Committee on Transportation failed.

Pursuant to Rule 4.19, **SB 1412** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for SB 302** which has been reported favorably by the Appropriations Subcommittee on Education with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **SB 2168** was withdrawn from the Committee on Appropriations Subcommittee on General Government.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Campbell, the rules were waived and the Committee on Regulated Industries was granted permission to add **CS for SB 2014** to the agenda at the meeting on April 19.

On motion by Senator Lee, the rules were waived and the Committee on Appropriations Subcommittee on Education was granted permission to meet April 19 upon recess for 1 and 1/2 hours to consider **CS for SB 2108** and **CS for SB 1640**.

MOTIONS

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 19.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 18, 2001: CS for CS for SB 400, SB 462, SB 1166, CS for SB 1210, SB 532, SB 540, CS for SB 800, CS for SB 866, CS for SB 360, SB 766, SB 518, SB 1198, SB 2104, CS for SB 1518, CS for CS for SB 1258, CS for SB 452, CS for CS for SB 1016, CS for SB 1506, SB 1644, CS for SB 972, CS for SB 354, CS for SB 684, CS for SB's 1442 and 1570, SB 666, CS for SB 924, SB 654, CS for SB 634, SB 672, CS for SB 1722, SB 1840, SB 1036, SB 1212, SB 1126, CS for SB 1692, CS for SB 1190, CS for SB 2042, SB 916, SB 1424, SCR 2106, CS for SB 2110, SB 968, SB 428, SB 520, SB 1412, CS for SB 828, SB 226, SB 1834, CS for SB 202

Respectfully submitted,
Tom Lee, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 20, 2001: CS for SB 1012, CS for CS for CS for SB's 1526 and 314, CS for SB 2060, SB 1636, CS for SB 1704, CS for CS for SB's 1970 and 164, CS for SB 1284, CS for SB 772, CS for SB 444, CS for SB 718, CS for SB 1226, CS for SB 1468, SB 344, SB 1522, SB 210, SB 1400, SB 136, SB 122, CS for CS for SB 268, SB 514, SB 274, CS for SB 886, CS for SB 834, CS for SB 840, CS for CS for SB 784, SB 1714

Respectfully submitted,
Tom Lee, Chairman

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2004

The Committee on Education recommends the following pass: SB 1488 with 2 amendments, SB 1532, SB 1710

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 370 with 1 amendment, SB 638 with 1 amendment, SB 878

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

The Committee on Agriculture and Consumer Services recommends the following pass: CS for CS for SB 442 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1740 with 2 amendments, CS for SB 1744 with 1 amendment

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 694, SB 1738

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 356, SB 1298 with 1 amendment, SB 1428, SB 2126 with 1 amendment, CS for SB 2224 with 11 amendments

The Committee on Transportation recommends the following pass: SB 2204 with 1 amendment

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

The Committee on Education recommends the following pass: SB 1618

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1290 with 1 amendment

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB 1724, SJR 2236, SB 2248

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Education recommends the following pass: SB 1498

The Committee on Transportation recommends the following pass: SB 1630 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2020 with 1 amendment

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Judiciary recommends the following pass: SB 2028 with 6 amendments

The Committee on Transportation recommends the following pass: SB 716

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1980

The Committee on Transportation recommends the following pass: SB 1232

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

The Committee on Education recommends the following pass: SB 2046

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1454

The Committee on Transportation recommends the following pass: SB 1238

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

The Committee on Banking and Insurance recommends the following pass: SB 2122

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1560 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 2142 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 904, SB 1200, CS for SB 1280, SB 1314 with 2 amendments, SB 2022 with 5 amendments, CS for SB 2124

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

The Committee on Banking and Insurance recommends the following pass: SB 2240 with 1 amendment

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

The Committee on Agriculture and Consumer Services recommends the following pass: CS for SB 2034

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 1268

The Committee on Education recommends the following pass: CS for SB 1256

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB's 182, 328 and 970, CS for SB 962, SB 1132, SB 1148 with 1 amendment, SB 1344, SB 1400

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

The Committee on Health, Aging and Long-Term Care recommends the following not pass: SB 2030

The bill was laid on the table.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 466

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1202

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2014

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 1614

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 892, SB 894

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1664

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1902

The Committee on Transportation recommends a committee substitute for the following: SB 1514

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1528

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1772

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1762

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2118

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

The Committee on Judiciary recommends a committee substitute for the following: SB 2214

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1458

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1848

The Committee on Transportation recommends a committee substitute for the following: SB 2056

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

The Committee on Banking and Insurance recommends a committee substitute for the following: Senate Bills 1960 and 1760

The Committee on Children and Families recommends a committee substitute for the following: SB 1608

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Transportation recommends committee substitutes for the following: SB 1090, SB 1296

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2064

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2032

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1610

The Committee on Children and Families recommends a committee substitute for the following: SB 1284

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

The Special Master on Claims recommends the following not pass: SB 70

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Dawson—

SB 2310—A bill to be entitled An act relating to the City of Pompano Beach, Broward County; amending chapter 2000-476, Laws of Florida; providing for an interlocal agreement which would include provisions to jointly fund program infrastructure improvements between the City of Pompano Beach and Broward County, provided the city is not limited in its ability to receive anticipated utility taxes, franchise fees, or other fees; providing that calculations of population census of the City of Pompano Beach begin with the fiscal year 2000 and include all new residents added to the city as a result of chapter 2000-476, Laws of Florida; providing for retroactive application to September 15, 2000; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Appropriations; and Senator Sullivan—

CS for SB 118—A bill to be entitled An act relating to the College Fast Start Program; creating s. 239.515, F.S.; establishing the College Fast Start Program; providing legislative intent; defining terms; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; requiring an advisory council to review proposals and recommend an order of priority for funding; providing membership of the advisory council; providing for funding of the program; providing methodology for competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance and the Postsecondary Education Planning Commission to develop specifications and procedures for the transmission of such data; requiring the alliance to report to the Governor, the Legislature, and the Commissioner of Education annually on the effectiveness of the program; providing an effective date.

By the Committee on Appropriations; and Senators Pruitt and Horne—

CS for SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the “Higher Educational Facilities Financing Act”; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senators Clary and Smith—

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim’s parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim’s parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim’s parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim’s rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim’s parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim’s parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term “state” for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the “Interstate Compact for Adult Offender Supervision”; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senators Villalobos and Smith—

CS for CS for SB 366—A bill to be entitled An act relating to DNA evidence; creating s. 925.11, F.S.; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty may petition the trial court to order an examination of DNA evidence; providing guidelines for seeking postsentencing DNA testing; requiring that the court make certain findings; providing for right to appeal; creating s. 943.3251, F.S.; prescribing duties of the Department of Law Enforcement with respect to postsentencing DNA testing; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Garcia, Sanderson and Bronson—

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or waivers to attend community colleges under specified circumstances; requiring the Department of Management Services to adopt rules; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term “layoff”; defining the term “firefighter” and “law enforcement or correctional officer”; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; repealing ss. 110.207, 110.209, F.S., relating to the career service classification plan and pay plan; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; authorizing suspension or dismissal of employees who have permanent status for reasonable cause; defining the term “reasonable cause”; providing certain exceptions; establishing grievance procedures; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management;

amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708, 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 509.036, F.S.; revising the standard under which an inspector of public food service establishments may be suspended or dismissed; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; providing that the Public Employees Relations Commission is not subject to the control of the Department of Management Services; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.503, F.S.; revising the standard for reinstating an employee who is suspended or discharged; amending s. 447.507, F.S.; revising requirements for the probation served by a public employee; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; repealing ss. 944.35(3)(c), 985.4045(1)(b), F.S., relating to cause for dismissal from employment by the Department of Corrections or the Department of Juvenile Justice; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring records, personnel, property, balances of appropriations, and other funds; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; providing effective dates.

By the Committees on Appropriations; and Children and Families—

CS for CS for SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer's intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the Office Of Program Policy Analysis and Government Accountability to conduct an examination of the batterer's intervention programs; specifying requirements of the study; requiring consultation with key stakeholders; providing for phase I and phase II reports to the

Legislature; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.; amending the list of subject matter to be included in the department's annual report to the Legislature on the status of domestic violence cases; providing an appropriation for districtwide joint training of domestic violence center and child protection staff; providing an effective date.

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

CS for SB 892—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

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

CS for SB 894—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until a candidate is nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Transportation; and Senator Villalobos—

CS for SB 1090—A bill to be entitled An act relating to motor vehicle dealer franchise agreements; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.64, F.S.; revising provisions relating to the denial, suspension, or revocation of a license; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for dealer development arrangements; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.69905; providing for severability; providing an effective date.

By the Committees on Judiciary; Health, Aging and Long-Term Care; and Senator Brown-Waite—

CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsmen councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident's room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; prohibiting the concealment of information relating to the settlement or resolution of a claim or action; requiring that certain documents relating to settlements or

resolution of a claim or action be provided to the agency; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring

the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.402, F.S.; revising definitions applicable to part III of ch. 400, F.S., relating to the regulation of assisted living facilities; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; providing for a standard license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.4275, F.S.; specifying minimum amounts of liability insurance required to be carried by an assisted living facility; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; prohibiting the concealment of information relating to the settlement or resolution of a claim or action; requiring that certain documents relating to settlements or resolution of a claim or action be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; amending s. 409.908,

F.S.; specifying components of the long-term-care reimbursement plan; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

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

CS for SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.181, 61.1824, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.25658, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for the former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items that must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term "support order"; defining the term "support"; amending s. 61.1301, F.S.; prescribing the time within which an order of income deduction may be entered after an order establishing or modifying support; providing for the court to request that an income-deduction order reflect the payment cycle of the payor; amending s. 61.13016, F.S.; requiring that any costs and fees associated with delinquency be paid to prevent suspension of a driver's license; repealing s. 61.1307, F.S., relating to the collection of motor vehicle impact fee refunds for child support; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing for retroactive increase or decrease in support, maintenance, or alimony; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; specifying the delinquency amount for which notice to the obligor is required; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term "gross income" with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; prescribing conditions under which income from secondary employment may be disregarded in modifying an existing award; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to

appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term "public assistance" and "support"; defining the terms "undistributable collection" and "unidentifiable collection"; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing rulemaking authority; providing for review prior to the formal rule-development process; providing for a report to the Legislature; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash or Title IV-E assistance; creating s. 409.2563, F.S.; creating a pilot program for the administrative establishment of child-support obligations; providing definitions; providing legislative intent with respect to an alternative procedure for establishing child support obligations in certain cases; authorizing the Department of Children and Family Services to establish an administrative support order; providing procedures; providing notice requirements; providing for a hearing conducted by the Division of Administrative Hearings; providing that a final order by an administrative law judge constitutes final agency action; providing for collection and enforcement of an administrative support order; providing for judicial review and a prospective change in the support obligation; providing for disclosures and a presumption of receipt of certain notices, payments, and orders; authorizing the department to adopt rules; providing requirements for establishing the pilot program; providing for expiration of the pilot program; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing effective dates.

By the Committee on Transportation; and Senators Bronson, Villalobos, Campbell, Saunders, Lawson and Jones—

CS for SB 1296—A bill to be entitled An act relating to land acquisition and management; amending s. 73.015, F.S.; clarifying the timeframe for providing specific information to fee owners; requiring agencies to provide specified portions of statute to fee owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, the Board of Trustees of the Internal Improvement Trust Fund, and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by landowners wanting a release of a reservation; amending s. 373.056, F.S.; authorizing water management districts to grant utility easements on district-owned lands in order to provide utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification prior to executing lease agreements; amending s. 373.096, F.S.; authorizing water management districts to abandon easements, reservations, and right-of-way interests that are no longer needed; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing the disclosure of title information, appraisal information, offers, and counteroffers to third parties working on the district's behalf; amending s. 373.1401, F.S.; authorizing water management districts to contract with private entities for management, improvement, or maintenance of land held by the district; amending s. 374.984, F.S.; authorizing the Board of Commissioners of the Florida Inland Navigation District to contract for certain services; providing an effective date.

By the Committee on Banking and Insurance; and Senator Klein—

CS for SB 1458—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; exempting certain records that come into the possession of the Department of Insurance pursuant to insurer receivership proceedings from inspection or disclosure as public records in order to protect the privacy interests of insureds; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Transportation; and Senator Bronson—

CS for SB 1514—A bill to be entitled An act relating to the Florida Panther License Plates; amending s. 320.08058, F.S.; deleting a distribution of proceeds to the Florida Communities Trust Fund; providing an effective date.

By the Committee on Judiciary; and Senators Geller, Mitchell, Bronson and Peaden—

CS for SB 1528—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural field crops; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

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

CS for SB 1608—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal-care-attendant pilot program to serve persons having spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot-program participation; providing for selection and training of participants and personal-care attendants; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation by a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program in specified counties; providing for coordination with the Florida Association of Centers for Independent Living and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

By the Committee on Banking and Insurance; and Senators Latvala, Wasserman Schultz, Lee, Sullivan, Mitchell, Miller, Lawson, Peaden, Posey and Cowin—

CS for SB 1610—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying provisions governing authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions governing burial rights; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by

a cemetery, to conform; amending s. 497.405, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; amending s. 497.417, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; revising the authority of certificateholders offering preneed funeral and burial merchandise and services contracts to revest title to trust assets by posting a bond or using other forms of security or insurance; providing a time limitation on such authority; amending s. 497.425, F.S.; providing a time limitation on the authority to post certain bonds to secure preneed contract assets; amending s. 497.429, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations with respect to alternative preneed contracts; amending s. 470.002, F.S.; redefining the term "legally authorized person" for purposes of ch. 470, F.S.; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Latvala—

CS for SB 1614—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

By the Committees on Judiciary; Natural Resources; and Senator Laurent—

CS for CS for SB 1664—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; providing an effective date.

By the Committee on Appropriations; and Senator Klein—

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

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

CS for SB 1762—A bill to be entitled An act relating to public records exemptions; amending s. 119.07, F.S.; exempting from disclosure technical information pertaining to trunking radio communication systems and mobile data communications systems used by governmental agencies; providing legislative findings of public necessity; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Diaz de la Portilla—

CS for SB 1772—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business

enterprises; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; providing legislative findings that the needs of black business enterprises are shared by other minority business enterprises; expressing the intent of the Legislature that the Black Business Investment Board and the black business investment corporations include minority business enterprises within the scope of their duties, responsibilities, and activities and report on their progress in assisting such business enterprises; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the board to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the board's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board under certain conditions; requiring the Black Business Investment Board to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing appropriations; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Brown-Waite—

CS for SB 1848—A bill to be entitled An act relating to public records; providing an exemption from the public records law for information that identifies the claimant or case number in certain proceedings involving a nursing home or assisted living facility and that is provided to the Agency for Health Care Administration as required by law; providing an exemption from the public-records law for reports of liability claims involving nursing homes that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 1902—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

By the Committee on Banking and Insurance; and Senators Latvalla and King—

CS for SB's 1960 and 1760—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Latvalla—

CS for SB 2014—A bill to be entitled An act relating to elevators; creating section 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances under the jurisdiction of the Department of Community Affairs; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency for elevator contractors, elevator mechanics, and elevator inspectors; providing for qualifications, fees, continuing education, and disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing

s. 399.05, F.S., which provides for construction permits; transferring the regulation of elevators from the Department of Business and Professional Regulation to the Department of Community Affairs; providing for the continuance of judicial and administrative actions; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Clary—

CS for SB 2032—A bill to be entitled An act relating to recreational facilities; providing conditions for the sale or change in use of recreational facilities within a residential subdivision governed by a homeowners' association; providing exceptions; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term "airport or aviation development project"; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department's authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion "lowest responsible bidder" for "lowest competent bidder"; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of

design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department's expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term "federal-aid primary highway system"; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Crist—

CS for SB 2064—A bill to be entitled An act relating to water supply policy; amending s. 163.3167, F.S.; requiring that each local government provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 163.3177, F.S.; directing local government comprehensive plans to coordinate with regional water supply plans; directing future land use plans to be based

on data regarding the availability of sufficient water supplies for present and future growth; amending requirements for comprehensive plan elements; amending s. 163.3180, F.S.; adding concurrency requirements for water supply availability; amending s. 373.0361, F.S.; providing that incompatibility with a regional supply plan must be considered in determining if a proposed use of water is consistent with the public interest; amending s. 373.223, F.S.; providing additional requirements for obtaining a permit; providing additional criteria for evaluation of a potential use of ground or surface waters; amending s. 373.246, F.S.; revising requirements, procedures, and limitations for declarations of a water shortage or emergency; amending s. 373.414, F.S.; revising criteria for certain mitigation activities in granting or denying a permit; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Crist—

CS for SB 2118—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions; creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms “participating manufacturer,” “outdoor advertising,” and “transit advertisements”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1, HB 45, CS for HB 415, HB 695; has passed as amended HB 69, HB 145, CS for HB 339, HB 1003; has passed by the required Constitutional three-fifths vote of the membership HJR 951 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Lifelong Learning; and Representative Kilmer and others—

CS for HB 1—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Representative Bense and others—

HB 45—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; providing that the surcharges on liquor, wine, cider, and beer sold for consumption on the premises shall not be imposed beginning July 1, 2001; repealing s. 561.501, F.S.; removing provisions relating to imposition, administration, and enforcement of such surcharges, effective July 1, 2004; amending s. 561.025, F.S.; removing the prohibition against deposit of surcharge revenues in the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.121, F.S., and repealing subsection (4) thereof; removing provisions relating to transfer of a portion of surtax revenues to the Children and Adolescents Substance Abuse Trust Fund, and the remainder to the General Revenue Fund, and providing for deposit of a portion of the excise taxes on malt beverages, wines and other beverages, and liquors in said trust fund; providing effective dates.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Finance and Taxation.

By the Council for Smarter Government; and Representative Lynn and others—

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent’s parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption

contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Representative Mack and others—

HB 695—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Representative Argenziano and others—

HB 69—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Clarke and others—

HB 145—A bill to be entitled An act relating to enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to

amend the boundaries of an enterprise zone upon application by certain counties; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; providing for designation of a specified area within Hillsborough County as an enterprise zone; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By the Committee on Local Government and Veterans Affairs; and Representative Mayfield and others—

CS for HB 339—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations; amending s. 408.036, F.S.; authorizing certain facilities to request exemption from the certificate of need process; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Representative Paul and others—

HB 1003—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Crime Prevention, Corrections and Safety; and Representative Bilirakis and others—

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

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

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 218 and SB 946.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CONFEREES ON SB 2000 AND SB 2002 APPOINTED

The President appointed the following conferees on **SB 2000** and **SB 2002**: Senator Horne, Chairman; Senator Rossin, At-Large Member; Subcommittee on Education: Senator Sullivan, Chairman; Senators Dyer, Garcia, Holzendorf, Latvala, Miller and Webster; Subcommittee on General Government: Senator Clary, Chairman; Senators Jones, King, Laurent and Lawson; Subcommittee on Health and Human Services: Senator Silver, Chairman; Senators Mitchell, Peaden, Sanderson and Saunders; Subcommittee on Public Safety and Judiciary: Senator Cowin, Chair; Senators Burt, Dawson, Meek and Villalobos.

The action of the Senate was certified to the House.

ENROLLING REPORTS

SB 544, SB 546, SB 548, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614 and SB 616 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 18, 2001.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 12 was corrected and approved.

CO-SPONSORS

Senators Bronson—CS for SB 1878; Burt—CS for SB 1878; Constantine—SB 234; Cowin—CS for CS for SB 400, SB 782; Crist—SB 676, SB 1372; Dawson—SB 514; Diaz de la Portilla—CS for SB 1878; Garcia—CS for CS for SB 1092; CS for SB 1878; Meek—SB 1498, CS for SB 1878; Posey—CS for SB 1878; Pruitt—CS for SB 1638; Sanderson—SB 1956; Silver—CS for SB 1878; Villalobos—CS for SB 1878; Wasserman Schultz—CS for SB 694

RECESS

On motion by Senator Lee, the Senate recessed at 5:32 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Thursday, April 19.

SENATE PAGES

April 16-20

David Banther, Tarpon Springs; Stephen Burke, Webster; Marcus Elliott, Bushnell; Claudio Garcia, Miami Lakes; Jamie Gilbert, Quincy; Ebony Griffin, Inverness; Corlene Hickman, North Lauderdale; Lauren Madera, Ft. Lauderdale; Kim Marston, Jr., Palm Harbor; Matthew Mask, Greenville; Jennifer Maurer, Ft. Lauderdale; Elizabeth "Liz" Mayernick, Niceville; Christopher "Chris" Morris, Plantation; Scott Morris, Fort Myers; Robert Oliver, Orange City; Morgan Rickerson, Bushnell; LaToya Smithwick, Havana; Sharita Spradley, Havana



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CALL TO ORDER

The Senate was called to order by President McKay at 1:00 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Excused: Senator Mitchell at 4:00 p.m.

PRAYER

The following prayer was offered by the Rev. Brian J. Hamer, Christ The King Lutheran Church, Riverview:

Heavenly Father, preserve our nation in justice and honor that we may lead a peaceable life of integrity. Grant health and favor to all who bear office in our land, especially the President and Congress of the United States, the Governor and Senate of this State, and all those who make, administer and judge our laws, and help them to serve the people according to your holy will.

On this anniversary of human suffering, take from us all hatred and prejudice, give us the spirit of love and dispose our days in your peace. Prosper the labor of those who take counsel for the nations of the world that mutual understanding and common endeavor may be increased among all peoples.

Bless the schools and all colleges, universities and centers of research, and those who teach in them. Grant your wisdom in such measure that people may serve you in this state, and that our common life may be conformed to the ways of your truth and justice.

Sanctify our homes with your presence and joy. Keep our children in your covenant, and enable their parents to bring them up in a life of faith and devotion. By the spirit of affection and service unite the members of all families that they may show your praise in our land and in all the world.

Let your blessing rest upon the seedtime and harvest, the commerce and industry, the leisure and rest, the arts and culture of our people. Take under your special protection those whose work is difficult or

dangerous, and be with all who put their hands to any useful task. Give them just rewards for their labor and the knowledge that their work is good in your sight. Hear our prayer. Amen.

Adapted from *Lutheran Worship Agenda, 1982*

PLEDGE

Senate Pages Christopher “Chris” Morris of Plantation, Ebony Griffin of Inverness and Kim Marston, Jr. of Palm Harbor, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. David Paulus of Gainesville, sponsored by Senator Mitchell, as doctor of the day. Dr. Paulus specializes in Anesthesiology.

ADOPTION OF RESOLUTIONS

On motion by Senator Holzendorf—

By Senators Holzendorf, Lawson, Dawson, Jones, Miller, Peaden, Bronson, Mitchell, Rossin and Meek—

SR 2250—A resolution honoring Dr. Frederick S. Humphries for his achievements as an educational leader.

WHEREAS, Dr. Frederick S. Humphries, a native of Apalachicola, graduated from Wallace McQuinn High School in Apalachicola; Florida Agricultural and Mechanical University, magna cum laude; and the University of Pittsburgh with a Ph.D. in Physical Chemistry, and

WHEREAS, Dr. Humphries has received honorary doctorates from Vincennes University of Indiana, Thomas A. Edison State College, and Atlantic College and Theological Seminary, Nassau, Bahamas, and

WHEREAS, Dr. Humphries served as the President of Tennessee State University from 1974-1985, and

WHEREAS, Dr. Humphries has been the recipient of several academic honors, including Most Outstanding Personalities in the South, National Urban League Fellow, and Distinguished Military Science Graduate, and

WHEREAS, with his wife, Antoinette, he has raised three children, Frederick Stephen Humphries, Jr., Robin Tanya (Humphries) Watson and Lawrence Anthony Humphries, and

WHEREAS, Dr. Humphries served as the eighth president of his alma mater, during which time FAMU was selected as the TIME Magazine-Princeton Review “College of the Year” and was featured in Black Issues in Higher Education as the nation’s number one graduate of African-Americans with baccalaureate degrees, surpassing Harvard in 1992, 1995, and 1997, becoming the leader in the recruitment of National Achievement Scholars, America’s best and brightest students, and in 2000, tied with Harvard as the top recruiter of these students, and

WHEREAS, Dr. Humphries has served as chair of the State Board of Education Advisory Committee on the Education of Blacks in Florida, the Board of Regents, Five-Year Working Group for Agriculture, State University System of Florida, a member of the Advisory Council to the Panhandle Regional Center of Excellence in Mathematics, Science, Computers, and Technology, Florida A&M University and the University of West Florida, and

WHEREAS, Dr. Humphries launched several initiatives that have received national recognition, such as the Graduate Feeder Program, an innovative approach to increasing the number of minorities attending graduate school; the Life-Gets-Better Scholarship, called by many the best scholarship in the country for academically talented students; and a creative recruitment program that has made FAMU one of the fastest growing universities in the country, and

WHEREAS, Dr. Humphries has restored the College of Law at FAMU and increased the number of minorities with Ph.D.'s in the science-related fields, and

WHEREAS, Dr. Humphries has served on the board of directors of not fewer than 20 boards, including the Commission on the Future of the South, the White House Science and Technology Advisory Committee, the National Association of State Universities and Land Grant Colleges (member and chair of the board), and the National Association for Equal Opportunity in Higher Education (member and chair of the board), and

WHEREAS, as a result of his leadership, the university plans to offer new Ph.D. programs in physics, computer science, chemistry, and biology by 2004, and

WHEREAS, Dr. Humphries is responsible for FAMU's receipt of more than \$130 million in construction that has occurred under his leadership, including a General Classroom Building; Science Research Building; an east-wing expansion to the School of Business; expansion of the FAMU/FSU College of Engineering; a Student Services Center, including food service and bookstore facilities, administrative offices, and a 400-car Parking Garage; a 360-bed expansion at the Palmetto Housing Complex; and the Foster Tanner Complex expansion, and

WHEREAS, as a result of his achievements as an educational leader, Dr. Humphries has been the recipient of numerous awards as an educational leader which have won him significant honors, including the "Floridian of the Year Award," 1990 Thurgood Marshall Educational Achievement Award, and the University of Pittsburgh Bicentennial Medal of Distinction, and most recently he received a special tribute during the 2001 Turner Broadcasting System, Inc., Annual Trumpet Awards and the 2001 Lifetime Achievement Award at the 15th Annual Black Engineer of the Year Awards Conference, NOW, THEREFORE,

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

That the Florida Senate commends Dr. Frederick S. Humphries for his many achievements and his dedicated service as the eighth president of Florida Agricultural and Mechanical University.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Humphries as a tangible token of the high esteem in which he is held by the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Holzendorf, **SR 2250** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Holzendorf introduced Dr. Humphries and the following members of the Florida Conference of Black State Legislators who were present in the chamber: Representative Frederica Wilson, Chairman; Representatives Cusack, Smith, Joyner, Richardson, Peterman and Siplin; and Senators Meek, Dawson, Jones and Lawson.

Upon request of the President, Senator Holzendorf escorted Dr. Humphries and guests to the rostrum where Dr. Humphries was presented a copy of the resolution.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB's 336 and 190, SB 382, SB 384, SB 1200** and **CS for SB 1374** were withdrawn from the Committee on Rules and Calendar; **CS for SB 792, CS for SB 1530, SB 1606, SB 1620, CS for SB 1652, CS for SB's 1708 and 1626, CS for SB 1914, SB 1986, CS for SB 2036, SB 2166** and **CS for SB 2220** were withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 1540, SB 1784** and **CS for SB 1878** were withdrawn from the Committee on Appropriations Subcommittee on

General Government; and **SB 2240** was withdrawn from the Committee on Transportation.

MOTIONS

On motion by Senator Lee, a deadline of 5:30 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Friday, April 20.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 400** was deferred.

SENATOR JONES PRESIDING

CS for HB 1—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for HB 1** was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Lawson	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Garcia	Meek	Sebesta
Carlton	Geller	Miller	Silver
Clary	Jones	Mitchell	Smith
Constantine	King	Peaden	Sullivan
Cowin	Klein	Posey	Villalobos
Crist	Latvala	Pruitt	Wasserman Schultz
Dawson	Laurent	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite

SB 1166—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Sebesta, **SB 1166** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Dyer	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Carlton	Jones	Mitchell	Smith
Clary	King	Peaden	Sullivan
Constantine	Klein	Posey	Villalobos
Cowin	Latvala	Pruitt	Wasserman Schultz
Crist	Laurent	Rossin	Webster
Diaz de la Portilla	Lawson	Sanderson	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Dawson

CS for SB 1210—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; requiring certain group certificates for

health insurance coverage to be subject to the requirements for individual health insurance policies; revising requirements for filing and approval of individual health insurance rates; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; providing effective dates.

—as amended April 18 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1210** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Dyer	Lawson	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Jones	Mitchell	Smith
Constantine	King	Peaden	Sullivan
Cowin	Klein	Posey	Villalobos
Crist	Latvala	Pruitt	Wasserman Schultz
Diaz de la Portilla	Laurent	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite, Dawson

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **SB 532** was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Dyer	Lawson	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Jones	Mitchell	Smith
Constantine	King	Peaden	Sullivan
Cowin	Klein	Posey	Villalobos
Crist	Latvala	Pruitt	Wasserman Schultz
Diaz de la Portilla	Laurent	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite, Dawson

SB 540—A bill to be entitled An act relating to criminal activities; creating the White Collar Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white collar crime; providing that a person commits an aggravated white collar crime if the white collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white collar crimes; requiring that a defendant convicted of an aggravated white collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; amending s. 921.0022, F.S.; adding certain aggravated white collar crimes to the Criminal Punishment Code offense severity ranking chart; providing for severability; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Burt, **SB 540** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer
Campbell	Constantine	Dawson	Garcia

Geller	Lawson	Pruitt	Sullivan	Sebesta	Smith	Villalobos	Webster
Holzendorf	Lee	Rossin	Villalobos	Silver	Sullivan	Wasserman Schultz	
Jones	Meek	Sanderson	Wasserman Schultz	Nays—None			
King	Miller	Saunders	Webster				
Klein	Mitchell	Sebesta					
Latvala	Peaden	Silver					
Laurent	Posey	Smith					

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for SB 800—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in certain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **CS for SB 800** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for HB 279—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **CS for HB 279** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

CS for SB 360—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; providing additional acts which constitute cruelty to an animal; provides that any person convicted of such a violation, where the court determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall, in addition to any other sentence imposed, be ordered to complete an anger management treatment program; providing a minimum mandatory fine and minimum mandatory period of incarceration for conviction of any crime where the court determines that the violation includes an intentional act of cruelty to animals; providing for nonapplicability of the act; providing construction; reenacting ss. 550.2415(6)(d), 828.122(5) and (6)(a), 828.17, 828.29(14), 943.051(3)(b)11., 985.212(1)(b)11., and 921.0022(3)(c), F.S., to incorporate the amendment to s. 828.12, F.S., in references thereto; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Saunders, **CS for SB 360** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

SB 766—A bill to be entitled An act relating to driver’s licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

—was read the third time by title.

On motion by Senator Sanderson, **SB 766** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 518—A bill to be entitled An act relating to obtaining property by false personation; amending s. 817.02, F.S.; providing that the offense of obtaining property by false personation is punishable as theft; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Miller, **SB 518** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1198—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of any felony offense is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Webster, **SB 1198** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 2104—A bill to be entitled An act relating to hiring or leasing with intent to defraud; amending s. 812.155, F.S.; providing that the exclusion of property obtained under a rental-purchase agreement from criminal statutes relating to hiring or leasing with intent to defraud and similar offenses does not apply when the rental store retains title to the property through the period of the agreement; providing penalties; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Crist, **SB 2104** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1518—A bill to be entitled An act relating to transportation of prisoners; amending s. 944.17, F.S.; changing references from “sheriff” to “chief correctional officer”; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB 1518** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children’s behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children’s crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an appropriation; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Mitchell, **CS for CS for SB 1258** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Constantine	Garcia	Latvala
Brown-Waite	Cowin	Geller	Laurent
Burt	Crist	Holzendorf	Lawson
Campbell	Dawson	Jones	Lee
Carlton	Diaz de la Portilla	King	Meek
Clary	Dyer	Klein	Miller

Mitchell	Rossin	Silver	Wasserman Schultz
Peaden	Sanderson	Smith	Webster
Posey	Saunders	Sullivan	
Pruitt	Sebesta	Villalobos	

Nays—None

CS for SB 452—A bill to be entitled An act relating to proceedings relating to children; amending the definition of the term “child who is found to be dependent,” as the term is used in ch. 39, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 452** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for CS for SB 1016—A bill to be entitled An act relating to guardianship; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **CS for CS for SB 1016** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 1506** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Burt	Carlton	Constantine
Brown-Waite	Campbell	Clary	Cowin

Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster
Horne	Meek	Saunders	

Nays—None

SB 1644—A bill to be entitled An act relating to education; amending s. 231.262, F.S.; requiring school districts to institute policies regarding complaints against teachers and administrators; providing penalties for noncompliance; authorizing the district school superintendent to temporarily suspend a certificateholder from regularly assigned duties until completion of certain proceedings; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Smith, **SB 1644** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

CS for SB 972—A bill to be entitled An act relating to water management district fiscal matters; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts’ tentative budgets must be sent for review; specifying the contents of the tentative budgets; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts’ tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; amending s. 373.501, F.S.; providing procedures for the transfer of funds for proposed water management district projects; amending s. 373.59, F.S.; authorizing the use of the Water Management Lands Trust Fund for specified purposes other than acquisition; deleting a prospective repeal; amending s. 475.628, F.S.; recognizing certain appraisal methods; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Bronson, **CS for SB 972** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Constantine	Garcia	Klein
Brown-Waite	Cowin	Geller	Latvala
Burt	Crist	Holzendorf	Laurent
Campbell	Dawson	Horne	Lawson
Carlton	Diaz de la Portilla	Jones	Lee
Clary	Dyer	King	Meek

Miller	Pruitt	Sebesta	Villalobos
Mitchell	Rossin	Silver	Wasserman Schultz
Peaden	Sanderson	Smith	Webster
Posey	Saunders	Sullivan	

Nays—None

CS for SB 354—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the “Florida Civil Rights Act of 1992”; revising procedures for filing complaints; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **CS for SB 354** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 684—A bill to be entitled An act relating to organ transplantation; providing for the Agency for Health Care Administration to create the Organ Transplant Task Force to study organ transplantation programs; requiring the task force to study and make recommendations on the necessity of the issuance of certificates of need for such programs and funding for organ transplantation; providing a date for the task force to report to the Governor and the Legislature; providing an effective date.

—as amended April 18 was read the third time by title.

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

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB’s 1442 and 1570—A bill to be entitled An act relating to interscholastic athletics; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Campbell, **CS for SB’s 1442 and 1570** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

SB 666—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Sullivan, **SB 666** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

CS for SB 924—A bill to be entitled An act relating to health care providers; amending ss. 458.331, 459.015, F.S.; providing an additional ground for discipline of persons licensed under ch. 458, F.S., or ch. 459, F.S.; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Webster, **CS for SB 924** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Bronson	Cowin	Klein	Posey
Brown-Waite	Crist	Latvala	Pruitt
Burt	Dawson	Laurent	Saunders
Campbell	Diaz de la Portilla	Lawson	Sebesta
Carlton	Dyer	Lee	Villalobos
Clary	Garcia	Miller	Wasserman Schultz
Constantine	Geller	Peaden	Webster

Nays—10

Holzendorf	King	Rossin	Smith
Horne	Meek	Silver	Sullivan
Jones	Mitchell		

SB 654—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Saunders, **SB 654** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—1

Sanderson

HB 1003—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 1003** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 672—A bill to be entitled An act relating to financial responsibility for indigent hospital patients; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county’s financial responsibility for such hospital care; requiring the county of residence to accept the hospital’s documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **SB 672** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Clary	Diaz de la Portilla	Horne
Brown-Waite	Constantine	Dyer	Jones
Burt	Cowin	Garcia	King
Campbell	Crist	Geller	Klein
Carlton	Dawson	Holzendorf	Latvala

Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster
Miller	Rossin	Smith	

Nays—None

CS for SB 1722—A bill to be entitled An act relating to surety bonds; amending s. 625.071, F.S.; modifying the amount of reserve which surety insurers may maintain on bail bonds and judicial bonds in lieu of the unearned premium reserve required under s. 625.051, F.S.; providing financial reporting requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **CS for SB 1722** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1840—A bill to be entitled An act relating to school board service programs; creating the “David Levitt School Food Anti-Hunger Act of 2001”; amending s. 228.195, F.S.; requiring school districts to donate unused food to programs that assist hungry families under certain circumstances; providing exceptions; authorizing the Department of Education to adopt rules; providing an effective date.

—was read the third time by title.

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

Amendment 1 (844370)(with title amendment)—On page 1, line 20 through page 2, line 3, delete those lines and insert:

(a) *School districts shall donate on a regular basis, in accordance with health, safety, and sanitation guidelines, any surplus or excess canned or perishable foods that would otherwise be discarded to food recovery programs, pursuant to s. 570.0725, or to hunger assistance programs provided through community charities or not-for-profit corporations, including faith-based organizations, which provide for the hungry.*

(b) *Such donations shall be made pursuant to s. 768.136.*

(c) *School districts in communities with no food recovery or hunger assistance programs are exempt from this subsection.*

(d) *The State Board of Education shall have the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection.*

And the title is amended as follows:

On page 1, lines 6-9, delete those lines and insert: donate surplus or excess canned or perishable foods to food recovery or hunger assistance programs; providing exemptions; authorizing rules;

On motion by Senator Clary, **SB 1840** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

HB 499—A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as “Bill of Rights Day”; providing for a proclamation by the Governor to that effect; providing an effective date.

—was read the third time by title.

On motion by Senator Sanderson, **HB 499** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

THE PRESIDENT PRESIDING

SB 1212—A bill to be entitled An act relating to special assessments; amending s. 189.420, F.S.; providing a method for special assessments of mobile home and recreational vehicle parks by municipalities and counties; providing an effective date.

—was read the third time by title.

On motions by Senator Webster, **SB 1212** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 1126—A bill to be entitled An act relating to nonprofit civic organizations; amending s. 561.422, F.S.; authorizing nonprofit civic organizations to purchase alcoholic beverage permits for three events per calendar year; providing an effective date.

—was read the third time by title.

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

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for SB 1692—A bill to be entitled An act relating to pari-mutuel wagering; providing a title; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB 1692** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Villalobos
Clary	Jones	Peaden	Wasserman Schultz
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—None

CS for SB 1190—A bill to be entitled An act relating to higher education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.2011, F.S.; creating a fiscally autonomous campus of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New Col-

lege of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 1190** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Lawson	Sebesta
Bronson	Dyer	Lee	Silver
Brown-Waite	Garcia	Meek	Smith
Burt	Geller	Miller	Sullivan
Carlton	Horne	Mitchell	Villalobos
Clary	Jones	Peaden	Wasserman Schultz
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—2

Campbell	Rossin
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CS for SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Bronson, **CS for SB 2042** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 916—A bill to be entitled An act relating to state veterans' homes; amending ss. 296.04, 296.34, F.S.; revising provisions relating to the appointment and duties of the veterans' homes' administrators; defining the duties of the administrators; deleting a residency requirement; revising the employment status of employees; amending s. 296.11, F.S.; deleting a requirement that certain interest be deposited into the Grants

and Donations Trust Fund; amending s. 296.12, F.S.; requiring an accounting of certain funds in the Residents' Deposits Trust Fund and deleting a requirement that interest accrued in the fund be deposited into the Grants and Donations Trust Fund; amending s. 296.38, F.S.; requiring the accounting of certain funds; deleting a requirement that interest accrued be deposited into the Grants and Donations Trust Fund; providing an effective date.

—was read the third time by title.

On motion by Senator Sanderson, **SB 916** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	

Nays—1

Wasserman Schultz

SB 1424—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **SB 1424** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 2110—A bill to be entitled An act relating to Medicaid services; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Silver, CS for SB 2110 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Klein

SB 428—A bill to be entitled An act relating to construction contracting; amending s. 489.13, F.S.; providing for issuance of a notice of non-compliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

—was read the third time by title.

MOTION

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

Senator Dyer moved the following amendment:

Amendment 1 (495298)(with title amendment)—On page 3, delete line 27 and insert:

Section 2. Subsection (7) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(7) No board, with the exception of joint coordinators and the board established in subparagraph (4)(a)5., shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.

Section 3. Paragraph (b) of subsection (2) and paragraph (e) of subsection (5) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of ss. 255.05(2)(a)2. and 713.23(1)(e).

(5) WITHIN ONE YEAR.—

(e) An action to enforce any claim against a payment bond on which the principal is a contractor, subcontractor, or sub-subcontractor as defined in s. 713.01, for private work as well as public work, from the last furnishing of labor, services, or materials or from the last furnishing of labor, services, or materials by the general contractor if the general contractor is the principal on a bond on the same construction project, whichever is later.

Section 4. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 255.05, Florida Statutes, are amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state on its front page: the name, principal business address, and phone number of the contractor, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity; and a description of the project sufficient to identify it, such as including, if applicable, a legal description or and the street address of the property being improved, and a general description of the improvement. Such bond shall be conditioned upon the contractor's performance of the construction work that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all persons defined in s. 713.01 who furnish labor, services, or materials for whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him or her, including unpaid finance charges due under the claimant's contract. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for \$100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for \$200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the Secretary of the Department of Management Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than \$100,000 but less than \$200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption. The Department of Management Services shall maintain information on the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and whether any request for delegation was denied and the justification for the denial.

The state shall not be held liable to any laborer, materialman, or subcontractor for any amounts greater than the pro rata share as determined under this section.

(2)(a)1. If a claimant is no longer furnishing labor, services, or materials on a project, a contractor or the contractor's agent or attorney may elect to shorten the prescribed time in this paragraph within which an action to enforce any claim against a payment bond provided pursuant to this section may be commenced by recording in the clerk's office a notice in substantially the following form:

NOTICE OF CONTEST OF CLAIM AGAINST PAYMENT BOND

To: (Name and address of claimant)

You are notified that the undersigned contests your notice of nonpayment, dated, and served on the undersigned on,, and that the time within which you may file suit to enforce your claim is limited to 60 days after the date of service of this notice.

DATED on

Signed: (Contractor or Attorney)

The claim of any claimant upon whom such notice is served and who fails to institute a suit to enforce his or her claim against the payment bond

within 60 days after service of such notice shall be extinguished automatically. The clerk shall mail a copy of the notice of contest to the claimant at the address shown in the notice of nonpayment or most recent amendment thereto and shall certify to such service on the face of such notice and record the notice. Service is complete upon mailing.

2. A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 45 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The notice of nonpayment may be served at any time during the progress of the work or thereafter but not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date that the rental equipment was last on the job site available for use. No action for the labor, materials, or supplies may be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in accordance with s. 713.18. An action, except for an action exclusively for recovery of retainage, must be instituted against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 1 year after the performance of the labor or completion of delivery of the materials or supplies. An action exclusively for recovery of retainage must be instituted against the contractor or the surety within 1 year after the performance of the labor or completion of delivery of the materials or supplies, or within 90 days after the contractor's receipt of final payment (or the payment estimate containing the owner's final reconciliation of quantities if no further payment is earned and due as a result of deductive adjustments) by the contractor or surety, whichever comes last. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions. The time periods for service of a notice of nonpayment or for bringing an action against a contractor or a surety shall be measured from the last day of furnishing labor, services, or materials by the claimant and shall not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion.

Section 5. Subsections (26) and (27) of section 713.01, Florida Statutes, are amended to read:

713.01 Definitions.—As used in this part, the term:

(26) "Subcontractor" means a person other than a materialman or laborer who enters into a contract with a contractor for the performance of any part of such contractor's contract, including the removal of solid waste from the real property. The term includes a temporary help firm as defined in s. 443.101.

(27) "Sub-subcontractor" means a person other than a materialman or laborer who enters into a contract with a subcontractor for the performance of any part of such subcontractor's contract, including the removal of solid waste from the real property. The term includes a temporary help firm as defined in s. 443.101.

Section 6. Subsection (7) of section 713.02, Florida Statutes, is amended to read:

713.02 Types of lienors and exemptions.—

(7) Notwithstanding any other provision of this part, no lien shall exist in favor of any contractor, subcontractor, or sub-subcontractor unless such contractor, subcontractor, or sub-subcontractor is licensed, if required to be licensed, as a contractor pursuant to the laws of the jurisdiction within which she or he is doing business.

Section 7. Effective July 1, 2002, paragraph (d) of subsection (1) of section 713.13, Florida Statutes, is amended to read:

713.13 Notice of commencement.—

(1)

(d) A notice of commencement must be in substantially the following form:

Permit No. Tax Folio No.
NOTICE OF COMMENCEMENT

State of
County of

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: (legal description of the property, and street address if available) .

2. General description of improvement:

3. Owner information:

a. Name and address:

b. Interest in property:

c. Name and address of fee simple titleholder (if other than Owner):

4.a. Contractor: (name and address) .

b.a. Contractor's phone number:

b. ~~Fax number: (optional, if service by fax is acceptable).~~

5. Surety

a. Name and address:

b. Phone number:

c. ~~Fax number: (optional, if service by fax is acceptable).~~

c.d. Amount of bond: \$.

6.a. Lender: (name and address) .

b.a. Lender's phone number:

b. ~~Fax number: (optional, if service by fax is acceptable).~~

7.a. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes: (name and address) .

b.a. Phone numbers of designated persons ~~number~~:

b. ~~Fax number: (optional, if service by fax is acceptable).~~

8.a. In addition to himself or herself, Owner designates of to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.

b.a. Phone number of person or entity designated by owner:

b. ~~Fax number: (optional, if service by fax is acceptable).~~

9. Expiration date of notice of commencement (the expiration date is 1 year from the date of recording unless a different date is specified).

(Signature of Owner)

Sworn to (or affirmed) and subscribed before me this day of ,
(year), by (name of person making statement) .

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced.

Section 8. Subsections (1) and (2) of section 713.18, Florida Statutes, are amended to read:

713.18 Manner of serving notices and other instruments.—

(1) Service of notices, claims of lien, affidavits, assignments, and other instruments permitted or required under this part, or copies thereof when so permitted or required, unless otherwise specifically provided in this part, must be made by one of the following methods:

(a) By actual delivery to the person to be served; or, if a partnership, to one of the partners; or, if a corporation, to an officer, director, managing agent, or business agent thereof.

(b) By ~~sending~~ mailing the same, ~~postage prepaid~~, by registered or certified mail, ~~with postage prepaid~~, or by overnight or second-day delivery ~~with to the person to be served at her or his last known address and evidence of delivery.~~

1. If a notice to owner, ~~or~~ a notice to contractor under s. 713.23, or a preliminary notice under s. 255.05 is mailed by registered or certified mail with postage prepaid to the person to be served at any of the addresses set forth in subparagraph 2. ~~pursuant to this paragraph~~ within 40 days after the date the lienor first furnishes labor, services, or materials, service of that notice is effective as of the date of mailing if the person who served the notice maintains a registered or certified mail log that shows ~~the date the notice was served~~, the registered or certified mail number issued by the United States Postal Service, the name and address of the person served, and the date stamp of the United States Postal Service confirming the date of mailing.

2. If an instrument served pursuant to this ~~section~~ paragraph to the last address shown in the notice of commencement or any amendment thereto or, in the absence of a notice of commencement, to the last address shown in the building permit application, ~~or to the last known address of the person to be served~~, is not received, but is returned by the ~~United States Postal Service~~ as being “refused,” “moved, not forwardable,” or “unclaimed,” or is otherwise not delivered or deliverable through no fault of the person serving the item, then service is effective ~~on the date the notice was sent as of the date of mailing.~~

(c) If ~~none~~ neither of the foregoing methods can be accomplished, by posting on the premises.

(2) If the real property is owned by more than one person or a partnership, a lienor may serve any notices or other papers under this part on any one of such owners or partners, and such notice is deemed notice to all owners and partners.

Section 9. Paragraph (d) of subsection (1) of section 713.23, Florida Statutes, is amended to read:

713.23 Payment bond.—

(1)

(d) In addition, a lienor is required, as a condition precedent to recovery under the bond, to serve a written notice of nonpayment to the contractor and the surety not later than 90 days after the final furnishing of labor, services, or materials by the lienor. A written notice satisfies this condition precedent with respect to the payment described in the notice of nonpayment, including unpaid finance charges due under the lienor’s contract, and with respect to any other payments which become due to the lienor after the date of the notice of nonpayment. The time period for serving a written notice of nonpayment shall be measured from the last day of furnishing labor, services, or materials by the lienor and shall not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion. The failure of a lienor to receive retainage sums not in excess of 10 percent of the value of labor, services, or materials furnished by the lienor is not considered a nonpayment requiring the service of the notice provided under this paragraph. The notice under this paragraph may be in substantially the following form:

NOTICE OF NONPAYMENT

To (name of contractor and address)
(name of surety and address)

The undersigned notifies you that he or she has furnished (describe labor,

services, or materials) for the improvement of the real property identified as (property description). The amount now due and unpaid is \$.....
(signature and address of lienor)

Section 10. Subsection (1) of section 713.245, Florida Statutes, is amended to read:

713.245 Conditional payment bond.—

(1) Notwithstanding any provisions of ss. 713.23 and 713.24 to the contrary, if the contractor’s written contractual obligation to pay lienors is expressly conditioned upon and limited to the payments made by the owner to the contractor, the duty of the surety to pay lienors will be coextensive with the duty of the contractor to pay, if the following provisions are complied with:

(a) The bond is listed in the notice of commencement for the project as a conditional payment bond and is recorded together with the notice of commencement for the project prior to commencement of the project.

(b) The words “conditional payment bond” are contained in the title of the bond at the top of the front page.

(c) The bond contains on the front page, in at least 10-point type, the statement: THIS BOND ONLY COVERS CLAIMS OF SUBCONTRACTORS, SUB-SUBCONTRACTORS, SUPPLIERS, AND LABORERS TO THE EXTENT THE CONTRACTOR HAS BEEN PAID FOR THE LABOR, SERVICES, OR MATERIALS PROVIDED BY SUCH PERSONS. THIS BOND DOES NOT PRECLUDE YOU FROM SERVING A NOTICE TO OWNER OR FILING A CLAIM OF LIEN ON THIS PROJECT.

Section 11. Subsection (1) of section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.—

(1) A construction contract may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers, directors, agents, and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney’s fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

Section 12. Subsection (1) of section 725.08, Florida Statutes, is amended to read:

725.08 Design professional contracts; limitation in indemnification.—

(1) ~~Notwithstanding the provisions of s. 725.06~~, If a design professional provides professional services to or for a public agency, the agency may require in a professional services contract with the design professional that the design professional indemnify and hold harmless the agency, and its officers and employees, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys’ fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the design professional and other persons employed or utilized by the design professional in the performance of the contract.

Section 13. Effective July 1, 2002, subsection (3) of section 713.18, Florida Statutes, is repealed.

Section 14. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to building construction; amending s. 20.165, F.S.; revising a proscription of certain transfers of certain entities; amending s. 95.11, F.S.; providing alternative applications to a statute of limitations for certain legal or equitable actions for actions to enforce claims against payment bonds; revising a statute of limitations for actions to enforce claims against certain payment bonds; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; revising a provision relating to notice of nonpayment for certain labor, materials, or supplies; amending s. 713.01, F.S.; revising certain definitions; amending s. 713.02, F.S.; clarifying a criterion for a

proscription against certain liens; amending s. 713.13, F.S.; deleting authorization for certain fax numbers in notices of commencement; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; amending s. 713.245, F.S.; providing additional bond criteria for coextension of a surety's duty to pay lienors with a contractor's duty to pay; amending ss. 725.06, 725.08, F.S.; revising indemnification and hold harmless requirements for construction contracts and design professional contracts; repealing s. 713.18(3), F.S., relating to service of certain notices by facsimile transmission; providing effective dates.

MOTION

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

Senator Dyer moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (101430)(with title amendment)—On page 1, lines 17-26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 15, lines 7-9, delete those lines and insert: amending s. 95.11, F.S.; providing

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Dyer, **SB 428** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 520—A bill to be entitled An act relating to reading instruction; providing legislative intent regarding required reading instruction; requiring each public elementary school to develop and implement programs for reading and literacy development in kindergarten through grade 4; requiring the Department of Education to provide technical support; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **SB 520** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

Consideration of **SB 1412** was deferred.

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Horne, **CS for CS for SB 400** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1412—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

—was read the third time by title.

Senator Webster moved the following amendment:

Amendment 2 (114690)—On page 1, lines 16-25, delete those lines and insert: the child is 8 5 years of age or younger, and is less than 4 feet 9 inches in height, provide for protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 8 5 years who are less than 4 feet 9 inches in height, a separate carrier, an integrated

On motion by Senator Posey, further consideration of **SB 1412** with pending **Amendment 2** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for CS for SB 1672**, **CS for CS for SB 1346** and **CS for SB 2092** which have been reported favorably by the Appropriations Subcommittee on Health and Human Services with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 1558** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services was withdrawn from the Committee on Appropriations; **CS for SB 84** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB's 336 and 190**, **CS for SB 660** and **CS for SB 1374** which have been reported favorably by the Appropriations Subcommittee on General Government with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **SB 1394** which has been reported favorably by the Appropriations Subcommittee on General Government with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as

offered by the Committee on Appropriations; and **SB 958** which has been reported favorably by the Appropriations Subcommittee on General Government was withdrawn from the Committee on Appropriations.

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

SPECIAL ORDER CALENDAR

Consideration of **SB 968** was deferred.

SENATOR KLEIN PRESIDING

On motion by Senator Dyer—

CS for SB 828—A bill to be entitled An act relating to prevention and control of communicable diseases; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 828** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

SB 226—A bill to be entitled An act relating to prisons; creating the “Protection Against Sexual Violence in Florida Jails and Prisons Act”; amending ss. 944.35, 951.23, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; authorizing the department and county and municipal detention facilities to provide an orientation program and counseling; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; creating s. 951.223, F.S.; prohibiting an officer or employee of a county or municipal detention facility from receiving any gift or other compensation from a prisoner or making any gift or present to a prisoner without the permission of the administrator of the facility; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Dawson and adopted:

Amendment 1 (641960)—On page 1, delete line 28 and insert:

Section 1. *This act may be*

Amendment 2 (945164)(with title amendment)—On page 3, line 24 through page 4, line 27, delete those lines.

And the title is amended as follows:

On page 1, lines 10-12, delete those lines and insert: creating s.

Amendment 3 (551454)(with title amendment)—On page 5, line 16 through page 6, line 31, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On page 1, lines 2-24, delete those lines and insert: An act relating to prisons; creating the “Protection Against Sexual Violence in Florida Jails and Prisons Act”; amending s. 944.35, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; providing an effective date.

Pursuant to Rule 4.19, **SB 226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 1834—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting the charging of certain fees to farm laborers; providing an effective date.

—was read the second time by title.

On motion by Senator Miller, further consideration of **SB 1834** was deferred.

On motion by Senator Lee—

CS for SB 202—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; creating s. 564.055, F.S.; providing certain size restrictions on containers in which cider is packaged and sold; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 202** was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

The Senate resumed consideration of—

SB 1412—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

—which was previously considered this day. Pending **Amendment 2 (114690)** by Senator Webster was withdrawn.

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

Amendment 3 (693564)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Short title.—This act may be cited as the “Child Safety Booster Seat Act of 2001.”*

Section 2. Effective January 1, 2002, paragraph (a) of subsection (1) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(1)(a) Every operator of a motor vehicle as defined herein, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall, if the child is 8 5 years of age or younger and is less than 4 feet 9 inches in height, provide for protection of the child by properly using a crash-tested, federally approved child restraint device that is appropriate for the height and weight of the child. A crash-tested, federally approved child restraint device is a vehicle manufacturer’s integrated child seat, a separate child safety seat, or a child booster seat that displays the child weight and height specifications for the seat on the attached manufacturer’s label as required by Federal Motor Vehicle Safety Standards FMVSS213. Such child restraint device must comply with standards of the United States Department of Transportation and should be secured in the vehicle in accordance with instructions of the manufacturer of the child restraint device. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer’s integrated child seat. For children aged 4 through 8 5 years who are less than 4 feet 9 inches in height, a separate carrier, an integrated child seat, or a child booster seat must seat-belt ~~may~~ be used. The court shall dismiss the charge against a motor vehicle operator for a first violation of this paragraph upon proof of purchase of a federally approved child restraint device.

Section 3. *Notwithstanding that the amendments provided in this act to section 316.613(1)(a), Florida Statutes, shall not take effect until January 1, 2002, effective July 1, 2001, a driver of a motor vehicle who does not violate the then-existing provisions of that paragraph, but whose conduct would violate that paragraph, as it will be amended effective January 1, 2002, may be issued a verbal warning and given educational literature by a law enforcement officer.*

Section 4. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to child restraint requirements; creating the Child Safety Booster Seat Act of 2001; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing for a phase-in period; providing effective dates.

On motion by Senator Posey, **SB 1412** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Brown-Waite	Geller	Miller	Smith
Burt	Holzendorf	Peaden	Sullivan
Campbell	Horne	Posey	Villalobos
Carlton	Jones	Pruitt	Wasserman Schultz
Clary	Klein	Rossin	Webster
Cowin	Lawson	Sanderson	
Diaz de la Portilla	Lee	Saunders	
Garcia	Meek	Sebesta	

Nays—2

Laurent Silver

Vote after roll call:

Yea—Constantine, Crist, King, Latvala

SPECIAL ORDER CALENDAR, continued

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

SB 1834—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting the charging of certain fees to farm laborers; providing an effective date.

—which was previously considered this day.

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (684602)—On page 1, lines 22-27, delete those lines and insert: *tools or equipment that is incidental to the employer's business, transportation that is incident to and necessary to the employment, or recruiting fees paid to an agent of the*

Pursuant to Rule 4.19, **SB 1834** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jones, by two-thirds vote **SB 1862**, **SB 1838**, **SB 1590**, **SB 2100** and **SM 2134** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 1922** was withdrawn from the Committee on Finance and Taxation; **CS for SB 1920** was withdrawn from the Committee on Governmental Oversight and Productivity; and **CS for CS for SB 1282** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

MOTIONS

On motion by Senator Lee, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were placed at the beginning of the Special Order Calendar for Friday, April 20.

REPORTS OF COMMITTEES

The Committee on Finance and Taxation recommends the following pass: CS for SB 256 with 2 amendments, CS for SB 1750 with 1 amendment, CS for SB 1826 with 2 amendments

The Committee on Judiciary recommends the following pass: CS for CS for SB 856 with 1 amendment

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

The Committee on Children and Families recommends the following pass: SB 2216

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Finance and Taxation recommends the following pass: CS for SB 1778

The bill was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Children and Families recommends the following pass: SB 1218 with 3 amendments

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Judiciary recommends the following pass: SB 826 with 1 amendment

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 2044 with 1 amendment

The bill was referred to the Committee on Finance and Taxation under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 910 with 3 amendments, CS for SB 2120

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

The Committee on Judiciary recommends the following pass: CS for SB 822 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Finance and Taxation recommends the following pass: SB 10, SB 50, SB 54, SB 818, CS for CS for SB 1208, CS for SB 1642

The bills were placed on the calendar.

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 710

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

The Committee on Education recommends committee substitutes for the following: SB 192, SB 930, SB 934, SB 988, Senate Bills 1254 and 1954, SB 1330, SB 1342, SB 1874, SB 1972

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Education under the original reference.

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1470

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1312

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 1282

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 144, CS for SB 842, CS for SB 1038

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2088

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2058

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 2158

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2174

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: CS for SB 1068, CS for SB 1276, SB 1500

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 294

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1976

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1966

The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1956

The Committee on Education recommends a committee substitute for the following: SB 974

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1042

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

The Committee on Transportation recommends a committee substitute for the following: SB 978

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 2146

The bill with committee substitute attached was placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on General Government recommends the following pass: SB 1394 with 1 amendment

The Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for SB 1286, CS for SB 1558, CS for SB 1724

The Appropriations Subcommittee on Public Safety and Judiciary recommends the following pass: CS for SB 84 with 1 amendment, CS for SB 1310 with 1 amendment

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for SB 1346, CS for SB 1672

The Appropriations Subcommittee on Public Safety and Judiciary recommends a committee substitute for the following: CS for SB 1196

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

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for CS for SB 144—A bill to be entitled An act relating to improper activity over the Internet; amending s. 847.001, F.S.; defining the term “child pornography” for purposes of ch. 847, F.S.; clarifying the definition of the term “sexual conduct”; defining the term “transmit”; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; amending s. 905.34, F.S.; extending the jurisdiction of a statewide grand jury to certain offenses relating to computer pornography and exploitation; providing an effective date.

By the Committee on Education; and Senator Clary—

CS for SB 192—A bill to be entitled An act relating to student records; amending s. 228.093, F.S.; revising terminology; revising definitions; revising exceptions; providing rights of students; revising the rights of parents or eligible students; expanding the right to a hearing; providing a penalty for third-party violation; clarifying and revising lawful release of records and directory information in certain circumstances; expanding notification requirements; authorizing the release of personally identifiable student records to the Department of Highway Safety and Motor Vehicles for purposes of the compulsory attendance driver’s license eligibility requirements, to the Department of Children and Family Services for purposes of the Learnfare program compulsory attendance requirements, to the court in specific circumstances, and, with respect to post-secondary institutions, to certain victims; providing notification requirements; providing for applicability to records of other nonpublic institutions in certain circumstances; amending s. 232.23, F.S., relating to maintenance and transfer of student records, to conform; reenacting ss. 229.57(6), 240.237, 240.323, 240.40401(3), 242.3315, 381.0056(5), 411.223(2), F.S., relating to student assessment, university student records, community college student records, student financial assistance, student and employee personnel records, school health services, and uniform standards, to incorporate the amendment of s. 228.093, F.S.; providing an effective date.

By the Committees on Judiciary; Comprehensive Planning, Local and Military Affairs; and Senators Sanderson and Geller—

CS for CS for SB 294—A bill to be entitled An act relating to housing; amending s. 420.503, F.S.; redefining the term “elderly”; allowing the Mortgage Revenue Bond Program to be included in the federal fair housing definition of elder housing; amending s. 420.5088, F.S.; allowing funds from the Homeowner’s Assistance Program to be used for certain programs other than those sponsored by the Florida Housing Finance Corporation; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the cap on the Affordable Housing Guarantee Fund; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from said act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

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

CS for SB 436—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination under s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to

adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing an effective date.

By the Committee on Appropriations; and Senator Brown-Waite—

CS for SB 660—A bill to be entitled An act relating to the Money Transmitters’ Code; amending s. 560.119, F.S.; eliminating examination fees; shifting the deposit of funds from one trust fund to another; amending s. 560.205, F.S.; providing for application fees; amending s. 560.206, F.S.; providing for an extended registration period; amending s. 560.207, F.S.; revising renewal dates and fees; amending s. 560.208, F.S.; providing for notice of branch location openings and closings; providing fees for branch locations and authorized vendors; amending s. 560.307, F.S.; providing fees and notice of openings and closings of branch locations or authorized vendors; amending s. 560.308, F.S.; revising renewal dates and fees; repealing s. 560.118(1)(d) and (e), F.S., which provides for examination costs; providing an effective date.

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

CS for CS for SB 710—A bill to be entitled An act relating to state government; creating the “Florida Customer Service Standards Act”; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

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

CS for CS for SB 842—A bill to be entitled An act relating to the judiciary; creating ss. 43.201, 43.202, 43.203, 43.204, 43.205, 43.206, 43.207, 43.208, 43.209, F.S.; creating the Capital Case Staff Attorney Program; providing for statewide distribution of capital case staff attorneys; providing for assignment, including assignment to other appellate districts, as needed; providing for selection, supervision, and duties of such attorneys; prescribing qualifications; providing for costs, expenses, and training; providing reporting requirements; providing an appropriation; providing an effective date.

By the Committee on Education; and Senators Clary, Dyer, Sullivan and Miller—

CS for SB 930—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida Academic Improvement Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Education; and Senators Clary, Dyer, Sullivan and Miller—

CS for SB 934—A bill to be entitled An act relating to Florida Academic Improvement Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida Academic Improvement Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for administration of funds; providing an effective date.

By the Committee on Education; and Senator Bronson—

CS for SB 974—A bill to be entitled An act relating to school attendance by violent offenders; amending s. 230.235, F.S.; requiring schools

to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no-contact order under certain circumstances; amending ss. 985.231, 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; providing an effective date.

By the Committee on Transportation; and Senator Burt—

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the Department of Law Enforcement to adopt rules for specific security standards; providing requirements for such rules; providing requirements for criminal-history checks on applicants for employment or current employees of a seaport; providing for a seaport to request a waiver or variance from a particular standard; requiring that security plans and other information be made available to the Department of Law Enforcement for review; providing for inspections of seaports; providing requirements for compliance by seaports; providing for additional security measures at specified seaports; providing for the Department of Law Enforcement to impose civil penalties if a seaport fails to initiate or take corrective action; providing rulemaking authority; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 988—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing an effective date.

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

CS for CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Pun-

ishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

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

CS for SB 1042—A bill to be entitled An act relating to union activities; prohibiting employee participation in certain activities when the employee is counted in staffing calculations; prohibiting certain costs for Medicaid reporting purposes; specifying certain exemptions to the act; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Sebesta—

CS for CS for SB 1068—A bill to be entitled An act relating to highway safety, motor vehicles, and vessels; amending s. 316.003, F.S.; defining the term “motorized scooter”; amending s. 316.1945, F.S.; revising provisions relating to the parking of vehicles in specified areas; amending s. 316.1951, F.S.; revising provisions regulating removal of certain unlawfully parked vehicles; amending s. 316.1975, F.S.; revising provisions relating to unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; revising provisions relating to the use of lamps on vehicles transporting certain loads; amending s. 316.520, F.S.; revising penalties for violation of load limits on vehicles; exempting certain vehicles carrying agricultural products from load limits; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 318.1451, F.S.; requiring governmental entities and courts to maintain information on driver improvement schools; revising the duties of the Department of Highway Safety and Motor Vehicles; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; revising provisions relating to the sale of certain vehicles; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt vehicles; redefining the term “assembled from parts” and deleting the term “combined”; providing a penalty for the removal of decals designating rebuilt vehicles; amending s. 319.23, F.S.; revising provisions relating to the transfer of ownership of an antique vehicle; amending s. 319.27, F.S.; revising provisions with respect to the filing of liens on motor vehicles and mobile homes; amending s. 319.28, F.S.; revising requirements relating to the transfer of ownership by operation of law; amending s. 319.30, F.S.; redefining the terms “major component part”; providing standards for the sale of certain vehicles; amending s. 320.01, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; conforming the length limitation for a motor home to that established in s. 316.515, F.S.; amending s. 320.023, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 320.025, F.S.; revising provisions relating to the issuance of confidential registration certificates and license plates; amending s. 320.05, F.S.; revising provisions relating to vessel registration records; amending s. 320.055, F.S.; revising registration periods for certain vehicles; amending s. 320.06, F.S.; providing for the placement of registration validation stickers; amending s. 320.0605, F.S.; revising provisions relating to fleet vehicles and registration certificates; amending s. 320.072, F.S.; revising provisions relating to the exemption of certain registration fees; amending s. 320.0805, F.S.; revising provisions relating to the issuance of personalized license plates; amending s. 320.08056, F.S.; providing for the exemption of certain collegiate specialty license plates from sales requirements; amending s. 320.08062, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 320.083, F.S.; revising vehicle weight restrictions relating to the amateur radio operator’s license plate; amending s. 320.089, F.S.; revising vehicle weight restrictions relating to the Ex-POW and Purple Heart license plates; amending s. 320.18, F.S.; providing for cancellation of a license and fuel use decal for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term “motor vehicle auction”; revising requirements relating to motor vehicle dealers; defining the term “bona fide employee”; revising grounds for denial, suspension, or revocation of a dealer license; creating s. 320.691, F.S.; creating the Automobile Dealers Industry Advisory Board within the Department of Highway Safety and Motor Vehicles; providing for appointment of members; providing terms of office; requiring the board to make an annual report to the Governor and the Legislature; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor

vehicle for driver's licensing purposes; amending s. 322.0261, F.S.; requiring the department to regulate and approve certain courses for driver improvement schools; amending s. 322.05, F.S.; conforming a statutory cross-reference; amending s. 322.081, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 322.095, F.S.; requiring the department to approve and regulate certain courses for driver improvement schools; amending s. 322.161, F.S.; increasing the number of points that a driver under a specified age may accumulate before the department is required to issue that driver a restricted license; creating s. 322.222, F.S.; authorizing the department to conduct hearings for medical review cases; amending s. 322.2615, F.S.; revising provisions relating to temporary driving permits; amending s. 322.27, F.S.; revising provisions relating to the revocation of license for habitual traffic offenders; amending s. 322.28, F.S.; deleting obsolete provisions; repealing s. 322.282, F.S., which prescribes procedures governing certain court-ordered reinstatements of a driver's license or driving privilege; amending s. 322.292, F.S.; revising requirements relating to the operation of DUI programs; repealing s. 322.331, F.S., relating to the restoration of the license of habitual traffic offenders; amending s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle; amending s. 322.64, F.S.; revising provisions relating to commercial vehicle operators and driving under the influence; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; revising requirements relating to the application for certificate of title; amending s. 328.42, F.S.; revising provisions relating to the payment of certain transactions by dishonored check; amending s. 328.56, F.S.; revising provisions relating to the display of vessel registration numbers; amending s. 328.72, F.S.; revising requirements relating to the transfer of an antique vessel; amending s. 328.76, F.S.; providing for an annual appropriation to the Highway Safety Operating Trust Fund; amending s. 681.1096, F.S.; extending the pilot program an additional period; amending s. 681.1097, F.S.; providing for technical corrections to an arbitrator's decision; prescribing guidelines for appealing an arbitrator's decision; amending s. 681.115, F.S.; expanding the conditions under which agreements may be voided; amending s. 713.78, F.S.; providing for the notification of insurers when a vehicle is towed; revising requirements for selling an unclaimed vehicle or vessel; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; redefining the term "vessel"; providing for the removal of undocumented vessels from private property; amending s. 832.09, F.S.; providing for the use of a standardized form in reporting certain information to the department; providing effective dates.

By the Committee on Education; and Senators Wasserman Schultz and Rossin—

CS for SB's 1254 and 1954—A bill to be entitled An act relating to school facilities; amending s. 230.23, F.S.; providing an example of a school-within-a-school; amending s. 235.2157, F.S.; modifying small-school student-population limits; providing for exceptions to the small-schools requirements; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Lee—

CS for CS for SB 1276—A bill to be entitled An act relating to driver's licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver's license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Criminal Justice; and Senators Burt and Horne—

CS for CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree-felony penalties for theft of certain emergency medical equipment;

amending s. 812.015, F.S.; redefining the term "retail theft" to include theft of property and altering or removing a universal product code; redefining the term "antishoplifting or inventory control device" to include electronic or digital imaging or film used for security purposes and cash register receipts; redefining the term "antishoplifting or inventory control device countermeasure" to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a third-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; authorizing the court to order that a person's driver's license be suspended following an adjudication of guilt for certain misdemeanor violations involving theft; requiring that the court order that a person's driver's license be suspended following a second or subsequent adjudication of guilt for certain misdemeanor violations involving theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor's driver's license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; prohibiting the use of a reencoder to place information onto a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing an effective date.

By the Committees on Judiciary; Health, Aging and Long-Term Care; and Senator Saunders—

CS for CS for SB 1312—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; amending s. 154.02, F.S.; requiring that certain moneys in each County Health Department Trust Fund be set aside and used for specified purposes; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background-screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 401.113, F.S.; providing for use of funds in the

Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the department to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; revising provisions relating to pharmacy wholesaler permits; amending s. 742.10, F.S.; requiring a voluntary acknowledgement of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 383.14, F.S.; specifying that screenings for specified medical disorders must be performed by the state Public Health Laboratory; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; amending s. 509.049, F.S.; revising provisions relating to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; providing an effective date.

By the Committee on Education; and Senators Miller and Sullivan—

CS for SB 1330—A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; revising the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of certain scholarship funds by children of deceased or disabled veterans; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

By the Committee on Education; and Senators Klein, Sanderson, Sullivan and Dawson—

CS for SB 1342—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student Assistance Grant program for part-time students; providing for rule-making by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senators Cowin and Crist—

CS for CS for SB 1470—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising procedures for the appointment of members to each judicial nominating commission; prohibiting judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; providing for suspension or removal; requiring the Governor, in making appointments, to seek to ensure racial, ethnic, gender, and geographical diversity of membership; requiring consideration of county representation on circuit judicial nominating commissions; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; providing an appropriation; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Garcia—

CS for SB 1500—A bill to be entitled An act relating to enterprise zone designation; requiring designation of an enterprise zone in the City of Hialeah under certain circumstances notwithstanding certain limitations; providing requirements; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 1874—A bill to be entitled An act relating to postsecondary education; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell work products; providing for any or all of the proceeds derived from such activities to be used to develop and maintain the computer-assisted student advising system; requiring review and comment by legislative leaders; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Latvala and Sanderson—

CS for SB 1956—A bill to be entitled An act relating to motor vehicles dealers; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

By the Committee on Judiciary; and Senator Sullivan—

CS for SB 1966—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing

the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

By the Committee on Education; and Senator Peaden—

CS for SB 1972—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board's ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; removing the limit on the number of charters a school district may issue; permitting a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; amending s. 228.058, F.S.; requiring public schools in a charter district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Sebesta—

CS for SB 1976—A bill to be entitled An act relating to the Spaceport Florida Authority; amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute; providing an effective date.

By the Committees on Judiciary; Agriculture and Consumer Services; and Senator Sebesta—

CS for CS for SB 2058—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay for boarding during certain hearings and appeals and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 767.14, F.S.; deleting an application exemption; amending s. 828.055, F.S.; authorizing additional drugs for which permits may be issued for the capture or euthanasia of animals; amending s. 828.058, F.S.; requiring chemical immobilization training, which training must be approved by the Board of Veterinary Medicine; amending s. 828.03, F.S.; requiring training for certain agents of counties or societies that may prosecute violators; amending s. 828.073, F.S.; authorizing officers and agents of municipalities to take actions with respect to animals in distress and officers and agents of counties; amending s. 828.27, F.S.; redefining the term "animal control officer"; increasing training requirements; providing an effective date.

By the Committee on Education; and Senator Rossin—

CS for SB 2088—A bill to be entitled An act relating to prepaid college tuition; amending s. 240.551, F.S.; authorizing the purchase of

advance payment contracts for scholarships by nonprofit organizations; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Health, Aging and Long-Term Care; and Senator Mitchell—

CS for CS for SB 2146—A bill to be entitled An act relating to medical records; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Saunders—

CS for SB 2158—A bill to be entitled An act relating to health care; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the department to notify the patient or legal representative of the status of a disciplinary case; requiring the agency to provide certain information to the complainant; amending s. 456.077, F.S.; specifying violations for which the department or a regulatory board may issue citations; amending s. 456.074, F.S.; revising grounds for the emergency suspension of a license; amending s. 456.081, F.S.; requiring the department and regulatory boards to maintain a website containing specified information; amending ss. 458.331, 459.015, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 465.019, 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the department and agency to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3), 468.1735, F.S., to incorporate the amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1) in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a), 626.989(6), F.S., to incorporate the amendment in references; amending s. 766.1115, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for

children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; providing requirements under the nursing scholarship program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant-notification process; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by the Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental claims; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic violence courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 468.302, F.S.; revising requirements for an exemption from certification under part IV of ch. 468, F.S.; providing additional exemptions from certification; amending ss. 468.352, 468.355, 468.357, 468.358, 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending s. 468.1155, F.S.; revising provisions governing provisional licensure to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising accreditation provisions applicable to certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; conforming terminology in the definition of "massage"; amending s. 484.0445, F.S.; revising provisions governing training programs; amending s. 484.045, F.S.; revising licensing requirements and procedures; conforming a cross-reference; amending s. 490.012, F.S.; revising provisions relating to titles and descriptions; amending s. 490.014, F.S.; revising provisions relating to exemptions; amending s. 491.012, F.S.; revising prohibitions against the unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 456.057, F.S.; authorizing the regulatory boards or the department to appoint a medical records custodian; creating the Florida Center for Nursing; providing for a board of directors; providing goals, powers, and duties of the board; providing objectives for the center; providing for appointment, terms, and expense reimbursement of board members; amending s. 499.012, F.S.; providing an additional condition under which a retail pharmacy wholesaler's permit may be issued; providing a short title; defining the term "pharmaceutical adverse incident" and requiring that such incidents be reported to the Department of Health; providing for the adoption of rules and forms; amending s. 484.002, F.S.; redefining the term "opticianry" and defining the term "contact lenses"; amending ss. 484.002, 484.006, 484.012, F.S.; replacing references to the term "medical doctor" with the term "allopathic or osteopathic physician"; amending s. 484.013, F.S.; revising provisions prescribing violations and penalties applicable to the practice

of opticianry; amending s. 484.015, F.S.; revising inspection authority; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing an offense severity ranking for the offense of practicing opticianry without a license; amending s. 483.245, F.S.; revising provisions governing prohibited referrals to licensed clinical laboratories; providing effective dates.

By the Committee on Banking and Insurance; and Senator Holzen-dorf—

CS for SB 2174—A bill to be entitled An act relating to insurance; amending s. 624.318, F.S.; requiring access to records by the department; repealing s. 624.501(11) and (23), F.S.; repealing provisions establishing specified fees; amending s. 626.112, F.S.; prohibiting certain activities that constitute solicitation of insurance by unlicensed persons; amending s. 626.171, F.S.; revising agent application requirements; amending s. 626.181, F.S.; extending a period of eligibility for reappointment; creating s. 626.202, F.S.; requiring fingerprinting of specified persons; amending s. 626.431, F.S.; extending the nonappointment period to 48 months; amending s. 626.521, F.S.; requiring certain information upon demand of the department; amending s. 626.541, F.S.; requiring notification to the department of certain name changes and other information; amending s. 626.5715, F.S.; removing a requirement that the Department of Insurance adopt rules to assure parity of regulation; providing that the Insurance Code applies to all transactions; amending s. 626.601, F.S.; revising a confidentiality provision; amending s. 626.611, F.S.; prohibiting the sale of unregistered securities; amending ss. 626.741, 626.792, 626.835, F.S.; limiting the authority of certain nonresident licensees to that granted by the resident state; amending s. 626.8427, F.S.; revising provisions governing the duration of licenses; amending s. 626.856, F.S.; revising the definition of the term "company employee adjuster"; amending s. 626.872, F.S.; limiting the term of a temporary adjuster's license; amending s. 626.873, F.S.; revising a catchline regarding nonresident company adjusters; amending s. 627.927; limiting an experience requirement for surplus lines agents; extending a renewal grace period; creating s. 626.9531, F.S.; requiring the identification of certain persons in advertisements and other communications; amending ss. 648.315, 648.38, 648.384, F.S.; extending a period of eligibility for reappointment; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 18 was corrected and approved.

CO-SPONSORS

Senators Carlton—CS for SB 1118, CS for SB 1120, CS for SB 1122; Crist—CS for CS for SB 1470; Klein—SB 122; Sebesta—CS for SB 466; Villalobos—SB 2166

RECESS

On motion by Senator Lee, the Senate recessed at 4:52 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, April 20.



Journal of the Senate

Number 18—Regular Session

Friday, April 20, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:21 a.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

PRAYER

The following prayer was offered by Pastor Doyle Bell, Fellowship Baptist Church, Tallahassee:

Our Father, we thank you this morning for the opportunity to be in a place such as this where we can open this kind of session in prayer just by sharing with you from our heart. We give you praise and thanks for all these in this room today, particularly those who have been elected by their constituency to come and represent them in the State.

Lord, we ask that today you give them wisdom for all about which they will debate and those issues that will be before them. Lord, we just look forward to the very best for the people of our State and this Nation. Father, we lift up their families who are back home when, Lord, we know that today you can take care of them and meet their needs, even while these are away. So we pray for them today and ask your very best for them.

Again, we thank you for the privilege to be in this place to be a part of this kind of process here in these United States. Lord, we thank you for the freedom that we exercise in this place and for all that, we give you praise and look forward to a great day. In the name of the Father, the Son and the Holy Spirit. Amen.

PLEDGE

Senate Pages LaToya Smithwick of Havana, Lauren Madera of Fort Lauderdale and Elizabeth "Liz" Mayernick of Niceville, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. David Paulus of Gainesville, sponsored by Senator Smith, as doctor of the day. Dr. Paulus specializes in Anesthesiology.

ADOPTION OF RESOLUTIONS

On motion by Senator Wasserman Schultz—

By Senator Wasserman Schultz—

SR 2320—A resolution recognizing Familial Dysautonomia as a serious genetic disease affecting certain residents of this state and recognizing June 10, 2001, as Familial Dysautonomia Day.

WHEREAS, Familial Dysautonomia is present from birth and slowly deteriorates the autonomic and sensory nerve cells, and all children with Familial Dysautonomia have the same basic problem, incomplete development of nerve cells, and

WHEREAS, some children also have secondary problems, but the degree to which a particular child is affected will vary, even within the same family, and a child may experience all or only some of the secondary problems, such as feeding problems, blood pressure fluctuation, inability to regulate body temperature, inability to feel pain or feel hot or cold, a lack of overflow tears, vomiting, poor growth, spinal curvature, lung problems and chronic upper respiratory infections, and learning disabilities, and

WHEREAS, 60 percent of those affected with Familial Dysautonomia require tube feedings, and, despite advances in medical treatment, only 50 percent of those affected with Familial Dysautonomia will live to be only 30 years old, and

WHEREAS, the Familial Dysautonomia Gene Mutation has been identified, and, now that testing will be available, this knowledge of testing and education will help prevent further suffering of children and parents, NOW, THEREFORE,

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

That the Florida Senate recognizes Familial Dysautonomia as a serious genetic disease affecting certain residents of this state and recognizes June 10, 2001, as Familial Dysautonomia Day.

—was introduced out of order and read by title. On motion by Senator Wasserman Schultz, **SR 2320** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Wasserman Schultz introduced the following guests who were present in the gallery: Edward and Sondra Mallow and their children Jordan, Samantha and Maxine.

On motion by Senator Klein—

By Senator Klein—

SR 2336—A resolution recognizing April 22nd, 2001, as "Day of Tolerance" in observance of Yom HaShoa (Holocaust Day).

WHEREAS, the Jewish community observes the remembrance of the Holocaust each year on the 27th day of the Hebrew month of Nisan, corresponding this year to the 22nd day of April 2001, and

WHEREAS, the Holocaust was a defining moment in history with implications for all mankind, and

WHEREAS, it is incumbent on all people to learn from the lesson of the Holocaust and fight the potential for hatred and bigotry in society, and

WHEREAS, it is our sacred challenge to call upon the good that is in each of us and to reach out to others in brotherhood and understanding, and

WHEREAS, we should remember the atrocities committed by Nazi Germany and their collaborators and recognize that each of us must remain eternally vigilant against all tyranny, NOW, THEREFORE,

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

That the Florida Senate recognizes April 22, 2001, as a "Day of Tolerance" to coincide with the observance of Yom HaShoa (Holocaust Day), so that all Floridians may unite in memory and resolve to learn from history in our common quest for mutual respect and understanding.

—was introduced out of order and read by title. On motion by Senator Klein, **SR 2336** was read the second time in full and adopted.

MOMENT OF SILENCE

At the request of Senator Villalobos, the President asked that the Senate observe a moment of silence in memory of Kenneth R. Palmer, Florida State Courts Administrator, who passed away early this morning.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for SB 1640** which has been reported favorably by the Appropriations Subcommittee on Education was withdrawn from the Committee on Appropriations; and **CS for CS for SB 2108** which has been reported favorably by the Appropriations Subcommittee on General Government with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

BILLS ON THIRD READING

CS for SB 828—A bill to be entitled An act relating to prevention and control of communicable diseases; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **CS for SB 828** was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Mr. President, Dawson, Latvala, Rossin, Bronson, Diaz de la Portilla, Laurent, Sanderson, Brown-Waite, Dyer, Lawson, Saunders, Burt, Garcia, Lee, Sebesta, Campbell, Geller, Meek, Silver, Carlton, Holzendorf, Miller, Smith, Clary, Horne, Mitchell, Sullivan, Constantine, Jones, Peaden, Villalobos, Cowin, King, Posey, Wasserman Schultz, Crist, Klein, Pruitt, Webster

Nays—None

SB 226—A bill to be entitled An act relating to prisons; creating the "Protection Against Sexual Violence in Florida Jails and Prisons Act";

amending s. 944.35, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; providing an effective date.

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

On motion by Senator Dawson, **SB 226** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Mr. President, Dawson, Latvala, Rossin, Bronson, Diaz de la Portilla, Laurent, Sanderson, Brown-Waite, Dyer, Lawson, Saunders, Burt, Garcia, Lee, Sebesta, Campbell, Geller, Meek, Silver, Carlton, Holzendorf, Miller, Smith, Clary, Horne, Mitchell, Sullivan, Constantine, Jones, Peaden, Villalobos, Cowin, King, Posey, Wasserman Schultz, Crist, Klein, Pruitt, Webster

Nays—None

SB 1834—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting the charging of certain fees to farm laborers; providing an effective date.

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

Senator Miller moved the following amendment which was adopted:

Amendment 1 (600950)—On page 1, line 23, delete "incident" and insert: *incidental*

On motion by Senator Miller, **SB 1834** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Mr. President, Dawson, Latvala, Rossin, Bronson, Diaz de la Portilla, Laurent, Sanderson, Brown-Waite, Dyer, Lawson, Saunders, Burt, Garcia, Lee, Sebesta, Campbell, Geller, Meek, Silver, Carlton, Holzendorf, Miller, Smith, Clary, Horne, Mitchell, Sullivan, Constantine, Jones, Peaden, Villalobos, Cowin, King, Posey, Wasserman Schultz, Crist, Klein, Pruitt, Webster

Nays—None

CS for SB 202—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; creating s. 564.055, F.S.; providing certain size restrictions on containers in which cider is packaged and sold; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **CS for SB 202** was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Mr. President, Carlton, Dawson, Horne, Bronson, Clary, Diaz de la Portilla, Jones, Brown-Waite, Constantine, Dyer, Klein, Burt, Cowin, Garcia, Latvala, Campbell, Crist, Geller, Laurent

Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	
Miller	Rossin	Smith	
Mitchell	Sanderson	Sullivan	
Nays—2			
King	Webster		

On motion by Senator Lee, by two-thirds vote **HB 659** was withdrawn from the Committee on Rules and Calendar.

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

HB 659—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.513, 17.26, 20.12, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 276** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 659** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

On motion by Senator Lee, by two-thirds vote **HB 661** was withdrawn from the Committee on Rules and Calendar.

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

HB 661—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3. and 288.7771(1), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpreta-

tion; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 278** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 661** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

On motion by Senator Lee, by two-thirds vote **HB 663** was withdrawn from the Committee on Rules and Calendar.

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

HB 663—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 445.024, 446.50, 456.025, 456.039, 458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 381.0045(3), 383.0112(2)(g), 411.01(9)(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 280** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 663** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 282—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—as amended March 7 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **SB 282** to **HB 665**.

Pending further consideration of **SB 282** as amended, on motion by Senator Lee, by two-thirds vote **HB 665** was withdrawn from the Committee on Rules and Calendar.

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

HB 665—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 282** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 665** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Lee, by two-thirds vote **HB 667** was withdrawn from the Committee on Rules and Calendar.

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

HB 667—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215, 985.225, and 985.228, F.S.; and reenacting ss. 985.23 and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 284** and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 667** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Villalobos

On motion by Senator Lee, by two-thirds vote **HB 669** was withdrawn from the Committee on Rules and Calendar.

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

HB 669—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105, 442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser’s bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

—a companion measure, was substituted for **SB 288** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Burt	Clary	Crist
Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla

Dyer	Klein	Mitchell	Sebesta
Garcia	Latvala	Peaden	Silver
Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster

Nays—None

On motion by Senator Lee, by two-thirds vote **HB 671** was withdrawn from the Committee on Rules and Calendar.

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

HB 671—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—a companion measure, was substituted for **SB 290** and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 671** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **SB 968** was deferred.

SENATOR BROWN-WAITE PRESIDING

On motion by Senator Garcia—

CS for SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB’s 1526 and 314—A bill to be entitled An act relating to the Money Transmitter’s Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority

to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer’s check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB’s 1526 and 314** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term “claim” for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.31, F.S.; specifying reimbursement for emergency services under health maintenance organization contracts; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

Amendment 1 (782442)(with title amendment)—On page 17, lines 23 and 24, delete those lines and insert:

Section 17. Section 626.9651, Florida Statutes, is created to read:

626.9651 Privacy.—The department shall adopt rules consistent with other provisions of the Insurance Code to govern the use of a consumer’s nonpublic personal financial and health information. These rules shall be based on, consistent with, and not more restrictive than the National Association of Insurance Commissioners’ Privacy of Consumer Financial and Health Information Regulation adopted September 26, 2000, by the

National Association of Insurance Commissioners, provided, however, the rules shall permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research in accordance with federal law. In addition, these rules shall be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999 (Pub. L. No. 106-102). Any health insurer or health maintenance organization determined by the department to be in compliance with, or to be actively undertaking compliance with, the consumer privacy protection rules promulgated by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, shall be deemed in compliance with this section. This section shall take effect July 1, 2001.

Section 18. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules;

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 7.1 **Amendment 1** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

RULING ON POINT OF ORDER

The President ruled the point well taken and the amendment out of order.

MOTION

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

Senator Geller moved the following amendment which was adopted:

Amendment 2 (374696)—On page 3, lines 3-9, delete those lines and insert:

Section 3. Paragraphs (n) and (o) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

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

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

- (n) Free insurance prohibited.—
 1. Advertising, offering, or providing free insurance as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.
 2. For the purposes of this paragraph, "free" insurance is:
 - a. Insurance for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.
 - b. Insurance for which an identifiable or additional charge is made in an amount less than the cost of such insurance as to the seller or other person, other than the insurer, providing the same.
 3. Subparagraphs 1. and 2. do not apply to:
 - a. Insurance of, loss of, or damage to the real or personal property involved in any such sale or services, under a policy covering the interests therein of the seller or vendor.
 - b. Blanket disability insurance as defined in s. 627.659.
 - c. Credit life insurance or credit disability insurance.

d. Any individual, isolated, nonrecurring unadvertised transaction not in the regular course of business.

e. Title insurance.

f. Any purchase agreement involving the purchase of a cemetery lot or lots in which, under stated conditions, any balance due is forgiven upon the death of the purchaser.

g. Life insurance, trip cancellation insurance, or lost baggage insurance offered by a travel agency as part of a travel package offered by and booked through the agency.

h. *Third-party payor programs approved by the department.*

4. Using the word "free" or words which imply the provision of insurance without a cost to describe life or disability insurance, in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 3 (055140)(with title amendment)—On page 17, between lines 22 and 23, insert:

Section 17. Subsection (2) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(2) For the purposes of administration and assessment, the association shall be divided into *four* ~~three~~ separate accounts:

(a) The auto liability account;

(b) The auto physical damage account; ~~and~~

(c) *The medical malpractice account; and*

(d)(~~e~~) *The account for all other insurance to which this part applies.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, following the semicolon (;) insert: amending s. 631.55, F.S.; creating a medical malpractice account within the Florida Insurance Guaranty Association;

Senator Geller moved the following amendment which was adopted:

Amendment 4 (694042)(with title amendment)—On page 17, between lines 22 and 23, insert:

Section 17. Paragraph (b) of subsection (2) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(b) The department shall require all insurers holding a certificate of authority to transact property insurance on a direct basis in this state, other than joint underwriting associations and other entities formed pursuant to this section, to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners' multiperil, commercial multiperil, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings. The department shall adopt rules that provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.

2.a.(I) All insurers required to be members of such association shall participate in its writings, expenses, and losses. Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers. Such participation by member insurers shall be in the proportion that the net direct premiums of each member insurer written for property insurance in this state during the preceding calendar year bear to the aggregate net direct premiums for property insurance of all member insurers, as reduced by any credits for voluntary writings, in this state during the preceding calendar year. For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state. The commissioner, after review of annual statements, other reports, and any other statistics that the commissioner deems necessary, shall certify to the association the aggregate direct premiums written for property insurance in this state by all member insurers.

(II) The plan of operation shall provide for a board of directors consisting of the Insurance Consumer Advocate appointed under s. 627.0613, 1 consumer representative appointed by the Insurance Commissioner, 1 consumer representative appointed by the Governor, and 12 additional members appointed as specified in the plan of operation. One of the 12 additional members shall be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net direct premiums of domestic companies in this state. Nothing in the 1997 amendments to this paragraph terminates the existing board or the terms of any members of the board.

(III) The plan of operation shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association poli-

cies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the association under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for paying regular assessments and collecting emergency assessments for any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.

(II) When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for member insurers. Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph (III).

(III) Upon a determination by the board of directors that a deficit exceeds the amount that will be recovered through regular assessments on member insurers, pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by member insurers and by underwriting associations created pursuant to this section which write property insurance, upon issuance or renewal of property insurance policies other than National Flood Insurance policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums, as annually determined by the board and verified by the department. The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for property insurance written by member insurers and underwriting associations for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit. The board may pledge the proceeds of the emergency assessments under this sub-sub-subparagraph as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. The emergency assessments under this sub-sub-subparagraph shall continue as long as

any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness. Emergency assessments collected under this sub-sub-paragraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV) Each member insurer's share of the total regular assessments under sub-sub-paragraph (I) or sub-sub-paragraph (II) shall be in the proportion that the insurer's net direct premium for property insurance in this state, for the year preceding the assessment bears to the aggregate statewide net direct premium for property insurance of all member insurers, as reduced by any credits for voluntary writings for that year.

(V) If regular deficit assessments are made under sub-sub-paragraph (I) or sub-sub-paragraph (II), or by the Residential Property and Casualty Joint Underwriting Association under sub-sub-paragraph (6)(b)3.a. or sub-sub-paragraph (6)(b)3.b., the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-paragraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the association and insurers responsible for apportionment of plan losses. Any such unit of local government may enter into such contracts with the association and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the association from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.

3. The plan shall also provide that any member with a surplus as to policyholders of \$25 \$20 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the department, within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a member company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the

formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses pursuant to sub-sub-paragraph 2.d.(I) or sub-sub-paragraph 2.d.(II) in the aggregate which exceeds \$50 million after payment of available plan funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-paragraph 2.d.(III). The plan shall provide that, if the department determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-paragraph 2.d.(III).

4. The plan shall provide for the deferment, in whole or in part, of a regular assessment of a member insurer under sub-sub-paragraph 2.d.(I) or sub-sub-paragraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-paragraph 2.d.(III), if, in the opinion of the commissioner, payment of such regular assessment would endanger or impair the solvency of the member insurer. In the event a regular assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in sub-sub-paragraph 2.d.(I) or sub-sub-paragraph 2.d.(II).

5.a. The plan of operation may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b. The association may require arbitration of a rate filing under s. 627.062(6). It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. The plan of operation shall provide a mechanism to assure that, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.

c. The association shall provide for windstorm coverage on residential properties in limits up to \$10 million for commercial lines residential risks and up to \$1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above \$10 million or a personal lines residential risk with limits above \$1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

(I) Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

(II) Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. The policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the

policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph.

f. Association policies and applications must include a notice that the association policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

6.a. The plan of operation may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, a partnership, a trust, a limited liability company, or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. Any entity created under this subsection, or any entity formed for the purposes of this subsection, may sue and be sued, may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, market equalization surcharges and other surcharges, rights, premiums, contractual rights, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The association shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to the agent by the terms of his or her contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

8. Subject to approval by the department, the association may establish different eligibility requirements and operational procedures for any line or type of coverage for any specified eligible area or portion of an eligible area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of or after any such proceeding shall continue unaffected by such proceeding.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, contract, or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, contract, or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 627.351, F.S.; increasing the qualifying statutory surplus amount for the Florida Windstorm Underwriting Association Limited Apportionment Status;

Pursuant to Rule 4.19, CS for SB 2060 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR GELLER PRESIDING

Consideration of SB 1636 was deferred.

On motion by Senator Sullivan—

CS for SB 1704—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; requiring a review by the principal prior to reassigning a teacher; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board, subject to applicable collective bargaining requirements, to recognize and accept years of satisfactory performance for purposes of pay and retirement; providing an exemption; amending s. 231.625, F.S.; requiring the Department of Education to perform specified activities to improve teacher recruitment and retention; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending ss. 230.2305, 231.045, 231.1725, 231.471, 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (984038)(with title amendment)—On page 7, delete line 17 and insert:

certificate, or an athletic coaching certificate. The athletic coaching certificate may be used for either part-time or full-time positions. The provisions of this subsection do not apply to

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: *authorizing an athletic coaching certificate for full-time and part-time positions;*

SENATOR BROWN-WAITE PRESIDING

Senator Lawson moved the following amendment which was adopted:

Amendment 2 (404758)—On page 8, line 27, after the period (.) insert: *If an individual has completed the requirements in paragraph (2)(g), except the demonstration of general knowledge of mathematics, that person may continue employment as a teacher for the 3 years during which the temporary certificate is valid, if the teacher does not teach mathematics above the 4th-grade level and the teacher is enrolled in a state-approved program designed to improve mathematics skills. If the teacher has not completed the mathematics requirement after 3 school years, the school district may not continue to employ him or her in a position for which a temporary certificate is required.*

Senator Sullivan moved the following amendments which were adopted:

Amendment 3 (933334)—On page 10, line 25, after the period (.) insert: *An applicant shall be considered to have expertise in the subject area to be taught if the applicant has at least a minor in the subject area or demonstrates sufficient subject area mastery, as determined by school board policy.*

Amendment 4 (251758)(with title amendment)—On page 12, lines 4-14, delete those lines and insert:

(g) Beginning July 1, 2001, for each employee who enters into a written contract, pursuant to this section, in a school district in which the employee was not employed as of June 30, 2001, for purposes of pay, a school board must recognize and accept each year of full-time teaching

service for which the employee received a satisfactory performance evaluation. This provision is not intended to interfere with the operation of a collective bargaining agreement except to the extent it requires the agreement to treat years of teaching experience out of the district the same as years of teaching experience within the district. Instructional personnel employed pursuant to s. 121.091(9)(b)3. are exempt from this paragraph.

And the title is amended as follows:

On page 1, lines 28 and 29, delete those lines and insert: *recognize and accept years of satisfactory performance for purposes of pay;*

Senator Clary moved the following amendment:

Amendment 5 (860540)(with title amendment)—On page 13, between lines 24 and 25, insert:

Section 9. Subsections (5) and (6) of section 231.6135, Florida Statutes, are amended to read:

231.6135 Statewide system for inservice professional development.—The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted inservice training to teachers, managers, and administrative personnel designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:

(5) Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one superintendent of schools and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region’s teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. *Regional educational consortia as defined in s. 228.0857 satisfy the requirements of this subsection.*

(6) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. *Regional educational consortia as defined in s. 228.0857 are exempt from the funding match required by this subsection.*

And the title is amended as follows:

On page 2, line 2, after “retention,” insert: *amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies;*

Senator Clary moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A (232056)—On page 2, line 20, following “228.0857” insert: *which serve rural areas of critical economic concern*

Amendment 5 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1704** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 1636—A bill to be entitled An act relating to postsecondary education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Pruitt and adopted:

Amendment 1 (392566)—On page 2, line 24 and on page 3, line 12, before the comma (,) insert: *for the specific degree program or programs*

Amendment 2 (104760)—On page 2, line 26 and on page 3, line 14, after the period (.) insert: *Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.*

Amendment 3 (115974)—On page 3, between lines 14 and 15, insert:

(3) A community college may not terminate its Associate-in-Arts or Associate-in-Science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a college that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.

(Redesignate subsequent section.)

Senator Pruitt moved the following amendments which were adopted:

Amendment 4 (521272)—On page 1, lines 28 and 29, delete “*and branch campuses of our state universities*”

THE PRESIDENT PRESIDING

Amendment 5 (223254)—On page 3, line 15 through page 4, line 8, delete those lines.

Pursuant to Rule 4.19, **SB 1636** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for CS for SB’s 1970 and 164—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; authorizing representatives of the division to enter and inspect any place of firefighter employment; providing criminal penalties for refusal to allow inspection; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in firefighter places of employment and establish standards for construction, repair, and maintenance, and related rules; requiring the division to inspect firefighter employers; requiring firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of this act; providing exemptions; providing for the source of funding of the division; specifying firefighter employees’ rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (793522)—On page 22, line 5, after “*part 1910*” insert: *, except 29 C.F.R. section 1910.134(g)(4)*

Pursuant to Rule 4.19, **CS for CS for SB’s 1970 and 164** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.181, 61.1824, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.25658, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for the former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items that must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term “support order”; defining the term “support”; amending s. 61.1301, F.S.; prescribing the time within which an order of income deduction may be entered after an order establishing or modifying support; providing for the court to request that an income-deduction order reflect the payment cycle of the payor; amending s. 61.13016, F.S.; requiring that any costs and fees associated with delinquency be paid to prevent suspension of a driver’s license; repealing s. 61.1307, F.S., relating to the collection of motor vehicle impact fee refunds for child support; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing for retroactive increase or decrease in support, maintenance, or alimony; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; specifying the delinquency amount for which notice to the obligor is required; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term “gross income” with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; prescribing conditions under which income from secondary employment may be disregarded in modifying an existing award; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers’ license for failure to comply with a subpoena, order to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers’ licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term “public assistance” and “support”; defining the terms “undistributable collection” and “unidentifiable collection”; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing rulemaking authority; providing for review prior to the formal rule-development process; providing for a report to the Legislature; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash or Title IV-E assistance; creating s. 409.2563, F.S.; creating a pilot program for the administrative establishment of child-support obligations; providing definitions; providing legislative intent with respect to an alternative procedure for establishing child support obligations in certain cases; authorizing the Department of Children and Family Services to establish an administrative support order; providing procedures; providing notice requirements; providing for a hearing conducted by the Division

of Administrative Hearings; providing that a final order by an administrative law judge constitutes final agency action; providing for collection and enforcement of an administrative support order; providing for judicial review and a prospective change in the support obligation; providing for disclosures and a presumption of receipt of certain notices, payments, and orders; authorizing the department to adopt rules; providing requirements for establishing the pilot program; providing for expiration of the pilot program; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing effective dates.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (664508)—On page 32, line 26, after “as well as” insert: *the custodial parent's low income and ability to maintain the basic necessities of the home for the child,*

Amendment 2 (245092)(with title amendment)—On page 34, between lines 28 and 29, insert:

Section 18. Paragraph (c), is added to subsection (14) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(c) Proceedings for administrative child support orders.-- Notwithstanding the provisions of s. 120.569 or s. 120.57 to the contrary, in proceedings for the establishment of administrative support orders pursuant to s. 409.2563, final orders in cases referred by the Department of Revenue to the Division of Administrative Hearings shall be entered by the division's administrative law judge and transmitted to the Department of Revenue for filing and indexing. The Department of Revenue has the right to seek judicial review of a final order entered by an administrative law judge. Administrative support orders rendered pursuant to s. 409.2563 may be enforced pursuant to s. 120.69 or, alternatively, by any method prescribed by law for the enforcement of judicial support orders, except contempt.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 4, after the first semicolon (;) insert: amending s. 120.80, F.S.; providing for proceedings for administrative child support orders under the Department of Revenue;

Amendment 3 (721014)(with title amendment)—On page 39, line 14, delete “child” and insert: *child*

And the title is amended as follows:

On page 1, line 4, after “61.1824,” insert: 328.42,

Amendment 4 (463278)—On page 61, line 2 through page 65, line 15, delete those lines and insert:

(10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.—

(a) A noncustodial parent has the right to seek judicial review of an administrative support order or a final order denying an administrative support order in accordance with s. 120.68. The department has the right to seek judicial review, in accordance with s. 120.68, of an administrative

support order or a final order denying an administrative support order entered by an administrative law judge of the Division of Administrative Hearings.

(b) An administrative support order rendered under this section may be enforced by any circuit court in the same manner as a support order issued by the court, except for contempt. If the circuit court issues its own order based on the administrative support order, the circuit court may enforce its own order by contempt. Enforcement by the court, without any change by the court in the support obligations established in the administrative support order, does not supersede the administrative support order or affect the department's authority to modify the administrative support order as provided by subsection (12).

(c) A circuit court of this state, where venue is proper and the court has jurisdiction of the parties, may enter an order prospectively changing the support obligations established in an administrative support order, in which case the administrative support order is superseded and the court's order shall govern future proceedings in the case. Any unpaid support owed under the superseded administrative support order may not be retroactively modified by the circuit court, except as provided by s. 61.14(1)(a), and remains enforceable by the department, by the obligee, or by the court. In all cases in which an administrative support order is superseded, the court shall determine the amount of any unpaid support owed under the administrative support order and shall include the amount as arrearage in its superseding order.

(11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT ORDER.—*An administrative support order rendered under this section remains in effect until modified by the department, vacated on appeal, or superseded by a subsequent court order. If the department closes a Title IV-D case in which an administrative support order has been rendered:*

(a) The department shall take no further action to enforce or modify the administrative support order;

(b) The administrative support order remains effective until superseded by a subsequent court order; and

(c) The administrative support order may be enforced by the obligee by any means provided by law.

(12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.—*If it has not been superseded by a subsequent court order, the department may modify an administrative support order in a Title IV-D case prospectively, subject to the requirements for modifications of judicial support orders established in chapters 61 and 409, by following the same procedures set forth in this section for establishing an administrative support order, as applicable.*

(13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO ADDRESS OF RECORD.—*In all proceedings pursuant to this section:*

(a) The noncustodial parent and custodial parent must execute and furnish to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, a financial affidavit in the form prescribed in the Florida Family Law Rules of Procedure. An updated financial affidavit must be executed and furnished to the department at the inception of each proceeding to modify an administrative support order. Caretaker relatives are not required to furnish financial affidavits.

(b) The noncustodial parent, custodial parent, and caretaker relative if applicable, shall disclose to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, and update as appropriate, information regarding their identity and location, including names they are known by; social security numbers; residential and mailing addresses; telephone numbers; driver's license numbers; and names, addresses, and telephone numbers of employers. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each person must provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) The noncustodial parent, custodial parent, and caretaker relative, if applicable, have a continuing obligation to promptly inform the depart-

ment in writing of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, payments, statements, and orders, and receipt is presumed if sent by regular mail to the most recent address furnished by the person.

(14) **JUDICIAL PLEADINGS AND MOTIONS.**—A party to any subsequent judicial proceeding concerning the support of the same child or children shall affirmatively plead the existence of, and furnish the court with a correct copy of, an administrative support order rendered under this section, and shall provide the department with a copy of the initial pleading. The department may intervene as a matter of right in any such judicial proceeding involving issues within the scope of the Title IV-D case.

(15) **PROVISIONS SUPPLEMENTAL TO EXISTING LAW.**—This section does not limit or negate the department's authority to seek establishment of child support obligations under any other applicable law.

(16) **RULEMAKING AUTHORITY.**—The department may adopt rules to administer this section.

(17) **PILOT PROGRAM.**—For the purpose of identifying measurable outcomes, the pilot program shall be located in a county selected by the Department of Revenue having a population of fewer than 500,000, in which the Title IV-D caseload did not exceed 20,000 cases, and the obligation rate was approximately 65 percent at the end of the 1999-2000 fiscal year. The Department of Revenue shall develop measurable outcomes that at a minimum consist of the department's support order establishment performance measures that are applicable to this pilot program, a measure of the effectiveness of the pilot program in establishing support orders as compared to the judicial process, and a measure of the cost-efficiency of the pilot program as compared to the judicial process. The Department of Revenue and the Division of Administrative Hearings shall implement the pilot program established by this section on July 1, 2001, or as soon thereafter as practicable. The department shall use the procedures of this section to establish support obligations in Title IV-D cases on behalf of custodial parents or caretaker relatives residing in the county selected for the pilot program. By June 30, 2002, the Department of Revenue shall submit a report on the implementation of the pilot program to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the operation and impact of the pilot program. In evaluating the pilot program, achievement of the measurable outcomes must be considered. The Office of Program Policy Analysis and Government Accountability shall submit an evaluation report on the pilot program by June 30, 2003 which must include the findings of the evaluation, the feasibility of a statewide program, and recommendations, if any, for establishing a statewide program. The pilot program expires June 30, 2004 unless continued by action of the Legislature.

Amendment 5 (755966)(with title amendment)—On page 85, between lines 16 and 17, insert:

Section 55. *The Office of Program Policy Analysis and Government Accountability, in consultation with the substantive legislative committee, through its staff or by contract with a vendor, is directed to study and analyze case data and court proceedings, chosen through a statistically valid random sample of child support enforcement cases in both Title IV-D and non-Title IV-D cases, on the application of and deviations from the child support guidelines set forth in section 61.30, Florida Statutes. The office shall report its findings to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than January 31, 2002.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 20, after the semicolon (;) insert: providing for a case analysis;

Pursuant to Rule 4.19, **CS for SB 1284** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (452726)(with title amendment)—On page 2, line 22 through page 3, line 31, delete those lines and insert: *Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity that all identifying information concerning applicants for and recipients of child support services which is in the possession of any non-Title IV-D county child support enforcement agency be held confidential and exempt. The Legislature recognizes that all persons served by a non-Title IV-D county child support enforcement agency are eligible to receive services from the Department of Revenue, the state's Title IV-D agency. The Legislature further recognizes that information concerning applicants for and recipients of child support services who are served by a non-Title IV-D county child support enforcement agency would otherwise be confidential and exempt from disclosure pursuant to section 409.2579, Florida Statutes, if served by the Department of Revenue. Therefore, because provision of child support services by a non-Title IV-D county child support enforcement agency provides a useful and appropriate alternative to the child support services provided by the state, the Legislature finds that persons served by a non-Title IV-D county child support enforcement agency should be entitled to disclosure protections similar to those afforded to persons receiving child support services from the state. Additionally, the Legislature finds that many of the child support enforcement cases handled by a non-Title IV-D county child support enforcement agency are also domestic violence cases. In such cases, agency clients have been subjected to domestic violence or abuse and fear for their lives and those of their minor children. The Legislature further finds that federal and state law currently prohibit the disclosure of information concerning clients served by the Title IV-D cases when a protective order has been issued or the Title IV-D agency has reason to believe that disclosure of information may result in physical or emotional harm to the client or child, and the Legislature wishes to extend similar protections to the clients of non-Title IV-D county child support enforcement agencies. Therefore, the Legislature determines that any benefit that could occur from public disclosure of the information concerning applicants for or recipients of child support services from non-Title IV-D county child support enforcement*

And the title is amended as follows:

On page 1, line 7, following the semicolon (;) insert: providing exceptions;

Pursuant to Rule 4.19, **CS for SB 772** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 444—A bill to be entitled An act relating to offenses against children; amending s. 787.025, F.S.; revising provisions to prohibit certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 15 into a structure, dwelling, or conveyance without consent of parent or legal guardian; providing penalties; amending s. 800.04, F.S.; defining the term "presence" for purposes of lewd or lascivious offenses committed in the presence of certain minors; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (915200)(with title amendment)—On page 1, delete line 26 and insert: *child's parent or legal guardian, or who intentionally lures or entices, or attempts to lure or entice, a child under the age of 15 away from the child's parent or legal guardian without the consent of the child's parent or legal guardian, for other than a lawful*

And the title is amended as follows:

On page 1, delete line 9 and insert: *legal guardian, or from intentionally luring or enticing, or attempting to lure or entice the child away from the child's parent or legal guardian; providing penalties; amending*

Pursuant to Rule 4.19, **CS for SB 444** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 718—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator King:

Amendment 1 (250192)(with title amendment)—On page 1, lines 10-15, delete those lines and insert:

Section 1. Subsection (2) of section 440.102, Florida Statutes, is amended, and subsection (15) is added to said section, to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(2) DRUG TESTING.—An employer may test an employee or job applicant for any drug described in paragraph (1)(c). In order to qualify as having established a drug-free workplace program *under this section and have which affords an employer the ability to qualify for the discounts provided under s. 627.0915 and deny medical and indemnity benefits, under this chapter, all drug testing, which conforms to conducted by employers shall be in conformity with the standards and procedures established in this section and all applicable rules adopted pursuant to this section, must be conducted by the employer.* However, an employer does not have a legal duty under this section to request an employee or job applicant to undergo drug testing. If an employer fails to maintain a drug-free workplace program in accordance with the standards and procedures established in this section and in applicable rules, the employer shall not be eligible for discounts under s. 627.0915. All employers qualifying for and receiving discounts provided under s. 627.0915 must be reported annually by the insurer to the division.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: *clarifying that employees must conduct drug testing in conformity with the section to qualify as having a drug-free workplace program;*

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

Amendment 1A (462956) (with title amendment)—On page 2, lines 3 and 4, delete *“by the employer”* and insert: *as required in subsection (4)*

And the title is amended as follows:

On page 2, lines 20 and 21, delete those lines and insert: *clarifying that drug testing must be conducted in conformity with the section to*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 718** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

—was read the second time by title.

Senator Garcia moved the following amendment:

Amendment 1 (022794)(with title amendment)—On page 1, line 12 through page 2, line 6, delete those lines and insert:

Section 1. Paragraph (a) of subsection (3) and subsections (6) and (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, *at least one member who is a current or former recipient of state financial assistance*, and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(6) Workforce Florida, Inc., may take action that it deems necessary to achieve the purposes of this section, including, but not limited to:

(a) Creating a state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.

(b) Establishing policy direction for a funding system that provides incentives to improve the outcomes of vocational education programs, and of registered apprenticeship and work-based learning programs, and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) Establishing a comprehensive policy related to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) Designating Institutes of Applied Technology composed of public and private postsecondary institutions working together with business and industry to ensure that technical and vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.

(e) Providing policy direction for a system to project and evaluate labor market supply and demand using the results of the Workforce Estimating Conference created in s. 216.136 and the career education performance standards identified under s. 239.233.

(f) Reviewing the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.

(g) Expanding the occupations identified by the Workforce Estimating Conference to meet needs created by local emergencies or plant closings or to capture occupations within emerging industries.

(h) *Expanding the utilization of faith-based and community-based organizations to work collaboratively in the delivery of services to Florida's residents.*

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. *A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified faith-based and community-based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. Such programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds.*

(b) Better Jobs/Better Wages is the state's strategy for assisting employers in upgrading or updating the skills of their employees and for assisting incumbent workers in improving their performance in their current jobs or acquiring the education or training needed to secure a better job with better wages.

(c) High Skills/High Wages is the state's strategy for aligning education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance Florida's efforts to attract and expand job-creating businesses.

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: *expanding the utilization of faith-based and community-based organizations; requiring certain funds to be expended for after-school care programs;*

On motion by Senator Garcia, further consideration of **CS for SB 1226** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 1468** was deferred.

On motion by Senator Brown-Waite, consideration of **SB 344** was deferred.

On motion by Senator Constantine—

SB 1522—A bill to be entitled An act relating to enterprise zones; authorizing a boundary change in a specified enterprise zone; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (202956)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Section 290.00694, Florida Statutes, is created to read:

290.00694 Enterprise zone designation for Sarasota County or Sarasota County and Sarasota.—Sarasota County, or Sarasota County and the City of Sarasota jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the municipality, which zone encompasses an area that is south of the north county line, west of Tuttle Avenue, north of 10th Street, and east of U.S. Highway 41. The application must be submitted by December 31, 2001, and must comply with the

requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 3. Section 290.00555, Florida Statutes, is amended to read:

290.00555 Satellite enterprise zones.—Before December 31, 1999, Any municipality an area of which has previously received designation as an enterprise zone in the population category described in s. 290.0065(3)(a)3. may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in s. 290.0055(4), or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by s. 290.0055. However, the requirements imposed by s. 290.0055(4)(d) do not apply to such satellite enterprise zone areas.

Section 4. Satellite enterprise zones may be created pursuant to section 290.00555, Florida Statutes, effective retroactively to December 31, 1999. Resolutions adopted to create satellite enterprise zones under this section must be submitted to the Office of Tourism, Trade, and Economic Development no later than August 1, 2001. The Office of Tourism, Trade, and Economic Development must amend the boundaries of previously designated enterprise zones to create eligible satellite enterprise zones no later than September 1, 2001. Notwithstanding the time limitations contained in chapter 212, Florida Statutes, a business in a satellite enterprise zone designated under this section which was eligible to receive tax incentives pursuant to sections 212.08(5)(g) and (h) and 212.096, Florida Statutes, during the period beginning December 31, 1999, and ending on the date of the creation of the satellite enterprise zone must submit an application for the tax incentives by December 1, 2001. All other requirements of the enterprise zone program apply to such a business.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, following the semicolon (;) insert: *creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives;*

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 2 (023216)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Subsection (12) is added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(12) Before June 1, 2002, the governing body of a municipality that is located within a county having a population of less than 225,000 and in which an enterprise zone designated under subparagraph (3)(a)2. is located may apply to the Office of Tourism, Trade, and Economic Development to change the boundaries of the enterprise zone. The Office of Tourism, Trade, and Economic Development shall approve the application if the boundary change does not increase the overall size of the enterprise zone and if any territory added to the enterprise zone as a result of the boundary change is contiguous to the remaining area of the existing enterprise zone.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions;

RECONSIDERATION OF AMENDMENT

On motion by Senator Constantine, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was adopted.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 3 (882752)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Hernando County or Hernando County and Brooksville.—Hernando County, or Hernando County and the City of Brooksville jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city, which zone encompasses an area up to 10 contiguous square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Hernando County; providing requirements with respect thereto;

Senator Crist moved the following amendment which was adopted:

Amendment 4 (645256)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Enterprise zone designation for Hillsborough County.—Hillsborough County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, which zone encompasses a high-crime, low-income, high-unemployment area that is north of Fowler Avenue, south of Bearss Avenue, east of Florida Avenue, west of Bruce B. Downs Boulevard, near the University of South Florida, adjacent to University Square Mall, north of a major theme park, an area that has been designated a federal Weed & Seed target area, and a Community Development Block Grant (CDBG) target area and that houses an active public/private 501(c)(3) community development corporation working to improve the area. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

Pursuant to Rule 4.19, **SB 1522** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 210—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 210** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

SB 1400—A bill to be entitled An act relating to swimming pool/spa servicing contractors; amending s. 489.111, F.S.; providing eligibility requirements to take the licensure examination for the swimming pool/spa servicing contractor's license; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Posey and adopted:

Amendment 1 (525058)—On page 4, line 5, after "Board" insert: *by rule and has at least 1 year of proven experience related to the scope of work of such a contractor*

Pursuant to Rule 4.19, **SB 1400** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of motions and announcements.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote **SB 174**, **SB 326** and **SB 656** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 492**, **CS for SB's 1080 and 950**, **SB 1194** and **CS for SB 2118** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SJR 1700** was withdrawn from the Committee on Governmental Oversight and Productivity; and **CS for SB 1514** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committee on Criminal Justice was granted permission to add **SB 714** to the agenda at the meeting on April 24.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m., Tuesday, April 24, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 25.

REPORTS OF COMMITTEES

The Committee on Ethics and Elections recommends the following pass: CS for CS for HB 273

The Committee on Regulated Industries recommends the following pass: CS for SB 2014

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

The Committee on Ethics and Elections recommends the following pass: SB 2194 with 1 amendment

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

The Committee on Ethics and Elections recommends the following pass: CS for HB 275

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

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 1656

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for SB's 310 and 380, CS for SB 460, CS for SB 1204

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

The Committee on Children and Families recommends a committee substitute for the following: SB 1680

The Committee on Appropriations recommends a committee substitute for the following: CS for CS for SB 1202

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for SB 668, SB 1366, SB 1580

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: CS for SB 1640

The bill contained in the foregoing report was referred to the Committee on Appropriations under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Carlton—

CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a non-voting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a

schedule for adoption; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; creating s. 163.3198, F.S.; requiring the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; providing for appointment of a technical advisory committee to advise the agency; requiring a report to the Governor and the Legislature; providing an appropriation; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a super-majority vote; authorizing certain municipalities to impose an infrastructure surtax; providing for referendum; amending s. 218.25, F.S.; prescribing limitations on the use of specified funds; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; creating s. 236.255, F.S.; creating the School District Guaranty Program; allowing district school boards to request the financial backing of the state or county in the issuance of certificates of participation; providing that such financial backing by the state or county is optional and contingent on funds set aside for that purpose; amending s. 380.06, F.S.; revising provisions governing developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; providing effective dates.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; and Senators Clary, Smith and Mitchell—

CS for CS for SB 460—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the commu-

nity contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; defining the term "qualified area"; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; providing effective dates.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; and Senator Carlton—

CS for CS for SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; providing an effective date.

By the Committees on Appropriations; Judiciary; Health, Aging and Long-Term Care; and Senator Brown-Waite—

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident's room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s.

400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; providing for a standard license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the

internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.4275, F.S.; specifying minimum amounts of liability insurance required to be carried by an assisted living facility; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commis-

sioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

By the Committees on Finance and Taxation; Agriculture and Consumer Services; and Senator Bronson—

CS for CS for SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; encouraging the release and feeding of certain quail; providing an effective date.

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

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rule-making authority; providing an effective date.

By the Committee on Finance and Taxation; and Senator Cowin—

CS for SB 1366—A bill to be entitled An act relating to tax exemption; amending s. 196.202, F.S.; defining the term "totally and permanently disabled person"; providing an effective date.

By the Committee on Finance and Taxation; and Senator Burt—

CS for SB 1580—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring that the Comptroller receive representations from the tobacco industry which are used to calculate the annual payments; requiring the Comptroller to verify such representations; requiring that the Auditor General review the verification of representations from the tobacco industry; redesignat-

ing the Comptroller as the Chief Financial Officer to conform to a revision of the State Constitution; providing effective dates.

By the Committee on Ethics and Elections; and Senator Smith—

CS for SB 1656—A bill to be entitled An act relating to campaign finance; creating s. 106.115, F.S.; requiring persons to maintain records and to file disclosure of certain political expenditures in which a candidate is named or depicted; providing penalties; providing an effective date.

By the Committees on Appropriations; Commerce and Economic Opportunities; and Senators Lee, Miller, Sebesta and Crist—

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

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

CS for SB 1680—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender's anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring the Department of Children and Family Services to detain sexually violent predators in a secure facility segregated from other patients; providing an effective date.

By the Committees on Appropriations; Health, Aging and Long-Term Care; and Senator Sanderson—

CS for CS for SB 2092—A bill to be entitled An act relating to health care; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; amending s. 381.0403, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; providing rule-making authority to the Department of Health; amending s. 409.911, F.S.; redefining the term "charity care" or "uncompensated charity care" for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

520, SB 1644, SB 2210; Dawson—CS for SB 1374; Jones—SB 1636, CS for SB 1704; Posey—SB 1616, SB 1636

The Journal of April 19 was corrected and approved.

CO-SPONSORS

Senators Cowin—CS for CS for CS for SB's 1526 and 314; Crist—SB

RECESS

On motion by Senator Lee, the Senate recessed at 12:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 25.



Journal of the Senate

Number 19—Regular Session

Wednesday, April 25, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 2:00 p.m. in lieu of 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	

Excused: Senator Webster; Senator Sullivan at 3:30 p.m.

PRAYER

The following prayer was offered by the Rev. Troy Varnum, Pastor, First Baptist Church of Jasper:

Mighty God, we are thankful for the opportunity you have given us to freely express our devotion to you. This is the same freedom that allows us to enhance our minds and souls in the context of diversity and adversity. May you find our willingness to have our character sharpened and our commitment strengthened. We petition you for wisdom and the ability to not only say the right thing in the right place, but to leave unsaid the wrong thing in the wrong place.

Today, in our petitions we share a few of these prayer needs. We pray for Senator Webster's family in the loss of his mother. We pray for Senate Attorney Don Boggs' family in the loss of his father. We pray for the wife of Senator Ken Pruitt, Aileen Pruitt, during her time of illness and we also pray for LéJean Miller, daughter of Senator Les Miller in her time of illness. May the families of these folks experience your grace and love during this time of need in the fellowship of this body.

Also, allow us on this Secretary's Day to acknowledge the blessings you grant us through the skills and devotion of those who aid so significantly in the work of our businesses and institutions. On this day may we demonstrate to them your love and your grace.

In your name we pray. Amen.

PLEDGE

Senate Pages Jonathan Bouchlas of Royal Palm Beach, Candace Riley of Tallahassee and James Fortinberry of Plant City, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Michael Fletcher, sponsored by Senator Saunders, as doctor of the day. Dr. Fletcher specializes in Anesthesiology.

MOMENT OF SILENCE

The President asked that the Senate observe a moment of silence in memory of Mildred Webster, mother of Senator Daniel Webster, who passed away April 21.

ADOPTION OF RESOLUTIONS

On motion by Senator Sullivan—

By Senator Sullivan—

SR 298—A resolution recognizing April 22-29, 2001, as “Shaken Baby Syndrome Awareness Week.”

WHEREAS, government figures show that more than 1 million children were victims of abuse and neglect in 1997, causing unspeakable pain and suffering to our most vulnerable citizens, and

WHEREAS, of the children who are victims of abuse and neglect, more than three die each day in this country, and

WHEREAS, the rate of child fatalities rose by 37 percent between 1985 and 1997, and children who were 3 years old or younger accounted for 77 percent of the fatalities, and

WHEREAS, the leading cause of death of abused children is head trauma, including the trauma known as Shaken Baby Syndrome, and

WHEREAS, Shaken Baby Syndrome, which results from a caregiver's losing control and shaking a baby, usually less than 1 year of age, and which can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse, and

WHEREAS, an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, and thousands more are misdiagnosed and undetected, and

WHEREAS, Shaken Baby Syndrome often causes permanent, irreparable brain damage or death to an infant, and may result in more than \$1 million in medical costs for the care of a single disabled child during the first few years of life, and

WHEREAS, the most effective way to end Shaken Baby Syndrome is by preventing such abuse, and it is clear that the minimal costs of educational and preventive programs may avert enormous medical and disability costs and untold grief for many families, and

WHEREAS, prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employ-

ees, law enforcement personnel, health care professionals, and legal representatives, and

WHEREAS, prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization started by three mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about the syndrome and to increase support for victims and their families in the health care and criminal justice systems, and

WHEREAS, a year 2000 survey by Prevent Child Abuse America shows that half of all Americans believe that child abuse and neglect is the most important issue facing this country, compared to other public health issues, and

WHEREAS, the Florida Senate strongly supports efforts to protect children from abuse and neglect, NOW, THEREFORE,

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

That the Florida Senate recognizes the week of April 22-29, 2001, as "Shaken Baby Syndrome Awareness Week."

—was introduced out of order and read by title. On motion by Senator Sullivan, **SR 298** was read the second time in full and adopted.

On motion by Senator Lawson—

By Senators Lawson and Mitchell—

SR 2184—A resolution commending the North Florida Christian School football team for its 2000 football season.

WHEREAS, the North Florida Christian School Eagles football team, after suffering a defeat in their opening game, ended the 2000 regular season with a record of 8 and 1 and ultimately won 13 consecutive regular and post season games, a new school record, to win the district, regional, and state class 1A Championships, and

WHEREAS, the North Florida Christian School Eagles football team defeated Polk County's Fort Meade High School in the final seconds of the Class 1A championship game, on a pass from Robert Craft to Eugene Hampton, to win their third consecutive State Class 1A Championship, and their fourth in five seasons, and

WHEREAS, the members of the North Florida Christian School Eagles football team have set laudable examples by their performance on the football field, by their achievements in the classroom, and by their example as role models, as exemplified by Senior Josh Walker, who was recently recognized by the Florida High School Activities Association for attaining a grade point average of 4.066, and

WHEREAS, the North Florida Christian School Eagles football team, and particularly the 14 seniors, made the 2000 season special as they honored Christ on and off the gridiron, and

WHEREAS, the North Florida Christian School Eagles football team has brought honor and recognition to their school, their community, and this state, NOW, THEREFORE,

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

That the Florida Senate commends the North Florida Christian School Eagles football team, Head Coach Tim Cokely, Assistant Coaches David King, Sandy Davenport, Landon O'Connell, Matt Ray, Joe Roberts, Mark Johnson, and Billy Blair and trainer Phillip Burnett for their outstanding accomplishments in bringing the North Florida Christian School Eagles football team to state prominence and excellence in football and preparing them for life's journey.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the North Florida Christian School Eagles football team and to Coach Tim Cokely as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Lawson, **SR 2184** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Lawson introduced Head Coach Tim Cokely and members of the coaching staff and team who were present in the gallery.

On motion by Senator Holzendorf—

By Senators Holzendorf, Lawson, Dawson, Miller, Jones and Meek—

SR 2372—A resolution expressing regret at the death of Douglas Lee "Tim" Jamerson, former State Representative, Commissioner of Education, and Secretary of Labor and Employment Security.

WHEREAS, the Florida Senate, with deep regret, has learned of the death of former Representative Douglas Lee Jamerson, and

WHEREAS, Representative Jamerson served with distinction in the Florida House of Representatives from 1982 until 1993 and later held the offices of Commissioner of Education and Secretary of the Department of Labor and Employment Security, and

WHEREAS, it is fitting that the Florida Senate commemorate the passing of an individual who served his district and the State of Florida so admirably, NOW, THEREFORE,

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

That the Florida Senate does pause in its deliberations to pay its respects to the late Douglas Lee "Tim" Jamerson, former State Representative, Commissioner of Education, and Secretary of the Department of Labor and Employment Security and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM DOUGLAS LEE JAMERSON

Douglas Lee "Tim" Jamerson was born October 16, 1947, in St. Petersburg, Florida. He grew up in the poor St. Petersburg neighborhoods, attended Bishop Barry High School (now St. Petersburg Catholic), and graduated from St. Petersburg Junior College, the University of South Florida, and the St. Petersburg Police Academy. After his honorable discharge from the United States Air Force, at the rank of Staff Sergeant, he was employed for many years in the Pinellas County school system. Beginning in 1982, Mr. Jamerson served 5-1/2 terms in the House of Representatives. Subsequently, Governor Lawton Chiles appointed him state Commissioner of Education, and, in 1995, Governor Chiles made him Secretary of Labor. Mr. Jamerson achieved many marvelous feats in his high-level state positions, including designing and implementing the system that allowed former welfare recipients to become employed, re-engineering the unemployment-tax design system for the state, establishing the state's distance learning project, and securing funds for the Safe School Program. In addition to his many professional achievements, he remained intensely interested in the welfare of his hometown, as evidenced by his personally intervening to defuse racial tensions in St. Petersburg in 1996. During that time, Doug Jamerson walked the streets of his city and calmed angry crowds through his persuasiveness. Although, to the end of his life, Douglas Jamerson spoke of his next anticipated political move; gave public speeches; and, several times a month, visited the poor St. Petersburg neighborhoods where he grew up, he nevertheless bravely withheld news of his illness from virtually everyone who knew him. On April 21, the cancer that he had fought for several years claimed his life at the age of 53, leaving as his closest survivors: his wife, Leatha Young Jamerson; his son, Cedric Alexander Jamerson; his mother and stepfather, Neva J. and Rue McGill; his sisters, Terecina Rice and Donna Jamerson; and his brother, Michael Jamerson. Many who served with him praised his accomplishments and mourned his unfulfilled promise, including Representative Frank Peterman, who said: "For me, Doug Jamerson was the quintessential politician and statesman. And he was the ultimate African-American government official from St. Petersburg, and also probably the state of Florida. He represented all that is right in public service." Former St. Petersburg Mayor David Fischer declared: "He's certainly one of the political pioneers of the African-American community. I never heard an unkind statement about him or his work. There was nothing but respect." By these and many other associates and friends, as well as his beloved family, Tim Jamerson will be sorely missed.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, be transmitted to Mrs. Leatha Jamerson, widow of Douglas Jamerson, as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Holzendorf, **SR 2372** was read the second time in full and adopted. The vote was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	

Nays—None

CO-SPONSORS

On motion by Senator King, all Senators, not previously shown as co-sponsors, were recorded as co-sponsors of **SR 2372**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 1178, CS for SB 876, CS for SB 892, SB 1142, CS for CS for SB 1376, CS for SB 1410, SB 1428, CS for SB 1576, CS for SB 1662, CS for SB 1744, CS for SB 1922, SB 2204 and SB 2240** were withdrawn from the Committees on Appropriations Subcommittee on General Government and Appropriations; **SB 2308, CS for SB 448, CS for SB 1026, SB 1060, SB 1062, SB 1314, SB 1420 and CS for SB 1558** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 144, SB 918, CS for CS for SB 1038, CS for SB 1318, CS for SB 1348, SB 1444, CS for SB 1528, CS for SB 1778, CS for SB's 1864 and 2086 and CS for SB 1932** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SB 414 and SB 1766** were withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar; **SB 638, CS for SB 988, CS for SB's 1254 and 1954, CS for SB 1872 and CS for SB 2054** were withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for CS for SB 710** was withdrawn from the Committee on Appropriations; **SB 768, CS for SB 1466 and CS for SB 2234** were withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 894** was withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; **CS for SB 1084** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1296** was withdrawn from the Committee on Judiciary; **SB 1950 and CS for SB 2158** were withdrawn from the Committee on Education; **SB 2166** was withdrawn from the Committee on Criminal Justice; and **CS for SB 2220** was withdrawn from the Committee on Finance and Taxation.

On motion by Senator Horne, by two-thirds vote **SB 1650** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with amendments, was withdrawn from the Committee on Appropriations and the amendments recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 1310** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **SB 770** which has been reported favorably by the Appropriations Subcommittee on General Government with amendments, was withdrawn from the Committee on Appropriations and the amendments recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **CS for CS for SB 1196** which has been reported favorably by the Appropriations

Subcommittee on Public Safety and Judiciary with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

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

SPECIAL ORDER CALENDAR

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

CS for CS for SB 2108—A bill to be entitled An act relating to education governance reorganization; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as “St. Petersburg College”; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Council, respectively; creating the Education K-20 Policy and Research Council within the Department of Education; transferring the Articulation Coordinating Committee and the Education Standards Commission by a type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Council; establishing the membership and duties of the council; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross-references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross-references to newly created missions and goals; requiring the Commissioner of Education to work with

the board and oversee the chancellors and the executive director and to serve as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and the already accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission and goals and systemwide measures; requiring proposals and an implementation schedule for performance-based funding; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees, a Florida Board of Education and a Secretary of the Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; creating s. 229.0073, F.S.; directing the Commissioner of Education to work with the Florida Board of Education to reorganize the Department of Education as provided by the act; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; providing composition of the Commission for Independent Education; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; transferring the Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.0865, F.S., relating to the Knott Data Center and projects, contracts, and grants; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; repealing s. 235.217(1)(b), (c), and (d), (3)(a), (c), (d), and (e), and (2), (4), and (5), F.S., relating to the SMART Schools Clearinghouse; providing effective dates.

—was read the second time by title.

Senator Klein moved the following amendment which failed:

Amendment 1 (171500)(with title amendment)—On page 44, lines 23-30, delete those lines and insert:

(1) COMMISSIONER OF EDUCATION.—The Commissioner of Education shall be appointed by the Florida Board of Education, subject to

confirmation by the Senate. Prior to appointment as commissioner, the appointee shall have had, within the prior 10 years, at least 5 years experience in the field of education, 3 years of which shall have been in public education administration as a school board member, senior school district administrator, superintendent of schools, community college or university president or senior administrator, state department of education senior administrator or higher, or a commissioner, chancellor or secretary of a state education system. The commissioner shall work with the Florida Board of Education and oversee the other education governance officers to focus ~~from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy.~~ The commissioner shall be a person who is eminently capable of focusing the entire

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: providing for the Commissioner of Education to be appointed by the Florida Board of Education, subject to confirmation by the Senate;

Senator Lawson moved the following amendment which was adopted:

Amendment 2 (114696)—On page 64, between lines 20 and 21, insert:

(o) Serve as the successor for all collective bargaining agreements currently in effect with the Board of Regents.

Senator Klein moved the following amendments which failed:

Amendment 3 (731356)—On page 66, lines 16-28, delete those lines and insert:

(c) Division of State Colleges and Universities.—The state's public universities and 4-year colleges to coordinate long-range statewide planning. The division shall be primarily responsible for articulating statewide needs to and from the state's public colleges and universities and the Commissioner of Education to avoid wasteful duplication of academic programs. To this end, the Chancellor, in consultation with the Commissioner of Education, shall determine a method by which to receive proposed university rules for the purposes of providing recommendations toward coordinated university efforts. The division shall also seek to enable more effective articulation between public postsecondary institutions and those private colleges and universities that grant baccalaureate degrees, are located in and chartered by the state, and are accredited by the Commission of Colleges of the Southern Colleges and Schools in order to provide the most efficient and effective outcomes to the state university system.

Amendment 4 (874176)(with title amendment)—On page 69, line 21 through page 71, line 8, delete those lines and renumber subsequent subsections.

And the title is amended as follows:

On page 6, lines 4 and 5, delete those lines and insert: of Independent Education; combining and

Senator Miller moved the following amendment:

Amendment 5 (984382)—On page 73, lines 17-25, delete those lines and insert:

(1)(a) Effective July 1, 2001, and no later than November 1, 2001, the Governor shall appoint a 10-member board of trustees for each university in the State University System. The trustees shall be subject to confirmation by the Senate. In addition, the student body president at each university shall serve as a voting member of his or her university board of regents. Members of the boards of regents shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

Senators Miller, Constantine and Wasserman Schultz offered the following substitute amendment which was moved by Senator Miller and adopted:

Amendment 6 (145176)—On page 73, lines 17-25, delete those lines and insert:

(1)(a) Effective July 1, 2001, and no later than November 1, 2001, the Governor shall appoint an 11-member board of trustees for each univer-

sity in the State University System. The student body president shall serve as a voting member of the 11-member board of his or her university. The trustees shall be subject to confirmation by the Senate. Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

MOTION

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

Senator Pruitt moved the following amendment which was adopted:

Amendment 7 (275724)—On page 34, line 28, after “Education” insert: *and the Secretary of the Florida Board of Education*

MOTION

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

Senator Miller moved the following amendment which was adopted:

Amendment 8 (681190)—On page 35, line 25, delete “nonvoting,” and insert: *voting*

MOTION

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

Senator Pruitt moved the following amendments which were adopted:

Amendment 9 (381314)—On page 36, lines 14 and 24, after “Education” insert: *to be administered by the Secretary of the Florida Board of Education*

Amendment 10 (482990)—On page 37, line 8, after “Education” insert: *and the Secretary of the Florida Board of Education, in partnership,*

Amendment 11 (400252)—On page 39, line 29, after “terms” insert: *, three shall be appointed for 2-year terms, three shall be appointed for 3-year terms,*

Amendment 12 (570288)—On page 42, lines 27 and 28, delete those lines and insert: *Legislature. The board, its secretary, and the commissioner, in partnership, shall establish, operate, and maintain optimal*

Amendment 13 (385042)—On page 45, line 9, after “system” insert: *; however, for the period from July 1, 2001, until January 7, 2003, the commissioner shall continue to be primarily responsible for K-12 policies and issues*

Amendment 14 (892656)—On page 48, line 25, after “Legislature,” insert: *the Commissioner of Education,*

Amendment 15 (094736)—On page 62, between lines 25 and 26, insert:

(e) Be primarily responsible for higher education policies and issues for the period from July 1, 2001, until January 7, 2003.

Amendment 16 (270314)(with title amendment)—On page 93, line 22, after “240.147,” insert: *240.205,*

And the title is amended as follows:

On page 7, lines 10 - 13, delete those lines and insert: *240.145, 240.147, 240.205, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, creation of the Board of Regents as a body corporate, the*

Amendment 17 (102070)—In title, on page 4, lines 9 and 10, delete those lines and insert: *to*

Senator Klein moved the following amendment which failed:

Amendment 18 (784306)—On page 35, lines 26-28, delete those lines and insert: *trustees. A board member must be a state resident or an*

alumnus of the university for which board the member is appointed. All members of the

Senator Klein moved the following amendment which was adopted:

Amendment 19 (912430)—On page 62, line 4, after the period (.) insert: *Appointees to the board shall be residents of the State of Florida and are subject to confirmation by the Senate.*

Pursuant to Rule 4.19, **CS for CS for SB 2108** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR ROSSIN PRESIDING

On motion by Senator Sebesta—

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a Florida public postsecondary education institution; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Sebesta:

Amendment 1 (022600)(with title amendment)—On page 2, line 7 through page 4, line 8, delete those lines and insert: *payment contract at within a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.*

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within a state postsecondary institution.~~ If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an “eligible educational institution” under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(13) REFUNDS.—

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in *an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in *an amount not to exceed the redemption value of the advance payment contract at a state postsecondary* ~~ary~~

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: contract at a state postsecondary institution; providing an effective

MOTION

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

Senator Rossin offered the following substitute amendment which was moved by Senator Sebesta and adopted:

Amendment 2 (172402)(with title amendment)—On page 1, line 19 through page 4, line 11, delete those lines and insert:

Section 1. Subsection (10), paragraph (e) of subsection (11), and paragraphs (b) and (c) of subsection (13) of section 240.551, Florida Statutes, are amended, and subsection (23) is added to that section, to read:

240.551 Florida Prepaid College Program.—

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for ~~Commission of the Association of Independent Colleges and Schools~~, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an “eligible educational institution” under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) ADVANCE PAYMENT CONTRACTS; CONTENTS.—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(e) Except for an advance payment contract entered into pursuant to subsection (22) *or subsection (23)*, the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(13) REFUNDS.—

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in *an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in *an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.*

(23) SCHOLARSHIPS.—*A nonprofit organization described in s. 501 (c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.*

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing an effective

MOTION

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

Senator Sebesta moved the following amendment:

Amendment 3 (683836)(with title amendment)—On page 1, line 19 through page 4, line 11, delete those lines and insert:

Section 1. Subsection (10), paragraphs (b) and (c) of subsection (13), and paragraph (e) of subsection (22) of section 240.551, Florida Statutes, are amended to read:

240.551 Florida Prepaid College Program.—

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Commission of the Association of Independent Colleges and Schools, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a Florida public state postsecondary education institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a Florida public postsecondary education institution or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a Florida public state postsecondary education institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an “eligible educational institution” under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(13) REFUNDS.—

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount which, in total, does not exceed the redemption value of the advance payment contract ~~at a Florida public postsecondary education institution amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in an amount not to exceed the redemption value of the advance payment contract ~~at a Florida public postsecondary education institution together with 5 percent compounded~~

~~interest, or the current rates at state postsecondary institutions, whichever is less.~~

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, *at a minimum*, three other individuals to serve as directors of the organization.

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: providing for the appointment of additional members as directors of the direct-support organization;

Senator Sebesta moved the following substitute amendment which was adopted:

Amendment 4 (511362)(with title amendment)—On page 1, line 19 through page 4, line 11, delete those lines and insert:

Section 1. Subsection (10), paragraphs (b) and (c) of subsection (13), and paragraph (e) of subsection (22) of section 240.551, Florida Statutes, are amended to read:

240.551 Florida Prepaid College Program.—

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Commission of the Association of Independent Colleges and Schools, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(13) REFUNDS.—

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in *an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in *an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, *at a minimum*, three other individuals to serve as directors of the organization.

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: contract at a state postsecondary institution; providing for the appointment of additional members as directors of the direct-support organization; providing an effective

Pursuant to Rule 4.19, **SB 1162** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1610—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying provisions governing authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions governing burial rights; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by a cemetery, to conform; amending s. 497.405, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; amending s. 497.417, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; revising the authority of certificateholders offering preneed funeral and burial merchandise and services contracts to vest title to trust assets by posting a bond or using other forms of security or insurance; providing a time limitation on such authority; amending s. 497.425, F.S.; providing a time limitation on the authority to post certain bonds to secure preneed contract assets; amending s. 497.429, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations with respect to alternative preneed contracts; amending s. 470.002, F.S.; redefining the term "legally authorized person" for purposes of ch. 470, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1610** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1672** and **SB 1132** was deferred.

On motion by Senator Mitchell—

CS for SB 1172—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a declaration that the act fulfills important state interest; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Mitchell and failed:

Amendment 1 (762674)—On page 3, line 20, after "funds" insert: *not pledged for bond debt service satisfaction that are*

Senator Mitchell moved the following amendment which was adopted:

Amendment 2 (440348)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 110.1228, Florida Statutes, is created to read:

110.1228 Participation by small counties, small municipalities, and district school boards located in small counties.—

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

(a) *"District school board" means a district school board located in a small county or a district school board that receives funding pursuant to s. 236.081(6).*

(b) *"Small municipality" means an incorporated municipality that has a population of 12,500 or fewer according to the most recent decennial census.*

(c) *"Small county" means a county that has a population of 100,000 or fewer according to the most recent decennial census.*

(2) *The governing body of a small county or small municipality or a district school board may apply for participation in the state group health insurance program authorized in s. 110.123 and the prescription drug coverage program authorized by s. 110.12315 by submitting an application along with a \$500 nonrefundable fee to the department.*

(3) *Any costs or savings to the self-insured state group health insurance program or the self-insured prescription drug coverage program resulting from such participation shall be passed on to the local government participants and their employees. Such costs or savings shall be delineated based on the impact to the state, state officers and employees, and local government employers and their employees.*

(4) *As a prerequisite to the adoption of an ordinance or resolution for participation in the state group health insurance program and prescription drug coverage program, a small county, small municipality, or district school board shall issue a request for proposals to provide health insurance and prescription drug coverage. Such request for proposals shall seek coverages equivalent to those offered currently by the small county, small municipality, or district school board and coverages equivalent to the state group health insurance program and prescription drug coverage program. Such request for proposals must provide an opportunity for the receipt of competitive proposals from all interested parties without restriction. The small county, small municipality, and district school board shall review and consider all responsive proposals prior to the adoption of any ordinance or resolution for participation in the state group health insurance program and prescription drug coverage program.*

(5) *If the department determines that a small county, small municipality, or district school board is eligible to enroll, the small county, small municipality, or district school board must agree to the following terms and conditions:*

- (a) *The minimum enrollment or contractual period will be 3 years.*
- (b) *The small county, small municipality, or district school board must pay to the department an initial administrative fee of not less than \$2.61 per enrollee per month, or such other amount established annually to fully reimburse the department for its costs.*
- (c) *Termination of participation of a small county, small municipality, or district school board requires written notice 1 year before the termination date.*
- (d) *If participation is terminated, a small county, small municipality, or district school board may not reapply for participation for a period of 2 years.*
- (e) *Small counties, small municipalities, and district school boards shall reimburse the state for 100 percent of its costs, including administrative costs.*
- (f) *If a small county, small municipality, or district school board employer fails to make the payments required by this section to fully reimburse the state, the Department of Revenue or the Department of Banking and Finance shall, upon the request of the Department of Management Services, deduct the amount owed by the employer from any funds not pledged to bond debt service satisfaction that are to be distributed by it to the small county, small municipality, or district school board. The amounts so deducted shall be transferred to the Department of Management Services for further distribution to the trust funds in accordance with this chapter.*
- (g) *The small county, small municipality, or district school board shall furnish the department any information requested by the department which the department considers necessary to administer the state group health insurance program and the prescription drug coverage program.*
- (h) *The small county, small municipality, or district school board shall adopt the state's eligibility rules.*
- (i) *The small county, small municipality, or district school board may not participate in the state's cafeteria plan that allows for pretax treatment of premium contributions. If pretax treatment is desirable for employees of these participating employers, each employee of a participating employer shall execute a salary reduction agreement with that employer, and each participating employer shall establish its own cafeteria plan.*
- (j) *The small county, small municipality, or district school board shall pay monthly premiums in amounts sufficient to cover claims costs, department administrative costs, and third-party administrative costs and provide for adequate reserves and cash flow by contributing three months premiums and costs in advance of the coverage effective date.*
- (6) *The provisions of ss. 624.436-624.446 do not apply to the State Group Insurance Program or to this section.*
- (7) *The Department of Management Services may adopt rules necessary to administer this section.*

Section 2. *The Legislature finds that a proper and legitimate state purpose is served when public employers, and their employees and dependents, in small counties, small municipalities, and district school boards are given additional choices for the basic protections afforded by group health and prescription drug coverage programs that also permit the continued operation of a competitive marketplace and assure that affordable and available coverage is extended to all interested parties. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a declaration that the act fulfills important state interest; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1172** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 1132—A bill to be entitled An act relating to county government; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1 (793964)—On page 3, lines 24-27, delete those lines and insert:

(e) *The manner in which interested persons will be notified of the board's intent to consider final action at a regular meeting of the board on the disposition of a property and the time and manner for making objections.*

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 2 (232842)(with title amendment)—On page 3, lines 30 and 31, delete those lines and insert:

Section 2. Section 125.568, Florida Statutes, is amended to read:

125.568 Conservation of water; Xeriscape.—

(1)(a) The Legislature finds that Xeriscape contributes to the conservation of water. In an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, it is the intent of the Legislature that Xeriscape be an essential part of water conservation planning.

(b) "Xeriscape" or "Florida friendly landscape" means *quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant* ~~a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system.~~ The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.

(2) ~~By October 1, 1992,~~ The board of county commissioners of each county shall consider enacting ordinances requiring the use of Xeriscape as a water conservation measure. If the board determines that Xeriscape would be of significant benefit as a water conservation measure relative to the cost to implement Xeriscape landscaping in its area of jurisdiction, the board shall enact a Xeriscape ordinance. Further, the board of county commissioners shall consider promoting Xeriscape as a water conservation measure by: using Xeriscape in, around, or near facilities, parks, and other common areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on Xeriscape, its uses as a water conservation tool, and its long-term cost-effectiveness; and offering incentives to local residents and businesses to implement Xeriscape landscaping.

(3) *A deed restriction or covenant entered after October 1, 2001, or local government ordinance may not prohibit any property owner from implementing Xeriscape or Florida friendly landscape on his or her land.*

Section 3. Section 166.048, Florida Statutes, is amended to read:

166.048 Conservation of water; Xeriscape.—

(1)(a) The Legislature finds that Xeriscape contributes to the conservation of water. In an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, it is the intent of the Legislature that Xeriscape be an essential part of water conservation planning.

(b) "Xeriscape" or "Florida friendly landscape" means ~~quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system.~~ The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.

(2) ~~By October 1, 1992,~~ The governing body of each municipality shall consider enacting ordinances requiring the use of Xeriscape as a water conservation measure. If the governing body determines that Xeriscape would be of significant benefit as a water conservation measure relative to the cost to implement Xeriscape landscaping in its area of jurisdiction in the municipality, the board shall enact a Xeriscape ordinance. Further, the governing body shall consider promoting Xeriscape as a water conservation measure by: using Xeriscape in, around, or near facilities, parks, and other common areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on Xeriscape, its uses as a water conservation tool, and its long-term cost-effectiveness; and offering incentives to local residents and businesses to implement Xeriscape landscaping.

(3) *A deed restriction or covenant entered after October 1, 2001, or local government ordinance may not prohibit any property owner from implementing Xeriscape or Florida friendly landscape on his or her land.*

Section 4. Subsection (4) is added to section 255.259, Florida Statutes, to read:

255.259 Xeriscape landscaping on public property.—

(4) *A deed restriction or covenant entered after October 1, 2001, or local government ordinance may not prohibit any property owner from implementing Xeriscape or Florida friendly landscape on his or her land.*

Section 5. Section 335.167, Florida Statutes, is amended to read:

335.167 State highway construction and maintenance; Xeriscape landscaping in rights-of-way.—

(1) The department shall use and require the use of Xeriscape practices, *as defined in s. 373.185(1),* in the construction and maintenance of all new state highways, wayside parks, access roads, welcome stations, and other state highway rights-of-way constructed upon or acquired after June 30, 1992. The department shall develop a 5-year program for phasing in the use of Xeriscape, including the use of solid waste compost, in state highway rights-of-way constructed upon or acquired before July 1, 1992. In accomplishing these tasks, the department shall employ the guidelines set out in s. 373.185(2)(a)-(f).

(2) *A deed restriction or covenant entered after October 1, 2001, or local government ordinance may not prohibit any property owner from implementing Xeriscape or Florida friendly landscape on his or her land.*

Section 6. Section 373.62, Florida Statutes, is amended to read:

373.62 Water conservation; automatic sprinkler systems.—Any person who purchases and installs an automatic lawn sprinkler system after May 1, 1991, shall install, *and must maintain and operate,* a rain sensor device or switch ~~that which~~ will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

Section 7. Section 373.185, Florida Statutes, is amended to read:

373.185 Local Xeriscape ordinances.—

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

(a) "Local government" means any county or municipality of the state.

(b) "Xeriscape" or "Florida friendly landscape" means ~~quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system.~~ The principles of Xeriscape include planning and design, appropriate choice of plants, soil

analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

(2) Each water management district shall design and implement an incentive program to encourage all local governments within its district to adopt new ordinances or amend existing ordinances to require Xeriscape landscaping for development permitted after the effective date of the new ordinance or amendment. Each district shall adopt rules governing the implementation of its incentive program and governing the review and approval of local government Xeriscape ordinances or amendments which are intended to qualify a local government for the incentive program. Each district shall assist the local governments within its jurisdiction by providing a model Xeriscape code and other technical assistance. A local government Xeriscape ordinance or amendment, in order to qualify the local government for a district's incentive program, must include, at a minimum:

(a) Landscape design, installation, and maintenance standards that result in water conservation. Such standards shall address the use of plant groupings, soil analysis including the promotion of the use of solid waste compost, efficient irrigation systems, and other water-conserving practices.

(b) Identification of prohibited invasive exotic plant species.

(c) Identification of controlled plant species, accompanied by the conditions under which such plants may be used.

(d) A provision specifying the maximum percentage of turf and the maximum percentage of impervious surfaces allowed in a xeriscaped area and addressing the practical selection and installation of turf.

(e) Specific standards for land clearing and requirements for the preservation of existing native vegetation.

(f) A monitoring program for ordinance implementation and compliance.

The districts also shall work with local governments to promote, through educational programs and publications, the use of Xeriscape practices, including the use of solid waste compost, in existing residential and commercial development. This section may not be construed to limit the authority of the districts to require Xeriscape ordinances or practices as a condition of any consumptive use permit.

(3) *A deed restriction or covenant entered after October 1, 2001, or local government ordinance may not prohibit any property owner from implementing Xeriscape or Florida friendly landscape on his or her land.*

Section 8. Section 720.3075, Florida Statutes, is amended to read:

720.3075 Prohibited clauses in association documents.—

(1) It is declared that the public policy of this state prohibits the inclusion or enforcement of certain types of clauses in homeowners' association documents, including declaration of covenants, articles of incorporation, bylaws, or any other document of the association which binds members of the association, which either have the effect of or provide that:

(a) A developer has the unilateral ability and right to make changes to the homeowners' association documents after the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred.

(b) A homeowners' association is prohibited or restricted from filing a lawsuit against the developer, or the homeowners' association is otherwise effectively prohibited or restricted from bringing a lawsuit against the developer.

(c) After the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred, a developer is entitled to cast votes in an amount that exceeds one vote per residential lot.

Such clauses are declared null and void as against the public policy of this state.

(2) The public policy described in subsection (1) prohibits the inclusion or enforcement of such clauses created on or after the effective date of s. 3, chapter 98-261, Laws of Florida.

(3) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude the display of one United States flag by property owners. However, the flag must be displayed in a respectful way and may be subject to reasonable standards for size, placement, and safety, as adopted by the homeowners' association, consistent with Title 36 U.S.C. chapter 10 and any local ordinances.

(4) *Homeowners' association documents, including declarations of covenants, articles of incorporation or bylaws, entered after October 1, 2001, may not prohibit any property owner from implementing Xeriscape or Florida friendly landscape, as defined in s. 373.185(1), on his or her land.*

Section 9. This act shall take effect October 1, 2001, except that this section and section 1 of this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 1-6, delete those lines and insert: A bill to be entitled An act relating to the use and disposition of real and personal property; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term "Xeriscape"; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners' associations from restricting the practice of Xeriscape; providing effective dates.

Amendment 3 (874234)(with title amendment)—On page 3, lines 30 and 31, delete those lines and insert:

Section 2. Subsection (7) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(7) *On county-held certificates for which* If there are no bidders at the public sale, the clerk shall enter the land on a list entitled "lands available for taxes" and shall immediately notify the county commission and all other persons holding certificates against the land that the land is available. During the first 90 days after the land is placed on the list of lands available for taxes, the county may purchase the land for the opening bid. Thereafter, any person, the county, or any other governmental unit may purchase the land from the clerk, without further notice or advertising, for the opening bid, except that when the county or other governmental unit is the purchaser for its own use, the board of county commissioners may cancel omitted years' taxes, as provided under s. 197.447. *Interest on the opening bid continues to accrue through the month of sale as prescribed by s. 197.542.*

Section 3. Subsection (3) of section 197.512, Florida Statutes, is amended to read:

197.512 Notice, form of publication for obtaining tax deed by holder.—

(3) *Except when the land is redeemed according to law* Upon ultimate disposition of the application for a tax deed, the clerk shall record enter his or her certificate of notice and his or her certificate of advertising in the public records of the county with such other relevant documents as may be required by the department.

Section 4. Section 197.542, Florida Statutes, is amended to read:

197.542 Sale at public auction.—

(1) The lands advertised for sale to the highest bidder as a result of an application filed under s. 197.502 shall be sold at public auction by the clerk of the circuit court, or his or her deputy, of the county where the lands are located on the date, at the time, and at the location as set forth in the published notice, which shall be during the regular hours the clerk's office is open. At the time and place, the clerk shall read the notice of sale and shall offer the lands described in the notice for sale to the highest bidder for cash at public outcry. The amount required to redeem the tax certificate, plus the amounts paid by the holder to the clerk of the circuit court in charges for costs of sale, redemption of other tax certificates on the same lands, and all other costs to the applicant for tax

deed, plus interest thereon at the rate of 1.5 percent per month for the period running from the month after the date of application for the deed through the month of sale and costs incurred for the service of notice provided for in s. 197.522(2), shall be considered the bid of the certificateholder for the property. However, if the land to be sold is assessed on the latest tax roll as homestead property, the bid of the certificateholder shall be increased to include an amount equal to one-half of the assessed value of the homestead property as required by s. 197.502. If there are no higher bids, the land shall be struck off and sold to the certificateholder, who shall forthwith pay to the clerk the documentary stamp tax and recording fees due, and a tax deed shall thereupon be issued and recorded by the clerk.

(2) If there are other bids, the certificateholder shall have the right to bid as others present may bid, and the property shall be struck off and sold to the highest bidder. *The high bidder shall post with the clerk a nonrefundable cash deposit of \$200 at the time of the sale, to be applied to the sale price at the time of full payment. Notice of this deposit requirement shall be posted at the auction site, and the clerk may require that bidders show their willingness and ability to post the cost deposit. If full payment of the final bid and of documentary stamp tax and recording fees is not made within 24 hours, excluding weekends and legal holidays, the clerk shall cancel all bids, readvertise the sale as provided in this section, and pay all costs of the sale from the deposit. Any remaining funds must be applied toward the opening bid.* The clerk may refuse to recognize the bid of any person who has previously bid and refused, for any reason, to honor such bid.

(3)(2)—~~The clerk of the circuit court shall demand immediate payment of an amount equal to the highest bid plus applicable documentary stamp taxes and recording fees. If full payment is not received by the clerk within 24 hours after the advertised time of the sale, the clerk shall cancel the bids and readvertise the property for sale. If the sale is canceled for any reason, the clerk shall immediately readvertise the sale to be held no later than 30 days after from the date the sale was canceled. Only one advertisement is shall be necessary. No further notice is shall be required. The amount of the statutory (opening) bid shall be increased by the cost of advertising, additional clerk's fees as provided for in s. 28.24(26), and interest as provided for in subsection (1). The clerk shall receive full payment prior to the issuance of the tax deed.~~

Section 5. This section and section 1 of this act shall take effect upon becoming a law and sections 2, 3, and 4 shall take effect October 1, 2001, as to sales for which the respective application for obtaining a tax deed is filed on or after October 1, 2001.

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 197.502, F.S.; amending procedures that apply if there are no bidders at a public sale of property against which tax certificates are held; prescribing the period during which interest on the opening bid continues to accrue; amending s. 197.512, F.S.; providing an exception to certain recording duties of the clerk; amending s. 197.542, F.S.; revising procedures relating to the sale at public auction of lands on which an application for tax deed has been obtained; requiring the high bidder to post a nonrefundable cash deposit at the time of the sale;

Pursuant to Rule 4.19, **SB 1132** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1672** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 1638—A bill to be entitled An act relating to sales and use tax administration; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1638** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1684** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 118** was deferred.

On motion by Senator Silver—

CS for SB's 182, 328 and 970—A bill to be entitled An act relating to insurance; amending s. 627.062, F.S.; excluding the Florida Windstorm Underwriting Association from certain rate-filing arbitration provisions; amending s. 627.0628, F.S.; limiting authority of insurers to use findings of the Florida Commission on Hurricane Loss Projection Methodology in a rate filing under s. 627.062, F.S.; providing that such findings are not admissible and relevant in consideration of a rate filing by the Department of Insurance unless the department has access to all factors and assumptions used in developing the standards or models found by the commission to be reliable or accurate; amending s. 627.351, F.S.; modifying membership of the board of directors of the Florida Windstorm Underwriting Association; revising the criteria for limited apportionment companies; requiring insurers taking policies out of the association to pay certain amounts or take certain actions relative to the producing agent of record; deleting a requirement that certain insureds lose their eligibility for coverage by the association under certain circumstances; revising the immunity from liability for members of the board of the association; providing for assignment by the association of personal lines residential policies located in a deauthorized area to authorized insurers; providing criteria for distributing assigned policies; providing procedures; providing that assignment of a policy does not affect the producing agent's entitlement to unearned commission; providing for appeals of assignment of policies to the Department of Insurance;

providing that a failure to accept residential policies assigned by the association is a willful violation of the Florida Insurance Code; authorizing the department to adopt rules; amending s. 627.7013, F.S.; extending the operation of the law limiting the number of personal lines residential policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; amending s. 627.7014, F.S.; extending the operation of the law limiting the number of condominium association property insurance policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1 (215742)(with title amendment)—On page 30, between lines 28 and 29, insert:

Section 6. Section 624.4072, Florida Statutes, is amended to read:

624.4072 Minority-owned property and casualty insurers; limited exemption for taxation and assessments.—

(1) A minority business that is at least 51 percent owned by minority persons, as defined in s. 288.703(3), initially issued a certificate of authority in this state as an authorized insurer after May 1, 1998, to write property and casualty insurance shall be exempt, for a period not to exceed 10 5 years from the date of receiving its certificate of authority, from the following taxes and assessments:

(a) Taxes imposed under ss. 175.101, 185.08, and 624.509;

(b) Assessments by the Florida Residential Property and Casualty Joint Underwriting Association or by the Florida Windstorm Underwriting Association, as provided under s. 627.351, except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III) and (6)(b)3.d. Any such insurer shall be a member insurer of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association. The premiums of such insurer shall be included in determining, for the Florida Windstorm Underwriting Association, the aggregate statewide direct written premium for property insurance and in determining, for the Florida Residential Property and Casualty Joint Underwriting Association, the aggregate statewide direct written premium for the subject lines of business for all member insurers.

(2) Subsection (1) applies only to personal lines and commercial lines residential property insurance policies as defined in s. 627.4025, and applies only to an insurer that has employees in this state and has a home office or a regional office in this state. With respect to any tax year or assessment year, the exemptions provided by subsection (1) apply only if during the year an average of at least 10 percent of the insurer's Florida residential property policies in force covered properties located in enterprise zones designated pursuant to s. 290.0065.

(3) The provision of the definition of "minority person" in s. 288.703(3) that requires residency in Florida shall not apply to the term "minority person" as used in this section or s. 627.3511.

(4) This section is repealed effective *December 31, 2010* ~~July 1, 2003~~, and the tax and assessment exemptions authorized by this section shall terminate on such date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after the second semicolon (;) insert: amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law;

Senator Silver moved the following amendment which was adopted:

Amendment 2 (324332)(with title amendment)—On page 30, between lines 28 and 29, insert:

Section 6. *Effective upon this act becoming a law, the Florida Windstorm Underwriting Association shall not require flood insurance cover-*

age as a precondition to policyholder or applicant eligibility for coverage by the association; however, the association may offer to reduce policy premiums for any policyholder or applicant who has flood insurance coverage.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after the semicolon (;) insert: prohibiting the Florida Windstorm Underwriting Association from requiring flood insurance under certain circumstances; authorizing certain premium reductions under certain circumstances;

Pursuant to Rule 4.19, **CS for SB's 182, 328 and 970** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote **HB 695** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

HB 695—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—a companion measure, was substituted for **SB 122** and read the second time by title.

Pursuant to Rule 4.19, **HB 695** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim's parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim's rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult

Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 306** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

CS for SB 350—A bill to be entitled An act relating to individual development accounts; providing purposes; providing definitions; requiring the Department of Children and Family Services to amend the Temporary Assistance for Needy Families State Plan to provide for use of funds for individual development accounts; specifying criteria and requirements for contributions to such accounts; specifying purposes for use of such accounts; providing for procedures for withdrawals from such accounts; specifying certain organizations to act as fiduciary organizations for certain purposes; providing for controlling the withdrawal of funds for uses other than qualified purposes; providing for resolution of certain disputes; providing for transfer of ownership of such accounts under certain circumstances; providing for establishment of such accounts by certain financial institutions under certain circumstances; providing requirements; providing that account funds and matching funds do not affect certain program eligibility; providing an effective date.

—was read the second time by title.

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

Amendment 1 (084622)(with title amendment)—On page 7, following line 31, insert:

(13) Pursuant to policy direction by Workforce Florida, Inc., the Agency for Workforce Innovation shall adopt such rules as are necessary to implement this act.

And the title is amended as follows:

On page 1, line 24, following the semicolon (;) insert: providing for rules;

Pursuant to Rule 4.19, **CS for SB 350** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Peaden—

SB 1324—A bill to be entitled An act relating to health care; creating s. 456.41, F.S.; authorizing provision of and access to complementary or alternative health care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient's Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient's health care practitioner believes is in the patient's best interests; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1324** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 1020—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 197.3632, F.S., relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; defining the term “levied for the first time”; specifying the circumstances in which a local government must adopt a non-ad valorem assessment roll at a public hearing; prescribing requirements relating to the notice that must be given before such a hearing is held; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Rossin and adopted:

Amendment 1 (871498)—On page 3, lines 7 and 8, delete those lines and insert: ~~assessment~~; the proposed schedule of the assessment; the fact that the assessment will

Senator Rossin moved the following amendment which was adopted:

Amendment 2 (810142)(with title amendment)—On page 1, line 15, insert:

Section 1. Subsection (1) of section 170.201, Florida Statutes, is amended to read:

170.201 Special assessments.—

(1) In addition to other lawful authority to levy and collect special assessments, the governing body of a municipality *or county* may levy and collect special assessments to fund capital improvements and municipal *or county* services, including, but not limited to, fire protection, emergency medical services, garbage disposal, sewer improvement, street improvement, and parking facilities. The governing body of a municipality *or county* may apportion costs of such special assessments based on:

- (a) The front or square footage of each parcel of land; or
- (b) An alternative methodology, so long as the amount of the assessment for each parcel of land is not in excess of the proportional benefits as compared to other assessments on other parcels of land.

The levy of special assessments under this subsection is made pursuant to ss. 1 and 9, Art. VII of the State Constitution.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 170.201, F.S.; authorizing counties to levy special assessments to fund capital improvements and certain services; providing for apportionment of such assessments;

Pursuant to Rule 4.19, **SB 1020** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of motions and announcements.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Conference Committees on the Appropriations Subcommittee on Education; and the Appropriations Subcommittee on Health and Human Services were

granted permission to meet at 6:30 p.m. in lieu of 6:00 p.m. as scheduled this day.

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet 15 minutes after recess in lieu of 6:30 p.m. as scheduled April 26.

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar meeting scheduled for this day was canceled.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 1470** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Geller, by two-thirds vote **SB 52** was removed from the calendar and withdrawn from further consideration.

MOTIONS

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 26; and the rules were waived and by two-thirds vote **SB 1986** was placed at the beginning of the Special Order Calendar for Thursday, April 26.

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 26.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 25, 2001: CS for CS for SB 2108, SB 1162, CS for SB 1610, CS for CS for SB 1672, SB 1132, CS for SB 1172, CS for SB 1638, CS for SB 1684, CS for SB 118, CS for SB's 182, 328 and 970, SB 122, CS for CS for SB 306, CS for SB 350, SB 1324, SB 1020, SB 1986, CS for SB 840, SB 818, CS for SB 2118, CS for SB 890, CS for SB 658, SB 2308

Respectfully submitted,
Tom Lee, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 26, 2001: CS for CS for CS for SB 1202, SB 1200, CS for SB 1118, CS for SB 748, SB 1422, SB 1194, SJR 1426, CS for SB 894, SB 1170, CS for CS for SB 1282, CS for SB 2034, CS for SB 302, CS for SB 2088, CS for CS for SB 668, SB 1714, CS for SB 1852, CS for SB 1850, CS for SB 84, CS for SB 322, CS for SB 660, SB 698, SB 382, SB 674, CS for CS for SB 2092, CS for SB 1226, SB 1344, CS for SB 1366, CS for SB 1642, CS for SB 1306, CS for SB 962

Respectfully submitted,
Tom Lee, Chairman

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1498

The bill was referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1868

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 432 with 5 amendments, SB 1022, CS for SB 1246 with 1 amendment, SB 2020, SB 2114

The Committee on Criminal Justice recommends the following pass: SB 430

The Committee on Finance and Taxation recommends the following pass: CS for CS for SB 738 with 4 amendments, CS for CS for SB 1276, SB 1620, CS for SB 1920, CS for SB 2044, SB 2140

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1460 with 1 amendment, SB 1462 with 1 amendment, CS for SB 1670 with 3 amendments, SB 1944, SB 1948

The Committee on Transportation recommends the following pass: SB 1088 with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: CS for SB 678 with 1 amendment, SB 696

The Committee on Finance and Taxation recommends the following pass: SB 1980

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1810

The Committee on Judiciary recommends the following pass: CS for SB 974

The Committee on Transportation recommends the following pass: SB 1054 with 2 amendments

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2046 with 1 amendment

The Committee on Transportation recommends the following pass: SB 506 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1630

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB 1608 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1064 with 2 amendments

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

The Committee on Banking and Insurance recommends the following pass: SB 830

The bill was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Transportation recommends the following pass: SB 662 with 2 amendments

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 1762, SB 2274 with 2 amendments, SB 2310

The Committee on Finance and Taxation recommends the following pass: SB 486

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1562, SB 1958

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

The Committee on Banking and Insurance recommends the following pass: SB 482 with 1 amendment

The Committee on Appropriations recommends the following pass: SB 342, CS for SB 1286 with 1 amendment, CS for SB 1540, CS for SB 1724

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 2088

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for CS for SB 2058, CS for SB 2074

The Committee on Finance and Taxation recommends the following pass: CS for SB 76, SB 1220, SB 1632, CS for SB 2174

The Committee on Judiciary recommends the following pass: SB 106, CS for SB 408, CS for SB 1128, CS for SB 1956

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

The Committee on Children and Families recommends a committee substitute for the following: SB 422

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 872

The Committee on Judiciary recommends a committee substitute for the following: SB 910

The Committee on Natural Resources recommends committee substitutes for the following: SB 1512, SB 1560

The Committee on Regulated Industries recommends a committee substitute for the following: SB 348

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

The Committee on Children and Families recommends a committee substitute for the following: SB 1866

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: CS for SB's 1960 and 1760

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 180

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1288

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2066

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1824

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1188, SB 2218

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2210

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

The Committee on Appropriations recommends a committee substitute for the following: SB 1784

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2178

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1568

The Committee on Appropriations recommends a committee substitute for the following: CS for CS for SB 1456

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 374, SB 1628, CS for SB 1880, SB 2012, CS for SB 2120, CS for SB 2156

The Committee on Natural Resources recommends a committee substitute for the following: SB 2142

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on General Government recommends the following pass: CS for SB 1010, SB 2126 with 2 amendments

The Appropriations Subcommittee on Health and Human Services recommends the following pass: HB 1741 with 1 amendment, SB 622, CS for SB 1056 with 1 amendment, SB 1650 with 2 amendments

The Appropriations Subcommittee on Public Safety and Judiciary recommends the following pass: CS for SB 954 with 3 amendments, CS for CS for SB 1092 with 1 amendment, CS for SB 1534 with 1 amendment

The Appropriations Subcommittee on Education recommends a committee substitute for the following: CS for SB 2108

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for SB's 336 and 190, CS for SB 1374

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for SB 1096, CS for SB 1456, CS for SB 2092, SJR 2236

The Appropriations Subcommittee on Public Safety and Judiciary recommends committee substitutes for the following: SB 1002, CS for SB 1666

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Clary—

SB 2312—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2314—Not referenced.

SR 2316—Introduced and adopted April 18.

By Senator Clary—

SB 2318—A bill to be entitled An act relating to Okaloosa County; amending chapter 99-478, Laws of Florida, relating to the Ocean City-Wright Fire Control District; providing for the annexation of certain unincorporated areas of Okaloosa County into the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2320—Introduced and adopted April 20.

Senate Resolutions 2322 and 2324—Introduced and adopted April 18.

By Senator Dawson—

SB 2326—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the cities of Fort Lauderdale and Dania Beach; providing for annexation of specified unincorporated land; preserving certain uses of property; prohibiting certain changes in land use designation or zoning; providing for an election; providing for an effective date of annexation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2328—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; increasing the board of supervisors to a total of five members; providing for elections by electors residing within the district; providing for regular and special board meetings instead of landowner meetings; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2330—Introduced and adopted April 18.

By Senator Laurent—

SB 2332—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending s. 8, ch. 67-2070, Laws of Florida, as amended; increasing the threshold for requiring bids for the purchase of property and services; amending s. 3, ch. 67-2070, Laws of Florida, as amended; including additional property under the jurisdiction of the authority; amending s. 4, ch. 67-2070, Laws of Florida, as amended; providing that an affirmative vote of a majority of the members present at a meeting where there is a quorum shall be necessary for any action by the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2334—Not referenced.

SR 2336—Introduced and adopted April 20.

By Senator Dawson—

SB 2338—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Pembroke Park; providing for annexation of unincorporated areas within Broward County; providing for revision of the Charter of the Town of Pembroke Park; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2340—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing for land use and zoning designations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2342—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale; providing for annexation of the unincorporated area known as Melrose Park; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing legislative intent; providing for a continuation of certain Broward County regu-

lations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Peaden—

SB 2344—A bill to be entitled An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Carlton—

SB 2346—A bill to be entitled An act relating to the Tri-Par Estates Park and Recreation District, Sarasota County; providing for codification of special laws relating to the Tri-Par Estates Park and Recreation District, a special district of the state; providing boundaries of the district; providing for election of a Board of Trustees; authorizing the Board of Trustees to levy a special assessment; providing powers and duties of the Board of Trustees; authorizing the Board of Trustees to issue bonds and other obligations; providing a procedure for abolishing the district; requiring that certain contracts be approved by a vote of the electors residing in the district; repealing chapters 78-618, 81-492, 83-521, 85-497, 88-465, 90-402, Laws of Florida; providing for severability; providing for the act to control in the event of conflict; providing for construction of the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Carlton—

SB 2348—A bill to be entitled An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments; providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2350—A bill to be entitled An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and

other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2352—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2354—A bill to be entitled An act relating to the Manatee County Mosquito Control District; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for formation as an independent special district; providing boundaries of the district; providing for the election of commissioners and operation of the district in accordance with ch. 388, F.S.; providing for district powers, functions, and duties; providing for construction and effect; providing for an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2356—A bill to be entitled An act relating to the Cedar Hammock Fire Control District and the Southern Manatee Fire and Rescue District, Manatee County; providing for merger of the two districts pursuant to s. 191.014, F.S.; creating the South Manatee Fire & Rescue District; providing legislative intent; providing for incorporation as a special fire control district; providing district boundaries; providing for election and duties of a governing board of said district; providing for non-ad valorem assessments and impact fees; providing a schedule of non-ad valorem assessments; providing for district powers, functions, and duties; authorizing employees of the South Manatee Fire & Rescue District to exercise certain choices with regard to retirement plans; providing for construction and effect; providing for repeal of chapters 2000-391 and 2000-402, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2358—A bill to be entitled An act relating to Bayshore Gardens Park and Recreation District, Manatee County; codifying, reenacting, amending, and repealing special acts relating to the district; providing legislative intent; providing district status and boundaries; providing for applicability of chapters 418 and 189, F.S., and other general laws; providing a district charter; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2360—A bill to be entitled An act relating to the Barron Water Control District, an independent special district in Glades County and Hendry County, codifying the District’s charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting the special laws relating to the Barron Water Control District as a single act; declaring the status of the District; providing for the corporate life of the District and the term of office of the supervisors of the District; repealing chapters 84-436 and 2000-416, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2362—A bill to be entitled An act relating to the Fort Myers Beach Mosquito Control District, Lee County; providing legislative intent; providing for codification of the special acts relating to the District pursuant to s. 189.429, F.S.; codifying, reenacting, and amending all prior special acts relating to the District; codifying the several county resolutions relating to the District; providing a District charter; deleting gender-specific references; repealing all prior special acts relating to the District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Sebesta, Lee, Miller and Crist—

SB 2364—A bill to be entitled An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing that the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver’s license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bronson—

SB 2366—A bill to be entitled An act relating to Brevard County; providing for codification of existing special laws relating to the creation, powers, and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, as provided in chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, except as amended by this act; providing legislative purpose; amending definitions of “District,” “general obligation bonds,” and “revenue bonds”; amending scope of revenue sources allowed to be bonded; clarifying provisions

relating to liens, collection, and foreclosure to include special assessments and stormwater management user fees; amending liability of District where lands are made available to public for outdoor recreational purposes, as defined therein; providing editorial revisions; establishing obstruction or impeding of a drainage canal or watercourse as a criminal offense; providing for civil damages for obstruction and impeding drainage canal or watercourse; amending, codifying, reenacting, and repealing chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida; re-creating the District and re-creating and reenacting the charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 2368—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of “disciplinary action”; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for CS for SB 180—A bill to be entitled An act relating to computer and computer-related crimes; amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., which provides definitions; amending s. 815.06, F.S.; prescribing offenses against computer equipment or supplies, computers, computer systems, and computer networks; providing penalties; amending s. 16.56, F.S.; adding violations of computer and computer-related crimes under ch. 815, F.S.; expanding prosecutorial jurisdiction of the Office of Statewide Prosecution; amending s. 905.34, F.S.; expanding subject-matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under ch. 815, F.S.; providing an effective date.

By the Committees on Appropriations; Comprehensive Planning, Local and Military Affairs; and Senators Constantine, Clary and Crist—

CS for CS for SB's 336 and 190—A bill to be entitled An act relating to the Florida Building Code; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending ss. 553.36, 553.415, F.S.; defining the term “factory-built school shelter”; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; defining the term “specific needs” for purposes of selection from available codes; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; creating s. 553.8412, F.S.; providing for statewide outreach for

training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; providing an effective date for the Florida Building Code; requiring that the Florida Building Commission appoint members to the commission’s Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to recommend procedures for engaging an engineer or architect to perform plans review and inspections; requiring recommendations for the role of local building officials in issuing building permits and certificates of occupancy; providing for appointment of members; providing for meetings and staff support by the Department of Community Affairs; requiring a report to the Governor and the Legislature by a specified date; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries; and Senator Geller—

CS for SB 348—A bill to be entitled An act relating to condominiums; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms “mortgage” and “foreclosure proceedings”; amending s. 718.104, F.S.; revising provisions with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising provisions with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising provisions with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising provisions with respect to the association; amending s. 718.112, F.S.; revising provisions with respect to bylaws; amending s. 718.113, F.S.; revising provisions with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising provisions with respect to common expenses; amending s. 718.405, F.S.; revising provisions with respect to multicondominiums and multicondominium associations; amending s. 718.504, F.S.; revising provisions with respect to the prospectus or offering circular; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senators Carlton and Peadar—

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; providing an effective date.

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

CS for SB 422—A bill to be entitled An act relating to prekindergarten early-intervention programs; amending s. 230.2305, F.S.; requiring the Florida Partnership for School Readiness to make recommendations to expand the prekindergarten early-intervention program to provide

access to at-risk 4-year old children on a fee basis; requiring a report; providing an effective date.

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

CS for SB 872—A bill to be entitled An act relating to the Florida Retirement System; amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; adding specified classes of members employed within a correctional or forensic facility or institution; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term “approved provider” for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member’s optional program account to the defined benefit plan; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; providing effective dates.

By the Committee on Judiciary; and Senator King—

CS for SB 910—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; redefining the term “small business party”; increasing the limitation on attorney’s fees and costs; amending s. 120.52, F.S.; redefining the term “agency”; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term “improper purpose” for determining an award of attorney’s fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; restricting persons without substantial interests from initiating specified proceedings under the Environmental Protection Act; providing an effective date.

By the Committee on Banking and Insurance—

CS for SB 1188—A bill to be entitled An act relating to insurance; amending s. 440.02, F.S.; revising definitions of terms used in chapter 440, F.S.; amending s. 440.05, F.S.; revising exemptions from the requirement for employers to obtain workers’ compensation coverage; specifying who may be exempt and the conditions for an exemption; specifying the effect of an exemption; requiring businesses, sole proprietors, and partners to maintain certain records; amending s. 440.06, F.S.; requiring employers to secure workers’ compensation coverage; amending s. 440.09, F.S.; requiring compensation for accidental compensable injuries; amending s. 440.10, F.S.; revising references to persons who are exempt from coverage to conform; amending s. 440.107, F.S.; authorizing the Division of Workers’ Compensation to issue stop-work orders in certain circumstances; amending s. 440.13, F.S.; specifying the value of nonprofessional attendant care provided by a family member that is reimbursable; requiring the carrier to give the employee the opportunity to change physicians under certain circumstances and limitations; revising the effect of an independent medical examination; limiting the admissibility of certain medical opinions; revising the limitation on medical fees; amending s. 440.134, F.S.; revising the definitions applied to workers’ compensation managed care arrangements; eliminating provisions mandating the use of such arrangements; revising the procedures governing grievances related to such arrangements; amending s. 440.14, F.S.; revising the computation of the average weekly wage of an employee for the purposes of determining benefits; amending s. 440.15, F.S.; revising the criteria for permanent total disability; revising the compensation rate for impairment income benefits; amending s. 440.185, F.S.; specifying the information that must be included in a report of injury; amending s. 440.191, F.S.; requiring the Employee Assistance and Ombudsman Office to initiate contact with an injured

employee to discuss rights and responsibilities; revising other duties of the office; eliminating provisions governing informal dispute-resolution procedures; amending s. 440.192, F.S.; revising the procedures for resolving benefit disputes and filing petitions for benefits; specifying the information that must be included in a petition for benefits; amending s. 440.20, F.S.; prescribing the criteria for determining when a lump-sum settlement may be entered; specifying the effect of a lump-sum settlement; amending s. 440.25, F.S.; revising the procedures governing mediation and the hearing of claims; amending s. 440.29, F.S.; requiring opinions of independent medical examiners to be received into evidence under certain conditions; amending s. 440.34, F.S.; revising the limit on the amount of attorney’s fees that may be approved by a judge of compensation claims and eliminating factors that the judge must consider; applying such limits to any agreement related to benefits under chapter 440, F.S.; amending s. 440.345, F.S.; requiring the reporting of attorney’s fees to the Office of the Judges of Compensation Claims and requiring the Office of the Judges of Compensation Claims to report such data to the Legislature and Governor; amending s. 440.39, F.S.; providing that the section does not impose a duty on the employer to preserve evidence; amending s. 627.412, F.S.; providing that a public entity or agency may purchase a consolidated insurance program for public construction projects; repealing s. 440.4416, F.S., which creates the Workers’ Compensation Oversight Board; repealing s. 440.45(3), F.S.; eliminating the requirement that the Chief Judge select judges to rotate as docketing judges; requiring the Department of Insurance to conduct a study and submit a report to the Legislature related to health insurance coverage for workplace injuries; providing for severability; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senators Smith and Crist—

CS for CS for SB 1196—A bill to be entitled An act relating to sentencing; amending ss. 921.002, 921.0024, F.S.; providing for the state attorney and the defendant to waive preparation of the scoresheet and for the judge to proceed with sentencing; requiring that the scoresheet be submitted to the judge within a specified period following sentencing; deleting a requirement that the Department of Corrections prepare a defendant’s sentencing scoresheet under certain circumstances; providing an effective date.

By the Committee on Transportation; and Senator Carlton—

CS for SB 1288—A bill to be entitled An act relating to the Florida Safety Belt Law, creating the “Dori Slosberg Act of 2001”; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; prohibiting searches of vehicles or occupants because of a safety belt violation; providing an effective date.

By the Committees on Appropriations; Ethics and Elections; and Senators Carlton and Dawson—

CS for CS for SB 1374—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; providing for the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on overvotes and undervotes following the general election; amending s. 103.101,

F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, 102.012(7), F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; requiring the acceptance of late-filed election returns in certain circumstances; increasing the fine for filing late-filed election returns; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; amending s. 102.168, F.S.; revising the grounds for an election contest; creating s. 102.135, F.S.; prohibiting a member of the Elections Canvassing Commission or a member of the county canvassing board from rendering a post-election decision that may affect the outcome of any race in which the member publicly endorsed or solicited contributions; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), relating to pollworker training; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items in order to qualify for election; amending s. 105.035, F.S.; providing alternative procedures for candidates for supervisor of elections to qualify for election; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections are to be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; repealing s. 100.091, F.S., to eliminate the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss.

97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.168, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S.; revising references, to conform to the elimination of the second primary election; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, F.S., to conform; providing an appropriation for the design of a statewide voter registration database; providing requirements for the database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing for the appropriation from the General Appropriations Act to be used to implement the provisions of the act; providing effective dates.

By the Committees on Appropriations; Health, Aging and Long-Term Care; and Senators Saunders, Peaden, Campbell, Pruitt, Smith, Latvala, Dawson, Brown-Waite and Wasserman Schultz—

CS for CS for SB 1456—A bill to be entitled An act relating to health care facilities; creating the Florida Alzheimer's Training Act; creating ss. 400.1755, 400.4786, 400.55715, 400.626, F.S.; prescribing training standards for employees of nursing homes, home health agencies, adult day care centers, and adult family-care homes, respectively, that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; providing for compliance with guidelines within a certain time period; authorizing the department to enter into an agreement for evaluation of trainers and materials; providing legislative findings and intent; requiring dementia-specific care providers to be included in community care service systems; providing an effective date.

By the Committee on Natural Resources; and Senator Bronson—

CS for SB 1512—A bill to be entitled An act relating to water supply policy; creating s. 373.621, F.S.; recognizing the significance of water conservation; requiring consideration of the implementation of water conservation practices in water-use permitting; creating s. 570.081, F.S.; providing for the Department of Agriculture and Consumer Services to establish an agricultural water conservation program; specifying the elements of the program; requiring certain water management districts to develop and finance public-private alternative water supply-projects; amending s. 373.1961, F.S.; requiring the Public Service Commission to allow certain alternative water-supply facilities to recover the costs incurred for alternative water supplies through their rate structures; providing an effective date.

By the Committee on Natural Resources; and Senators Peaden, Bronson, Clary, Mitchell, Latvala, Pruitt and Smith—

CS for SB 1560—A bill to be entitled An act relating to the Department of Environmental Protection; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring that the Department of Environmental Protection, the State Technology Office, and the Department of State submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

By the Committee on Banking and Insurance; and Senators Sebesta, Crist and Cowin—

CS for SB 1568—A bill to be entitled An act relating to health care service programs; amending s. 641.51, F.S.; requiring that only certain physicians licensed in this state may render adverse determinations for health maintenance organizations and prepaid health clinics; clarifying the authority of the Board of Medicine and the Board of Osteopathic Medicine; providing an effective date.

By the Committee on Judiciary; and Senator Bronson—

CS for SB 1628—A bill to be entitled An act relating to civil actions for libel; creating s. 770.011, F.S.; creating the “Media Accuracy and Fairness Act”; providing definitions; providing scope of the act; providing circumstances under which a person may maintain a civil action for defamation; specifying time limit for timely request of a correction or clarification; providing criteria for adequacy of correction or clarification; tolling the period of limitation for commencement of a defamation action; providing procedure with respect to disclosure of evidence or falsity with respect to an alleged defamatory statement; providing requirements for timely and sufficient correction or clarification; providing requirements and procedure with respect to challenges to correction or clarification or to a request for correction or clarification; requiring specified notice; providing requirements and procedure with respect to an offer to correct or clarify prior to trial; specifying recoverable costs and damages in actions when an offer to correct or clarify is not accepted; providing for scope of protection with respect to correction or clarification; providing for admissibility of evidence with respect to corrections or clarifications; providing construction; repealing s. 770.01, F.S., relating to the serving of specified written notice as a condition precedent to action or prosecution for libel or slander; repealing s. 770.02, F.S., relating to correction, apology, or retraction by a newspaper or broadcast station for statements in an article or broadcast alleged to be false and defamatory; providing severability; providing an effective date.

By the Committee on Appropriations; and Senator Horne—

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definition of the term “operating capital outlay”; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority

of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Regulated Industries; and Senator Sanderson—

CS for SB 1824—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.505, F.S.; providing and deleting definitions; amending s. 489.507, F.S.; revising membership of the Electrical Contractors’ Licensing Board; providing rulemaking authority to the board to implement the local certification licensure category; requiring the board to review its operations to determine whether there are functions or services of the board that can be outsourced to increase productivity; providing for transition from registration to local certification; amending s. 489.509, F.S.; revising and providing fees; creating s. 489.512, F.S.; providing for local certification of registered electrical and alarm system contractors; providing requirements with respect to local certification; providing for expiration of such licensure category; repealing s. 489.513, F.S., to eliminate registration of electrical and alarm system contracting; revising various provisions of pt. II, ch. 489, F.S., relating to electrical and alarm system contracting, to conform; amending s. 489.514, F.S.; extending certification grandfathering provisions to local certificateholders; amending s. 489.516, F.S.; requiring persons desiring to engage in electrical or alarm system contracting in the state to be certified; deleting the requirement to pay the fee for a local occupational license; amending s. 489.517, F.S.; providing for quadrennial renewal of certificates; revising continuing education requirements, to conform; amending s. 489.5185, F.S.; revising certain time limits; providing for quadrennial renewal of identification cards of fire alarm system agents; revising continuing education requirements, to conform; amending s. 489.521, F.S.; deleting requirements of business organizations relating to local occupational licenses; amending s. 489.537, F.S.; deleting provisions that preserve the power of counties and municipalities to collect local occupational license and inspection fees, require a bond for each electrical contractor, and create local boards; deleting provisions relating to registration; amending s. 489.5335, F.S.; providing for a statewide journeyman competency card; requiring a fee; amending ss. 489.503, 489.510, 489.511, 489.515, 489.518, 489.519, 489.520, 489.523, 489.531, and 489.533, F.S.; deleting or revising references and provisions relating to registration, to conform; amending s. 489.518, F.S.; revising certain time limits; amending s. 205.194, F.S.; deleting cross-references, to conform; creating s. 489.5391, F.S.; providing for issuance of a notice of noncompliance, imposition of an administrative fine, and assessment of costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing uses of fine proceeds; requiring the creation of a web page dedicated to listing information on unlicensed contractors; providing effective dates.

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

CS for SB 1866—A bill to be entitled An act relating to subsidized child care; amending s. 402.3015, F.S.; requiring the Social Services Estimating Conference to determine utilization rates for child care funding categories; requiring that surplus child care funds be used to provide child care for income eligible families; providing an effective date.

By the Committees on Judiciary; Commerce and Economic Opportunities; and Senator Klein—

CS for CS for SB 1880—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term “electronic transmission” to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet for purposes of proxy voting; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional procedures for shareholders to use in exercising certain rights; providing an effective date.

By the Committees on Health, Aging and Long-Term Care; Banking and Insurance; and Senators Latvala and King—

CS for CS for SB's 1960 and 1760—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term “eligible individual” for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the

health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

By the Committee on Judiciary; and Senator Crist—

CS for SB 2012—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

By the Committees on Judiciary; Regulated Industries; and Senators King and Smith—

CS for CS for SB 2066—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date.

By the Committees on Appropriations; Education; and Senators Pruitt, Horne and Lawson—

CS for CS for SB 2108—A bill to be entitled An act relating to education governance reorganization; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.527,

F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Council, respectively; creating the Education K-20 Policy and Research Council within the Department of Education; transferring the Articulation Coordinating Committee and the Education Standards Commission by a type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Council; establishing the membership and duties of the council; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross-references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross-references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director and to serve as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and the already accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007,

F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission and goals and systemwide measures; requiring proposals and an implementation schedule for performance-based funding; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees, a Florida Board of Education and a Secretary of the Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; creating s. 229.0073, F.S.; directing the Commissioner of Education to work with the Florida Board of Education to reorganize the Department of Education as provided by the act; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; providing composition of the Commission for Independent Education; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; transferring the Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.0865, F.S., relating to the Knott Data Center and projects, contracts, and grants; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; repealing s. 235.217(1)(b), (c), and (d), (3)(a), (c), (d), and (e), and (2), (4), and (5), F.S., relating to the SMART Schools Clearinghouse; providing effective dates.

By the Committees on Judiciary; Natural Resources; and Senator Garcia—

CS for CS for SB 2120—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks; creating s. 373.610, F.S.; allowing water management districts to bar from future contracts contractors who have defaulted in the past; creating s. 373.611, F.S.; authorizing water management districts to limit or alter damages in certain vendor contracts; providing an effective date.

By the Committee on Natural Resources; and Senator Dyer—

CS for SB 2142—A bill to be entitled An act relating to solid waste collection; amending s. 165.061, F.S.; providing requirements for the plan for incorporation of a new municipality relating to contracts for solid waste collection; amending s. 403.707, F.S.; amending provisions relating to permitting solid waste management facilities; providing requirements for scales used by and records that must be kept by materials recovery facilities and facilities at which construction and demolition

debris is processed; providing for applicability; providing for rulemaking; providing an effective date.

By the Committees on Judiciary; Health, Aging and Long-Term Care; and Senator Klein—

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term “end-stage condition”; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Children and Families; and Senator Peadar—

CS for CS for SB 2178—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from the public-meetings law for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, family, or family or household member is discussed; providing for future legislative review and repeal; amending s. 445.007, F.S.; providing an exemption from the public-meetings law for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, family, or family or household member is discussed; providing for future legislative review and repeal; creating s. 414.295, F.S.; providing an exemption from public-records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, family, or family or household member which is held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, or a local committee or any service provider under contract with any such entity; authorizing release of confidential information under specified circumstances; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

CS for SB 2210—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund;

revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 476.034, F.S.; redefining the term “board”; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term “board”; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers’ Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors’ Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors’ Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile

Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 489.537, F.S.; providing that a municipality or county may require the presence of a licensed electrical journeyman on certain construction sites; requiring the Department of Business and Professional Regulation to adopt rules implementing a required statewide registration designation for electrical journeyman for industrial and commercial job sites; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing effective dates.

By the Committee on Banking and Insurance; and Senator Rossin—

CS for SB 2218—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; exempting workpapers relating to examinations and investigations of insurers from public records requirements; providing for future legislative review and repeal; amending s. 627.351, F.S.; providing exemptions from the public records law for specified records of the Florida Windstorm Underwriting Association; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 544, SB 546, SB 548 and SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614 and SB 616 which he approved on April 25, 2001.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES ON SENATE BILLS

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for SB 2000.

The Speaker has appointed the following Representatives to the Conference Committee: Representative Lacasa, Chair; At-Large Conferees:

Representatives Fasano, Greenstein, Murman, Wallace, Wilson, and Representative Sobel, Alternate; Transportation and Economic Development Appropriations: Representative Johnson, Chair, Representatives Bense, Hart, Jennings, Ritter, Rubio, and Representatives Berfield and Hogan, Alternates; Health and Human Services Appropriations: Representative Maygarden, Chair, Representatives Brummer, Farkas, Green, Rich, Slosberg and Representatives Benson, Brutus, and Garcia, Alternates; Education Appropriations: Representative Lynn, Chair, Representatives Alexander, Flanagan, Justice, Melvin, Stansel, and Representatives Arza, Bucher, and Mealor, Alternates; Criminal Justice Appropriations: Representative Ball, Chair, Representatives Barriero, Bilirakis, Mahon, Meadows, Seiler and Representative Bowen, Alternate; General Government Appropriations: Representative Dockery, Chair, Representatives Holloway, Kilmer, Miller, Siplin, Spratt, and Representative Brown, Alternate.

John B. Phelps, Clerk

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for SB 2002.

The Speaker has appointed the following Representatives to the Conference Committee: Representative Lacasa, Chair; At-large Conferees: Representatives Fasano, Greenstein, Murman, Wallace, Wilson, and Representative Sobel, Alternate; Transportation and Economic Development Appropriations: Representative Johnson, Chair, Representatives Bense, Hart, Jennings, Ritter, Rubio, and Representatives Berfield and Hogan, Alternates; Health and Human Services Appropriations: Representative Maygarden, Chair, Representatives Brummer, Farkas, Green, Rich, Slosberg, and Representatives Benson, Brutus, and Garcia, Alternates; Education Appropriations: Representative Lynn, Chair, Representatives Alexander, Flanagan, Justice, Melvin, Stansel, and Representatives Arza, Bucher, and Mealor, Alternates; Criminal Justice Appropriations: Representative Ball, Chair, Representatives Barriero, Bilirakis, Mahon, Meadows, Seiler, and Representative Bowen, Alternate; General Government Appropriations: Representative Dockery, Chair, Representatives Holloway, Kilmer, Miller, Siplin, Spratt, and Representative Brown, Alternate.

John B. Phelps, Clerk

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 412.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 107, as amended.

John B. Phelps, Clerk

ENROLLING REPORTS

SB 218 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 24, 2001.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 20 was corrected and approved.

CO-SPONSORS

Senators Crist—SB 190, SB 210, CS for SB 744, CS for SB 2088; Holzendorf—SB 1202; Horne—SB 894; Klein—CS for SB 1878; Mitchell—CS for SB 2, SB 670, SB 868; Sanderson—CS for SB's 182, 328 and 970, SB 1616

Senator Pruitt withdrew as a co-sponsor of CS for SB 348.

RECESS

On motion by Senator Lee, the Senate recessed at 5:19 p.m. to reconvene at 9:00 a.m., Thursday, April 26.

SENATE PAGES

April 23-27

Jonathan Bouchlas, Royal Palm Beach; Tara Bradenburger, Dunedin; Jacob "Jake" Cremer, Palatka; Lawanna Curry, Quincy; James Fortinberry, Plant City; Emily Gerard, Babson Park; Dana Lauesen, Spring Hill; Jennifer Locetta, Altamonte Springs; Nick Lowe, Destin; Jennifer McCollum, Tampa; Benjamin Meadows, Orlando; Todd Mitchell, Steinhatchee; Jessica Nicolai, Spring Hill; Candace Riley, Tallahassee; Shawntae Robinson, Quincy; Maxwell "Max" Scott, Fort Walton Beach; Elizabeth Sullivan, Altamonte Springs



Journal of the Senate

Number 20—Regular Session

Thursday, April 26, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Conferees periodically for the purpose of working on the appropriations bills: Senator Horne, Chairman; Senators Rossin, Sullivan, Dyer, Garcia, Holzendorf, Latvala, Miller, Webster, Clary, Jones, King, Laurent, Lawson, Silver, Mitchell, Peaden, Sanderson, Saunders, Cowin, Burt, Dawson, Meek and Villalobos

PRAYER

The following prayer was offered by the Rev. Dr. Freeman Gallmon, Pastor, Mt. Moriah Baptist Church, Gainesville:

We pray, dear God, for our nation and our state. We pray for the breaking down of race and color and for educational development.

We also bring to you the needs of all those who suffer from disease, hunger, unemployment, loneliness, confusion, fear, sorrow, depression and guilt. Please, God, teach them to turn to you in faith so that they can receive the healing which each one needs.

Now, O God, use the gifts, talents and vision of these elected officials to make our state and our world a better place to live. Clear the hearts and minds of these thy people from any type of distractions that they may attend to the work at hand.

We thank you for this opportunity. In thy name we pray. Amen.

PLEDGE

Senate Pages Lawanna Curry of Quincy, Jessica Nicolai of Spring Hill and Maxwell "Max" Scott of Fort Walton Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Steven Rosenberg of West Palm Beach, sponsored by Senator Posey, as doctor of the day. Dr. Rosenberg specializes in Dermatology.

ADOPTION OF RESOLUTIONS

At the request of Senator Crist—

By Senator Crist—

SR 2282—A resolution recognizing "Wake-Up Wednesday" and encouraging people to participate in our democracy.

WHEREAS, the 18-24 year-old age group traditionally votes in lower percentages than any other age group, and

WHEREAS, there are over 200,000 students in the Florida State University System, a large number of whom are in the 18-24 year-old age group, and

WHEREAS, pursuant to 20 United States Code 1094(a)(23)(A), institutions of higher education that participate in federal financial aid programs are required to request voter registration forms from their state and distribute them to all students enrolled on their campus before an upcoming federal election, and

WHEREAS, in the year 2000 the Student Government Associations at all ten state universities, along with event sponsors the Florida Student Association and the People for the American Way Foundation's iVote2.com assisted in meeting these requirements by organizing "Wake-Up Wednesday," a unified voter-registration day, on September 13, 2000, and

WHEREAS, the goal of "Wake-Up Wednesday" was to register and motivate thousands of young voters and encourage them to make a life-long commitment to civic participation and the electoral process, and

WHEREAS, on "Wake-Up Wednesday" an estimated 3,115 students became newly registered voters, NOW, THEREFORE,

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

That the Florida Senate recognizes Wednesday, September 19, 2001, as "Wake-Up Wednesday" in the state of Florida.

BE IT FURTHER RESOLVED that the Florida Senate encourages all persons of voting age to register to vote, educate themselves on the issues, and participate in our democracy.

—**SR 2282** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2284—A resolution recognizing the Miami Edison Senior High School Girls' Basketball Team for winning the State Class 6A Championship on March 3, 2001.

WHEREAS, Miami-Dade Public Schools have won only three of the previous 12 Final Four Championships since the girls' state championships began in 1976, and

WHEREAS, the Red Raiders Girls' Basketball Team of Miami Edison Senior High School in 2001 made their fourth Final Four appearance in the past 7 years, under the leadership of Coach Denise Novak, and

WHEREAS, the Red Raiders Girls' Basketball Team of Miami Edison Senior High School last won the state championship in 1995, and were defeated in the final round of the state championship only 1 year ago by the Bears of Winter Springs Senior High School, and

WHEREAS, in a rematch of last year's finals, the Red Raiders Girls' Basketball Team captured their second state championship in a thrilling 65 to 56 victory over the Bears of Winter Springs before 745 fans at the Lakeland Center, and

WHEREAS, the 2001 State Championship Miami Edison Red Raiders are comprised of nine super seniors, including Chanyekerson Ambrose, Rochelle Brown, Linda Christian, Gerline Guillame, Carline Ofelus, Michelle Philogene, Lucila Simon, Scholanda Dorrell, the team's leading scorer, and Florance Williams, the tournament's Most Valuable Player, and five talented underclass teammates, including Nicola Coley, Nadage Dareus, Kalondra McKenzie, Earnesha Houston, and Sylvia Fowles, the only woman in Florida's History to attempt a dunk in a State Championship game, NOW, THEREFORE,

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

That the Florida Senate commends the Red Raiders Girls' Basketball Team of Miami Edison Senior High School for their relentless pursuit of excellence in winning the State Class 6A Championship.

—**SR 2284** was introduced, read and adopted by publication.

On motion by Senator Silver—

By Senator Silver—

SR 2314—A resolution honoring the University of Miami Hurricane football team.

WHEREAS, the University of Miami is a premier educational institution, offering excellence in academic, as well as athletic, pursuits, and

WHEREAS, the University of Miami Hurricane football team boasts an impressive history as the first team in the State of Florida to win an NCAA Division I-A national championship and as the state team having the most NCAA Division I-A national championships, and

WHEREAS, the Hurricane football team defeated Florida State University 27 to 24 on October 7 during the 2000 regular season, and

WHEREAS, the Hurricane football team defeated the University of Florida 37 to 20 in the Nokia Sugar Bowl on January 2 following the 2000 football season, NOW, THEREFORE,

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

That the Florida Senate recognizes the University of Miami Hurricane football team as the champions of the State of Florida for the 2000 football season.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the University of Miami as a tangible token of the sentiments and congratulations of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Silver, **SR 2314** was read the second time in full and adopted.

MOTIONS

On motion by Senator Rossin, Senators attending the funeral of former Representative Douglas Lee Jamerson on Friday, April 27, would be excused from session and be allowed to record their votes in the Journal on matters considered that day.

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

SPECIAL ORDER CALENDAR

On motion by Senator Sanderson—

SB 1986—A bill to be entitled An act relating to group insurance for public officers, employees, and volunteers; amending s. 112.08, F.S.; prescribing procedure for a local governmental unit to replace health insurance when the contracting provider becomes financially impaired or fails or refuses to provide coverage; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1986** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1202** and **SB 1200** was deferred.

On motion by Senator Posey—

CS for SB 1118—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; providing a definition of provisional ballot; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment:

Amendment 1 (831888)(with title amendment)—Delete every-thing after the enacting clause and insert:

Section 1. *This act shall be known as the "Florida Election Reform Act of 2001."*

Section 2. Effective August 1, 2002, subsections (2), (29), and (30) of section 97.021, Florida Statutes, are amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(2) "Ballot" or "official ballot" when used in reference to:

(a) ~~"Voting machines," except when reference is made to write in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.~~

(a)(b) "Paper ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(b)(c) "Electronic or electromechanical devices" means a ballot that which is voted by the process of electronically designating, including by touchscreen, punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(29) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

(30) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical,

or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 3. Effective August 1, 2002, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. ~~The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.~~

Section 4. Section 100.341, Florida Statutes, is amended to read:

100.341 Bond referendum ballot.—The ballots used in bond referenda shall ~~include a be on plain white paper with~~ printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question "For Bonds" and "Against Bonds."

Section 5. Effective August 1, 2002, subsection (3) of section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall . . . be removed from the office of . . . by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

" (name of person) should be removed from office."

" (name of person) should not be removed from office."

~~Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines or electronic or electromechanical equipment may be used.~~

Section 6. Effective upon this act becoming a law, subsection (7) is added to section 101.015, Florida Statutes, to read:

101.015 Standards for voting systems.—

(7) *The Division of Elections shall review the voting systems certification standards and ensure that new technologies are available for selection by boards of county commissioners which meet the requirements for voting systems and meet user standards. The Division of Elections shall continuously review the voting systems certification standards to ensure that new technologies are appropriately certified for all elections in a timely manner. The division shall also develop methods to determine the will of the public with respect to voting systems.*

Section 7. Section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for ~~ballots general election ballot.~~—~~In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:~~

(1) ~~Paper ballots~~ The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) ~~Across the top of the ballot shall be printed "Official Ballot, General Election," beneath which shall be printed the county, the precinct number, and the date of the election. The precinct number, however, shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, "General Election, Official Ballot," and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed "Signature of Voter." On the right side shall be "Initials of Issuing Official," above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1." However, a second stub shall not be required for absentee ballots.~~

(2)(3)(a) ~~Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party that which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, and district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the general election, in the order fixed by the Department of State, followed, in the year of their election, by "Party Offices," and thereunder the offices of state and county party executive committee members. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for (name of office)" shall be provided followed by a blank space in which to write the name of the candidate. In addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.~~

(b) ~~Immediately following the name of each office on the ballot shall be printed, "Vote for One." When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in the primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot. The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, "Vote for One," and the names of the candidates in the respective groups or districts shall be arranged thereunder.~~

(c) *If in any election all the offices as set forth in paragraph (a) are not involved, those offices to be filled shall be arranged on the ballot in the order named.*

(3)(a)(4) The names of the candidates of the party ~~that~~ which received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office *on the general election ballot*, together with an appropriate abbreviation of party name; the names of the candidates of the party ~~that~~ which received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.

(b)(5) Minor political party candidates and candidates with no party affiliation shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(4)(a) *The names of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.*

(b) *When two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word "incumbent" shall appear next to the incumbent's name.*

(5) *The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.*

(6) *The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.*

(7)(6) Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8)(a) *The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:*

1. *Clear and unambiguous ballot instructions and directions;*
2. *Individual race layout; and*
3. *Overall ballot layout.*

(b) *The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.*

~~(7) The same requirement as to the type, size, and kind of printing of official ballots in primary elections as provided in s. 101.141(5) shall govern the printing of official ballots in general elections.~~

~~(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used for the general election.~~

~~(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.~~

Section 8. Effective August 1, 2002, section 101.21, Florida Statutes, is amended to read:

101.21 Official ballots; number; printing; payment.—

~~(1) Where applicable in any county in which voting machines are not used, the supervisor of elections shall determine the actual number of ballots to be printed. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.~~

~~(2) In any county in which voting machines are used, one set of official ballots shall be provided for each machine plus a number of sets~~

~~equal to 5 percent of the total number of machines; one set shall be inserted or placed in or upon each machine, and the remainder of the sets shall be retained in the custody of the supervisor, unless it shall become necessary during the election to make use of same upon or in the machines.~~

Section 9. Effective August 1, 2002, section 101.24, Florida Statutes, is amended to read:

101.24 Ballot boxes and ballots.—The supervisor of elections, ~~except where voting machines are used,~~ shall prepare for each polling place one ballot box of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the clerk or inspector of election of the precinct in which it is to be used. The clerk or inspector shall be placed under oath or affirmation to perform his or her duties faithfully and without favor or prejudice to any political party.

Section 10. Effective August 1, 2002, section 101.292, Florida Statutes, is amended to read:

101.292 Definitions; ss. 101.292-101.295.—As used in ss. 101.292-101.295, the following terms shall have the following meanings:

(1) "Governing body" means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

~~(2) "Voting equipment" means new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017. The term "voting equipment" also includes electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017.~~

(3) "Purchase" means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

Section 11. Effective August 1, 2002, section 101.341, Florida Statutes, is amended to read:

101.341 Prohibited activities by voting ~~system machine~~ custodians and deputy custodians.—

(1) No voting ~~system machine~~ custodian or deputy custodian or other employee of the supervisor of elections, which employee's duties are primarily involved with the preparation, maintenance, or repair of voting equipment, ~~may~~ shall accept employment or any form of consideration from any person or business entity involved in the purchase, repair, or sale of voting equipment unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083. Such person shall also be subject to immediate discharge from his or her position.

Section 12. Effective August 1, 2002, section 101.43, Florida Statutes, is amended to read:

101.43 Substitute ballot.—When ~~voting machines are used and~~ the required official ballots for a precinct are not delivered in time to be used on election day, or after delivery, are lost, destroyed or stolen, the clerk or other officials whose duty it is to provide ballots for use at such election, in lieu of the official ballots, shall have substitute ballots prepared, conforming as nearly as possible to the official ballots, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.

Section 13. Effective August 1, 2002, section 101.49, Florida Statutes, is amended to read:

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the signature, shall doubt that the handwriting affixed to a signature identification slip of any elector who presents himself or herself at the polls to vote is the same as the signature of the elector affixed in the registration book, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF

I do solemnly swear (or affirm) that my name is ; that I am years old; that I was born in the State of ; that I am registered to vote, and at the time I registered I resided on Street, in the municipality of , County of , State of Florida; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

(Signature of voter)

Sworn to and subscribed before me this day of , A. D. (year).

(Clerk or inspector of election)
Precinct No.
County of

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to the voting machine to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.

Section 14. Effective August 1, 2002, subsections (5) and (8) of section 101.5603, Florida Statutes, are amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(5) “Marking device” means ~~either an approved apparatus used for the piercing of ballots by the voter or any approved device for marking a ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.~~

(8) “Voting device” means ~~either an apparatus in which ballots are inserted and used in connection with a marking device for the piercing of ballots by the voter or an apparatus by which votes are registered electronically.~~

Section 15. Effective August 1, 2002, section 101.5604, Florida Statutes, is amended to read:

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. *Any electronic or electromechanical voting system used by the county shall be a precinct tabulation voting system. Any such board may contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.*

Section 16. Effective August 1, 2002, section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—

(1) No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(a)(1) It permits and requires voting in secrecy.

(b)(2) It permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.

(c)(3) The automatic tabulating equipment will be set to reject all votes for any office or measure when *a race or measure is overvoted or when every race and measure on the ballot is undervoted* ~~the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.~~

(d)(4) It is capable of correctly counting votes.

(e)(5) It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.

(f)(6) At presidential elections it permits each elector, by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.

(g)(7) It provides a method for write-in voting.

(h)(8) It is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.

(i)(9) It is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(j)(10) It is capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.

(k)(11) If it is of a type which registers votes electronically, it will permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed.

(l)(12) It is capable of providing records from which the operation of the voting system may be audited.

(m) *It uses a precinct-count tabulation system.*

(2) *A voting system that uses an apparatus or device for the piercing of ballots by the voter may not be used in this state.*

Section 17. Effective August 1, 2002, subsections (2), (3), and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(2)(a) ~~If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

(b) ~~If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.~~

(2)(3)(a) ~~All proceedings at any the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any~~

Section 23. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting system machine; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system, components, machine or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment machine with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 24. Effective August 1, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in the said election, the said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.

Section 25. Paragraph (c) of subsection (1) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(1)

(c) The names of all nominees on behalf of whom such nominating petitions have been filed shall appear upon ballots in accordance with the general election laws. All qualified electors residing within the district shall be eligible to vote in such election. The candidates who receive the largest number of the votes cast from each group of candidates, as provided in s. 100.071, in such election shall be the elected supervisors from such group for such district. In the case of a newly created district participating in a regular election for the first time, three groups of candidates shall be elected for terms of 4 years, and two groups shall be elected for initial terms of 2 years. Each candidate elected shall assume office on the first Tuesday after the first Monday in January following the election.

Section 26. Sections 100.071, 101.141, 101.181, 101.191, 101.251, and 101.5609, Florida Statutes, are repealed.

Section 27. Effective August 1, 2002, sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, and 102.012(7), Florida Statutes, are repealed.

Section 28. Section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) “Absent elector” means any registered and qualified voter who casts an absentee ballot.:

~~(a) Is unable without another’s assistance to attend the polls.~~

~~(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.~~

~~(c) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.~~

~~(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.~~

~~(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.~~

~~(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.~~

(2) “Ballot” or “official ballot” when used in reference to:

(a) “Voting machines,” except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

(b) “Paper ballots” means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(c) “Electronic or electromechanical devices” means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(3) “Candidate” means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate’s oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(4) “Central voter file” means a statewide, centrally maintained database containing voter registration information of all counties in this state.

(5) “Department” means the Department of State.

(6) “Division” means the Division of Elections of the Department of State.

(7) “Election” means any primary election, special primary election, special election, general election, or presidential preference primary election.

(8) “Election board” means the clerk and inspectors appointed to conduct an election.

(9) “Election costs” shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.

(10) “Elector” is synonymous with the word “voter” or “qualified elector or voter,” except where the word is used to describe presidential electors.

(11) “General election” means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(12) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(13) "*Member of the Merchant Marine*" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

(a) *Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or*

(b) *Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.*

(14)(13) "Minor political party" is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.

(15)(14) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(16)(15) "Nominal value" means having a retail value of \$10 or less.

(17)(16) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(18)(17) "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(19) "*Overseas voter*" means:

(a) *Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;*

(b) *Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and*

(c) *Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,*

who are qualified and registered to vote as provided by law.

(20) "*Overvote*" means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.

(21)(18) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(22)(19) "Polling place" is the building which contains the polling room where ballots are cast.

(23)(20) "Polling room" means the actual room in which ballots are cast.

(24)(21) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary election is a nomination or elimination election; ~~the second primary is a nominating election only.~~

(25) "*Provisional ballot*" means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:

(a) *The voter's name does not appear on the precinct register and verification of the voter's eligibility cannot be determined; or*

(b) *There is an indication on the precinct register that the voter has requested an absentee ballot and the voter does not return the absentee ballot to the election board at the precinct.*

(26)(22) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the WAGES Program.

(27)(23) "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(28)(24) "Qualifying educational institution" means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.

(29)(25) "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(30)(26) "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(31)(27) "Supervisor" means the supervisor of elections.

(32) "*Undervote*" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

(33) "*Uniformed services*" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(34)(28) "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(35)(29) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

(36)(30) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 29. Section 101.048, Florida Statutes, is created to read:

101.048 *Provisional ballots.*—

(1)(a) *At all elections, a voter claiming to be properly registered in the county and eligible to vote in the election but whose eligibility cannot be*

determined shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(b) The county canvassing board shall examine each provisional ballot to determine whether the person voting that ballot was entitled to vote in the election and to assure that the person had not already cast a ballot in the election.

1. If it is determined that the person was registered and entitled to vote, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot. The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct of his or her legal residence. However, if the voter did not vote the ballot to which he or she was entitled, the canvassing board shall duplicate the ballot for the races that the voter was entitled to vote in his or her legal precinct and count the races for which the voter was entitled to vote.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate, and the envelope shall be marked "Rejected as Illegal."

(2) The Provisional Ballot Voter's Certificate shall be in substantially the following form:

STATE OF FLORIDA

COUNTY OF

I do solemnly swear (or affirm) that my name is ; that my date of birth is ; that I am registered to vote and at the time I registered I resided at , in the municipality of , in County, Florida; that I am a qualified voter of the county and have not voted in this election.

(Signature of Voter) (Current Address)

Sworn to and subscribed before me this day of , (year). (Clerk or Inspector of Election)

You may provide additional information to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(3) In counties where the voting system does not use a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 30. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter), swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of , in County, Florida, and I was registered to vote in the precinct of County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of , in County, Florida, and am therefore eligible to vote in the precinct of County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter), swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct as follows:

Name
Address
Municipality
County
Florida, Zip

My present name and address of legal residence are as follows:

Name
Address
Municipality
County
Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and when the elector cannot present a valid registration identification card, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 31. Subsections (1), (2), (5), (6), and (8) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election

board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, *provisional*, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(5) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication on the ballot that the voter has made a definite choice of the intent of the voter as determined by the canvassing board. After duplicating a ballot, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) ~~If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure~~ ~~If an elector marks more names than there are persons to be elected to an office or if it is impossible to determine the elector's choice,~~ the elector's ballot shall not be counted for that office or measure, but the ballot shall not be invalidated as to those names or measures which are properly marked.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes and votes from *provisional ballots*, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

Section 32. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may vote a *provisional ballot as provided in s. 101.048* execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct.

Section 33. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) ~~Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet selected by the Governor. If a member of the Elections Canvassing Commission is unable to serve for any reason, the Governor shall appoint a remaining member of the Cabinet. If there is a further vacancy, the remaining members of the Commission shall agree on another elected official to fill the vacancy.~~ The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each federal, state, and multi-county office. ~~In the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

(2) The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 34. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. Returns must be filed by 5 p.m. on the 7th day following the first primary and general election and by 5 3 p.m. on the 11th 3rd day following the general election second primary. ~~If the county canvassing board is unable to timely certify the results of an office or measure for which late-filed returns must be accepted pursuant to subsection (2), the canvassing board shall nevertheless certify by the deadline all races in which returns are complete. If the returns are not received by the department by the time specified, such returns may be ignored and the results on file at that time may be certified by the department.~~

(2)(a) ~~If the county returns are not received by the Department of State by 5 p.m. of the 7th day following a primary election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

(b)1. Following a general election, the Department of State shall accept returns filed after the certification deadline as follows:

a. For the office of United States Senate and United States House of Representatives, until 5 p.m. on January 2 of the year following the election.

b. For statewide offices, until 5 p.m. on the first Monday in January following the election.

c. For state legislative offices, until 5 p.m. on the 13th day following the election.

d. For other state or multi-county offices, until 5 p.m. on the day prior to the date the successful candidate is to take office.

e. For ballot measures, until 5 p.m. on the day prior to the measure taking effect or until the certification deadline, whichever is later.

2. Following a general election, the Department of State shall not accept returns filed after the certification deadline for the offices of United States President and Vice President.

(c) ~~If returns are missing from any county for an office for which late-filed returns must be accepted pursuant to paragraph (b), the Elections Canvassing Commission shall nevertheless certify the results for all other offices for which all returns have been received. Following receipt of all~~

late-filed returns accepted pursuant to paragraph (b), or upon the expiration of the late-filing deadline for the office in question, whichever occurs earlier, the Elections Canvassing Commission shall separately certify the results of that office.

(3)(2) The department shall fine each board member \$500 \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.

(4)(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.

Section 35. Present subsections (5) and (6) of section 102.141, Florida Statutes, are redesignated as subsections (7) and (8), respectively, present subsection (4) is amended and redesignated as subsection (6), subsections (2) and (3) are amended, and new subsections (4) and (5) are added to that section to read:

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by s. 101.048. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(3) The canvass, except the canvass of absentee electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the day after any primary, general, special, or other election.

(5) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:

(a) Correct the error and recount the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.

(6)(4) If the unofficial returns for any office reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through the automatic tabulating equipment for each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612(2). If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) In counties with voting systems that do not use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the overall election return returns and the counters of the precinct tabulators machines or the tabulation of the ballots cast, the counters of the precinct tabulators of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the second day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

Section 36. Section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts ~~Protest of election returns; procedure.~~—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure.

(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast

on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that:

1. A request for a manual recount is made by 5 p.m. on the second day after the election; and

2. At the time of the request, the requesting party posts a bond in an amount prescribed by rule of the Department of State, which shall be forfeited if the outcome of the election does not change.

(b) For federal, statewide, state, and multi-county races and ballot issues, requests for a manual recount shall be made in writing to the state Elections Canvassing Commission. For all other races and ballot issues, requests for a manual recount shall be made in writing to the county canvassing board.

(c) Upon receipt of an appropriate, timely request accompanied by an adequate bond, the Elections Canvassing Commission or county canvassing board shall immediately order a manual recount of overvotes and undervotes in all affected jurisdictions.

(d) The Department of State shall adopt rules prescribing the amount of the bond required to be posted when requesting a manual recount. The amount of the bond shall cover the overall cost to conduct the recount. The rules may provide for formulas to calculate the costs of an election recount, based on factors such as:

1. Number of ballots involved;
2. Number of counties involved;
3. Type of voting system involved;
4. Geographic location of the recount;
5. Timeframe to conduct the recount; and
6. Any other factor that may affect the cost of the recount.

The department shall solicit information from each county as to recount costs, and shall consider such information in adopting the rules. The department's rules shall also provide procedures for posting of the bond and the distribution of funds to the affected counties upon forfeiture.

(3)(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes. For certified voting systems, the department shall certify such hardware or software by July 1, 2002. If the department is unable to certify such hardware or software for a certified voting system by July 1, 2002, the department shall adopt rules prescribing procedures for identifying and sorting such overvotes and undervotes. The department's rules may provide for the temporary use of hardware or software whose sole function is identifying and sorting overvotes and undervotes.

(b) This subsection does not preclude the department from certifying hardware or software after July 1, 2002.

(c) Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department's rules so provide.

(1) Any candidate for nomination or election, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate canvassing board a sworn, written protest.

(2) Such protest shall be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 5 days after midnight of the date the election is held, whichever occurs later.

(3) Before canvassing the returns of the election, the canvassing board shall:

(a) When paper ballots are used, examine the tabulation of the paper ballots cast.

(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer pae on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer pae, the counters of such machines or the printer pae shall be presumed correct.

(c) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.

(4)(a) Any candidate whose name appeared on the ballot, any political committee that supports or opposes an issue which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the county canvassing board for a manual recount. The written request shall contain a statement of the reason the manual recount is being requested.

(b) Such request must be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after midnight of the date the election was held, whichever occurs later.

(c) The county canvassing board may authorize a manual recount. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(d) The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.

(5) If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:

(a) Correct the error and recount the remaining precincts with the vote tabulation system;

(b) Request the Department of State to verify the tabulation software; or

(c) Manually recount all ballots.

(4)(6) Any manual recount shall be open to the public.

(5)(a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or,

2. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

(6)(7) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice a

voter's intent in casting a ballot, the ballot shall be presented to the county canvassing board for a determination ~~to determine the voter's intent.~~

(c) ~~The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:~~

1. ~~Security of ballots during the recount process;~~
2. ~~Time and place of recounts;~~
3. ~~Public observance of recounts;~~
4. ~~Objections to ballot determinations;~~
5. ~~Record of recount proceedings; and~~
6. ~~Procedures relating to candidate and petitioner representatives.~~

~~(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.~~

~~(9) When the Department of State verifies such software, the department shall:~~

~~(a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and~~

~~(b) Check the election parameters.~~

~~(10) The Department of State shall respond to the county canvassing board within 3 working days.~~

Section 37. Subsections (2), (3) and (4) of section 102.168, Florida Statutes, are amended to read:

102.168 Contest of election.—

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested ~~or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of that particular election following a protest pursuant to s. 102.166(1), whichever occurs later.~~

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

(e) ~~Proof that valid votes were not counted due to system malfunctions or any other valid reason. Any other cause or allegation~~ which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or *Elections Canvassing Commission* ~~election board~~.

(4) The canvassing board or *Elections Canvassing Commission* ~~election board~~ shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

Section 38. Section 102.135, Florida Statutes, is created to read:

102.135 *Prohibited activities.*—A member of the *Elections Canvassing Commission* or a member of the county canvassing board who publicly endorses or solicits contributions on behalf of a candidate for public office may not render any post-election decision in his or her official capacity as a member of the commission or board which may affect the outcome of any race in which he or she publicly endorsed or solicited contributions on behalf of a candidate for public office.

Section 39. Section 97.0555, Florida Statutes, is created to read:

97.0555 *Late registration.*—An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States, after the book closing for an election pursuant to s. 97.055 who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.

Section 40. Section 101.6951, Florida Statutes, is created to read:

101.6951 *State write-in ballot.*—

(1) An overseas voter may request, not earlier than 180 days before a general election, a state write-in absentee ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote an absentee ballot during the normal absentee voting period. State write-in absentee ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in ballot.

(2) In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.

(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

Section 41. Section 101.6952, Florida Statutes, is created to read:

101.6952 *Absentee ballots for overseas voters.*—

(1) If an overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballots via electronic transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the primary and general election not later than 30 days before each election.

(2) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

Section 42. Section 101.697, Florida Statutes, is created to read:

101.697 *Electronic transmission of election materials.*—The Department of State shall adopt rules to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine or other electronic means from overseas voters. The rules must provide that in order to accept a voted ballot, the verification

of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 43. Section 101.698, Florida Statutes, is created to read:

101.698 Absentee voting in emergency situations.—If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules, such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

Section 44. Paragraph (b) of subsection (1) and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

- 1. The name of the elector for whom the ballot is requested;
2. The elector's address;
3. The last four digits of the elector's social security number;
4. The registration number on the elector's date of birth registration identification card;
5. The requester's name;
6. The requester's address;
7. The requester's social security number and, if available, driver's license number;
8. The requester's relationship to the elector; and
9. The requester's signature (written requests only).

(7)(a) For the purposes of this section, "absent qualified elector overseas" means:

- 1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;
2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and
3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia, who are qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.

Section 45. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , do solemnly swear or affirm that I am a qualified and registered voter of . . . County, Florida and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature properly witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.
7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

(Date) (Voter's Signature)

(Last four digits of voter's social security number)

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this . . . day of . . . , (year), by (name of person making statement). My commission expires this . . . day of . . . , (year).

(Signature of Official)
(Print, Type, or Stamp Name)
(State or Country of Commission)

Personally Known OR Produced Identification

Type of Identification Produced

OR

b. One Witness 18 Years of Age or Older as provided in item 8 of the Instruction Sheet, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

(Signature of Witness)

(Printed Name of Witness)

(Voter I.D. Number of Witness and County of Registration)

(Address)

(City/State)

(2) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the absent elector and the

attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter or witness must cross the seal of the envelope. The absent elector and the attesting witness shall execute the certificate on the envelope.

Section 46. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.
2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
3. Place your marked ballot in the enclosed secrecy envelope.
4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.
5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.
6. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature).

7. *VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.* ~~place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:~~

~~a.—One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.~~

~~b.—Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.~~

8. *VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.*

9.7. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10.8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 47. Section 101.657, Florida Statutes, is amended to read:

101.657 Voting absentee ballots in person.—

(1) ~~Notwithstanding s. 97.021(1),~~ Any qualified and registered elector ~~who is unable to attend the polls on election day~~ may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

(2) As an alternative to the provisions of ss. 101.64, ~~101.647~~, and 101.65, the supervisor of elections may allow an elector to cast an absentee ballot in the main or branch office of the supervisor by depositing the

voted ballot in a voting device used by the supervisor to collect or tabulate ballots. The results or tabulation may not be made before the close of the polls on election day.

(a)(3) The elector must provide picture identification and must complete an In-Office Voter Certificate in substantially the following form:

IN-OFFICE VOTER CERTIFICATE

I, . . . , am a qualified elector in this election and registered voter of . . . County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of . . . County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate and have my signature witnessed invalidates my ballot. ~~I am entitled to vote an absentee ballot because I am unable to attend the polls on election day.~~

(Voter's Signature)

(Address)

(City/State)

(Name of Witness)

(Signature of Witness)

(Type of identification provided)

(b)(4) Any elector may challenge an elector seeking to cast an absentee ballot under the provisions of s. 101.111. Any challenged ballot must be placed in a regular absentee ballot envelope. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c)(5) The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

Section 48. Paragraphs (a) and (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may *also begin at 7 a.m. on the fourth day before the election begin upon the opening of the polls on election day.* However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day.

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature ~~and the last four digits of the social security number~~ of the elector, as shown by the registration records, and ~~the signature and address of an attesting witness. either:~~

~~a.—The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or~~

~~b.—The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope ~~or if the person witnessing the ballot is in violation of s. 104.047(3).~~ If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may,

at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

Section 49. Section 104.047, Florida Statutes, is amended to read:

104.047 Absentee ballots and voting; violations.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than five ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(3)(4) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.661, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(5) Any person who returns more than two absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 50. Sections 101.647 and 101.685, Florida Statutes, are repealed.

Section 51. Section 98.255, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.255, F.S., for present text.)

98.255 Voter education programs.—

(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:

- (a) Voter registration;
- (b) Balloting procedures, absentee and polling place;
- (c) Voter rights and responsibilities;
- (d) Distribution of sample ballots; and
- (e) Public service announcements.

(2) Each county supervisor shall implement the minimum voter education standards, and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.

(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.

(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.

Section 52. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. *The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).*

(2) *The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:*

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. *Vote and have his or her vote accurately counted.*
2. *Cast a vote if he or she is in line when the polls are closing.*
3. *Ask for and receive assistance in voting.*
4. *Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.*
5. *An explanation if his or her registration is in question.*
6. *If his or her registration is in question, cast a provisional ballot.*
7. *Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.*
8. *Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.*
9. *Vote free from coercion or intimidation by elections officers or any other person.*
10. *Vote on a voting system that is in working condition and that will allow votes to be accurately cast.*

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. *Study and know candidates and issues.*
 2. *Keep his or her voter address current.*
 3. *Know his or her precinct and its hours of operation.*
 4. *Bring proper identification to the polling station.*
 5. *Know how to operate voting equipment properly.*
 6. *Treat precinct workers with courtesy.*
 7. *Respect the privacy of other voters.*
 8. *Report problems or violations of election law.*
 9. *Ask questions when confused.*
 10. *Check his or her completed ballot for accuracy.*
- (3) *Nothing in this section shall give rise to a legal cause of action.*

(4)(2) In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election

officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

Section 53. Subsection (1) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room to watch and observe the conduct of electors and officials. The watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. Each watcher shall be a qualified and registered elector of the county in which he or she serves. ~~During the elections the officials shall call out the names of electors loudly enough to be heard by the watchers.~~

Section 54. Section 102.014, Florida Statutes, is created to read:

102.014 Pollworker recruitment and training.—

(1) *The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.*

(2) *A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.*

(3) *In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.*

(4) *Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:*

(a) *Each clerk shall receive four hours of training biannually when not in a general election year, and two hours of training quarterly in each general election year;*

(b) *Each inspector shall receive at least two hours of training biannually when not in a general election year, and one hour of training quarterly in each general election year.*

(c) *No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training.*

(d) *No inspector shall work at the polls unless he or she has had a minimum of three hours of training.*

(5) *The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual*

shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) *Regulations governing solicitation by individuals and groups at the polling place;*

(b) *Procedures to be followed with respect to voters whose names are not on the precinct register;*

(c) *Proper operation of the voting system;*

(d) *Ballot handling procedures;*

(e) *Procedures governing spoiled ballots;*

(f) *Procedures to be followed after the polls close;*

(g) *Rights of voters at the polls;*

(h) *Procedures for handling emergency situations;*

(i) *Procedures for dealing with irate voters;*

(j) *The handling and processing of provisional ballots; and*

(k) *Security procedures.*

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) *State, county, and municipal workers who volunteer to serve as clerks and inspectors and whose jobs are not of an emergency nature may work at the polls, as needed, in lieu of their normal work.*

(7) *Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.*

Section 55. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 56. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) *Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker training required by s. 102.014 ~~102.012(8)~~.*

Section 57. Subsection (1) of section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) *The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that notice must instruct the applicant supply the missing information in writing and sign a statement that the additional information is true and correct to complete another voter registration application, which the supervisor must provide. A notice of denial must inform the applicant of the reason the application was denied.*

Section 58. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

98.015 *Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—*

(1) A supervisor of elections shall be elected *in a nonpartisan election* in each county at the general election in each year the number of which is a multiple of four for a 4-year term commencing on the first Tuesday after the first Monday in January succeeding his or her election. Each supervisor shall, before performing any of his or her duties, take the oath prescribed in s. 5, Art. II of the State Constitution.

Section 59. Subsection (3), paragraph (a) of subsection (4), and paragraph (a) of subsection (5) of section 105.031, Florida Statutes, are amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) **QUALIFYING FEE.**—Each candidate qualifying for election to a judicial office, *the office of supervisor of elections*, or the office of school board member, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the alternative method. The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The Department of State shall forward all filing fees to the Department of Revenue for deposit in the Elections Commission Trust Fund. The supervisor of elections shall forward all filing fees to the Elections Commission Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

(4) **CANDIDATE'S OATH.**—

(a) All candidates for *the office of supervisor of elections* or the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(5) **ITEMS REQUIRED TO BE FILED.**—

(a) In order for a candidate for judicial office, *the office of supervisor of elections*, or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, (name of candidate), a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

(Signature of candidate)

(Date)

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable.

Section 60. Section 105.035, Florida Statutes, is amended to read:

105.035 Alternative method of qualifying for certain judicial offices, *the office of supervisor of elections*, and the office of school board member.—

(1) A person seeking to qualify for election to the office of circuit judge or county court judge, *the office of supervisor of elections*, or the office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until the person has filed the oath prescribed in this subsection.

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with a petition format prescribed by the Division of Elections to be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office, *the office of supervisor of elections*, or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section.

(4)(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of that county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate seeking to qualify for election to the office of county court judge, *the office of supervisor of elections*, or the office of school board member from a single county school district pursuant to this section shall submit his or her petition, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has

been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the qualifying officer. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his or her name printed on the ballot.

Section 61. Subsection (4) of section 105.041, Florida Statutes, is amended to read:

105.041 Form of ballot.—

(4) WRITE-IN CANDIDATES.—Space shall be made available on the general election ballot for an elector to write in the name of a write-in candidate for judge of a circuit court or county court, *supervisor of elections*, or member of a school board if a candidate has qualified as a write-in candidate for such office pursuant to s. 105.031. This subsection shall not apply to the offices of justices and judges seeking retention.

Section 62. Paragraph (a) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(a) The name of an unopposed candidate for the office of circuit judge, county court judge, *supervisor of elections*, or member of a school board shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

Section 63. Subsection (3) is added to section 105.061, Florida Statutes, to read:

105.061 Electors qualified to vote.—

(3) *The election of the supervisor of elections shall be by vote of the qualified electors of the county.*

Section 64. Subsection (1) of section 105.08, Florida Statutes, is amended to read:

105.08 Campaign contribution and expense; reporting.—

(1) A candidate for judicial office, *the office of supervisor of elections*, or the office of school board member may accept contributions and may incur only such expenses as are authorized by law. Each such candidate shall keep an accurate record of his or her contributions and expenses, and shall file reports pursuant to chapter 106.

Section 65. *Sections 100.091 and 100.096, Florida Statutes, are repealed.*

Section 66. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, voter registration and party changes must be accepted but only for the purpose of subsequent elections. ~~However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.~~

Section 67. Subsection (3) of section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. ~~However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.~~

Section 68. Subsection (3) of section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, ~~subject to the issuance restriction in s. 97.071(3).~~

Section 69. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from registration books; ~~restrictions on re-registering~~; recordkeeping; restoration of erroneously or illegally removed names.—

~~(1) Any person who requested that his or her name be removed from the registration books between the book-closing date of the first primary and the date of the second primary may not register in a different political party until after the date of the second primary election.~~

(1)(2) When the name of any elector is removed from the registration books pursuant to s. 98.065, s. 98.075, or s. 98.093, the elector's original registration form shall be filed alphabetically in the office of the supervisor. As alternatives, registrations removed from the registration books may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(2)(3) When the name of any elector has been erroneously or illegally removed from the registration books, the name of the elector shall be restored by the supervisor upon satisfactory proof, even though the registration period for that election is closed.

Section 70. Subsections (1), (2), and (8) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the ~~first~~ primary election, but not later than noon of the 116th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the ~~first~~ primary election or special district election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election or special district election. However, if a special district election is held at the same time as the ~~second primary~~ or general election, qualifying shall be the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the

amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(8) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportsions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the ~~first~~ primary election, but not later than noon of the 53rd day prior to the ~~first~~ primary election.

Section 71. Subsections (1), (2), and (4) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the 9th ~~6th~~ day following the ~~second~~ primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the 9th ~~6th~~ day following the ~~second~~ primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

(4) In order to have the name of the candidate for Lieutenant Governor printed on the ~~first or second~~ primary election ballot, a candidate for Governor participating in the primary must designate the candidate for Lieutenant Governor, and the designated candidate must qualify no later than the end of the qualifying period specified in s. 99.061. If the candidate for Lieutenant Governor has not been designated and has not qualified by the end of the qualifying period specified in s. 99.061, the phrase "Not Yet Designated" must be included in lieu of the candidate's name on ~~the primary election ballot ballots and on advance absentee ballots for the general election.~~

Section 72. Subsection (1) of section 99.095, Florida Statutes, is amended to read:

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office may qualify to have his or her name placed on the ballot for the ~~first~~ primary election by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee or party assessment required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his or her oath for which group or district office he or she is running. The oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the ~~first~~ primary election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until the candidate has filed the oath required in this section. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which the person is running, the signatures obtained on such petition will not be counted.

Section 73. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the ~~first~~ primary election in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the ~~first~~ primary election.

Section 74. Section 100.061, Florida Statutes, is amended to read:

100.061 ~~First Primary election.~~—In each year in which a general election is held, a ~~first~~ primary election for nomination of candidates of political parties shall be held on the ~~second Tuesday following the first Monday in September 9 weeks prior to the general election.~~ The ~~Each~~ candidate receiving the highest number ~~a majority of the~~ votes cast in each contest in the ~~first~~ primary election shall be declared nominated for such office. ~~If two or more candidates receive an equal and highest number of votes for the same office, such candidates shall draw lots to determine who shall receive the nomination. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.~~

Section 75. Section 100.081, Florida Statutes, is amended to read:

100.081 ~~Conducting primary elections;~~ Nomination of county commissioners ~~at primary election.~~—The primary election elections shall provide for the nomination of county commissioners by the qualified electors of such county at the time and place set for voting on other county officers.

Section 76. Paragraph (c) of subsection (1), subsection (3), and paragraph (a) of subsection (4) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(1)

(c) If such a vacancy occurs prior to the ~~first~~ primary election but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the ~~first and second~~ primary election elections, the Governor may call a special primary election, ~~and, if necessary, a second special primary election,~~ to select party nominees for the unexpired portion of such term.

(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4), the Governor, after consultation with the Secretary of State, shall fix the ~~dates date~~ of a special ~~first~~ primary election, ~~a special second primary election,~~ and a special election. Nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in the special primary election elections to become candidates in the special election. Prior to setting the special election ~~date dates~~, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days

certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for ~~the any~~ special primary and for the special election to coincide with the dates of the ~~first and second~~ primary election and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special ~~first~~ primary election.

(b) The filing of campaign expense statements by candidates in such special elections or special primaries and by committees making contributions or expenditures to influence the results of such special primaries or special elections shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The dates for a candidate to qualify by the alternative method in such special primary or special election shall be fixed by the Department of State. In fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations. Any candidate seeking to qualify by the alternative method in a special primary election shall obtain 25 percent of the signatures required by s. 99.095, s. 99.0955, or s. 99.096, as applicable.

(d) The qualifying fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(e) Each county canvassing board shall make as speedy a return of the result of such *special primary elections and special elections and primaries* as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special *primary elections primaries* shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such *special primary elections primaries* as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

Section 77. Subsection (2) of section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office or nomination.—

(2) The Department of State shall prepare a notice stating what offices and vacancies are to be filled in the special election, the ~~dates date~~ set for ~~the each~~ special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the alternative method, and the dates fixed for filing campaign expense statements.

Section 78. Subsection (2) of section 101.252, Florida Statutes, is amended to read:

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his or her name printed on the ~~first~~ primary election ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the ~~first~~ primary election ballot, and such candidate shall be declared elected to the state or county executive committee.

Section 79. Paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the ~~first~~ primary election and *not fewer than 45 days before the general election*, mail an absentee ballot. ~~Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.~~

Section 80. Subsection (7) of section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(7) Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any ~~succeeding primary or~~ other election.

Section 81. Subsection (3) and paragraph (b) of subsection (4) of section 103.021, Florida Statutes, are amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(3) Candidates for President and Vice President with no party affiliation may have their names printed on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the

date of the ~~first~~ primary election, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as party candidates.

(4)

(b) A minor party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisors of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the ~~first~~ primary election, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State, which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 82. Section 103.022, Florida Statutes, is amended to read:

103.022 Write-in candidates for President and Vice President.—Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the ~~first~~ primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot.

Section 83. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the ~~first~~ primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 57th day, or later than noon of the 53rd day, preceding the ~~first~~ primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 84. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. Candidates shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the ~~first~~ primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the alternative method, as set forth in s. 105.035, if the person has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

Section 85. Subsection (1) and paragraph (b) of subsection (2) of section 105.041, Florida Statutes, are amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for ~~nonpartisan judicial office and candidates for the office of school board member~~ which appear on the ballot at the ~~first~~ primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to ~~nonpartisan judicial office and candidates for the office of school board member~~ which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(2) LISTING OF CANDIDATES.—

(b)1. The names of candidates for the office of circuit judge shall be listed on the ~~first~~ primary election ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.

2. Candidates who have secured a position on the general election ballot, after having survived elimination at the ~~first~~ primary election, shall have their names listed in the same order as on the ~~first~~ primary election ballot, notwithstanding the elimination of any intervening names as a result of the ~~first~~ primary election.

Section 86. Paragraph (b) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the ~~first~~ primary election. If any candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

Section 87. Paragraphs (a) and (b) of subsection (1) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the ~~first primary election~~ and on the 46th, 32nd, 18th, and 4th days immediately preceding the ~~second primary and general election~~, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the ~~first primary election and general elections~~, and on the 4th, 11th, 18th, and 25th, 32nd, 39th, 46th, and 53rd days prior to the ~~general election second primary~~.

Section 88. Paragraph (c) of subsection (1) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the ~~first primary election, second primary, and the general election~~ are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election. ~~With respect to candidates in a circuit holding an election for circuit judge or in a county holding an election for county court judge, there are only two elections, which are the first primary election and general election.~~

Section 89. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding ~~both the first primary election, the second primary election, and the general election~~. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

Section 90. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational*

purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.

Section 91. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 92. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

Section 93. Subsection (5) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) Ten thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Five thousand dollars, for a candidate for multicounty office.

(c) ~~Five thousand~~ ~~Two thousand five hundred~~ dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) One thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) One thousand five hundred dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member, personal taxes payable on office account funds by the candidate or elected public official, or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Section 94. Subsection (3) of section 106.15, Florida Statutes, is amended to read:

106.15 Certain acts prohibited.—

(3) A ~~No~~ candidate ~~may not shall~~, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any officer or employee of the ~~government state~~ during working hours.

Section 95. Effective upon the effective date of the amendment to the State Constitution proposed in Senate Joint Resolution 434 or another amendment to the State Constitution that authorizes, or removes impediments to, the enactment of this section by the Legislature, paragraph (b) of subsection (2) of section 97.041, Florida Statutes, is amended to read:

97.041 Qualifications to register or vote.—

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(b) A person who has been convicted of any felony by any court of record; *however, such a person's right to register or vote is automatically restored by operation of law, for persons convicted of a forcible felony as defined in s. 776.08, 5 years after completion and satisfaction of all sentences imposed upon such person or, for all other felons, 1 year after completion and satisfaction of all sentences imposed upon such person. For the purposes of this paragraph, "completion and satisfaction of all*

sentences" occurs when a person is released from incarceration upon expiration of sentence and has paid all court costs and court-ordered restitution and has achieved or completed all other nonmonetary terms and conditions of the sentence or subsequent supervision or, if the person has not been incarcerated for the felony offense, has paid all court costs and court-ordered restitution and has achieved or completed all non-monetary terms and conditions of community supervision imposed by a court and who has not had his or her right to vote restored pursuant to law. If a majority of the Board of Executive Clemency objects before the automatic restoration of the right to register or vote, such rights shall be restored only upon application to, and approval by, the Board of Executive Clemency.

Section 96. Effective upon the effective date of the amendment to the State Constitution proposed in Senate Joint Resolution 434 or another amendment to the State Constitution that authorizes, or removes impediments to, the enactment of this section by the Legislature, subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

(f) Address of property for which the applicant has been granted a homestead exemption, if any.

(g) Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(h) Sex.

(i) Party affiliation.

(j) Whether the applicant needs assistance in voting.

(k) Name and address where last registered.

(l) Last four digits of the applicant's social security number.

(m) Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n) Telephone number (optional).

(o) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q) Whether the applicant is a citizen of the United States.

(r) That the applicant has not been convicted of a felony or, if convicted, has had his or her ~~voting~~ ~~enfranchisement~~ rights restored.

(s) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form must be in plain language and designed so that convicted felons whose voting civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 97. Effective upon the effective date of the amendment to the State Constitution proposed in Senate Joint Resolution 434 or another amendment to the State Constitution that authorizes, or removes impediments to, the enactment of this section by the Legislature, paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The last four digits of the applicant's social security number.
6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her voting civil rights restored.
7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.
8. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 98. (1) *Effective July 1, 2001, the sum of \$2 million is appropriated from the General Revenue Fund to the Department of State for the purpose of providing a statewide voter registration database. From the funds appropriated, the department may contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated web site, to be available statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state, and shall be accessible through an Internet web site. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:*

- (a) *The voter is deceased;*
- (b) *The voter has been convicted of a felony and has not had his or her civil rights restored; or*
- (c) *The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.*

The database shall also allow for duplicate voter registrations to be identified.

(2) *The Department of State shall not contract with any private entity other than the Florida Association of Court Clerks for the operation or maintenance of the statewide voter registration database.*

(3) *To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the Florida Association of Court Clerks in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.*

(4) *The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representa-*

tives beginning July 1, 2001, and continuing until the database is fully implemented.

Section 99. *Effective June 30, 2001, section 98.0975, Florida Statutes, is repealed.*

Section 100. (1) *There is appropriated from the General Revenue Fund to the Division of Elections of the Department of State the sum of \$5,949,375 in fiscal year 2001-2002 to be distributed to the counties to fund comprehensive voter education programs and to train pollworkers as provided in this act. The Division shall divide the total amount of funds appropriated by the total number of registered voters in the state for the 2000 General Election to establish a funding level per individual voter. Each county shall receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for the 2000 General Election.*

(2) *No later than December 15, 2002, each county shall provide a report to the Division of Elections on how the funds provided in this section were used, the specific education and training programs implemented in the county, and their effectiveness. The Division shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003, on the results of the voter education and pollworker training programs used in the state.*

Section 101. *Funds provided in the 2001-2002 General Appropriations Act for Voting Systems Assistance shall be appropriated to the Division of Elections, Department of State, to be distributed to the counties to implement the provisions of this act in the following manner:*

(1) *Counties having a population of 75,000 or fewer based on the 2000 census shall receive a total of \$7,500 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.*

(2) *All other counties shall receive a total of \$3,750 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.*

Section 102. Except as otherwise provided herein, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; providing for the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on overvotes and undervotes following the general election; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, 102.012(7), F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048,

F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; requiring the acceptance of late-filed election returns in certain circumstances; increasing the fine for filing late-filed election returns; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; amending s. 102.168, F.S.; revising the grounds for an election contest; creating s. 102.135, F.S.; prohibiting a member of the Elections Canvassing Commission or a member of the county canvassing board from rendering a post-election decision that may affect the outcome of any race in which the member publicly endorsed or solicited contributions; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items in order to qualify for election; amending s. 105.035, F.S.; providing alternative procedures for candidates for supervisor of elections to qualify for election; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections are to be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; repealing s. 100.091, F.S., to eliminate the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.168, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S.; revising references, to conform to the elimination of the second primary election; amending s. 236.25, F.S.; allowing certain

school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 106.141, F.S.; increasing the amount that may be transferred to an office account; amending s. 106.15, F.S.; expanding prohibition against candidates using state employees' services during working hours to include all government employees; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, F.S., to conform; providing an appropriation for the design of a statewide voter registration database; providing requirements for the database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing an appropriation for voter education and pollworker training; providing for the appropriation from the General Appropriations Act to be used to implement the provisions of the act; providing effective dates.

On motion by Senator Posey, further consideration of **CS for SB 1118** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 748** was deferred.

On motion by Senator Posey—

SB 1422—A bill to be entitled An act relating to voter registration identification cards; eliminating the race or ethnicity designation of a voter on the card; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1422** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 1194—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (742254)(with title amendment)—On page 1, line 30, after the period (.) insert: *This subsection does not apply to a member of The Florida Bar rendering legal advice to a client.*

Section 2. Subsection (4) of section 777.04, Florida Statutes, is amended to read:

777.04 Attempts, solicitation, and conspiracy.—

(4)(a) Except as otherwise provided in ss. 104.091(2), 828.125(2), 849.25(4), 893.135(5), and 921.0022, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is ranked for purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944 one level below the ranking under s. 921.0022 or s. 921.0023 of the offense attempted, solicited, or conspired to. If the criminal attempt, criminal solicitation, or criminal conspiracy is of an offense ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023, such offense is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offense attempted, solicited, or conspired to is a capital felony, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Except as otherwise provided in s. 893.135(5), if the offense attempted, solicited, or conspired to is a life felony or a felony of the first degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Except as otherwise provided in s. 104.091(2), s. 828.125(2), or s. 849.25(4), if the offense attempted, solicited, or conspired to is a:

1. Felony of the second degree;
2. Burglary that is a felony of the third degree; or
3. Felony of the third degree ranked in level 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) Except as otherwise provided in s. 104.091(2), s. 849.25(4), or paragraph (d), if the offense attempted, solicited, or conspired to is a felony of the third degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f) *Except as otherwise provided in s. 104.091(2)*, if the offense attempted, solicited, or conspired to is a misdemeanor of the first or second degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 10 and insert: violation; providing penalties; amending s. 777.04, F.S.; exempting certain violations of the Florida Election Code from provisions specifying the ranking of an offense under the Criminal Punishment Code; providing an

Senator Wasserman Schultz moved the following amendment:

Amendment 2 (760510)(with title amendment)—On page 1, delete line 31 and insert:

Section 2. *Effective upon this act becoming a law:*

(1) *Members of the Florida Senate are prohibited from soliciting or accepting any campaign contribution during the 60-day regular legislative session on the Senator's own behalf, on behalf of a political party, on behalf of a candidate for the Senate, or on behalf of a candidate for state office; however, a Senator may contribute to the Senator's own campaign.*

(2) *Members of the Florida House of Representatives are prohibited from soliciting or accepting any campaign contribution during the 60-day regular legislative session on the member's own behalf, on behalf of a political party, on behalf of a candidate for the House of Representatives, or on behalf of a candidate for state office; however, a member may contribute to the member's own campaign.*

(3) *Members of the Florida Cabinet are prohibited from soliciting or accepting any campaign contribution during the 60-day regular legislative session on the Cabinet member's own behalf, on behalf of a political party, or on behalf of a candidate for state office. However, a member of the Florida Cabinet may contribute to his or her own campaign.*

(4) *The Governor and Lieutenant Governor are prohibited from soliciting or accepting any campaign contribution on his or her own behalf, on behalf of a political party, or on behalf of a candidate for state office, during the 60-day regular legislative session and until all acts passed by the Legislature during the 60-day regular legislative session have been acted upon by the Governor. However, a candidate for Governor or Lieutenant Governor may contribute to his or her own campaign.*

Section 3. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: violation; providing penalties; prohibiting state Senators and Representatives,

Cabinet members, and the Governor and Lieutenant Governor from soliciting or accepting campaign contributions during the regular legislative session; providing effective dates.

On motion by Senator Smith, further consideration of **SB 1194** with pending **Amendment 2** was deferred.

On motion by Senator Posey—

SJR 1426—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

—was read the second time by title.

Senator Klein moved the following amendment:

Amendment 1 (232418)—On page 2, delete line 4 and insert: by vote of *at least 55 percent* of the electors voting on the

SENATOR HOLZENDORF PRESIDING

THE PRESIDENT PRESIDING

Senator King moved the following substitute amendment which was adopted:

Amendment 2 (712606)—On page 2, delete line 4 and insert: by vote of *at least 60 percent* of the electors voting on the

The vote was:

Yeas—21

Mr. President	Diaz de la Portilla	Peaden	Sullivan
Bronson	Garcia	Posey	Villalobos
Burt	King	Pruitt	Webster
Campbell	Laurent	Sanderson	
Clary	Lee	Sebesta	
Crist	Mitchell	Smith	

Nays—17

Brown-Waite	Dyer	Latvala	Silver
Carlton	Geller	Meek	Wasserman Schultz
Constantine	Holzendorf	Miller	
Cowin	Jones	Rossin	
Dawson	Klein	Saunders	

Senator Klein moved the following amendment:

Amendment 3 (830538)—On page 2, line 16, delete “two-thirds” and insert: 55 percent

Senator King moved the following substitute amendment which was adopted:

Amendment 4 (420960)—On page 2, line 16, delete “two-thirds” and insert: 60 percent

Pursuant to Rule 4.19, **SJR 1426** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 894—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until a candidate is nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 894** was deferred.

On motion by Senator Sullivan—

CS for SB 118—A bill to be entitled An act relating to the College Fast Start Program; creating s. 239.515, F.S.; establishing the College Fast Start Program; providing legislative intent; defining terms; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; requiring an advisory council to review proposals and recommend an order of priority for funding; providing membership of the advisory council; providing for funding of the program; providing methodology for competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance and the Postsecondary Education Planning Commission to develop specifications and procedures for the transmission of such data; requiring the alliance to report to the Governor, the Legislature, and the Commissioner of Education annually on the effectiveness of the program; providing an effective date.

—was read the second time by title.

Senator Miller moved the following amendment:

Amendment 1 (220972)(with title amendment)—On page 1, line 31, insert:

Section 1. Subsection (2) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university is authorized to adopt rules governing the admission of students, subject to this section and rules of the Board of Regents.

(2) The minimum admission standards adopted by the Board of Regents or a state university must permit a student to earn at least 4 of the 19 credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b); or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, ~~or~~ music, or career and technical education courses that have been determined to be equivalent to level two or level three courses in terms of rigor and relevance; or

3. Any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to postsecondary admissions; amending s. 240.233, F.S.; prescribing additional courses that may be considered part of a college-preparatory curriculum; creating s. 239.515, F.S.;

MOTION

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

Senator Miller moved the following substitute amendment which was adopted:

Amendment 2 (950348)(with title amendment)—On page 1, line 31, insert:

Section 1. Subsection (2) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university is authorized to adopt rules governing the admission of students, subject to this section and rules of the Board of Regents.

(2) The minimum admission standards adopted by the Board of Regents or a state university must permit a student to earn at least 4 of the 19 credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b); or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, ~~or~~ music, or career and technical education courses that have been determined to be equivalent to level two courses in terms of rigor and relevance by the Articulation Coordinating Committee; or

3. Any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to postsecondary admissions; amending s. 240.233, F.S.; prescribing additional courses that may be considered part of a college-preparatory curriculum; creating s. 239.515, F.S.;

Pursuant to Rule 4.19, **CS for SB 118** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 840—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 840** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 2118—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions;

creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Crist moved the following amendment which was adopted:

Amendment 1 (751150)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 847.001, Florida Statutes, is amended to read:

847.001 Definitions.—When used in this chapter:

- (1) “Adult” means a person 18 years of age or older.
- (2) “Adult entertainment establishment” means the following terms as defined:
 - (a) “Adult bookstore” means any corporation, partnership, or business of any kind which restricts or purports to restrict admission only to adults, which has as part of its stock books, magazines, other periodicals, videos, discs, or other graphic media and which offers, sells, provides, or rents for a fee any sexually oriented material.
 - (b) “Adult theater” means an enclosed building or an enclosed space within a building used for presenting either films, live plays, dances, or other performances that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults.
 - (c) “Unlicensed massage establishment” means any business or enterprise that offers, sells, or provides, or that holds itself out as offering, selling, or providing, massages that include bathing, physical massage, rubbing, kneading, anointing, stroking, manipulating, or other tactile stimulation of the human body by either male or female employees or attendants, by hand or by any electrical or mechanical device, on or off the premises. The term “unlicensed massage establishment” does not include an establishment licensed under s. 480.43 which routinely provides medical services by state-licensed health care practitioners and massage therapists licensed under s. 480.041.
 - (d) “Special Cabaret” means any business that features persons who engage in specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults.

(3)(1) “Computer” means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. The term also includes: any on-line service, Internet service, or local bulletin board; any electronic storage device, including a floppy disk or other magnetic storage device; or any compact disc that has read-only memory and the capacity to store audio, video, or written materials.

(4)(2) “Deviate sexual intercourse” means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(5)(3) “Harmful to minors” means that quality of any description, exhibition, presentation, or representation, in whatever form, of nudity, sexual conduct, or sexual excitement when it:

- (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors;
- (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

A mother’s breastfeeding of her baby is not under any circumstance “harmful to minors.”

(6) “Masochism” means sexual gratification achieved by a person through, or the association of sexual activity with, submission or subjection to physical pain, suffering, humiliation, torture, or death.

(7)(4) “Minor” means any person under the age of 18 years.

(8)(5) “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not under any circumstance constitute “nudity,” irrespective of whether or not the nipple is covered during or incidental to feeding.

(9)(6) “Person” includes individuals, firms, associations, corporations, and all other groups and combinations.

(10)(7) “Obscene” means the status of material which:

- (a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;
- (b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and
- (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

A mother’s breastfeeding of her baby is not under any circumstance “obscene.”

(11) “Sadism” means sexual gratification achieved through, or the association of sexual activity with, the infliction of physical pain, suffering, humiliation, torture, or death upon another person or an animal.

(12)(8) “Sodomasochistic abuse” means flagellation or torture by or upon a person or animal, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction, or satisfaction brought about as a result of sadistic violence, from inflicting harm on another or receiving such harm oneself.

(13)(9) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, “sexual battery” does not include an act done for a bona fide medical purpose.

(14)(10) “Sexual bestiality” means any sexual act, actual or simulated, between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other.

(15)(11) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sodomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

(16)(12) “Sexual excitement” means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(17) “Sexually oriented material” means any book, article, magazine, publication, or written matter of any kind or any drawing, etching, painting, photograph, motion picture film, or sound recording that depicts sexual activity, actual or simulated, involving human beings or human beings and animals, that exhibits uncovered human genitals or the pubic region in a lewd or lascivious manner, or that exhibits human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(18)(13) “Simulated” means the explicit depiction of conduct described in subsection (15) (11) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(19) "Specific sexual activities" includes the following sexual activities and the exhibition of the following anatomical areas:

- (a) Human genitals in the state of sexual stimulation or arousal.
- (b) Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or any excretory function, or representation thereof.
- (c) The fondling or erotic touching of human genitals, the pubic region, the buttocks, or the female breasts.
- (d) Less than completely and opaquely covered:
 1. Human genitals or the pubic region.
 2. Buttocks.
 3. Female breasts below the top of the areola.
 4. Human male genitals in a discernably turgid state, even if completely and opaquely covered.

Section 2. Section 847.0134, Florida Statutes, is created to read:

847.0134 Prohibition of adult entertainment establishment that displays, sells, or distributes materials harmful to minors within 2,500 feet of a school.—

(1) Except for those establishments that are legally operating or have been granted a permit from a local government to operate as adult entertainment establishments on or before July 1, 2001, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits any obscene material, as described in s. 847.0133, or presents live entertainment or a motion picture, slide, or other exhibit that, in whole or in part, depicts nudity, sexual conduct, sexual excitement, sexual battery, sexual bestiality, or sadomasochistic abuse and that is harmful to minors, as described in s. 847.001, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in s. 125.66(4) for counties or s. 166.041(3)(c) for municipalities.

(2) A violation of this section constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 9, insert:

WHEREAS, based upon the experience of other counties and cities, and the personal observation of the legislators in their own districts, the Legislature finds that adult entertainment establishments cause adverse effects in and around these establishments, and

WHEREAS, relevant studies demonstrate a significant increase in crime in areas where adult entertainment establishments are located, and

WHEREAS, the United States Supreme Court has recognized the adverse secondary effects caused by adult entertainment establishments in *Renton v. Playtime Theatres*, 475 U.S. 41 (1986) and *Eric v. Pap's*, 529 U.S. 277 (2000); and

WHEREAS, prohibiting adult entertainment establishments that show or exhibit material obscene or harmful to minors near public or private elementary, middle, or secondary schools will protect minors from the adverse effects of the activities that accompany such establishments, and

WHEREAS, the Legislature does not intend to impinge on the rights of free speech by limiting the location of these establishments away from schools where minors will be present, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for SB 2118** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 890—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney's fees are reasonable are not necessary under certain conditions; providing that attorney's fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney's fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (843552)—On page 5, line 13, after the period (.) insert: *Failure to hold the hearing within such time does not affect the validity of the order to show cause or the jurisdiction of the court to issue subsequent orders.*

Senator King moved the following amendment which was adopted:

Amendment 2 (112900)(with title amendment)—On page 7, between lines 27 and 28, insert:

Section 4. *Whenever a legal advertisement, publication, or notice relating to a foreclosure proceeding is required to be placed in a newspaper, it is the responsibility of the petitioner or petitioner's attorney to place such advertisement, publication, or notice. The advertisement, publication, or notice shall be placed directly by the attorney for the petitioner, by the petitioner if acting pro se, or by the clerk of the court.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: *providing that the petitioner or petitioner's attorney is responsible for placing the legal advertisement, publication, or notice of a foreclosure proceeding;*

Pursuant to Rule 4.19, **CS for SB 890** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB 658—A bill to be entitled An act relating to surplus lines insurance; amending ss. 626.916, 626.918, 626.921, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

—was read the second time by title.

Senators Holzendorf and Pruitt offered the following amendment which was moved by Senator Pruitt:

Amendment 1 (360272)(with title amendment)—On page 13, lines 6 and 7, delete those lines and insert:

Section 13. Subsection (14) of section 624.610, Florida Statutes, is amended to read:

624.610 Reinsurance.—

(14) The department may adopt rules implementing the provisions of this section. Rules are authorized to protect the interests of insureds,

claimants, ceding insurers, assuming insurers, and the public. These rules shall be in substantial compliance with:

(a) The National Association of Insurance Commissioners model regulations relating to credit for reinsurance;

(b) Version 2001 ~~1999~~ of the National Association of Insurance Commissioners Accounting Practices and Procedures Manual; and

(c) The National Association of Insurance Commissioners model regulation for Credit for Reinsurance and Life and Health Reinsurance Agreements.

The department may further adopt rules to provide for transition from existing requirements for the approval of reinsurers to the accreditation of reinsurers pursuant to this section.

Section 14. Section 625.011, Florida Statutes, is created to read:

625.011 Definitions.—As used in this chapter, the term “statutory accounting principles” means accounting principles as defined in the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001.

Section 15. Subsections (1) and (11) of section 625.012, Florida Statutes, are amended, present subsection (12) of that section is redesignated as subsection (16), and new subsections (12), (13), (14), and (15) are added to that section to read:

625.012 “Assets” defined.—In any determination of the financial condition of an insurer, there shall be allowed as “assets” only such assets as are owned by the insurer and which consist of:

(1) *Cash or cash equivalents, in the possession of the insurer, or in transit under its control, and including the true balance of any deposit in a solvent bank, savings and loan association, or trust company. Cash equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.*

(11) *Electronic and mechanical machines, including computer-operating software equipment and system software constituting a data processing and accounting system, if the cost of which such system is at least \$25,000, which cost shall be amortized in full over a period not to exceed 3 7 calendar years. The aggregate amount admitted under this subsection shall be limited to 3 percent of the insurer’s capital and surplus, adjusted to exclude any electronic data processing equipment and operating software, net deferred tax assets, and net positive goodwill, as reported on the insurer’s most recently filed annual statement.*

(12) *Goodwill arising from acquisitions and mergers occurring after January 1, 2001.*

(13) *Loans or advances by an insurer to its parent or principal owner if approved by the department.*

(14) *Current income tax recoverables.*

(15) *Capitalized interest.*

(16)(12) *Other assets, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by it.*

Section 16. Section 625.031, Florida Statutes, is amended to read:

625.031 Assets not allowed.—In addition to assets impliedly excluded by the provisions of s. 625.012, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:

(1) ~~Good will~~, Trade names, *patents, agreements not to compete*, and other like intangible assets.

(2) ~~Advances (other than policy loans) to officers and directors, and controlling stockholders~~, whether secured or not, and advances to employees, agents, and other persons on personal security only.

(3) Stock of such insurer, owned by it, or any material equity therein or loans secured thereby, or any material proportionate interest in such

stock acquired or held through the ownership by such insurer of an interest in another firm, corporation, or business unit.

(4) Furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature, and supplies, other than data processing and accounting systems authorized under s. 625.012(11), except in the case of title insurers such materials and plants as the insurer is expressly authorized to invest in under s. 625.330 and except, in the case of any insurer, such personal property as the insurer is permitted to hold pursuant to part II of this chapter, or which is acquired through foreclosure of chattel mortgages acquired pursuant to s. 625.329, or which is reasonably necessary for the maintenance and operation of real estate lawfully acquired and held by the insurer other than real estate used by it for home office, branch office, and similar purposes.

(5) The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the insurer exceeds the aggregate value thereof as determined under this code.

(6) Bonds, notes, or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default.

(7) Prepaid and deferred expenses.

~~(8) Federal income tax refunds when a refund is not assured.~~

Section 17. Paragraph (d) of subsection (2) of section 625.041, Florida Statutes, is amended to read:

625.041 Liabilities, in general.—In any determination of the financial condition of an insurer, liabilities to be charged against its assets shall include:

(2) With reference to life and health insurance and annuity contracts:

(d) Any additional reserves ~~that which~~ may be required by the department consistent with practice formulated or approved by the National Association of Insurance Commissioners or its successor organization, on account of such insurance, *including contract and premium deficiency reserves.*

Section 18. Subsection (2) of section 625.141, Florida Statutes, is amended to read:

625.141 Valuation of bonds.—

(2) The department shall have full discretion in determining the method of calculating values according to the rules set forth in this section, but no such method or valuation shall be inconsistent with the method formulated or approved by the National Association of Insurance Commissioners or its successor organization and set forth in the latest edition of its publication “Valuation of Securities”; provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 2001 ~~1988~~ edition of such publication. *Amortization of bond premium or discount must be calculated using the scientific (constant yield) interest method taking into consideration specified interest and principal provisions over the life of the bond. Bonds containing call provisions shall be amortized to the call or maturity value or date that produces the lowest asset value.*

Section 19. Section 625.161, Florida Statutes, is amended to read:

625.161 Valuation of property.—

(1) *Real property owned by an insurer which is reported in financial statements filed with the department shall be valued at the lower of depreciated cost or fair market value.*

~~(2)(1)~~ Real property acquired pursuant to a mortgage loan or contract for sale, in the absence of a recent appraisal deemed by the department to be reliable, shall not be valued at an amount greater than the unpaid principal and accrued interest of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property.

(3)(2) Other real property held by an insurer shall not be valued at an amount in excess of fair value as determined by recent appraisal. If the valuation of real property is based on an appraisal more than 5 years old, the department may, at its discretion, call for and require a new appraisal in order to determine fair market value.

(4)(3) Personal property acquired pursuant to chattel mortgages made in accordance with s. 625.329 shall not be valued at an amount greater than the unpaid balance of principal and accrued interest on the defaulted loan at the date of acquisition, together with taxes and expenses incurred in connection with such acquisition, or the fair value of such property, whichever amount is the lesser.

(5)(4) In carrying out its responsibilities under this section, in the event that the department and the insurer do not agree on the value of real or personal property of such insurer, the department may retain the services of a qualified real or personal property appraiser. In the event it is subsequently determined that the insurer has overvalued assets, the department shall be reimbursed for the costs of the services of any such appraiser incurred with respect to its responsibilities under this section regarding an insurer by said insurer and any reimbursement shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

(6) Any insurer that reported real estate as of December 31, 2000, with a value in excess of that allowed by subsection (1) shall comply with the requirements of that subsection beginning January 1, 2001.

Section 20. Section 625.322, Florida Statutes, is amended to read:

625.322 Collateral loans.—An insurer may invest in loans with a maturity not in excess of 12 years from the date thereof which are secured by the pledge of assets permitted by part I of this chapter securities eligible for investment under this chapter or by the pledge or assignment of life insurance policies issued by other insurers authorized to transact insurance in this state. On the date made, no such loan shall exceed in amount 80 percent of the market value of the collateral pledged, except that loans upon pledge of United States Government bonds and loans upon the pledge or assignment of life insurance policies shall not exceed 95 percent of the market value of the bonds or the cash surrender value of the policies pledged. Loans made pursuant to this section shall not be admitted as an asset when it is considered probable that any portion of the amounts due under the contractual terms of the loan will not be collected renewable beyond a period of 12 years from the date of the loan. Collateral loans reported in financial statements filed with the department shall not exceed the value of the collateral held by the company.

Section 21. Section 641.183, Florida Statutes, is created to read:

641.183 Statutory accounting procedures; transition provisions.—All health maintenance organizations, authorized to do business under this chapter on January 1, 2001, shall elect a transition method for compliance with statutory accounting principles as follows:

(1) Report assets acquired prior to June 30, 2001 in accordance with s. 641.35, Florida Statutes until December 31, 2002. Assets acquired on or after June 30, 2001 shall be accounted for in accordance with the NAIC Accounting Practices and Procedures Manual effective January 1, 2001. A health maintenance organization electing to report assets pursuant to this subsection shall maintain complete and detailed records reflecting such accounting treatment.

(2) Report all assets in accordance with the NAIC Accounting Practices and Procedures Manual effective January 1, 2001.

Section 22. Subsections (16), (17), and (20) of section 641.19, Florida Statutes, are amended to read:

641.19 Definitions.—As used in this part, the term:

(16) "Reporting period" means the annual calendar year accounting period or any part thereof or the fiscal year of the health maintenance organization.

(17) "Statutory accounting principles" means accounting principles as defined in the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001 generally accepted accounting principles, except as modified by this part.

(20) "~~Surplus notes~~" means debt which has been guaranteed by the United States Government or its agencies, or debt which has been subordinated to all claims of subscribers and general creditors of the organization.

Section 23. Subsections (1), (2), and (3) of section 641.35, Florida Statutes, are amended to read:

641.35 Assets, liabilities, and investments.—

(1) ASSETS.—In any determination of the financial condition of a health maintenance organization, there shall be allowed as "assets" only those assets that are owned by the health maintenance organization and that which assets consist of:

(a) Cash or cash equivalents in the possession of the health maintenance organization, or in transit under its control, including the true balance of any deposit in a solvent bank, savings and loan association, or trust company which is domiciled in the United States. Cash equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.

(b) Investments, securities, properties, and loans acquired or held in accordance with this part, and in connection therewith the following items:

1. Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.

2. Declared and unpaid dividends on stock and shares, unless the amount of the dividends has otherwise been allowed as an asset.

3. Interest due or accrued upon a collateral loan which is not in default in an amount not to exceed 1 year's interest thereon.

4. Interest due or accrued on deposits or certificates of deposit in solvent banks, savings and loan associations, and trust companies domiciled in the United States, and interest due or accrued on other assets, if such interest is in the judgment of the department a collectible asset.

5. Interest due or accrued on current mortgage loans, in an amount not exceeding in any event the amount, if any, of the excess of the value of the property less delinquent taxes thereon over the unpaid principal; but in no event shall interest accrued for a period in excess of 90 days be allowed as an asset.

~~6. Rent due or accrued on real property if such rent is not in arrears for more than 3 months. However, in no event shall rent accrued for a period in excess of 90 days be allowed as an asset.~~

~~7. The unaccrued portion of taxes paid prior to the due date on real property.~~

(c) Premiums in the course of collection, not more than 3 months past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by any governmental body in the United States or by any of their instrumentalities.

(d) The full amount of reinsurance recoverable from a solvent reinsurer, which reinsurance is authorized under s. 624.610.

~~(e) Furniture, fixtures, furnishings, vehicles, medical libraries, and equipment, if the original cost of each item is at least \$200, which cost shall be amortized in full over a period not to exceed 5 calendar years, unless otherwise approved by the department.~~

(e)(f) Pharmaceutical and medical supply inventories.

(g) The liquidation value of prepaid expenses.

(f) Goodwill created by acquisitions and mergers occurring on or after January 1, 2001.

(g) Loans or advances by a health maintenance organization to its parent or principal owner if approved by the department.

(h) Other assets, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by it.

The department, upon determining that a health maintenance organization's asset has not been evaluated according to applicable law or that it does not qualify as an asset, shall require the health maintenance organization to properly reevaluate the asset or replace the asset with an asset suitable to the department within 30 days of receipt of written notification by the department of this determination, if the removal of the asset from the organization's assets would impair the organization's solvency.

(2) **ASSETS NOT ALLOWED.**—In addition to assets impliedly excluded by the provisions of subsection (1), the following assets expressly shall not be allowed as assets in any determination of the financial condition of a health maintenance organization:

(a) ~~Goodwill~~, Subscriber lists, patents, trade names, agreements not to compete, and other like intangible assets.

(b) Any note or account receivable from or advances to officers, directors, or controlling stockholders, whether secured or not, and advances to employees, agents, or other persons on personal security only, *other than those transactions authorized under paragraph (1)(g)*.

(c) Stock of the health maintenance organization owned by it directly or owned by it through any entity in which the organization owns or controls, directly or indirectly, more than 25 percent of the ownership interest.

(d) Leasehold improvements, nonmedical libraries, stationery, literature, and nonmedical supply inventories, except that leasehold improvements made prior to October 1, 1985, shall be allowed as an asset and shall be amortized over the shortest of the following periods:

1. The life of the lease.
2. The useful life of the improvements.
3. The 3-year period following October 1, 1985.

(e) Furniture, fixtures, furnishings, vehicles, medical libraries, and equipment, ~~other than those items authorized under paragraph (1)(e)~~.

(f) Notes or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default and beyond the express period specified in the instrument for curing the default.

(g) Bonds in default for more than 60 days.

(h) ~~Deferred costs other than the liquidation value of~~ Prepaid and deferred expenses.

(i) Any note, account receivable, advance, or other evidence of indebtedness, or investment in:

1. The parent of the health maintenance organization;
2. Any entity directly or indirectly controlled by the health maintenance organization parent; or
3. An affiliate of the parent or the health maintenance organization, except as allowed in subsections (1), (11), and (12). The department may, however, allow all or a portion of such asset, at values to be determined by the department, if deemed by the department to be available for the payment of losses and claims.

(3) **LIABILITIES.**—In any determination of the financial condition of a health maintenance organization, liabilities to be charged against its assets shall include:

(a) The amount, estimated consistently with the provisions of this part, necessary to pay all of its unpaid losses and claims incurred for or on behalf of a subscriber, on or prior to the end of the reporting period, whether reported or unreported, *including contract and premium deficiency reserves*.

(b) The amount equal to the unearned portions of the gross premiums charged on health maintenance contracts in force.

(c) Taxes, expenses, and other obligations due or accrued at the date of the statement.

The department, upon determining that a health maintenance organization has failed to report liabilities that should have been reported, shall require a corrected report which reflects the proper liabilities to be submitted by the organization to the department within 10 working days of receipt of written notification.

Section 24. *Any quarterly or annual statement that is required to be filed after the effective date of this act shall be prepared in accordance with the provisions of this act.*

Section 25. This act shall take effect upon becoming a law and section 24 of this act shall apply retroactively to January 1, 2001.

And the title is amended as follows:

On page 1, lines 1 and 2, delete those lines and insert: A bill to be entitled An act relating to insurance; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term "statutory accounting principles"; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms "reporting period," "statutory accounting principles," "surplus," and "surplus notes" for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; providing a retroactive effective date.

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

Amendment 1A (830550)—On page 8, lines 15-22, delete those lines and insert:

(1) Report assets acquired prior to June 30, 2001 in accordance with s. 641.35, Florida Statutes, through December 31, 2005. Assets acquired on or after June 30, 2001 shall be accounted for in accordance with the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001. A health maintenance organization electing to report assets pursuant to this subsection shall maintain complete and detailed records reflecting such accounting treatment; or

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 658** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SJR 526** was withdrawn from the Committee on Rules and Calendar.

RECESS

On motion by Senator Lee, the Senate recessed at 12:00 noon to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:09 p.m. A quorum present—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

SPECIAL ORDER CALENDAR, continued

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

CS for SB 1118—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; providing a definition of provisional ballot; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (831888)** by Senator Posey.

Senators Geller, Villalobos and Campbell offered the following amendment to **Amendment 1** which was moved by Senator Geller:

Amendment 1A (655410)(with title amendment)—On page 84, line 31 through page 106, line 20, delete those lines and insert:

Section 65. Section s. 100.061, Florida Statutes, is amended to read:

100.061 First primary election.—In each year in which a general election is held, a first primary election for nomination of candidates of political parties shall be held on the Tuesday 9 weeks prior to the general election. Each candidate receiving a majority or a plurality of at least 35 percent of the votes cast in each contest in the first primary election shall be declared nominated for such office. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive *such* a majority or plurality.

Section 66. Section 100.091, Florida Statutes, is amended to read:

100.091 Second primary election.—

(1) In each year in which a general election is held, a second primary election for nomination of candidates of political parties where nominations were not made in the first primary election shall be held on the Tuesday 5 weeks prior to the general election.

(2) The names of the candidates placing first and second in the first primary election shall be placed on the ballot in the second primary election for each contest in which no candidate *was declared to be nominated pursuant to s. 100.061 receives a majority of the votes cast in the first primary election*, subject to the following exceptions:

(a) In any contest in which there is a tie for first place in the first primary election, only the names of the candidates so tying shall be placed on the ballot in the second primary election.

(b) In any contest in which there is a tie for second place in the first primary election and the candidate placing first *was not declared to be nominated pursuant to s. 100.061 did not receive a majority of the votes cast*, the name of the candidate placing first and the names of the candidates tying for second shall be placed on the ballot in the second primary election.

(3) The candidate who receives the highest number of votes cast for the office in the second primary election shall be declared nominated. In case two or more persons receive an equal and highest number of votes

for the same office in the second primary, such persons shall draw lots to determine who will receive the nomination.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 123, lines 3-21, delete those lines and insert: amending ss. 100.61, 100.091, F.S.; amending requirements for primary elections; amending s. 236.25, F.S.;

Senators Silver and Diaz de la Portilla offered the following substitute amendment for **Amendment 1A** which was moved by Senator Diaz de la Portilla and failed:

Amendment 1B (534604)(with title amendment)—On page 84, line 31 through page 106, line 20, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 123, lines 3-21, delete those lines and insert: amending s. 236.25, F.S.;

The question recurred on **Amendment 1A** which failed.

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

Amendment 1C (310552)(with title amendment)—On page 117, between lines 21 and 22, insert:

Section 102. *Effective upon this act becoming a law, the Department of State—The Division of Elections, in conjunction with the Florida State Association of Supervisor of Elections, shall, from existing funds, study the benefits and drawbacks of having uniform poll opening and closing times throughout the state. A written report shall be presented to the the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2002. This report must include, but is not limited to a discussion of the circumstances surrounding the 2000 Presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the Central Time Zone not recognize Daylight Savings Time.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 124, line 20, after the semicolon (;) insert: providing for study of elections process in multiple time zones;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1118** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1194—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (760510)** by Senator Wasserman Schultz was withdrawn.

Pursuant to Rule 4.19, **SB 1194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR DIAZ de la PORTILLA PRESIDING

On motion by Senator Sebesta—

SB 1170—A bill to be entitled An act relating to driver's license suspension or revocation; amending s. 322.056, F.S.; providing an exception

to mandatory revocation or suspension of a juvenile's driver's license under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1170** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree-felony penalties for theft of certain emergency medical equipment; amending s. 812.015, F.S.; redefining the term “retail theft” to include theft of property and altering or removing a universal product code; redefining the term “antishoplifting or inventory control device” to include electronic or digital imaging or film used for security purposes and cash register receipts; redefining the term “antishoplifting or inventory control device countermeasure” to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a third-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; authorizing the court to order that a person's driver's license be suspended following an adjudication of guilt for certain misdemeanor violations involving theft; requiring that the court order that a person's driver's license be suspended following a second or subsequent adjudication of guilt for certain misdemeanor violations involving theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor's driver's license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; prohibiting the use of a reencoder to place information onto a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (105400)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 812.012, Florida Statutes, is amended to read:

812.012 Definitions.—As used in ss. 812.012-812.037:

(1) “Cargo” means partial or entire shipments, containers, or cartons of property which are contained in or on a trailer, motortruck, aircraft, vessel, warehouse, freight station, freight consolidation facility, or air navigation facility.

(2)(1) “Dealer in property” means any person in the business of buying and selling property.

(3)(2) “Obtains or uses” means any manner of:

(a) Taking or exercising control over property.

(b) Making any unauthorized use, disposition, or transfer of property.

(c) Obtaining property by fraud, willful misrepresentation of a future act, or false promise.

(d)1. Conduct previously known as stealing; larceny; purloining; abstracting; embezzlement; misapplication; misappropriation; conversion; or obtaining money or property by false pretenses, fraud, or deception; or

2. Other conduct similar in nature.

(4)(3) “Property” means anything of value, and includes:

(a) Real property, including things growing on, affixed to, and found in land.

(b) Tangible or intangible personal property, including rights, privileges, interests, and claims.

(c) Services.

(5)(4) “Property of another” means property in which a person has an interest upon which another person is not privileged to infringe without consent, whether or not the other person also has an interest in the property.

(6)(5) “Services” means anything of value resulting from a person's physical or mental labor or skill, or from the use, possession, or presence of property, and includes:

(a) Repairs or improvements to property.

(b) Professional services.

(c) Private, public, or government communication, transportation, power, water, or sanitation services.

(d) Lodging accommodations.

(e) Admissions to places of exhibition or entertainment.

(7)(6) “Stolen property” means property that has been the subject of any criminally wrongful taking.

(8)(7) “Traffic” means:

(a) To sell, transfer, distribute, dispense, or otherwise dispose of property.

(b) To buy, receive, possess, obtain control of, or use property with the intent to sell, transfer, distribute, dispense, or otherwise dispose of such property.

(9)(8) “Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity.

(10)(9) “Value” means value determined according to any of the following:

(a)1. Value means the market value of the property at the time and place of the offense or, if such cannot be satisfactorily ascertained, the

cost of replacement of the property within a reasonable time after the offense.

2. The value of a written instrument that does not have a readily ascertainable market value, in the case of an instrument such as a check, draft, or promissory note, is the amount due or collectible or is, in the case of any other instrument which creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation, the greatest amount of economic loss that the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

3. The value of a trade secret that does not have a readily ascertainable market value is any reasonable value representing the damage to the owner, suffered by reason of losing an advantage over those who do not know of or use the trade secret.

(b) If the value of property cannot be ascertained, the trier of fact may find the value to be not less than a certain amount; if no such minimum value can be ascertained, the value is an amount less than \$100.

(c) Amounts of value of separate properties involved in thefts committed pursuant to one scheme or course of conduct, whether the thefts are from the same person or from several persons, may be aggregated in determining the grade of the offense.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

(2)(a)1. If the property stolen is valued at \$100,000 or more; or

2. *If the property stolen is cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or*

3. ~~If the offender commits any grand theft and:~~

a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; or

b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of \$1,000,

the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000,

2. *The property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock, or*

3. *The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401,*
the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. *Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(10) or to treat medical emergencies.*

Section 3. Paragraphs (d) and (h) of subsection (1) and subsections (5) and (7) of section 812.015, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(d) "Retail theft" means the taking possession of or carrying away of merchandise, property, money, or negotiable documents; altering or removing a label, universal product code, or price tag; transferring mer-

chandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(h) "Antishoplifting or inventory control device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, of specially marked or tagged merchandise. *The term includes any electronic or digital imaging or any video recording or other film used for security purposes and the cash register tape or other record made of the register receipt.*

(5)(a) A merchant, merchant's employee, farmer, or a transit agency's employee or agent who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for retail theft, farm theft, transit fare evasion, or trespass shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant, merchant's employee, farmer, or a transit agency's employee or agent has probable cause to believe that the person committed retail theft, farm theft, transit fare evasion, or trespass.

(b) *If a merchant or merchant's employee takes a person into custody as provided in this section, or acts as a witness with respect to any person taken into custody as provided in this section, the merchant or merchant's employee may provide his or her business address rather than home address to any investigating law enforcement officer.*

(7) It is unlawful to possess, or use or attempt to use, any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise. Any person who possesses any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a ~~felony~~ ~~misdemeanor~~ of the ~~third~~ ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. Any person who uses or attempts to use any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) *If a person commits retail theft, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$300 or more, and the person:*

(a) *Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, in which case the amount of each individual theft is aggregated to determine the value of the property stolen;*

(b) *Commits theft from more than one location within a 48-hour period, in which case the amount of each individual theft is aggregated to determine the value of the property stolen;*

(c) *Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or*

(d) *Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.*

(9) *Any person who violates subsection (8) and who has previously been convicted of a violation of subsection (8) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 4. Section 812.0155, Florida Statutes, is created to read:

812.0155 *Suspension of driver's license following an adjudication of guilt for theft.—*

(1) *Except as provided in subsections (2) and (3), the court may order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015, regardless of the value of the property stolen. The court shall order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015 who has previously been convicted of such an offense. Upon ordering the suspension of the driver's license of the person adjudicated guilty, the court shall forward the driver's license*

of the person adjudicated guilty to the Department of Highway Safety and Motor Vehicles in accordance with s. 322.25.

(a) The first suspension of a driver's license under this subsection shall be for a period of up to 6 months.

(b) A second or subsequent suspension of a driver's license under this subsection shall be for 1 year.

(2) The court may revoke, suspend, or withhold issuance of a driver's license of a person less than 18 years of age who violates s. 812.014 or s. 812.015 as an alternative to sentencing the person to:

(a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in s. 948.01, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(3) As used in this subsection, the term "department" means the Department of Highway Safety and Motor Vehicles. A court that revokes, suspends, or withholds issuance of a driver's license under subsection (2) shall:

(a) If the person is eligible by reason of age for a driver's license or driving privilege, direct the department to revoke or withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year;

(b) If the person's driver's license is under suspension or revocation for any reason, direct the department to extend the period of suspension or revocation by not less than 6 months and not more than 1 year; or

(c) If the person is ineligible by reason of age for a driver's license or driving privilege, direct the department to withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year after the date on which the person would otherwise become eligible.

(4) Subsections (2) and (3) do not preclude the court from imposing any sanction specified or not specified in subsection (2) or subsection (3).

Section 5. Section 812.017, Florida Statutes, is created to read:

812.017 Use of a fraudulently obtained or false receipt.—

(1) Any person who requests a refund of merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who obtains merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Section 812.0195, Florida Statutes, is created to read:

812.0195 Dealing in stolen property by use of the Internet.—Any person in this state who uses the Internet to sell or offer for sale any merchandise or other property that the person knows, or has reasonable cause to believe, is stolen commits:

(1) A misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if the value of the property is less than \$300; or

(2) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the value of the property is \$300 or more.

Section 7. Section 817.625, Florida Statutes, is created to read:

817.625 Use of scanning device or reencoder to defraud; penalties.—

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

(a) "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

(b) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.

(c) "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

(d) "Merchant" means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.

(2)(a) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person to use:

1. A scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

2. A reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

(b) Any person who violates subparagraph (a)1. or subparagraph (a)2. a second or subsequent time commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates subparagraph (a)1. or subparagraph (a)2. shall also be subject to the provisions of ss. 932.701-932.707.

Section 8. Section 831.07, Florida Statutes, is amended to read:

831.07 Forging bank bills, checks, drafts, or promissory notes.—Whoever falsely makes, alters, forges or counterfeits a bank bill, check, draft, or promissory note payable to the bearer thereof, or to the order of any person, issued by an incorporated banking company established in this state, or within the United States, or any foreign province, state, or government, with intent to injure any person, ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Section 831.08, Florida Statutes, is amended to read:

831.08 Possessing certain forged notes, or bills, checks, or drafts.—Whoever has in his or her possession 10 or more similar false, altered, forged, or counterfeit notes, bills of credit, bank bills, checks, drafts, or notes, such as are mentioned in any of the preceding sections of this chapter, payable to the bearer thereof or to the order of any person, knowing the same to be false, altered, forged, or counterfeit, with intent to utter and pass the same as true, and thereby to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 831.09, Florida Statutes, is amended to read:

831.09 Uttering forged bills, checks, drafts, or notes.—Whoever utters or passes or tenders in payment as true, any such false, altered, forged, or counterfeit note, or any bank bill, check, draft, or promissory note, payable to the bearer thereof or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged, or counterfeit, with intent to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. For the purpose of incorporating the amendments made by this act to section 831.09, Florida Statutes, in references thereto, section 831.10, Florida Statutes, is reenacted to read:

831.10 Second conviction of uttering forged bills.—Whoever, having been convicted of the offense mentioned in s. 831.09 is again convicted of the like offense committed after the former conviction, and whoever is at the same term of the court convicted upon three distinct charges of such offense, shall be deemed a common utterer of counterfeit bills, and shall be punished as provided in s. 775.084.

Section 12. Section 831.11, Florida Statutes, is amended to read:

831.11 Bringing into the state forged bank bills, *checks, drafts, or notes*.—Whoever brings into this state or has in his or her possession a false, forged, or counterfeit bill, *check, draft, or note* in the similitude of the bills or notes payable to the bearer thereof or to the order of any person issued by or for any bank or banking company established in this state, or within the United States, or any foreign province, state or government, with intent to utter and pass the same or to render the same current as true, knowing the same to be false, forged, or counterfeit, ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Section 831.12, Florida Statutes, is amended to read:

831.12 Fraudulently connecting parts of genuine instrument.—Whoever fraudulently connects together parts of several banknotes, *checks, drafts, or other genuine instruments* in such a manner as to produce one additional note, *check, draft, or instrument*, with intent to pass all of them as genuine, ~~commits shall be deemed guilty of forgery in like manner~~ as if each of them had been falsely made or forged.

Section 14. Section 831.28, Florida Statutes, is created to read:

831.28 Counterfeiting a payment instrument; possessing a counterfeit payment instrument; penalties.—

(1) As used in this section, the term “counterfeit” means the manufacture of or arrangement to manufacture a payment instrument, as defined in s. 560.103, without the permission of the financial institution, account holder, or organization whose name, routing number, or account number appears on the payment instrument, or the manufacture of any payment instrument with a fictitious name, routing number, or account number.

(2)(a) It is unlawful to counterfeit a payment instrument with the intent to defraud a financial institution, account holder, or any other person or organization or for a person to have any counterfeit payment instrument in such person’s possession. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The printing of a payment instrument in the name of a person or entity or with the routing number or account number of a person or entity without the permission of the person or entity to manufacture or reproduce such payment instrument with such name, routing number, or account number is prima facie evidence of intent to defraud.

(3) This section does not apply to a law enforcement agency that produces or displays counterfeit payment instruments for investigative or educational purposes.

Section 15. Subsection (10) is added to section 832.05, Florida Statutes, to read:

832.05 Giving worthless checks, drafts, and debit card orders; penalty; duty of drawee; evidence; costs; complaint form.—

(10) CONSTRUCTION; PAYEE OR HOLDER; INSUFFICIENT FUNDS.—For the purposes of construction of this section, a payee or holder does not have knowledge, express notification, or reason to believe that the maker or drawer has insufficient funds to ensure payment of a check, draft, or debit card solely because the maker or drawer has previously drawn or issued a worthless check, draft, or debit card order to the payee or holder.

Section 16. Paragraphs (b), (c), (d), (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
(b) LEVEL 2		
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, <i>checks, drafts, or promissory notes</i> note.
831.08	3rd	Possession Possession of 10 or more forged notes, <i>bills, checks, or drafts</i> .
831.09	3rd	Uttering forged <i>notes, bills, checks, drafts, or promissory notes</i> ; passes as bank bill or promissory note .
831.11	3rd	Bringing into the state forged bank bills, <i>checks, drafts, or notes</i> .
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	944.47		
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
697.08	3rd	Equity skimming.			
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.			(d) LEVEL 4
796.05(1)	3rd	Live on earnings of a prostitute.	316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in fire-fighting.	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.	784.075	3rd	Battery on detention or commitment facility staff.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.	784.081(3)	3rd	Battery on specified official or employee.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.	784.083(3)	3rd	Battery on code inspector.
817.233	3rd	Burning to defraud insurer.	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
831.28(2)(a)	3rd	<i>Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.</i>	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
843.19	3rd	Injure, disable, or kill police dog or horse.	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
870.01(2)	3rd	Riot; inciting or encouraging.	790.115(2)(c)	3rd	Possessing firearm on school property.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).	800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
810.06	3rd	Burglary; possession of tools.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.	812.015(8)	3rd	<i>Retail theft; property stolen is valued at \$300 or more and one or more specified acts.</i>
812.0195(2)	3rd	<i>Dealing in stolen property by use of the Internet; property stolen \$300 or more.</i>	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	812.131(2)(b)	3rd	Robbery by sudden snatching.
817.625(2)(a)	3rd	<i>Fraudulent use of scanning device or re-encoder.</i>	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
837.02(1)	3rd	Perjury in official proceedings.	817.625(2)(b)	2nd	<i>Second or subsequent fraudulent use of scanning device or reencoder.</i>
837.021(1)	3rd	Make contradictory statements in official proceedings.	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.
914.14(2)	3rd	Witnesses accepting bribes.	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
918.12	3rd	Tampering with jurors.	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.	316.027(1)(b)	2nd	(f) LEVEL 6 Accident involving death, failure to stop; leaving scene.
316.1935(4)	2nd	Aggravated fleeing or eluding.	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.			
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.			
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.			
790.01(2)	3rd	Carrying a concealed firearm.			
790.162	2nd	Threat to throw or discharge destructive device.			
790.163	2nd	False report of deadly explosive.			
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
775.0875(1)	3rd	Taking firearm from law enforcement officer.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	827.03(1)	3rd	Abuse of a child.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	827.03(3)(c)	3rd	Neglect of a child.
784.041	3rd	Felony battery.	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
784.048(3)	3rd	Aggravated stalking; credible threat.	836.05	2nd	Threats; extortion.
784.048(5)	3rd	Aggravated stalking of person under 16.	836.10	2nd	Written threats to kill or do bodily injury.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	843.12	3rd	Aids or assists person to escape.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
784.081(2)	2nd	Aggravated assault on specified official or employee.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
784.083(2)	2nd	Aggravated assault on code inspector.	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.			
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	944.40	2nd	Escapes.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.			(g) LEVEL 7
794.05(1)	2nd	Unlawful sexual activity with specified minor.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.	409.920(2)	3rd	Medicaid provider fraud.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.	456.065(2)	3rd	Practicing a health care profession without a license.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
812.014(2)(b)2.	2nd	<i>Property stolen cargo valued at less than \$50,000, grand theft in 2nd degree.</i>	458.327(1)	3rd	Practicing medicine without a license.
812.015(9)	2nd	<i>Retail theft; property stolen \$300 or more; second or subsequent conviction.</i>	459.013(1)	3rd	Practicing osteopathic medicine without a license.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	460.411(1)	3rd	Practicing chiropractic medicine without a license.
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	461.012(1)	3rd	Practicing podiatric medicine without a license.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	462.17	3rd	Practicing naturopathy without a license.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.	463.015(1)	3rd	Practicing optometry without a license.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	464.016(1)	3rd	Practicing nursing without a license.
			465.015(2)	3rd	Practicing pharmacy without a license.
			466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
			467.201	3rd	Practicing midwifery without a license.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
468.366	3rd	Delivering respiratory care services without a license.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
483.901(9)	3rd	Practicing medical physics without a license.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
484.053	3rd	Dispensing hearing aids without a license.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; <i>cargo stolen valued at \$50,000, or more</i> ; property stolen while causing other property damage; 1st degree grand theft.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	812.014(2)(b)2.	2nd	<i>Property stolen, emergency medical equipment; 2nd degree grand theft.</i>
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	812.131(2)(a)	2nd	Robbery by sudden snatching.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	872.06	2nd	Abuse of a dead human body.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
784.081(1)	1st	Aggravated battery on specified official or employee.	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.083(1)	1st	Aggravated battery on code inspector.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
796.03	2nd	Procuring any person under 16 years for prostitution.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.			

Florida Statute	Felony Degree	Description
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

Section 17. *Local task force on retail crime.—The Legislature encourages local law enforcement agencies to establish a task force on retail crime. The task force should act as an advisory body to study the problem of retail crime and develop recommendations for handling retail crime and theft in an expeditious and uniform manner. The task force should submit its recommendations to the sheriff or chief officer of the local law enforcement agency, the state attorney, and the chief judge of the judicial circuit. The sheriff or chief officer of the local law enforcement agency should appoint the members of the task force. A majority of the membership of the task force should consist of persons actively engaged in a retail business or employees of persons actively engaged in a retail business. The task force should terminate existence upon completing its assignment.*

Section 18. *If any provision of this act or the applications thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 19. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to property crimes; amending s. 812.012, F.S.; providing a definition of cargo; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment and theft of certain cargo; providing a penalty for subsequent convictions for stealing cargo; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishoptlifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card, issuer of the payment card, or merchant; providing a felony penalty for using a reencoder to place

information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 2034—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2034** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

CS for SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the "Higher Educational Facilities Financing Act"; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 302** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 2088—A bill to be entitled An act relating to prepaid college tuition; amending s. 240.551, F.S.; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2088** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for CS for SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 668** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1714—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1714** to **HB 1935**.

Pending further consideration of **SB 1714** as amended, on motion by Senator Webster, by two-thirds vote **HB 1935** was withdrawn from the Committee on Rules and Calendar.

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

HB 1935—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—a companion measure, was substituted for **SB 1714** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1935** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1852—A bill to be entitled An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 329.73,

372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, 318.14, 327.35, 382.022, 569.11, 938.23, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

Amendment 1 (431630)—On page 16, between lines 3 and 4, insert:

Section 12. Effective July 1, 2002, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by chapters 97-235, 98-280, 98-403, and 2000-139, Laws of Florida, is amended to read:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be *remitted to the Department of Revenue for deposit into* ~~paid to~~ the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county as provided for in s. 39.702.

(Redesignate subsequent sections.)

Amendment 2 (885514)—In title, on page 1, line 12, delete “329.73” and insert: 327.73

Pursuant to Rule 4.19, **CS for SB 1852** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1850—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1850** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meek—

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Meek and adopted:

Amendment 1 (643522)—On page 4, line 13, delete “(2)” and insert: (3)

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

Amendment 2 (334988)(with title amendment)—On page 4, lines 26-29, delete all of said lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 6 and 7, delete: providing an appropriation;

Senator Meek moved the following amendment which was adopted:

Amendment 3 (055648)(with title amendment)—On page 4, between lines 29 and 30, insert:

Section 3. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 4. *On or before January 1, 2002, each state and local law enforcement agency shall incorporate an anti-racial or other anti-discriminatory profiling policy into the agency's policies and practices. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy;

Pursuant to Rule 4.19, **CS for SB 84** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 322—A bill to be entitled An act relating to youthful offenders; amending s. 958.11, F.S.; providing for certain inmates to be assigned to a facility for youthful offenders as a residential assignment if the inmate's mental or physical vulnerability may jeopardize the inmate's safety; providing legislative intent with respect to housing all inmates under a specified age in facilities for youth offenders; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

Amendment 1 (333766)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 944.1905, Florida Statutes, to read:

944.1905 Initial inmate classification; inmate reclassification.—The Department of Corrections shall classify inmates pursuant to an objective classification scheme. The initial inmate classification questionnaire and the inmate reclassification questionnaire must cover both aggravating and mitigating factors.

(5)(a) *Notwithstanding any other provision of this section, the department shall assign to specific correctional facilities all inmates who are less than 18 years of age and who are not eligible for and have not been*

assigned to a facility for youthful offenders. Any such inmate who is less than 18 years of age shall be housed in a dormitory that is separate from inmates who are 18 years of age or older. Furthermore, the department shall provide any food service, education, and recreation for such inmate separately from inmates who are 18 years of age or older. The department shall report to the Legislature on compliance with this paragraph by April 1, 2002.

(b) *Any inmate who is less than 18 years of age, who was 15 years of age or younger at the time of his or her offense, and who has no prior juvenile adjudication must be placed in a facility for youthful offenders until the inmate is 18 years of age. At the discretion of the department, such an inmate may be placed in a facility for youthful offenders until the inmate is 21 years of age.*

(c) *Any inmate who is assigned to a facility under paragraph (a) or paragraph (b) shall be removed and reassigned to the general inmate population if his or her behavior threatens the safety of other inmates or correctional staff.*

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to youthful offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or correctional staff; providing an effective date.

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

Amendment 1A (740828)—On page 2, line 6, delete "Any" and insert: *Notwithstanding the requirements of s. 958.11, any*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 322** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 660** was deferred.

On motion by Senator Campbell—

SB 698—A bill to be entitled An act relating to the statute of limitations for prosecuting certain sexual offenses; amending s. 775.15, F.S.; revising the date on which the applicable statute of limitations begins for certain sexual offenses committed against a minor; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 698** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 382** was deferred.

On motion by Senator Saunders—

SB 674—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the state to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for

the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 674** to **HB 47**.

Pending further consideration of **SB 674** as amended, on motion by Senator Saunders, by two-thirds vote **HB 47** was withdrawn from the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Saunders—

HB 47—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the Executive Office of the Governor to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—a companion measure, was substituted for **SB 674** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 47** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for CS for SB 2092—A bill to be entitled An act relating to health care; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; amending s. 381.0403, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; providing rule-making authority to the Department of Health; amending s. 409.911, F.S.; redefining the term "charity care" or "uncompensated charity care" for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (974490)(with title amendment)—On page 16, between lines 2 and 3, insert:

Section 7. Paragraph (d) of subsection (3) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid

aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 4 ½ years from the date of implementation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: amending s. 409.912, F.S.; extending the duration of certain demonstration projects to test Medicaid direct contracting;

Senator Sanderson moved the following amendment:

Amendment 2 (760298)—On page 4, line 24, after "program" insert: *and*

Senator Sanderson moved the following substitute amendment which was adopted:

Amendment 3 (933508)—On page 4, line 24, delete "council" and insert: ~~council~~

Senator Mitchell moved the following amendment which was adopted:

Amendment 4 (205378)(with title amendment)—On page 16, between lines 2 and 3, insert:

Section 7. *The Legislature finds that personally identifying information, name, age, diagnosis, address, bank account numbers, and debit and credit card numbers contained in the records relating to an individual's personal health or eligibility for health-related services made or received by the individual's physician, pharmacist, and public or private health facility should be held confidential. Furthermore, the Legislature finds that every person has an expectation of and a right to privacy in all matters concerning her or his personal health when medical services are provided. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private sectors. For these reasons, it is the expressed intent of the Legislature to protect confidential information and the individual's expectations of and right to privacy in all matters regarding her or his personal health, and to not have such information exploited for purposes of solicitation or marketing the sale of goods and services.*

Section 8. Subsection (5) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(5)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1.(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

2.(b) When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3.(c) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4.(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(b) *Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

Section 9. Subsection (7) of section 395.3025, Florida Statutes, is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(7)(a) If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) *Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

Section 10. Subsection (1) of section 400.1415, Florida Statutes, is amended to read:

400.1415 Patient records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical record or releases medical records for the purposes of solicitation or marketing the sale of goods or services absent a specific written release or authorization permitting utilization of patient information; or other nursing home record, or causes or procures any of these offenses to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Section 626.9651, Florida Statutes, is created to read:

626.9651 *Privacy.—The department shall adopt rules consistent with other provisions of the Florida Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules must be based on, consistent with, and not more restrictive than the Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000, by the National Association of Insurance Commissioners, however, the rules must permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research, in accordance with federal law. In addition, these rules must be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102. If the department determines that a health insurer or health maintenance organization is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, that health insurer or health maintenance organization is in compliance with this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, following the semicolon (;) insert: providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules;

Pursuant to Rule 4.19, **CS for CS for SB 2092** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 385** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Constantine—

HB 385—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 382** and read the second time by title.

On motion by Senator Constantine, further consideration of **HB 385** was deferred.

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

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

—which was previously considered April 20 with pending **Amendment 1 (022794)** by Senator Garcia.

Senator Garcia moved the following substitute amendment which was adopted:

Amendment 2 (115100)(with title amendment)—On page 1, line 12 through page 2, line 6, delete those lines and insert:

Section 1. Paragraph (a) of subsection (3) and paragraph (a) of subsection (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the

board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. *A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified community-based organizations and faith-based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. These programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds. Funds expended under this paragraph may not be used for religious or sectarian purposes.*

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds;

Senator Holzendorf moved the following amendments which were adopted:

Amendment 3 (703762)—On page 1, delete line 24 and insert: *current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and*

Amendment 4 (401052)—On page 2, lines 28 and 29, delete those lines and insert: *persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex*

Pursuant to Rule 4.19, **CS for SB 1226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 1344—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to certain preference for military service; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1344** was placed on the calendar of Bills on Third Reading.

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

HB 385—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—which was previously considered this day.

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

On motion by Senator Cowin—

CS for SB 1366—A bill to be entitled An act relating to tax exemption; amending s. 196.202, F.S.; defining the term “totally and permanently disabled person”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1642—A bill to be entitled An act relating to homestead exemption; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (290644)(with title amendment)—On page 1, between lines 24 and 25, insert:

Section 2. Section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit pursuant to chapter 617 or a Florida limited partnership, the sole general partner of which is a corporation not for profit pursuant to chapter 617, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a “home for the aged” unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), units or apartments in homes for the aged shall be exempt only to the extent that residency in the existing unit or apartment of the applicant home is reserved for or restricted to or the unit or apartment is occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects *that which* are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and *that which* are subject to the income limitations established by that department *are shall* be exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is *hereby* declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of *a such* property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each *corporation home* applying for an exemption under paragraph (a) *of this subsection or paragraph (4)(a)* must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under *either of those paragraphs that paragraph* is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) *Sections 196.195 and 196.196 do not apply to this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the second semicolon (;) insert: amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section;

Pursuant to Rule 4.19, **CS for SB 1642** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Smith—

SB 818—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; providing for a change in the boundaries of an enterprise zone; providing limitations; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (082440)—On page 1, lines 12-21, delete those lines and insert:

(12) Before June 1, 2002, the governing body of a municipality that is located within a county having a population of less than 225,000 and in which an enterprise zone designated under subparagraph (3)(a)2. is located may apply to the Office of Tourism, Trade, and Economic Development to change the boundaries of the enterprise zone. The Office of Tourism, Trade, and Economic Development shall approve the application if the boundary change does not increase the overall size of the enterprise zone and if any territory added to the enterprise zone as a result of the boundary change is contiguous to the remaining area of the existing enterprise zone.

Senator Crist moved the following amendment which was adopted:

Amendment 2 (173798)(with title amendment)—On page 1, between lines 21 and 22, insert:

Section 2. Enterprise zone designation for Hillsborough County.—Hillsborough County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, which zone encompasses a high-crime, low-income, high-unemployment area that is north of Fowler Avenue, south of Bearss Avenue, east of Florida Avenue, west of Bruce B. Downs Boulevard, near the University of South Florida, adjacent to University Square Mall, north of a major theme park, an area that has been designated a federal Weed & Seed target area, and a Community Development Block Grant (CDBG) target area and that houses an active public/private 501(c)(3) community development corporation working to improve the area. The

application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 3 (964966)(with title amendment)—On page 1, between lines 21 and 22, insert:

Section 2. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Hernando County or Hernando County and Brooksville.—Hernando County, or Hernando County and the City of Brooksville jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city, which zone encompasses an area up to 10 contiguous square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Hernando County; providing requirements with respect thereto;

Pursuant to Rule 4.19, **SB 818** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for SB 1306—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; creating the Mary Brogan Breast and Cervical Cancer Early Detection Program Act; amending s. 409.904, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (030590)(with title amendment)—On page 3, lines 13-17, delete those lines and insert:

Section 3. *The Department of Health and the Agency for Health Care Administration shall monitor the total Medicaid expenditures for services made under this act. If Medicaid expenditures are projected to exceed the amount appropriated by the Legislature, the Department of Health shall limit the number of screenings to ensure Medicaid expenditures do not exceed the amount appropriated. The Department of Health, in cooperation with the Agency for Health Care Administration, shall prepare an annual report that must include the number of women screened; the percentage of positive and negative outcomes; the number*

of referrals to Medicaid and other providers for treatment services; the estimated number of women who are not screened or not served by Medicaid due to funding limitations, if any; the cost of Medicaid treatment services; and the estimated cost of treatment services for women who were not screened or referred for treatment due to funding limitations. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by March 1 of each year.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: requiring the Department of Health and the Agency for Health Care Administration to monitor expenditures under the act; requiring that certain services be limited if expenditures are projected to exceed appropriations; requiring the Department of Health to submit an annual report to the Legislature and the Governor;

Pursuant to Rule 4.19, **CS for SB 1306** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 962** was deferred.

On motion by Senator Cowin—

SB 2308—A bill to be entitled An act relating to the South Lake County Hospital District, Lake County; providing for codification of special laws relating to the South Lake County Hospital District; providing legislative intent; amending, codifying, reenacting, and repealing chapters 69-1201, 70-771, 75-415, 88-466, 95-456, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing a principal office of the district; authorizing the board to levy an annual ad valorem tax upon taxable property within the district; providing for purpose of the tax; providing for a method for such levy; exempting property of the district for assessment; prohibiting the board from transferring control of the district's hospitals or facilities except upon approval by referendum; providing for severability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2308** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SJR 1700** was withdrawn from the Committee on Rules and Calendar.

SPECIAL ORDER CALENDAR, continued

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

CS for SB 894—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until a candidate is nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—which was previously considered this day.

SENATOR SULLIVAN PRESIDING

Senator Garcia moved the following amendments which were adopted:

Amendment 1 (212808)(with title amendment)—On page 1, lines 29-31, delete those lines and insert: *selection of three finalists, all files, interviews, meetings, appearances, and comments of the finalists, but not other applicants, shall be open to the public. The records of all applicants*

shall be open to the public three years after the closing date for filing an application for the position.

And the title is amended as follows:

On page 1, lines 8 and 9, delete “a candidate is selected” and insert: finalists are nominated

Amendment 2 (130578)—On page 2, lines 5-7, delete those lines and insert: *after three finalists are selected, any meeting or portion of a meeting in which one or more of the finalists are discussed shall be open to the public. Tape recordings, minutes and other records of applicants other than the finalists shall be open three years after the closing date for filing an application for the position.*

Amendment 3 (892346)—On page 2, lines 28 through page 3, line 4, delete those lines and insert: *that would identify an applicant other than the finalists significantly outweighs any public benefit that could be derived from providing access to this information at an earlier date. The Legislature also notes that, once the finalists have been selected, it is necessary for a full and adequate review and comparison of the finalists, that all records and meetings related to one or more of the finalists must be open to the public. The Legislature further finds that, to ensure that other applicants who are not finalists are given adequate protection while still providing public oversight over the entire selection process, a three-year period of closure of records and tape recordings and other records of meetings, is sufficient to protect applicants and to permit public oversight.*

Pursuant to Rule 4.19, **CS for SB 894** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 962—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 962** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

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

BILLS ON THIRD READING

Consideration of **CS for SB 1012** and **CS for CS for CS for SB’s 1526 and 314** was deferred.

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term “claim” for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for

title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.31, F.S.; specifying reimbursement for emergency services under health maintenance organization contracts; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; amending s. 631.55, F.S.; creating a medical malpractice account within the Florida Insurance Guaranty Association; amending s. 627.351, F.S.; increasing the qualifying statutory surplus amount for the Florida Windstorm Underwriting Association Limited Apportionment Status; providing an effective date.

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

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

Amendment 1 (555648)(with title amendment)—On page 17, line 21 through page 18, line 15, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 2, lines 4-6, delete those lines

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

Amendment 2 (454388)(with title amendment)—On page 19, lines 5-15, delete those lines and insert:

Section 17. Subsection (7) is added to section 631.57, Florida Statutes, to read:

631.57 Powers and duties of the association.—

(7) *Notwithstanding any other provision of law, the net direct written premiums of medical malpractice insurance are not subject to assessment under this section to cover claims and administrative costs for the type of insurance defined in s. 624.604.*

And the title is amended as follows:

On page 2, lines 11-13, delete those lines and insert: 631.57, F.S.; exempting malpractice premiums from assessments that are due to insolvent property insurers; amending s. 627.351, F.S.;

Senator Latvala offered the following amendment which was moved by Senator Geller and adopted by two-thirds vote:

Amendment 3 (864890)(with title amendment)—On page 36, between lines 17 and 18, insert:

Section 19. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months’ premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured’s own funds an amount less than the 2 months’ premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured’s family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply if all policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, provided that the first policy payment ~~may be~~ is made by cash, cashier’s check, check, or a money order. This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent or a managing general agent, or if the policy is issued pursuant to the

transfer of a book of business by an agent from one insurer to another, provided that ~~and~~ if the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 20. Subsection (1) of section 627.901, Florida Statutes, is amended to read:

627.901 Premium financing by an insurance agent or agency.—

(1) A general lines agent may make reasonable service charges for financing insurance premiums on policies issued or business produced by such an agent or agency, s. 626.9541 notwithstanding. The service charge shall not exceed \$1 per installment, or a \$6 total service charge per year, for any premium balance of \$120 or less. For any premium balance greater than \$120 but not more than \$220, the service charge shall not exceed \$9 per year. The maximum service charge for any premium balance greater than \$220 shall not exceed \$12 per year. In lieu of such service charges, an insurance agent or agency may charge interest or service charges, which may be level amounts and subject to endorsement changes, that in the aggregate do not exceed a rate of interest not to exceed 18 percent simple interest per year on the average unpaid balance as billed over the term of the policy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies;

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

Amendment 4 (880180)(with title amendment)—On page 36, lines 18 and 19, delete those lines and insert:

Section 19. Section 626.9651, Florida Statutes, is created to read:

626.9651 *Privacy.*—The department shall adopt rules consistent with other provisions of the Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules shall be based on, consistent with, and not more restrictive than the National Association of Insurance Commissioners' Privacy of Consumer Financial and Health Information Regulation adopted September 26, 2000, by the National Association of Insurance Commissioners, provided, however, the rules shall permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research in accordance with federal law. In addition, these rules shall be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999 (Pub. L. No. 106-102). Any health insurer or health maintenance organization determined by the department to be in compliance with, or to be actively undertaking compliance with, the consumer privacy protection rules promulgated by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, shall be deemed in compliance with this section. This section shall take effect July 1, 2001.

Section 20. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules;

On motion by Senator Geller, **CS for SB 2060** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Burt	Dyer	Lee	Sebesta
Campbell	Garcia	Meek	Silver
Carlton	Geller	Miller	Smith
Clary	Jones	Peaden	Sullivan
Constantine	King	Posey	Villalobos
Cowin	Klein	Pruitt	Wasserman Schultz
Crist	Latvala	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite

SB 1636—A bill to be entitled An act relating to postsecondary education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; providing an effective date.

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

On motion by Senator Pruitt, **SB 1636** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Latvala	Rossin
Bronson	Dawson	Laurent	Sanderson
Brown-Waite	Diaz de la Portilla	Lawson	Saunders
Burt	Dyer	Lee	Silver
Campbell	Garcia	Meek	Smith
Carlton	Geller	Miller	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Sebesta

CS for CS for CS for SB's 1526 and 314—A bill to be entitled An act relating to the Money Transmitter's Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring

certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for CS for SB's 1526 and 314** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

Consideration of **CS for SB 1704** and **CS for CS for SB's 1970 and 164** was deferred.

CS for SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.181, 61.1824, 328.42, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.25658, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for the former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items that must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term "support order"; defining the term "support"; amending s. 61.1301, F.S.; prescribing the time within which an order of income deduction may be entered after an order establishing or modifying support; providing for the court to request that an income-deduction order reflect the payment cycle of the payor; amending s. 61.13016, F.S.; requiring that any costs and fees associated with delinquency be paid to prevent suspension of a driver's license; repealing s. 61.1307, F.S., relating to the collection of motor vehicle impact fee refunds for child support; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing for retroactive increase or decrease in support, maintenance, or alimony; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; specifying the delinquency amount for which notice to the obligor is required; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term "gross income" with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; prescribing conditions under which income from secondary employment may be disregarded in modifying an existing award; amending s. 120.80, F.S.; providing for proceedings for administrative child support orders under the Department of Revenue; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order

to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term "public assistance" and "support"; defining the terms "undistributable collection" and "unidentifiable collection"; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing rulemaking authority; providing for review prior to the formal rule-development process; providing for a report to the Legislature; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash or Title IV-E assistance; creating s. 409.2563, F.S.; creating a pilot program for the administrative establishment of child-support obligations; providing definitions; providing legislative intent with respect to an alternative procedure for establishing child support obligations in certain cases; authorizing the Department of Children and Family Services to establish an administrative support order; providing procedures; providing notice requirements; providing for a hearing conducted by the Division of Administrative Hearings; providing that a final order by an administrative law judge constitutes final agency action; providing for collection and enforcement of an administrative support order; providing for judicial review and a prospective change in the support obligation; providing for disclosures and a presumption of receipt of certain notices, payments, and orders; authorizing the department to adopt rules; providing requirements for establishing the pilot program; providing for expiration of the pilot program; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing for a case analysis; providing effective dates.

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

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

Amendment 1 (062142)—On page 17, line 26, delete "of" and insert: *or*

On motion by Senator Peaden, **CS for SB 1284** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

CS for SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.;

changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 1012** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing exceptions; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

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

Amendment 1 (790438)—On page 2, between lines 3 and 4, insert:

(d) Disclosure to an authorized person, as defined in Title 45 C.F.R. s. 303.15, for purposes of enforcing any state or federal law with respect to the unlawful taking or restraint of a child or making or enforcing a child custody or visitation determination. As used in this paragraph, the term "authorized person" includes a noncustodial parent, unless a court has entered an order under s. 741.30, s. 741.31, or s. 784.046.

On motion by Senator Sanderson, **CS for SB 772** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

CS for SB 444—A bill to be entitled An act relating to offenses against children; amending s. 787.025, F.S.; revising provisions to prohibit certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 15 into a structure, dwelling, or conveyance without consent of parent or legal guardian, or from intentionally luring or enticing, or attempting to lure or entice the

child away from the child's parent or legal guardian; providing penalties; amending s. 800.04, F.S.; defining the term "presence" for purposes of lewd or lascivious offenses committed in the presence of certain minors; providing an effective date.

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

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

Amendment 1 (481636)(with title amendment)—On page 3, between lines 15 and 16, insert:

Section 3. Section 24 of Chapter 2000-237, Laws of Florida, is amended to read:

Section 24. This act shall take effect upon becoming a law, except for section 8 of this act, which shall take effect July 1, 2003 ~~2004~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 24 of ch. 200-237, Laws of Florida; revising an effective date;

On motion by Senator Latvala, **CS for SB 444** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

CS for SB 718—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; clarifying that drug testing must be conducted in conformity with the section to qualify as having a drug-free workplace program; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

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

On motion by Senator King, **CS for SB 718** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Garcia

SB 1522—A bill to be entitled An act relating to enterprise zones; authorizing a boundary change in a specified enterprise zone; creating

s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Hernando County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; providing an effective date.

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

On motion by Senator Constantine, **SB 1522** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

SPECIAL ORDER CALENDAR, continued

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms “controlling interest” and “voluntary board member” and revising the definition of “resident care plan” for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident’s room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney’s fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse’s duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms “intentional misconduct” and “gross negligence”; prescribing criteria governing employers’ liability for punitive damages; providing for the remedial nature of provisions; creating s.

400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney’s fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility’s license or impose a fine; authorizing placing fines in escrow; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer’s disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; providing for a standard license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted

living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.4275, F.S.; specifying minimum amounts of liability insurance required to be carried by an assisted living facility; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment;

requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 1 (340598)—On page 20, line 21, after "licensee" insert: , person, or entity

Amendment 2 (842270)—On page 20, between lines 24 and 25, insert:

(6) *The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.*

Senator Burt moved the following amendment which was adopted:

Amendment 3 (420982)(with title amendment)—On page 43, line 10 through page 46, line 2, delete those lines and insert:

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny *an application*, revoke, or suspend a license, or impose an administrative fine, not to exceed \$500 per violation per day, *against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest:* ~~for~~

(a) A violation of any provision of s. 400.102(1);

(b) A demonstrated pattern of deficient practice;

(c) *Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;*

(d) *Exclusion from the Medicare or Medicaid program; or*

(e) *An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought. If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.*

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) ~~Except as provided in s. 400.23(8), a \$500 fine shall be imposed The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed \$500 for each violation. Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than \$5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid by any nursing home facility licensee under this subsection shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.~~

(3) *The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:*

(a) *Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;*

(b) *Is conditionally licensed for 180 or more continuous days;*

(c) *Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or*

(d) *Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.*

The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.

(4)(3) The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)(4)(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

(6)(5) An action taken by the agency to deny, suspend, or revoke a facility's license under this part, ~~in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility,~~ shall be heard by the Division of Administrative Hearings of the Department of Management Services within 60 ~~120~~ days after *the assignment of an administrative law judge receipt of the facility's request for a hearing*, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. ~~This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

(7)(6) The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of \$500 per day for each day the staffing is below the level required by the agency.

(8) *An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.*

(9) *Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.*

(10) *In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.*

And the title is amended as follows:

On page 4, line 8, after the semicolon (;) insert: requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution;

Senator Brown-Waite moved the following amendment:

Amendment 4 (451258)(with title amendment)—On page 48, line 25, insert: (21) *Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. This record must be completed with the delivery of care, by the certified nursing assistant caring for the resident. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.*

And the title is amended as follows:

On page 4, line 25, after "coverage;" insert: requiring daily charting of specified certified nursing assistant services;

Senator Brown-Waite moved the following amendment to **Amendment 4** which was adopted:

Amendment 4A (721130)—On page 1, lines 18-20, delete those lines and insert: *provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance*

Amendment 4 as amended was adopted.

Senator Burt moved the following amendment which was adopted:

Amendment 5 (11486)(with title amendment)—On page 59, line 27 through page 60, line 15, delete those lines and insert:

Section 27. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. *The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be \$6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys.* The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

(4) The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in which a long-term care ombudsman council, pursuant to ss. 400.0071 and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews *every 3 months within a 12-month period* of each facility ~~while the facility which has a conditional license licensure status.~~ Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

And the title is amended as follows:

On page 5, line 22, after the second semicolon (;) insert: requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine;

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 6 (472148)(with title amendment)—On page 85, lines 10-26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 18-20, delete “amending s. 400.417, F.S.; providing for a standard license;”

Amendment 7 (534816)(with title amendment)—On page 92, between lines 3 and 4, insert:

(5) *Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 6, line 28, after “incidents” insert: and of liability claims

Senator Sanderson moved the following amendment which was adopted:

Amendment 8 (805842)(with title amendment)—On page 94, lines 1-10, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 7, lines 4-6, delete those lines and insert: of assisted living facilities; amending

RECONSIDERATION OF AMENDMENT

On motion by Senator Sanderson, the Senate reconsidered the vote by which **Amendment 8** was adopted. **Amendment 8** was withdrawn.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 9 (894608)(with title amendment)—On page 94, line 11 through page 95, line 7, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 7, lines 9-12, delete “amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency;”

Senator Sanderson moved the following amendment which was adopted:

Amendment 10 (552022)(with title amendment)—On page 94, lines 1-10, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 7, lines 6-9, delete those lines and insert: be examined by a licensed physician; amending s.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 11 (113470)(with title amendment)—On page 113, line 12 through page 114, line 13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 9, lines 11-14, delete those lines and insert: inspection requirements; creating s. 400.449, F.S.;

Senators Brown-Waite and Silver offered the following amendment which was moved by Senator Brown-Waite:

Amendment 12 (762432)(with title amendment)—On page 114, between lines 24 and 25, insert:

Section 54. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care. *The agency shall not provide for any increases in reimbursement rates to nursing homes associated with changes in ownership.* Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent existing appropriations are available. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case-mix reimbursement methodology for the rate of payment for long-term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level-of-care data and other appropriate data. The case-mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient’s care component or the per diem rate to more adequately cover the cost of services provided in the patient’s care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology. It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency

may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 17, after “penalties;” insert: amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership;

Senators Silver and Brown-Waite offered the following amendment to **Amendment 12** which was moved by Senator Silver and adopted:

Amendment 12A (904424)—On page 2, line 17-19, delete those lines and insert: access to such care. *Changes of ownership between related parties do not qualify for increases in reimbursement rates associated with the change of ownership. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with changes of ownership filed on or after October 1, 2001, are equivalent to the previous owner’s reimbursement rate.* Under the plan, interim rate

Senator Silver moved the following amendment to **Amendment 12** which was adopted:

Amendment 12B (501228)—On page 2, delete line 29 and insert: provision shall apply only to fiscal year 2000-2001 and shall

Amendment 12 as amended was adopted.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 13 (670640)(with title amendment)—On page 133, after line 31, insert:

Section 66. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having state-wide effect. Such standards must relate to:

(g) *Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 8, after the first semicolon (;) insert: amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.;

Amendment 14 (642598)—On page 134, line 9, delete “\$100,000” and insert: \$948,782

Senator Smith moved the following amendments which were adopted:

Amendment 15 (481674)(with title amendment)—On page 32, between lines 17 and 18 and On page 108, between lines 27 and 28, insert:

(e) *In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which*

support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

And the title is amended as follows:

On page 3, line 6, after the semicolon (;) and On page 8, line 31, after the semicolon (;) insert: providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions;

Amendment 16 (720092)(with title amendment)—On page 34, lines 21-28, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 3, lines 12-14, delete those lines.

Amendment 17 (945166)(with title amendment)—On page 109, lines 7-14, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 9, lines 1-4, delete those lines and insert: attorney’s fees; amending s. 400.434, F.S.;

Senator Brown-Waite moved the following amendment:

Amendment 18 (861570)—On page 54, between lines 28 and 29, insert:

(15) *Information gathered by a credentialing organization under a quality-assurance program is not subject to discovery and may not be used in any civil or administrative proceeding.*

Senator Brown-Waite moved the following substitute amendment which was adopted:

Amendment 19 (600504)—On page 55, between lines 28 and 29, insert:

(15) *Information gathered by a credentialing organization under a quality-assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use of facility records, including those records from which the credentialing organization gathered its information.*

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 20 (532194)—On page 47, between lines 26 and 27, insert: (d) *A licensed facility shall impose a moratorium on new admissions to the facility during any period that the staff-to-resident ratio falls below the minimum required by the agency.*

Amendment 21 (985764)—On page 31, line 6 and on page 107, line 15, delete “knowingly”

Amendment 22 (463060)—On page 31, line 27 and on page 108, line 6, delete “solely” and insert: *primarily*

Amendment 23 (352358)(with title amendment)—On page 15, line 19 through page 17, line 11, delete those lines and insert:

Section 3. *The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities, an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities, an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident, the impact of the devices on the privacy and dignity of both the resident on whose behalf the device is installed and other residents who may be affected by the device, the potential impact on improving the care of residents, the potential impact on the care environment and on staff recruitment and retention, appropriate uses of any tapes if mandated by law, including meth-*

ods and time frames for reporting any questionable incidents to the facility and appropriate regulatory agencies, appropriate security needed to protect the integrity of tapes for both the protection of the resident and direct care staff, and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care Administration shall have the lead on the study and shall submit the findings and recommendations of the study to the Governor, the Speaker of the House of Representatives and the President of the Senate by January 1, 2002.

And the title is amended as follows:

On page 1, lines 11-17, delete those lines and insert: nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending

Senator Brown-Waite moved the following amendment:

Amendment 24 (364104)—On page 33, line 19, after the period (.) insert:

Effective May 15, 2001, and applying to causes of action accruing on or after that date,

On motion by Senator Brown-Waite, further consideration of **CS for CS for SB 1202** with pending **Amendment 24** was deferred.

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

BILLS ON THIRD READING

SB 210—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 210** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

SB 1400—A bill to be entitled An act relating to swimming pool/spa servicing contractors; amending s. 489.111, F.S.; providing eligibility requirements to take the licensure examination for the swimming pool/spa servicing contractor's license; providing an effective date.

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

On motion by Senator Posey, **SB 1400** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

Consideration of **CS for CS for SB 2108** was deferred.

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

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

On motion by Senator Sebesta, **SB 1162** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Webster

CS for SB 1610—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying provisions governing authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions governing burial rights; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by a cemetery, to conform; amending s. 497.405, F.S.; clarifying provisions

relating to authorized trust companies, banks, and savings and loan associations; amending s. 497.417, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; revising the authority of certificateholders offering preneed funeral and burial merchandise and services contracts to revest title to trust assets by posting a bond or using other forms of security or insurance; providing a time limitation on such authority; amending s. 497.425, F.S.; providing a time limitation on the authority to post certain bonds to secure preneed contract assets; amending s. 497.429, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations with respect to alternative preneed contracts; amending s. 470.002, F.S.; redefining the term “legally authorized person” for purposes of ch. 470, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 1610** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Lawson	Sebesta
Bronson	Diaz de la Portilla	Lee	Silver
Brown-Waite	Dyer	Meek	Smith
Burt	Garcia	Miller	Sullivan
Campbell	Geller	Peaden	Villalobos
Carlton	Holzendorf	Posey	Wasserman Schultz
Clary	Jones	Pruitt	Webster
Constantine	King	Rossin	
Cowin	Latvala	Sanderson	
Crist	Laurent	Saunders	

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms “controlling interest” and “voluntary board member” and revising the definition of “resident care plan” for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident’s room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney’s fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse’s duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms “intentional misconduct” and “gross negligence”; prescribing criteria governing employers’ liability for punitive damages; providing for the remedial nature of provisions; creating s.

400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney’s fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility’s license or impose a fine; authorizing placing fines in escrow; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer’s disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; providing for a standard license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted

living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.4275, F.S.; specifying minimum amounts of liability insurance required to be carried by an assisted living facility; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment;

requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 24 (364104)** by Senator Brown-Waite was adopted.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 25 (163292)—On page 17, line 12; On page 23, line 11; On page 28, lines 1, 17 and 25; On page 95, line 8; On page 99, line 23; On page 104, line 12; and On page 105, line 4, delete "July 1" and insert: May 15

Amendment 26 (063568)—On page 29, line 25; On page 31, line 17; On page 32, line 28; On page 106, line 4; and On page 107, line 26, after the period (.) insert:

Effective May 15, 2001, and applying to causes of action filed on or after that date,

RECONSIDERATION OF AMENDMENT

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **Amendment 26** was adopted. **Amendment 26** was withdrawn.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 27 (163828)—On page 34, line 21 and On page 109, line 7, delete "October 1" and insert: May 15

Amendment 28 (564344)—On page 104, delete line 28 and insert:

Section 44. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295,

Amendment 29 (720662)(with title amendment)—On page 99, between lines 22 and 23, insert:

(7) *The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.*

And the title is amended as follows:

On page 7, line 23, after the semicolon (;) insert: requiring copies of complaints filed in court to be provided to the agency;

Amendment 30 (585886)—On page 18, lines 15-25, delete those lines and insert: *Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.*

Amendment 31 (665066)—On page 20, between lines 24 and 25, insert:

(6) *An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.*

Amendment 32 (782386)—On page 96, lines 12-23, delete those lines and insert: 768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303. ~~Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.~~

Senator Silver moved the following amendment which was adopted:

Amendment 33 (832324)—On page 82, line 27 through page 84, line 19, delete those lines and insert:

(4)(a) The biennial license fee required of a facility is \$300 ~~\$240~~ per license, with an additional fee of \$50 ~~\$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed \$10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$400 per license, *with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility.* No part of *this fee* which shall be returned to the facility. The agency may adjust the *per-bed license fee and the annual license fee* once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$250 ~~\$200~~ per license, with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed \$2,000. No part of this fee which shall be returned to the facility.~~ The agency may adjust the *per-bed license fee and the \$200 biennial license fee* and ~~the maximum total license fee~~ once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of **CS for CS for CS for SB 1202**, motions and announcements.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 34 (935776)—On page 134, lines 4-6, delete those lines and insert:

Section 67. *The sum of \$4,206,549 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 58.0 positions are authorized for the*

Senator Burt moved the following amendment which was adopted:

Amendment 35 (201012)—On page 129, line 16, after the period (.) insert: *The association will be activated when the Insurance Commissioner determines that primary coverage is not generally available from authorized insurers for any one of the following categories of facilities: long-term care facilities defined in s. 400.0060(2); nursing home facilities defined in s. 400.021(12); continuing care facilities licensed under s.*

651.021; or assisted living facilities licensed under s. 400.407. The association will be activated solely for the category of facilities for which insurance is no longer available. The determination is exempt from any challenges under chapter 120.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 36 (661090)(with title amendment)—On page 134, before line 1, insert:

Section 66. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 8, after the first semicolon (;) insert: providing for applicability of specified provisions of the act;

Amendment 37 (795360)(with title amendment)—On page 110, line 28 through page 111, line 10, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 9, lines 7-9, delete those lines and insert: certain councils; amending

Senator Burt moved the following amendment which was adopted:

Amendment 38 (183142)—On page 130, lines 5 and 6, delete those lines and insert:

liability insurance as defined in s. 624.605(1)(b), written in this state which is designated as "Commercial Multi-peril (liability portion)" or "Other liability" on the forms for financial statements approved by the National Associations of Insurance Commissioners, and does not include other casualty

On motion by Senator Brown-Waite, further consideration of **CS for CS for SB 1202** as amended was deferred.

MOTION

On motion by Senator Lawson, the rules were waived and time of recess was extended until completion of **SB 1200, CS for CS for CS for SB 1202**, motions and announcements.

On motion by Senator Brown-Waite—

SB 1200—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1200** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, the Senate resumed consideration of—

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes

and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident's room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the

appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; providing for a standard license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.4275, F.S.; specifying minimum amounts of liability insurance required to be carried by an assisted living facility; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.;

clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1202** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1848** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar; and **CS for SB 1836** was withdrawn from the Committee on Governmental Oversight and Productivity.

MOTIONS

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Friday, April 27.

REPORTS OF COMMITTEES

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1816

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 1100, SB 1232, CS for CS for SB 1758

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2056

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 716, SB 812, SB 846, CS for SB 1814

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 714

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

The Committee on Appropriations recommends a committee substitute for the following: SB 2168

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 1878, CS for CS for SB 2008

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2028

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 1542, SB 1978, CS for SB 2214

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: SB 264 with 1 amendment, CS for SB 370, SB 458 with 1 amendment, SB 636 with 2 amendments, SB 878, CS for SB 930, CS for SB 934, SB 940 with 1 amendment, CS for SB 1330, CS for SB 1342, SB 1488, SB 1710, CS for SB 1874 with 1 amendment, CS for SB 1972 with 8 amendments, SB 2004 with 1 amendment

The Appropriations Subcommittee on Education recommends a committee substitute for the following: SB 2172

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for SB 478, CS for SB 1624, SB 1720, SB 1812, SB 1968

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senators Sebesta and Crist—

CS for SB 714—A bill to be entitled An act relating to offenses by public servants; creating the "Citizens' Right to Honest Government Act"; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 921.0022, F.S.; deleting specified felonies from and adding

specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; amending ss. 112.3173 and 121.091, F.S.; amending s. 905.34, F.S.; expanding the jurisdiction of the statewide grand jury to include violations of ch. 838, F.S.; deleting cross-references, to conform; providing an effective date.

By the Committee on Criminal Justice; and Senators Burt, Sullivan and Silver—

CS for SB 716—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; increasing the penalty for a third conviction of driving under the influence to a third-degree felony if committed within a specified period following a prior conviction; increasing the penalty for a fourth or subsequent violation of driving under the influence to a third-degree felony regardless of when any prior conviction occurred; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 812—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

By the Committee on Criminal Justice; and Senators Campbell and Crist—

CS for SB 846—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 921.0022, F.S.; ranking the offense of aggravated fleeing or eluding; reenacting ss. 318.17, 322.61, F.S., relating respectively to offense excepted from motor vehicle licenses and disqualifications from operating a commercial motor vehicle, to incorporate the amendments to s. 316.1935, F.S., in references thereto; creating s. 812.158, F.S.; prohibiting certain acts by movers involving a shipper's household goods; providing a penalty; providing an effective date.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1100—A bill to be entitled An act relating to state debt; creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt-affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt; providing an effective date.

By the Committee on Finance and Taxation; and Senator Sebesta—

CS for SB 1232—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.089, F.S.; providing for the issuance, without payment of the license tax, of Pearl Harbor Survivor license plates or Purple Heart license plates to certain disabled veterans; providing an effective date.

By the Committee on Finance and Taxation; and Senator Sebesta—

CS for SB 1542—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting certain transfers of homestead real property that involve spouses and that create a tenancy by the entireties from the tax on deeds and other instruments relating

to real property or interests therein; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; clarifying that said tax does not apply to contracts and related documents for selling the residence of an employee relocating at the employer's direction; providing an effective date.

By the Committees on Finance and Taxation; Agriculture and Consumer Services; Natural Resources; and Senators Laurent, Posey, Lawson, Bronson, Smith, Brown-Waite, Pruitt, Mitchell, Constantine and Sanderson—

CS for CS for CS for SB 1758—A bill to be entitled An act relating to rural land conservation; creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; providing an effective date.

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

CS for CS for SB 1814—A bill to be entitled An act relating to the state court system; providing legislative intent with respect to the development of treatment-based drug courts; requiring each judicial circuit to establish one or more treatment-based drug courts within any of the divisions of the circuit; specifying the principles of therapeutic jurisprudence to be included in the drug court programs; providing duties of the coordinator; authorizing the drug courts to include certain pretrial intervention programs in the court's program; creating the Florida Association of Drug Court Professionals; providing for membership; requiring that the chairperson of the association provide recommendations to the Supreme Court Treatment-Based Drug Court Steering Committee; amending s. 910.035, F.S.; providing for a defendant to be transferred to a drug-treatment program in another county; providing criteria for such transfer; providing for the defendant to be prosecuted upon failure to successfully complete the drug-treatment program; amending s. 948.08, F.S.; providing for persons charged with certain offenses involving controlled substances who have not been charged with a crime involving violence to be admitted to a pretrial intervention program; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; creating s. 948.16, F.S.; providing a pretrial substance abuse treatment and intervention program; providing criteria for admission to the program; providing for denial of such admission if the defendant was involved in the dealing or selling of controlled substances; requiring the court to determine whether the defendant has successfully completed the program; providing contract requirements for entities that provide pretrial substance abuse treatment and intervention programs; providing an effective date.

By the Committee on Banking and Insurance; and Senator Klein—

CS for SB 1816—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross-reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances;

creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

By the Committees on Appropriations; Finance and Taxation; and Senators Horne, Carlton, Sanderson, Peaden, Pruitt, Geller, Latvala, Campbell, Posey, Villalobos, Diaz de la Portilla, Bronson, Silver, Meek, Garcia, Burt and Klein—

CS for CS for SB 1878—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of the tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer's place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; requiring adjustment of the tax rate if revenues received for a specified period exceed a specified threshold; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming provisions; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty

to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting provisions relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; providing that certain persons or entities may provide evidence to the department regarding failure to report taxable sales and providing authority of the department with respect thereto; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing requirements with respect to implementation of ch. 202, F.S., and ch. 2000-260, Laws of Florida, and transition from the previous tax structure; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; conforming provisions; amending s. 212.054, F.S.; clarifying that a discretionary sales surtax applies to transactions taxed under ch. 202, F.S.; amending s. 212.20, F.S.; removing provisions relating to deposit of certain proceeds under ch. 212, F.S., in the Mail Order Sales Tax Clearing Trust Fund; amending ss. 11.45, 218.65, and 288.1169, F.S.; correcting references; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund as the Communications Services Tax Clearing Trust Fund; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; prescribing regulations governing the amounts that may be imposed by municipalities and counties against certain persons or entities in connection with the placement or maintenance of communications facilities in municipal or county roads or rights-of-way; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under that section; providing relationship of provisions relating to regulation of placement or maintenance of communications facilities in public roads or rights-of-way by counties or municipalities to zoning or land use authority; providing status of registration under such provisions; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; providing for severability; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunications services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement

of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1978—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term “section 38 property” with an express definition of the terms “industrial machinery and equipment” and “motion picture and video equipment”; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term “fixtures”; eliminating reference to the term “trade fixture”; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year’s information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state’s system into compliance with the Streamlined Sales and Use Tax Agreement; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person’s failure to comply with the state’s tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida;

repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of “lease,” “let,” “rental,” or “license” certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing effective dates.

By the Committees on Appropriations; Commerce and Economic Opportunities; and Senator Diaz de la Portilla—

CS for CS for SB 2008—A bill to be entitled An act relating to economic development; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a misdemeanor penalty for failing to provide such documentation or maintain certain records; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for the calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding the purposes for which the office may seek assistance from certain entities; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.980, F.S.; providing that grants by the Office of Tourism, Trade, and Economic Development to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically

appropriated therefor; creating the “New Product Transfer Enhancement Act”; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing effective dates.

By the Committee on Criminal Justice; and Senator Burt—

CS for SB 2028—A bill to be entitled An act relating to production of certain records and other productions as a result of a subpoena, order, or warrant; creating s. 92.605, F.S.; defining terms; providing an exemption; providing requirements for production of records by an out-of-state corporation upon issuance of a subpoena, court order, or search warrant pertaining to such records; providing requirements for out-of-state corporations seeking to quash a subpoena or warrant; requiring out-of-state corporations to verify the authenticity of records such corporations are required to produce; providing requirements for the production of certain records by certain Florida corporations; providing that a cause of action does not arise against any out-of-state or Florida corporation or other specified persons for production of certain records, information, facilities, or assistance; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Transportation; and Senator Sebesta—

CS for CS for SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term “airport or aviation development project”; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of

proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department’s authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion “lowest responsible bidder” for “lowest competent bidder”; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 337.408, F.S.; revising provisions regulating benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 338.165, F.S.; revising provisions relating to toll revenues; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term “economically feasible” as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department’s expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.754, F.S.; revising the authority of the Orlando-Orange County Expressway Authority; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance

of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term "federal-aid primary highway system"; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; amending s. 331.308, F.S.; revising the membership of the board of supervisors of the Spaceport Florida Authority; designating the Lieutenant Governor as the chair and as the state's space policy leader; allowing the Lieutenant Governor to assign proxy voting power; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; providing effective dates.

By the Committee on Appropriations; and Senator Villalobos—

CS for SB 2168—A bill to be entitled An act relating to brownfield redevelopment economic incentives; amending s. 376.84, F.S.; providing definitions; providing that a county that constructs, renovates, or expands a significant new facility for a professional sports franchise on a qualifying brownfield site is entitled to a sales tax increment rebate; requiring such county to submit certain information to the Department of Revenue; providing for certification of the county by the department; providing for rules; providing for use of the rebate funds; providing the amount of the rebate; providing conditions under which eligible counties cease to be entitled to certain rebates; requiring repayment of rebate proceeds to the state if the county sells or otherwise conveys the facility or the real property on which it is located to a private entity; amending s. 212.20, F.S.; providing for distribution of the rebate to such counties; creating s. 186.5053, F.S.; authorizing the South Florida Regional Planning Council to undertake certain responsibilities and activities; providing effective dates.

By the Committees on Finance and Taxation; Judiciary; and Senator Burt—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be

participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1935 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Procedural and Redistricting Council; and Representative Byrd—

HB 1935—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was referred to the Committee on Rules and Calendar.

ENROLLING REPORTS

SB 412 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 26, 2001.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

CO-SPONSORS

Senators Carlton—CS for SB 1116; Crist—SB 714, CS for SB 1956

VOTES RECORDED

Senator Wasserman Schultz was recorded as voting "yea" on the following bill which passed on April 19: **SB 1644**.

RECESS

On motion by Senator Lee, the Senate recessed at 6:45 p.m. to reconvene at 9:00 a.m., Friday, April 27.



Journal of the Senate

Number 21—Regular Session

Friday, April 27, 2001

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CALL TO ORDER

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

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Excused: Conferees periodically for the purpose of working on the appropriations bills: Senator Horne, Chairman; Senators Rossin, Sullivan, Dyer, Garcia, Holzendorf, Latvala, Miller, Webster, Clary, Jones, King, Laurent, Lawson, Silver, Mitchell, Peaden, Sanderson, Saunders, Cowin, Burt, Dawson, Meek and Villalobos; Senators Dawson, Jones, Lawson, Meek and Miller at 10:37 a.m.

PRAYER

The following prayer was offered by Senator Sebesta:

Dear God, recently I've been wondering about something. With fifteen million people in our great state, why in the world were these forty persons selected to serve in the Senate?

I suppose I could say it's because we're great people, exceedingly smart and able to leap tall buildings in a single bound.

Of course, the real reason is none of the above. The real reason is to follow your will, to help as many as we can, and protect the integrity and strength of Florida.

So God, we ask you now for the wisdom to know what is right and the fortitude to do what is right. Thank you for all of your wonderful blessings and for the great privilege of serving in the Florida Senate.

Oh, and God, a little special help for the Pruitt and Miller families today, please. Thank you. Amen.

PLEDGE

Senate Pages Jennifer McCollum of Tampa, Todd Mitchell of Steinhatchee and Nick Lowe of Destin, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dale Brandt of St. Petersburg, sponsored by Senator Sullivan, as doctor of the day. Dr. Brandt is a Family Practitioner.

ADOPTION OF RESOLUTIONS

At the request of Senator Sanderson—

By Senator Sanderson—

SR 2242—A resolution recognizing the month of April, 2001, as Aquatics Awareness Month in Broward County.

WHEREAS, Swim for Life for Broward County, Inc., and the Broward County School Board have designated "FREDD D. FROGG" as the symbolic leader for drowning prevention during the month of April, 2001, and

WHEREAS, FREDD D. FROGG reminds us that everyone can be taught to swim, and

WHEREAS, FREDD D. FROGG calls on all parents, pool attendants, and lifeguards to supervise all water-related activities, and

WHEREAS, FREDD D. FROGG suggests that barriers should be placed between children and the water, and

WHEREAS, FREDD D. FROGG reminds everyone near the water to be prepared for an emergency, and

WHEREAS, FREDD D. FROGG says that learning CPR is the prudent way to help prevent drowning accidents, NOW, THEREFORE,

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

That the Florida Senate recognizes April, 2001, as Aquatics Awareness Month in Broward County as sponsored by Swim for Life for Broward County, Inc., and the Broward County School Board.

—**SR 2242** was introduced, read and adopted by publication.

MOTIONS

On motion by Senator Latvala, by two-thirds vote **CS for SB 1610** and **CS for SB 444** which passed April 26 were ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for SB 1056** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **SB 2004** which has been reported favorably by the Appropriations Subcommittee on Education with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 1534** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for CS for**

SB 1624 and **CS for SB 1720** which have been reported favorably by the Appropriations Subcommittee on General Government with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **SB 2126** which has been reported favorably by the Appropriations Subcommittee on General Government with amendments, was withdrawn from the Committee on Appropriations and the amendments recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

BILLS ON THIRD READING

Consideration of **CS for SB 1704**, **CS for CS for SB's 1970 and 164** and **CS for CS for SB 2108** was deferred.

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **CS for CS for SB 1672** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Saunders
Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	Webster
Cowin	King	Rossin	
Crist	Klein	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

SB 1132—A bill to be entitled An act relating to the use and disposition of real and personal property; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term “Xeriscape”; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners’ associations from restricting the practice of Xeriscape; amending s. 197.502, F.S.; amending procedures that apply if there are no bidders at a public sale of property against which tax certificates are held; prescribing the period during which interest on the opening bid continues to accrue; amending s. 197.512, F.S.; providing an exception to certain recording duties of the clerk; amending s. 197.542, F.S.; revising procedures relating to the sale at public auction of lands on which an application for tax deed has been obtained; requiring the high bidder to post a nonrefundable cash deposit at the time of the sale; providing effective dates.

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

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

Amendment 1 (353858)(with title amendment)—On page 14, between lines 22 and 23, insert:

Section 12. Subsection (7) is added to section 125.0103, Florida Statutes, to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(7) *Notwithstanding any other provision of this section, a municipality, a county, or any other entity of local government may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 125.0103, F.S.; allowing local governments to adopt certain laws, ordinances, rules, or other measures for increasing the supply of affordable housing;

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

Amendment 2 (675206)(with title amendment)—On page 14, between lines 22 and 23, insert:

Section 12. Section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted shall regulate the expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures shall have the effect of fixed appropriations and shall not be amended, altered, or exceeded except as provided in this chapter.

(a) The modified-accrual basis or accrual basis of accounting must be followed for all funds in accordance with generally accepted accounting principles.

(b) The cost of the investments provided in this chapter, or the receipts from their sale or redemption, must not be treated as expense or income, but the investments on hand at the beginning or end of each fiscal year must be carried as separate items at cost in the fund balances; however, the amounts of profit or loss received on their sale must be treated as income or expense, as the case may be.

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased by motion recorded in the minutes, provided that the total of the appropriations of the fund may not be changed. The board of county commissioners, however, may establish procedures by which the designated budget officer may authorize certain intradepartmental budget amendments, provided that the total appropriation of the department may not be changed.

(b) Appropriations from the reserve for contingencies may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose, but expenditures may not be charged directly to the reserve for contingencies.

(c) The reserve for future construction and improvements may be appropriated by resolution of the board for the purposes for which the reserve was made.

(d) A receipt of a nature from a source not anticipated in the budget and received for a particular purpose, including but not limited to

grants, donations, gifts, or reimbursement for damages, may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. Such receipts and appropriations must be added to the budget of the proper fund. The resolution may amend the budget to transfer revenue between funds to properly account for unanticipated revenue.

(e) Increased receipts for enterprise or proprietary funds received for a particular purpose may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. The resolution may amend the budget to transfer revenue between funds to properly account for increased receipts.

(f) If an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), unless otherwise prohibited by law, the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each budget.

(3) Only the following transfers may be made between funds:

(a) Transfers to correct errors in handling receipts and disbursements.

(b) Budgeted transfers.

(c) Transfers to properly account for unanticipated revenue or increased receipts.

(4) All unexpended balances of appropriations at the end of the fiscal year shall revert to the fund from which the appropriation was made, but reserves for sinking funds and for future construction and improvements may not be diverted to other purposes.

(5) Any county constitutional officer whose budget is approved by the board of county commissioners, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he or she is eliminated as a candidate or October 1, whichever comes later, without approval of the board of county commissioners.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 129.06, F.S.; providing a procedure by which counties may amend a prior year's budget;

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

Amendment 3 (081738)(with title amendment)—On page 14, between lines 27 and 28, insert:

Section 13. Section 125.0108, Florida Statutes, is amended to read:

125.0108 Areas of critical state concern; tourist impact tax.—

(1)(a) Subject to the provisions of this section, any county creating a land authority pursuant to s. 380.0663(1) is authorized to levy by ordinance, in the area or areas within said county designated as an area of critical state concern pursuant to chapter 380, a tourist impact tax on the taxable privileges described in paragraph (b); however, *if the area or areas of critical state concern are greater than 50 percent of the land area of the county, the tax may be levied throughout the entire county*. Such tax shall not be effective unless and until land development regulations and a local comprehensive plan that meet the requirements of chapter 380 have become effective and such tax is approved by referendum as provided for in subsection (5).

(b) It is declared to be the intent of the Legislature that every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, or condominium for a term of 6 months or less, unless such establishment is exempt from the tax imposed by s. 212.03, is exercising a taxable privilege on the proceeds therefrom under this section.

(c) The governing board of the county may, by passage of a resolution by four-fifths vote, repeal such tax.

(d) The tourist impact tax shall be levied at the rate of 1 percent of each dollar and major fraction thereof of the total consideration charged for such taxable privilege. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary consideration.

(e) The tourist impact tax shall be in addition to any other tax imposed pursuant to chapter 212 and in addition to all other taxes and fees and the consideration for the taxable privilege.

(f) The tourist impact tax shall be charged by the person receiving the consideration for the taxable privilege, and it shall be collected from the lessee, tenant, or customer at the time of payment of the consideration for such taxable privilege.

(2)(a) The person receiving the consideration for such taxable privilege and the person doing business within such area or areas of critical state concern *or within the entire county, as applicable*, shall receive, account for, and remit the tourist impact tax to the Department of Revenue at the time and in the manner provided for persons who collect and remit taxes under chapter 212. The same duties and privileges imposed by chapter 212 upon dealers in tangible property, respecting the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and compliance with the rules of the Department of Revenue in the administration of that chapter shall apply to and be binding upon all persons who are subject to the provisions of this section. However, the Department of Revenue may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$25.

(b) The Department of Revenue shall keep records showing the amount of taxes collected, which records shall also include records disclosing the amount of taxes collected for and from each county in which the tax imposed and authorized by this section is applicable. These records shall be open for inspection during the regular office hours of the Department of Revenue, subject to the provisions of s. 213.053.

(c) Collections received by the Department of Revenue from the tax, less costs of administration of this section, shall be paid and returned monthly to the county and the land authority in accordance with the provisions of subsection (3).

(d) The Department of Revenue, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(e) The Department of Revenue is empowered to promulgate such rules and prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The department is authorized to establish audit procedures and to assess for delinquent taxes.

(f) The estimated tax provisions contained in s. 212.11 do not apply to the administration of any tax levied under this section.

(3) All tax revenues received pursuant to this section, less administrative costs, shall be distributed as follows:

(a) Fifty percent shall be transferred to the land authority to be used to purchase property in the area of critical state concern ~~for from~~ which the revenue is generated. An amount not to exceed 5 percent may be used for administration and other costs incident to such purchases.

(b) Fifty percent shall be distributed to the governing body of the county where the revenue was generated. Such proceeds shall be used to offset the loss of ad valorem taxes due to acquisitions provided for by this act.

(4)(a) Any person who is taxable hereunder who fails or refuses to charge and collect from the person paying for the taxable privilege the

taxes herein provided, either by himself or herself or through agents or employees, is, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) No person shall advertise or hold out to the public in any manner, directly or indirectly, that he or she will absorb all or any part of the tax; that he or she will relieve the person paying for the taxable privilege of the payment of all or any part of the tax; or that the tax will not be added to the consideration for the taxable privilege or that, when added, the tax or any part thereof will be refunded or refused, either directly or indirectly, by any method whatsoever. Any person who willfully violates any provision of this paragraph is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) The tax authorized to be levied by this section shall constitute a lien on the property of the business, lessee, customer, or tenant in the same manner as, and shall be collectible as are, liens authorized and imposed in ss. 713.67, 713.68, and 713.69.

(5) The tourist impact tax authorized by this section shall take effect only upon express approval by a majority vote of those qualified electors in the area or areas of critical state concern in the county seeking to levy such tax, voting in a referendum to be held by the governing board of such county in conjunction with a general or special election, in accordance with the provisions of law relating to elections currently in force. *However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county and the tax is to be imposed throughout the entire county, the tax shall take effect only upon express approval of a majority of the qualified electors of the county voting in such a referendum.*

(6) The effective date of the levy and imposition of the tourist impact tax authorized under this section shall be the first day of the second month following approval of the ordinance by referendum or the first day of any subsequent month as may be specified in the ordinance. A certified copy of the ordinance shall include the time period and the effective date of the tax levy and shall be furnished by the county to the Department of Revenue within 10 days after passing an ordinance levying such tax and again within 10 days after approval by referendum of such tax. *If applicable, the county levying the tax shall provide the Department of Revenue with a list of the businesses in the area of critical state concern where the tourist impact tax is levied by zip code or other means of identification. Notwithstanding the provisions of s. 213.053, the Department of Revenue shall assist the county in compiling such list of businesses. The tourist impact tax, if not repealed sooner pursuant to paragraph (1)(c), shall be repealed 10 years after the date the area of critical state concern designation is removed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 125.0108, F.S.; providing that the tourist impact tax that is authorized to be levied in an area of critical state concern in certain counties may be levied throughout the entire county, subject to referendum approval, if the area of critical state concern is greater than 50 percent of the area of the county;

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

Amendment 4 (054156)(with title amendment)—On page 14, between lines 22 and 23, insert:

Section 12. Subsection (7) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(7) **AUTOMATIC EXPIRATION ON RETIREMENT OF BONDS.**—Anything in this section to the contrary notwithstanding, if the plan for tourist development approved by the governing board of the county, as amended from time to time pursuant to paragraph (4)(d), includes the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, or auditorium, or a museum that is publicly owned and operated or owned and operated by a not-for-profit

organization, the county ordinance levying and imposing the tax shall automatically expire upon the later of:

(a) Retirement of all bonds issued by the county for financing the same; or

(b) The expiration of any agreement by the county for the operation or maintenance, or both, of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, or museum. However, nothing herein shall preclude that county from amending the ordinance extending the tax to the extent that the board of the county determines to be necessary to provide funds with which to operate, maintain, repair, or renew and replace a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, or museum or from enacting an ordinance *which shall take effect without referendum approval, unless the original referendum required ordinance expiration*, pursuant to the provisions of this section reimposing a tourist development tax, upon or following the expiration of the previous ordinance.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 125.0104, F.S.; authorizing certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances;

On motion by Senator Brown-Waite, **SB 1132** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Saunders
Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	Webster
Cowin	King	Rossin	
Crist	Klein	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 1172—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a declaration that the act fulfills important state interest; providing an effective date.

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

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

Amendment 1 (732242)—On page 2, lines 8 and 9, delete “self-insured”

Amendment 2 (844038)—On page 5, line 8, insert:

Section 3. This act shall take effect upon becoming a law and shall apply to eligible local government plan participants effective with the January 1, 2003, plan year.

On motion by Senator Mitchell, **CS for SB 1172** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Lee	Sebesta
Bronson	Dyer	Meek	Silver
Brown-Waite	Garcia	Miller	Smith
Burt	Geller	Mitchell	Sullivan
Campbell	Holzendorf	Peaden	Villalobos
Carlton	Jones	Posey	Wasserman Schultz
Clary	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—None

Vote after roll call:

Yea—Constantine, Lawson

CS for SB 1638—A bill to be entitled An act relating to sales and use tax administration; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for SB 1638** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Lee	Sebesta
Bronson	Diaz de la Portilla	Meek	Silver
Brown-Waite	Dyer	Miller	Smith
Burt	Geller	Mitchell	Sullivan
Campbell	Holzendorf	Peaden	Villalobos
Carlton	Jones	Posey	Wasserman Schultz
Clary	King	Pruitt	Webster
Constantine	Klein	Rossin	
Cowin	Latvala	Sanderson	
Crist	Laurent	Saunders	

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 1684** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Klein	Sanderson
Bronson	Dawson	Latvala	Saunders
Brown-Waite	Diaz de la Portilla	Laurent	Sebesta
Burt	Dyer	Lee	Silver
Campbell	Garcia	Miller	Smith
Carlton	Geller	Mitchell	Sullivan
Constantine	Holzendorf	Posey	Villalobos
Cowin	Jones	Pruitt	Wasserman Schultz
	King	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Lawson, Peaden

CS for SB's 182, 328 and 970—A bill to be entitled An act relating to insurance; amending s. 627.062, F.S.; excluding the Florida Windstorm Underwriting Association from certain rate-filing arbitration provisions; amending s. 627.0628, F.S.; limiting authority of insurers to use findings of the Florida Commission on Hurricane Loss Projection Methodology in a rate filing under s. 627.062, F.S.; providing that such findings are not admissible and relevant in consideration of a rate filing by the Department of Insurance unless the department has access to all factors and assumptions used in developing the standards or models found by the commission to be reliable or accurate; amending s. 627.351, F.S.; modifying membership of the board of directors of the Florida Windstorm Underwriting Association; revising the criteria for limited apportionment companies; requiring insurers taking policies out of the association to pay certain amounts or take certain actions relative to the producing agent of record; deleting a requirement that certain insureds lose their eligibility for coverage by the association under certain circumstances; revising the immunity from liability for members of the board of the association; providing for assignment by the association of personal lines residential policies located in a deauthorized area to authorized insurers; providing criteria for distributing assigned policies; providing procedures; providing that assignment of a policy does not affect the producing agent's entitlement to unearned commission; providing for appeals of assignment of policies to the Department of Insurance; providing that a failure to accept residential policies assigned by the association is a willful violation of the Florida Insurance Code; authorizing the department to adopt rules; amending s. 627.7013, F.S.; extending the operation of the law limiting the number of personal lines residential policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; amending s. 627.7014, F.S.; extending the operation of the law limiting the number of condominium association property insurance policies that may be terminated by an insurer for the purpose of reducing the insurer's exposure to hurricane claims; making legislative findings; prohibiting the Florida Windstorm Underwriting Association from requiring flood insurance under certain circumstances; authorizing certain premium reductions under certain circumstances; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; providing an effective date.

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

On motion by Senator Silver, **CS for SB's 182, 328 and 970** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Jones	Mitchell
Bronson	Dawson	King	Peaden
Brown-Waite	Diaz de la Portilla	Klein	Posey
Campbell	Dyer	Latvala	Pruitt
Carlton	Garcia	Laurent	Rossin
Clary	Geller	Lee	Sanderson
Constantine	Holzendorf	Meek	Saunders
Cowin	Horne	Miller	Sebesta

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Peaden, by unanimous consent—

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms “controlling interest” and “voluntary board member” and revising the definition of “resident care plan” for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney’s fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse’s duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms “intentional misconduct” and “gross negligence”; prescribing criteria governing employers’ liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney’s fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility’s license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126,

F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer’s disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney’s fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse’s duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S.,

do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; providing appropriations; providing for severability; providing effective dates.

—as amended April 26 was taken up out of order and read the third time by title.

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

Amendment 1 (183218)(with title amendment)—On page 116, between lines 11 and 12, insert: *The agency shall modify its cost-reporting system for nursing homes to collect direct and indirect resident care costs. Direct care costs shall include only the salaries and benefits of staff who directly provide care to residents, including registered nurses providing direct care, licensed practical nurses providing direct care, and certified nursing assistants providing direct care. There shall be no cost directly or indirectly allocated to the direct resident care costs from a home office or management company. Indirect costs are resident care costs not directly associated with staff who provide care for residents. On January 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.*

And the title is amended as follows:

On page 9, line 19, after the semicolon (;) insert: modifying requirements for nursing home cost reporting; requiring a report;

On motions by Senator Brown-Waite, **CS for CS for CS for SB 1202** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Mr. President	Crist	Lawson	Sebesta
Bronson	Dyer	Lee	Silver
Brown-Waite	Garcia	Miller	Smith
Burt	Holzendorf	Mitchell	Sullivan
Campbell	Horne	Peaden	Villalobos
Carlton	King	Posey	Webster
Clary	Klein	Pruitt	
Constantine	Latvala	Sanderson	
Cowin	Laurent	Saunders	

Nays—5

Dawson	Meek	Rossin	Wasserman Schultz
Jones			

Vote after roll call:

Nay to Yea—Wasserman Schultz

On motion by Senator Brown-Waite, by unanimous consent—

SB 1200—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was taken up out of order and read the third time by title.

On motions by Senator Brown-Waite, **SB 1200** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crist	Laurent	Sebesta
Bronson	Dyer	Lee	Silver
Brown-Waite	Garcia	Mitchell	Smith
Burt	Geller	Peaden	Sullivan
Campbell	Holzendorf	Posey	Villalobos
Carlton	Horne	Pruitt	Wasserman Schultz
Clary	King	Rossin	Webster
Constantine	Klein	Sanderson	
Cowin	Latvala	Saunders	

Nays—None

On motion by Senator Posey, by unanimous consent—

CS for SB 1118—A bill to be entitled An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; providing for the use of precinct

tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on overvotes and undervotes following the general election; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, 102.012(7), F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; requiring the acceptance of late-filed election returns in certain circumstances; increasing the fine for filing late-filed election returns; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; amending s. 102.168, F.S.; revising the grounds for an election contest; creating s. 102.135, F.S.; prohibiting a member of the Elections Canvassing Commission or a member of the county canvassing board from rendering a post-election decision that may affect the outcome of any race in which the member publicly endorsed or solicited contributions; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items in order to qualify for election; amending s. 105.035, F.S.; providing alternative procedures for candidates for supervisor of elections to qualify for election; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor

of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections are to be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; repealing s. 100.091, F.S., to eliminate the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.168, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S.; revising references, to conform to the elimination of the second primary election; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 106.141, F.S.; increasing the amount that may be transferred to an office account; amending s. 106.15, F.S.; expanding prohibition against candidates using state employees' services during working hours to include all government employees; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, F.S., to conform; providing an appropriation for the design of a statewide voter registration database; providing requirements for the database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing an appropriation for voter education and pollworker training; providing for the appropriation from the General Appropriations Act to be used to implement the provisions of the act; providing for study of elections process in multiple time zones; providing effective dates.

—as amended April 26 was taken up out of order and read the third time by title.

On motions by Senator Posey, **CS for SB 1118** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crist	Laurent	Sebesta
Bronson	Diaz de la Portilla	Lee	Silver
Brown-Waite	Dyer	Mitchell	Smith
Burt	Garcia	Peaden	Sullivan
Campbell	Geller	Posey	Villalobos
Carlton	Horne	Pruitt	Wasserman Schultz
Clary	King	Rossin	Webster
Constantine	Klein	Sanderson	
Cowin	Latvala	Saunders	

Nays—1

Holzendorf

MOTION

On motion by Senator Posey, the House was requested to concur in **CS for SB 1118** as passed by the Senate, and in the event the House refused to concur a conference committee was requested to work out the differences between the two houses.

MOTIONS

On motion by Senator Sanderson, by two-thirds vote **CS for SB 772** which passed April 26 was ordered immediately certified to the House.

On motion by Senator Posey, by two-thirds vote **SB 1400** which passed April 26 was ordered immediately certified to the House.

SENATOR KING PRESIDING

HB 695—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **HB 695** was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Holzendorf	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim’s parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim’s parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim’s parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim’s rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim’s parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim’s parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term “state” for purposes of the compact; creating s.

949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the “Interstate Compact for Adult Offender Supervision”; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for CS for SB 306** was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Holzendorf	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

THE PRESIDENT PRESIDING

Consideration of **CS for SB 350** was deferred.

SB 1324—A bill to be entitled An act relating to health care; creating s. 456.41, F.S.; authorizing provision of and access to complementary or alternative health care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient’s Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient’s health care practitioner believes is in the patient’s best interests; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **SB 1324** was passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Cowin	Laurent	Saunders
Bronson	Crist	Lee	Sebesta
Brown-Waite	Diaz de la Portilla	Mitchell	Silver
Burt	Dyer	Peaden	Smith
Campbell	Garcia	Posey	Sullivan
Carlton	Holzendorf	Pruitt	Villalobos
Clary	King	Rossin	Wasserman Schultz
Constantine	Klein	Sanderson	Webster

Nays—1

Latvala

SB 1020—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 170.201, F.S.; authorizing counties to levy special assessments to fund capital improvements and certain services; providing for apportionment of such assessments; amending s. 197.3632, F.S., relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; defining the term “levied for the first time”; specifying the circumstances in which a local government must adopt a non-ad valorem assessment roll at a public hearing; prescribing requirements relating to the notice that must be given before such a hearing is held; providing an effective date.

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

On motion by Senator Rossin, **SB 1020** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Crist	Laurent	Sebesta
Bronson	Diaz de la Portilla	Lee	Smith
Brown-Waite	Dyer	Mitchell	Sullivan
Burt	Garcia	Peaden	Villalobos
Campbell	Geller	Posey	Wasserman Schultz
Carlton	Holzendorf	Pruitt	Webster
Clary	King	Rossin	
Constantine	Klein	Sanderson	
Cowin	Latvala	Saunders	

Nays—None

SB 1986—A bill to be entitled An act relating to group insurance for public officers, employees, and volunteers; amending s. 112.08, F.S.; prescribing procedure for a local governmental unit to replace health insurance when the contracting provider becomes financially impaired or fails or refuses to provide coverage; providing an effective date.

—was read the third time by title.

On motions by Senator Sanderson, **SB 1986** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Mr. President	Cowin	Latvala	Sanderson
Bronson	Crist	Laurent	Saunders
Brown-Waite	Diaz de la Portilla	Lee	Sebesta
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Holzendorf	Posey	Villalobos
Clary	King	Pruitt	Wasserman Schultz
Constantine	Klein	Rossin	Webster

Nays—None

SB 1422—A bill to be entitled An act relating to voter registration identification cards; eliminating the race or ethnicity designation of a voter on the card; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **SB 1422** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Crist	Laurent	Silver
Bronson	Diaz de la Portilla	Lee	Smith
Brown-Waite	Dyer	Mitchell	Sullivan
Burt	Garcia	Posey	Villalobos
Campbell	Geller	Pruitt	Wasserman Schultz
Carlton	Holzendorf	Rossin	Webster
Clary	King	Sanderson	
Constantine	Klein	Saunders	
Cowin	Latvala	Sebesta	

Nays—None

Vote after roll call:

Yea—Peaden

SB 1194—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; amending s. 777.04, F.S.; exempting certain violations of the Florida Election Code from provisions specifying the ranking of an offense under the Criminal Punishment Code; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Smith, **SB 1194** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crist	Laurent	Sebesta
Bronson	Diaz de la Portilla	Lee	Silver
Brown-Waite	Dyer	Mitchell	Smith
Burt	Garcia	Peaden	Sullivan
Campbell	Geller	Posey	Villalobos
Carlton	Holzendorf	Pruitt	Wasserman Schultz
Clary	King	Rossin	Webster
Constantine	Klein	Sanderson	
Cowin	Latvala	Saunders	

Nays—None

Consideration of **SJR 1426** was deferred.

CS for SB 894—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until finalists are nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Garcia, further consideration of **CS for SB 894** as amended was deferred.

CS for SB 118—A bill to be entitled An act relating to postsecondary admissions; amending s. 240.233, F.S.; prescribing additional courses that may be considered part of a college-preparatory curriculum; creating s. 239.515, F.S.; establishing the College Fast Start Program; providing legislative intent; defining terms; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; requiring an advisory council to review proposals and recommend an order of priority for funding; providing membership of the advisory council; providing for funding of the program; providing methodology for competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance and the Postsecondary Education Planning Commission to develop specifications and procedures for the transmission of such data; requiring the alliance to report to the Governor, the Legislature, and the Commissioner of Education annually on the effectiveness of the program; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 118** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Latvala	Saunders
Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Holzendorf	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	

Nays—None

CS for SB 840—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual’s health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, CS for SB 840 was passed and certified to the House. The vote on passage was:

Yeas—35

Table with 4 columns: Name, Crist, Latvala, Saunders. Lists names of senators and their corresponding votes for CS for SB 840.

Nays—None

CS for SB 2118—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions; creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

—as amended April 26 was read the third time by title.

On motions by Senator Crist, CS for SB 2118 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sebesta. Lists names of senators and their corresponding votes for CS for SB 2118.

Nays—None

Vote after roll call:

Yea—Cowan

SENATOR KING PRESIDING

CS for SB 890—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney’s fees are reasonable are not necessary under certain conditions; providing that attorney’s fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney’s fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing that the petitioner or petitioner’s attorney is responsible for placing the legal advertisement, publication, or notice of a foreclosure proceeding; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Campbell, CS for SB 890 as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sebesta. Lists names of senators and their corresponding votes for CS for SB 890.

Nays—None

CS for SB 658—A bill to be entitled An act relating to insurance; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term “statutory accounting principles”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; amending ss. 626.916, 626.918, 626.921, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing a retroactive effective date.

—as amended April 26 was read the third time by title.

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

Amendment 1 (730818)—On page 20, line 31, after “Statutes” insert: (2000)

On motion by Senator Holzendorf, CS for SB 658 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sebesta. Lists names of senators and their corresponding votes for CS for SB 658.

Nays—None

THE PRESIDENT PRESIDING

SB 1170—A bill to be entitled An act relating to driver’s license suspension or revocation; amending s. 322.056, F.S.; providing an exception to mandatory revocation or suspension of a juvenile’s driver’s license under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **SB 1170** was passed and certified to the House. The vote on passage was:

Yeas—32

Bronson	Crist	Latvala	Sanderson
Brown-Waite	Diaz de la Portilla	Laurent	Saunders
Burt	Dyer	Lee	Sebesta
Campbell	Garcia	Mitchell	Smith
Carlton	Geller	Peaden	Sullivan
Clary	Holzendorf	Posey	Villalobos
Constantine	Horne	Pruitt	Wasserman Schultz
Cowin	Klein	Rossin	Webster

Nays—None

The Senate resumed consideration of—

CS for SB 894—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until finalists are nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—which was previously considered this day.

Senators Smith and King offered the following amendment which was moved by Senator Smith and adopted by two-thirds vote:

Amendment 1 (951944)—On page 2, line 12, before the period (.) insert: *; provided that, before the records are made public, the custodian of the records relating to a non-finalist candidate shall redact from such records those matters that personally identify the applicant. If tape recordings are requested, a redacted transcript may be provided*

On motion by Senator Garcia, **CS for SB 894** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Cowin	King	Sanderson
Bronson	Crist	Klein	Sebesta
Brown-Waite	Diaz de la Portilla	Latvala	Smith
Burt	Dyer	Lee	Sullivan
Campbell	Garcia	Peaden	Villalobos
Carlton	Geller	Posey	Wasserman Schultz
Clary	Holzendorf	Pruitt	Webster
Constantine	Horne	Rossin	

Nays—1

Saunders

SENATOR CARLTON PRESIDING

CS for CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.012, F.S.; providing a definition of cargo; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment and theft of certain cargo; providing a penalty for subsequent convictions for stealing cargo; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant’s employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishoplifting or

inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver’s license of certain persons under certain circumstances; requiring a court to suspend the driver’s license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver’s license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card, issuer of the payment card, or merchant; providing a felony penalty for using a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

—as amended April 26 was read the third time by title.

On motions by Senator Burt, **CS for CS for SB 1282** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Bronson	Diaz de la Portilla	Latvala	Sanderson
Brown-Waite	Dyer	Laurent	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Mitchell	Smith
Clary	Holzendorf	Peaden	Sullivan
Constantine	Horne	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Carlton

CS for SB 2034—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 2034** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Mitchell	Sullivan
Campbell	Geller	Peaden	Villalobos
Carlton	Holzendorf	Posey	Wasserman Schultz
Clary	Horne	Pruitt	Webster
Constantine	King	Rossin	
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

Consideration of **CS for SB 302** was deferred.

CS for SB 2088—A bill to be entitled An act relating to prepaid college tuition; amending s. 240.551, F.S.; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **CS for SB 2088** was passed and certified to the House. The vote on passage was:

Yeas—32

Bronson	Diaz de la Portilla	Latvala	Sanderson
Brown-Waite	Dyer	Laurent	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Mitchell	Smith
Clary	Holzendorf	Peaden	Sullivan
Constantine	Horne	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Carlton

Consideration of **CS for CS for SB 668** was deferred.

HB 1935—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 1935** was passed and certified to the House. The vote on passage was:

Yeas—32

Bronson	Diaz de la Portilla	Latvala	Sanderson
Brown-Waite	Dyer	Laurent	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Mitchell	Smith
Clary	Holzendorf	Peaden	Sullivan
Constantine	Horne	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Carlton

CS for SB 1852—A bill to be entitled An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 327.73, 372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, 318.14, 327.35, 382.022, 569.11, 938.23, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

—as amended April 26 was read the third time by title.

On motions by Senator Burt, **CS for SB 1852** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Bronson	Diaz de la Portilla	Laurent	Saunders
Burt	Dyer	Lee	Sebesta
Campbell	Geller	Mitchell	Smith
Carlton	Holzendorf	Peaden	Sullivan
Clary	Horne	Posey	Villalobos
Constantine	King	Pruitt	Wasserman Schultz
Cowin	Klein	Rossin	Webster
Crist	Latvala	Sanderson	

Nays—None

CS for SB 1850—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for SB 1850** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Mitchell	Sullivan
Campbell	Geller	Peaden	Villalobos
Carlton	Holzendorf	Posey	Wasserman Schultz
Clary	Horne	Pruitt	Webster
Constantine	King	Rossin	
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Dyer, **CS for SB 84** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Burt	Carlton	Constantine
Brown-Waite	Campbell	Clary	Cowin

Crist	King	Posey	Sullivan
Diaz de la Portilla	Klein	Pruitt	Villalobos
Dyer	Latvala	Rossin	Wasserman Schultz
Garcia	Laurent	Sanderson	Webster
Geller	Lee	Saunders	
Holzendorf	Mitchell	Sebesta	
Horne	Peaden	Smith	

Nays—None

CS for SB 322—A bill to be entitled An act relating to youthful offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or correctional staff; providing an effective date.

—as amended April 26 was read the third time by title.

Senator Crist moved the following amendment:

Amendment 1 (884704)(with title amendment)—On page 2, between lines 20 and 21, insert:

Section 2. Subsection (5) of section 921.0021, Florida Statutes, is amended to read:

921.0021 Definitions.—As used in this chapter, for any felony offense, except any capital felony, committed on or after October 1, 1998, the term:

(5) “Prior record” means a conviction for a crime committed by the offender, as an adult or a juvenile, prior to the time of the primary offense. Convictions by federal, out-of-state, military, or foreign courts, and convictions for violations of county or municipal ordinances that incorporate by reference a penalty under state law, are included in the offender’s prior record. Convictions for offenses committed by the offender more than 10 years before the primary offense are not included in the offender’s prior record if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense. Juvenile dispositions of offenses committed by the offender within 5 3/4 years before the primary offense are included in the offender’s prior record when the offense would have been a crime had the offender been an adult rather than a juvenile. Juvenile dispositions of sexual offenses committed by the offender which were committed 5 3/4 years or more before the primary offense are included in the offender’s prior record if the offender has not maintained a conviction-free record, either as an adult or a juvenile, for a period of 5 3/4 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 921.0021, F.S.; redefining the term “prior record” to extend the time during which the disposition of certain juvenile offenses are included in an offender’s record;

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

Amendment 2 (692450)(with title amendment)—On page 2, between lines 20 and 21, insert:

Section 2. Subsection (5) of section 921.0021, Florida Statutes, is amended to read:

921.0021 Definitions.—As used in this chapter, for any felony offense, except any capital felony, committed on or after October 1, 1998, the term:

(5) “Prior record” means a conviction for a crime committed by the offender, as an adult or a juvenile, prior to the time of the primary offense. Convictions by federal, out-of-state, military, or foreign courts, and convictions for violations of county or municipal ordinances that incorporate by reference a penalty under state law, are included in the offender’s prior record. Convictions for offenses committed by the offender more than 10 years before the primary offense are not included in the offender’s prior record if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense. Juvenile dispositions of offenses committed by the offender within 5 3/4 years before the primary offense are included in the offender’s prior record when the offense would have been a crime had the offender been an adult rather than a juvenile. Juvenile dispositions of sexual offenses committed by the offender which were committed 5 3/4 years or more before the primary offense are included in the offender’s prior record if the offender has not maintained a conviction-free record, either as an adult or a juvenile, for a period of 5 3/4 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-16, delete those lines and insert: An act relating to the disposition of offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or correctional staff; amending s. 921.0021, F.S.; redefining the term “prior record” to extend the time during which the disposition of certain juvenile offenses are included in an offender’s record; providing an effective date.

On motion by Senator Geller, **CS for SB 322** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Mitchell	Sullivan
Campbell	Geller	Peaden	Villalobos
Carlton	Holzendorf	Posey	Wasserman Schultz
Clary	Horne	Pruitt	Webster
Constantine	King	Rossin	
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

SB 698—A bill to be entitled An act relating to the statute of limitations for prosecuting certain sexual offenses; amending s. 775.15, F.S.; revising the date on which the applicable statute of limitations begins for certain sexual offenses committed against a minor; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 698** was passed and certified to the House. The vote on passage was:

Yeas—32

Bronson	Constantine	Geller	Laurent
Brown-Waite	Cowin	Holzendorf	Lee
Burt	Crist	Horne	Mitchell
Campbell	Diaz de la Portilla	King	Peaden
Carlton	Dyer	Klein	Posey
Clary	Garcia	Latvala	Pruitt

Rossin	Saunders	Smith	Villalobos
Sanderson	Sebesta	Sullivan	Wasserman Schultz

Nays—None

HB 385—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 385** was passed and certified to the House. The vote on passage was:

Yeas—32

Bronson	Diaz de la Portilla	Latvala	Saunders
Brown-Waite	Dyer	Laurent	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Mitchell	Smith
Carlton	Holzendorf	Peaden	Sullivan
Clary	Horne	Pruitt	Villalobos
Constantine	King	Rossin	Wasserman Schultz
Cowin	Klein	Sanderson	Webster

Nays—None

Vote after roll call:

Yea—Crist

CS for SB 350—A bill to be entitled An act relating to individual development accounts; providing purposes; providing definitions; requiring the Department of Children and Family Services to amend the Temporary Assistance for Needy Families State Plan to provide for use of funds for individual development accounts; specifying criteria and requirements for contributions to such accounts; specifying purposes for use of such accounts; providing for procedures for withdrawals from such accounts; specifying certain organizations to act as fiduciary organizations for certain purposes; providing for controlling the withdrawal of funds for uses other than qualified purposes; providing for resolution of certain disputes; providing for transfer of ownership of such accounts under certain circumstances; providing for establishment of such accounts by certain financial institutions under certain circumstances; providing requirements; providing that account funds and matching funds do not affect certain program eligibility; providing for rules; providing an effective date.

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

On motions by Senator Holzendorf, **CS for SB 350** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Bronson	Diaz de la Portilla	Latvala	Sanderson
Brown-Waite	Dyer	Laurent	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Mitchell	Smith
Carlton	Holzendorf	Peaden	Sullivan
Constantine	Horne	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Clary

HB 47—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the Executive Office of the Governor to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 47** was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Mitchell	Sullivan
Campbell	Geller	Peaden	Villalobos
Carlton	Holzendorf	Posey	Wasserman Schultz
Clary	Horne	Pruitt	Webster
Constantine	King	Rossin	
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

Consideration of **CS for CS for SB 2092** and **CS for SB 1226** was deferred.

SB 1344—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to certain preference for military service; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 1344** was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Holzendorf	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—None

CS for SB 1366—A bill to be entitled An act relating to tax exemption; amending s. 196.202, F.S.; defining the term “totally and permanently disabled person”; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **CS for SB 1366** was passed and certified to the House. The vote on passage was:

Yeas—32

Bronson	Clary	Diaz de la Portilla	Holzendorf
Brown-Waite	Constantine	Dyer	Horne
Burt	Cowin	Garcia	King
Carlton	Crist	Geller	Klein

Latvala	Peaden	Sanderson	Sullivan
Laurent	Posey	Saunders	Villalobos
Lee	Pruitt	Sebesta	Wasserman Schultz
Mitchell	Rossin	Smith	Webster

Nays—1

Campbell

Vote after roll call:

Nay to Yea—Campbell

CS for SB 1642—A bill to be entitled An act relating to homestead exemption; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or non-profit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

—as amended April 26 was read the third time by title.

Senators Cowin and Latvala offered the following amendment which was moved by Senator Cowin and adopted by two-thirds vote:

Amendment 1 (512738)(with title amendment)—On page 1, line 31, after the colon (:) insert:

Section 1. Section 196.202, Florida Statutes, is amended to read:

196.202 Property of widows, widowers, blind persons, and persons totally and permanently disabled.—Property to the value of \$500 of every widow, widower, blind person, or totally and permanently disabled person who is a bona fide resident of this state shall be exempt from taxation. *As used in this section, the term “totally and permanently disabled person” means a person who is currently certified by a physician licensed in this state, by the United States Department of Veterans Affairs or its predecessor, or by the Social Security Administration to be totally and permanently disabled.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to exemptions from taxation; amending s. 196.202, F.S.; defining the term “totally and permanently disabled person”;

On motion by Senator Latvala, further consideration of **CS for SB 1642** as amended was deferred.

SB 818—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; providing for a change in the boundaries of an enterprise zone; providing limitations; providing for designation of a specified area within Hillsborough County as an enterprise zone; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Hernando County; providing requirements with respect thereto; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Smith, **SB 818** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Dyer	Lee	Silver
Brown-Waite	Garcia	Mitchell	Smith
Burt	Geller	Peaden	Sullivan
Campbell	Holzendorf	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	
Diaz de la Portilla	Laurent	Sebesta	

Nays—None

Vote after roll call:

Yea—Carlton

Consideration of **CS for SB 1306** was deferred.

CS for SB 962—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB 962** was passed and certified to the House. The vote on passage was:

Yeas—31

Bronson	Crist	Laurent	Saunders
Brown-Waite	Diaz de la Portilla	Lee	Sebesta
Burt	Dyer	Mitchell	Smith
Campbell	Garcia	Peaden	Sullivan
Carlton	Geller	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	Klein	Rossin	Webster
Cowin	Latvala	Sanderson	

Nays—None

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

—as amended April 26 was read the third time by title.

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

Amendment 1 (023086)(with title amendment)—On page 3, line 4, after the period (.) insert: *To provide after-school care programs under this paragraph, a community-based organization or a faith-based organization must be a nonprofit organization that holds a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code or must be a religious organization that is not required to apply for recognition of its exemption from federal taxation under s. 501(c)(3) of the Internal Revenue Code.*

And the title is amended as follows:

On page 1, line 8, after the first semicolon (;) insert: prescribing eligibility criteria for certain organizations providing such programs;

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

Amendment 2 (573560)(with title amendment)—On page 4, between lines 8 and 9, insert:

Section 3. *Legislative findings and intent; Digital Divide Council; powers and duties; program objectives and goals; review and assessment of program performances; annual report.—*

(1) **LEGISLATIVE FINDINGS AND INTENT.**—*The Legislature finds as follows:*

(a) *Frequent access to use of information technology and possession of the knowledge and skills required to use information technology productively is becoming increasingly more important to being competitively qualified for high-skill, high-wage employment.*

(b) *The availability of reasonable opportunities to have frequent access to use of information technology and to obtain the education and training necessary to acquire the knowledge and skills required to use information technology productively is critical to becoming competitively qualified for high-skill, high-wage employment.*

(c) *Families that are living near or below the poverty level are without adequate economic resources to have reasonable opportunities to obtain frequent access to use of information technology or the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment.*

(d) *The absence of such economic resources divides such families from those who have adequate economic resources to have such opportunities, places such families at risk of never realizing their employment and income earning potential, and prevents the state's economy from prospering to the extent possible if such families realized their employment and income earning potential.*

(e) *The divide between the members of such at-risk families and those who have adequate economic resources to have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment could be reduced, and the economy of the state could be enhanced, by designing and implementing programs that provide such opportunities to members of such at-risk families.*

It is the intent of the Legislature to provide the authority and resources reasonably necessary to facilitate design and implementation of such programs.

(2) **DIGITAL DIVIDE COUNCIL.**—*The Digital Divide Council is created in the State Technology Office. The council shall consist of:*

- (a) *The chief information officer in the State Technology Office.*
- (b) *The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.*
- (c) *The president of Workforce Florida, Inc.*
- (d) *The director of the Agency for Workforce Innovation.*
- (e) *The chair of itflorida.com, Inc.*
- (f) *The Commissioner of Education.*
- (g) *The executive director of the State Board of Community Colleges.*
- (h) *The executive director of the State Board for Career Education.*
- (i) *The chair of the Network Access Point of the Americas.*
- (j) *A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.*
- (k) *A representative of the information technology industry in this state appointed by the President of the Senate.*
- (l) *Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.*
- (m) *Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of*

whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.

(3) **TERMS OF APPOINTED MEMBERS OF COUNCIL; VACANCIES; COMPENSATION OF MEMBERS.**—*The appointed members of the council shall serve an initial term of 1 year commencing July 1, 2001, and ending June 30, 2002, and successor appointees shall serve a term of 2 years, the first of which shall commence July 1, 2002, and end June 30, 2004. Successive 2-year terms shall commence and end on the same schedule in subsequent years. Any vacancy in the membership of the council resulting from resignation, incapacity, or death shall be filled within 30 days after the date the vacancy is effective. The appointed members of the council shall serve without compensation, but such appointees and the other members of the council shall be entitled to receive per diem and reimbursement for travel expenses as provided in section 112.061, Florida Statutes. Payment of such per diem and reimbursement of such travel expenses may be made from appropriations authorized to be used for such purposes.*

(4) **COUNCIL MEETINGS; ELECTION OF OFFICERS.**—*The council shall conduct its initial meeting by August 1, 2001, and shall meet thereafter at least once every 60 days. In its initial meeting, the members of the council shall elect a member to serve as chair and another to serve as vice chair, each for a term of 1 year from the date of the election. Any vacancy in the offices of chair and vice chair resulting from resignation, incapacity, or death shall be filled by similar election within 30 days after the date the vacancy is effective.*

(5) **ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.**—*The State Technology Office shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the State Technology Office related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.*

(6) **POWERS AND DUTIES OF COUNCIL.**—*The council, through the State Technology Office, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The State Technology Office shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.*

(7) **PROGRAM OBJECTIVES AND GOALS.**—*The programs authorized by this section shall have the following objectives and goals:*

- (a) *Maximizing efficient and productive use of existing facilities, equipment, personnel, programs, and funds available from federal, state, and local government agencies and from any private person or entity.*
- (b) *Using innovative concepts employing newly developed technologies in educating and training those who are enrolled in the programs authorized by this section.*
- (c) *Developing viable partnerships between public agencies and private persons and entities based on mutual commitment to responsible and dedicated participation in designing and implementing the programs authorized by this section.*

(d) *Recruiting, enrolling, retaining, and graduating as many at-risk family members as feasible to ensure that they have reasonable opportunities to obtain access to frequent use of information technology and the*

education and training necessary to competitively qualify them for high-skill, high-wage employment.

(e) Reducing the number of underachieving and failing students in the state's public school systems who are members of at-risk families.

(f) Reducing the number of underemployed and unemployed members of at-risk families.

(g) Using information technology to facilitate achievement of the Sunshine State Standards by all children enrolled in the state's K-12 school system who are members of at-risk families.

(h) Training teachers in the state's K-12 school system to efficiently and effectively use information technology to plan, teach, and administer all courses of instruction required and available by election of children enrolled in the system.

(i) Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education needed to achieve successful completion of general education development test preparation to earn a high school diploma, an applied technology diploma, a vocational certificate, an associate of arts degree, or a baccalaureate degree.

(j) Bridge the digital divide in developing a competitive workforce to meet the employment needs of state-based information technology businesses and establish this state as having the most information technology ready workforce in the western hemisphere.

(8) **MONITORING, REVIEWING, AND EVALUATING PROGRAM PERFORMANCES; REPORTING RESULTS.**—The council, through the State Technology Office, shall continually monitor, review, and evaluate the progress of performances realized from implementation of the programs authorized by this section. The State Technology Office shall prepare and submit a report to the council at least 10 days before each of its meetings subsequent to its initial meeting and each such report shall, at a minimum, identify and describe the functional elements of each program being implemented and identify and describe the facilities, equipment, personnel, programs, and funds used to design and implement the program. For each such program, the report shall also identify by name, address, age, and sex the school-age children, and their older siblings and parents, who are enrolled in the program, state the educational level achieved by each enrollee as of the date he or she enrolled in the program, state the attendance and achievement level recorded for each enrollee in the program, evaluate the progress each enrollee is making toward successful completion of the program, and identify by name, address, age, and sex each enrollee who successfully completes the program. For each such program that is designed to prepare enrollees for high-skill, high-wage employment, the report shall identify each enrollee who successfully completes the program, describe each such employment position for which each enrollee has applied, identify by name, address, and nature of business each employer based in this state to whom each such application for employment has been addressed, state the results each enrollee obtained from making each such application, and describe the nature of any employment obtained and terms of compensation being earned from such employment by each enrollee as a result of making such applications.

(9) **ANNUAL REPORT.**—By March 1, 2002, the council, through the State Technology Office, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports;

On motions by Senator Holzendorf, **CS for SB 1226** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Bronson	Crist	Latvala	Sanderson
Brown-Waite	Diaz de la Portilla	Laurent	Saunders
Burt	Dyer	Lee	Sebesta
Campbell	Garcia	Mitchell	Smith
Carlton	Geller	Peaden	Sullivan
Clary	Holzendorf	Posey	Villalobos
Constantine	King	Pruitt	Wasserman Schultz
Cowin	Klein	Rossin	Webster

Nays—None

THE PRESIDENT PRESIDING

SB 2308—A bill to be entitled An act relating to the South Lake County Hospital District, Lake County; providing for codification of special laws relating to the South Lake County Hospital District; providing legislative intent; amending, codifying, reenacting, and repealing chapters 69-1201, 70-771, 75-415, 88-466, 95-456, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing a principal office of the district; authorizing the board to levy an annual al valorem tax upon taxable property within the district; providing for purpose of the tax; providing for a method for such levy; exempting property of the district for assessment; prohibiting the board from transferring control of the district's hospitals or facilities except upon approval by referendum; providing for severability; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **SB 2308** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Latvala	Saunders
Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Holzendorf	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which—

SB 1132—A bill to be entitled An act relating to the use and disposition of real and personal property; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term "Xeriscape"; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners' associations from restricting the practice of Xeriscape; amending s. 197.502, F.S.; amending procedures that apply if there are no bidders at a public sale of property against which tax certificates are held; prescribing the period during which interest on the opening bid continues to accrue; amending s. 197.512, F.S.; providing an exception to certain recording duties of the clerk; amending s. 197.542, F.S.; revising procedures relating to the sale at public auction of lands on which an application for tax deed has been obtained; requiring the high bidder to post a nonrefundable cash deposit at the time of the sale; providing effective dates.

—as amended passed this day.

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

Amendment 5 (215458)—On page 14, lines 23-30, delete those lines and insert:

Section 12. This act shall take effect upon becoming a law and sections 9, 10, and 11 shall take effect October 1, 2001, as to sales for which the respective application for obtaining a tax deed is filed on or after October 1, 2001.

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

Amendment 6 (683308)(with title amendment)—On page 14, between lines 22 and 23, insert:

Section 12. Section 166.0415, Florida Statutes, is created to read:

166.0415 Affordable housing.—Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Section 13. Section 125.01055, Florida Statutes, is created to read:

125.01055 Affordable housing.—Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: creating s. 166.0415, F.S.; allowing municipalities to adopt certain laws, ordinances, rules, or other measures for increasing the supply of affordable housing; creating s. 125.01055, F.S.; allowing counties to adopt certain laws, ordinances, rules, or other measures for increasing the supply of affordable housing;

RECONSIDERATION OF AMENDMENT

On motion by Senator Pruitt, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

On motions by Senator Brown-Waite, by two-thirds vote **SB 1132** as amended was passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Latvala	Saunders
Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Holzendorf	Posey	Villalobos
Clary	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	

Nays—None

CS for CS for SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating

s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for CS for SB 668** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Crist	Laurent	Silver
Bronson	Diaz de la Portilla	Lee	Smith
Brown-Waite	Dyer	Mitchell	Sullivan
Burt	Garcia	Peaden	Villalobos
Campbell	Geller	Posey	Wasserman Schultz
Carlton	Holzendorf	Pruitt	Webster
Clary	Horne	Rossin	
Constantine	Klein	Saunders	
Cowin	Latvala	Sebesta	

Nays—None

Vote after roll call:

Yea—King

SJR 1426—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

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

That the following amendment to Section 5 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

**ARTICLE XI
AMENDMENTS**

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of at least 60 percent of the electors voting on the proposed amendment or revision, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 5

APPROVAL OF CONSTITUTIONAL AMENDMENTS.—Proposing an amendment to the State Constitution to require approval by 60 percent, rather than a simple majority, of the electors voting on a proposed constitutional amendment.

—as amended April 26 was read the third time in full.

On motion by Senator Posey, further consideration of **SJR 1426** as amended was deferred.

CS for CS for SB 2092—A bill to be entitled An act relating to health care; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county’s financial responsibility for such hospital care; requiring the county of residence to accept the hospital’s documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; amending s. 381.0403, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; providing rule-making authority to the Department of Health; amending s. 409.911, F.S.; redefining the term “charity care” or “uncompensated charity care” for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; amending s. 409.912, F.S.; extending the duration of certain demonstration projects to test Medicaid direct contracting; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient’s medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer’s nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—as amended April 26 was read the third time by title.

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until 1:00 p.m.

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

Amendment 1 (340060)—On page 17, delete line 16 and insert: *the individual’s physician and public or private*

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

Amendment 2 (335574)—On page 14, delete line 4 and insert: including, but not limited to, *the Department of Health*, the Board of Regents, local

Amendment 3 (744784)—On page 9, delete line 15 and insert: and *the department board* recommends funding.

On motions by Senator Sanderson, **CS for CS for SB 2092** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dyer	Lee	Silver
Bronson	Garcia	Mitchell	Smith
Burt	Geller	Peaden	Sullivan
Campbell	Holzendorf	Posey	Villalobos
Carlton	Horne	Pruitt	Wasserman Schultz
Constantine	King	Rossin	Webster
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	
Diaz de la Portilla	Laurent	Sebesta	

Nays—None

Vote after roll call:

Yea—Brown-Waite

SENATOR KING PRESIDING

The Senate resumed consideration of—

CS for SB 1642—A bill to be entitled An act relating to homestead exemption; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

—which was previously considered and amended this day.

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

Amendment 2 (100700)(with title amendment)—On page 2, line 13 through page 6, line 29, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 1, lines 9-28, delete those lines and insert: providing an

On motion by Senator Latvala, **CS for SB 1642** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Bronson	Crist	Klein	Saunders
Brown-Waite	Diaz de la Portilla	Latvala	Sebesta
Burt	Dyer	Laurent	Silver
Campbell	Garcia	Mitchell	Smith
Carlton	Geller	Posey	Sullivan
Clary	Holzendorf	Pruitt	Villalobos
Constantine	Horne	Rossin	Wasserman Schultz
Cowin	King	Sanderson	Webster

Nays—None

Vote after roll call:

Yea—Peaden

THE PRESIDENT PRESIDING

CS for SB 1306—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; creating the Mary Brogan Breast and Cervical Cancer Early Detection Program Act; amending s. 409.904, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; requiring the Department of Health and the Agency for Health Care Administration to monitor expenditures under the act; requiring that certain services be limited if expenditures are projected to exceed appropriations; requiring the Department of Health to submit an annual report to the Legislature and the Governor; providing an effective date.

—as amended April 26 was read the third time by title.

On motions by Senator Sanderson, **CS for SB 1306** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crist	Latvala	Sebesta
Bronson	Diaz de la Portilla	Laurent	Silver
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Peaden	Sullivan
Campbell	Geller	Posey	Villalobos
Carlton	Holzendorf	Pruitt	Wasserman Schultz
Clary	Horne	Rossin	Webster
Constantine	King	Sanderson	
Cowin	Klein	Saunders	

Nays—None

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet five minutes after recess in lieu of 12:15 p.m. as scheduled this day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 466** was withdrawn from the Committee on Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of thirty minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Monday, April 30.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, April 30, 2001: CS for SB 660, CS for CS for SB 366, CS for CS for SB 144, CS for SB 1318, CS for SB's 1864 and 2086, CS for SB 1932, CS for SB 1956, SB 106, CS for CS for SB 374, CS for SB 1084, CS for SB 1286, CS for SB 1558, SB 414, CS for SB 1778, CS for SB 1580, CS for SB 1652, SB 342, CS for SJR 526, SB 274, CS for SB 1468, SB 384, SB 2240, CS for SB 1922, CS for SB 408, SB 482, CS for CS for SB 710, CS for SB 886, CS for SB 1026, SB 770, SB 958, SB 1220, SB 1428, SB 1142, SB 1444, SB 1820, SB 1916, CS for SB 1836, CS for SB 2142, CS for SB 2054, CS for SB 2220, CS for CS for SB 1878, CS for SB 1540, SB 638, CS for CS for SB 1038, SB 1060, CS for SB 1128, CS for SB 1296, CS for SB's 1254 and 1954, CS for SB 1872, SB 1420, CS for CS for SB 1376, CS for SB 1576, CS for SB 1662, SB 1632, CS for SB 1744, CS for SB 1726, SB 1062, CS for CS for SB's 336 and 190, SB 54, SB 66, SB 30, SB 26, SB 58, SB 10

Respectfully submitted,
Tom Lee, Chairman

The Committee on Finance and Taxation recommends a committee substitute for the following: CS for CS for SB 1068

The bill with committee substitute attached was referred to the Appropriations Subcommittee on General Government under the original reference.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for CS for SB's 310 and 380, CS for SB 2224

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Carlton—

SB 2370—A bill to be entitled An act relating to the Holiday Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2372—Introduced and adopted April 25.

By Senator Dawson—

SB 2374—A bill to be entitled An act relating to Broward County; extending the corporate limits of the Town of Lauderdale-By-The-Sea; prescribing procedures for calculating revenues attributable to utility taxes, utility franchise fees, and other franchise fees; providing for the town to collect franchise fees and utility taxes collected by the county from a specified unincorporated area; providing for an interlocal agreement between Broward County and the Town of Lauderdale-By-The-Sea; providing for the effective date of annexation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Sebesta—

CS for CS for CS for SB 1068—A bill to be entitled An act relating to highway safety, motor vehicles, and vessels; amending s. 316.003, F.S.; defining the term “motorized scooter”; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in high-occupancy vehicle lanes, regardless of occupancy; amending s. 316.1945, F.S.; revising provisions relating to the parking of vehicles in specified areas; amending s. 316.1951, F.S.; revising provisions regulating removal of certain unlawfully parked vehicles; amending s. 316.1975, F.S.; revising provisions relating to unattended motor vehicles; amending s. 316.2065, F.S.;

providing motorized scooter operating regulations; amending s. 316.228, F.S.; revising provisions relating to the use of lamps on vehicles transporting certain loads; amending s. 316.520, F.S.; revising penalties for violation of load limits on vehicles; exempting certain vehicles carrying agricultural products from load limits; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 318.14, F.S.; revising the noncriminal requirement that a person cited for a traffic infraction sign and accept a citation to appear; amending s. 318.1451, F.S.; requiring governmental entities and courts to maintain information on driver improvement schools; revising the duties of the Department of Highway Safety and Motor Vehicles; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; revising provisions relating to the sale of certain vehicles; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt vehicles; redefining the term "assembled from parts" and deleting the term "combined"; providing a penalty for the removal of decals designating rebuilt vehicles; amending s. 319.23, F.S.; revising provisions relating to the transfer of ownership of an antique vehicle; amending s. 319.27, F.S.; revising provisions with respect to the filing of liens on motor vehicles and mobile homes; amending s. 319.28, F.S.; revising requirements relating to the transfer of ownership by operation of law; amending s. 319.30, F.S.; redefining the terms "major component part"; providing standards for the sale of certain vehicles; amending s. 320.01, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; conforming the length limitation for a motor home to that established in s. 316.515, F.S.; amending s. 320.02, F.S.; requiring application forms for motor vehicle registration and renewal of registration to include provisions permitting a voluntary contribution to certain organizations; amending s. 320.023, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary check-off contribution on a motor vehicle registration application to conform to the requirements of ch. 496, F.S.; amending s. 320.025, F.S.; revising provisions relating to the issuance of confidential registration certificates and license plates; amending s. 320.05, F.S.; revising provisions relating to vessel registration records; amending s. 320.055, F.S.; revising registration periods for certain vehicles; amending s. 320.06, F.S.; providing for the placement of registration validation stickers; amending s. 320.0605, F.S.; revising provisions relating to fleet vehicles and registration certificates; amending s. 320.072, F.S.; revising provisions relating to the exemption of certain registration fees; amending s. 320.0805, F.S.; revising provisions relating to the issuance of personalized license plates; amending s. 320.08056, F.S.; requiring certain organizations to notify the department under certain circumstances; amending s. 320.08056, F.S.; providing for a Florida Golf license plate; providing for the exemption of certain collegiate specialty license plates from sales requirements; amending s. 320.08058, F.S.; requiring the department to develop the Florida Golf license plate; providing for distribution of proceeds of the annual use fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; amending s. 320.08062, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 320.083, F.S.; revising vehicle weight restrictions relating to the amateur radio operator's license plate; amending s. 320.089, F.S.; revising vehicle weight restrictions relating to the Ex-POW and Purple Heart license plates; amending s. 320.18, F.S.; providing for cancellation of a license and fuel use decal for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; revising requirements relating to motor vehicle dealers; defining the term "bona fide employee"; revising grounds for denial, suspension, or revocation of a dealer license; creating s. 320.691, F.S.; creating the Automobile Dealers Industry Advisory Board within the Department of Highway Safety and Motor Vehicles; providing for appointment of members; providing terms of office; requiring the board to make an annual report to the Governor and the Legislature; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for driver's licensing purposes; amending s. 322.0261, F.S.; requiring the department to regulate and approve certain courses for driver improvement schools; amending s. 322.05, F.S.; conforming a statutory cross-reference; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of

Agriculture and Consumer Services; amending s. 322.095, F.S.; requiring the department to approve and regulate certain courses for driver improvement schools; amending s. 322.161, F.S.; increasing the number of points that a driver under a specified age may accumulate before the department is required to issue that driver a restricted license; creating s. 322.222, F.S.; authorizing the department to conduct hearings for medical review cases; amending s. 322.2615, F.S.; revising provisions relating to temporary driving permits; amending s. 322.27, F.S.; revising provisions relating to the revocation of license for habitual traffic offenders; amending s. 322.28, F.S.; deleting obsolete provisions; repealing s. 322.282, F.S., which prescribes procedures governing certain court-ordered reinstatements of a driver's license or driving privilege; amending s. 322.292, F.S.; revising requirements relating to the operation of DUI programs; repealing s. 322.331, F.S., relating to the restoration of the license of habitual traffic offenders; amending s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle; amending s. 322.64, F.S.; revising provisions relating to commercial vehicle operators and driving under the influence; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; revising requirements relating to the application for certificate of title; amending s. 328.42, F.S.; revising provisions relating to the payment of certain transactions by dishonored check; amending s. 328.56, F.S.; revising provisions relating to the display of vessel registration numbers; amending s. 328.72, F.S.; revising requirements relating to the transfer of an antique vessel; amending s. 328.76, F.S.; providing for an annual appropriation to the Highway Safety Operating Trust Fund; amending s. 681.1096, F.S.; extending the pilot program an additional period; amending s. 681.1097, F.S.; providing for technical corrections to an arbitrator's decision; prescribing guidelines for appealing an arbitrator's decision; amending s. 681.115, F.S.; expanding the conditions under which agreements may be voided; amending s. 713.78, F.S.; providing for the notification of insurers when a vehicle is towed; revising requirements for selling an unclaimed vehicle or vessel; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; redefining the term "vessel"; providing for the removal of undocumented vessels from private property; amending s. 832.09, F.S.; providing for the use of a standardized form in reporting certain information to the department; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.64, F.S.; revising grounds for the denial, suspension, or revocation of the license of a licensee under s. 320.61, F.S.; providing penalties and remedies for violations; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for dealer development arrangements; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.705, F.S.; providing for severability; providing effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 469, HB 1757; has passed as amended HB 189, CS for HB 347, CS for HB 563, CS for HB 1199, HB 1323, CS for HB 1921, CS for HB 1925; has passed by the required Constitutional three-fifths vote of the membership CS for HJR 471, CS for CS for HB 503 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Lacasa—

HB 469—A bill to be entitled An act relating to road designations; designating a portion of roadway in the City of Miami in Miami-Dade

County as “Enrique Valledor Way”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 1757—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term “absent elector”; amending s. 101.62, F.S.; modifying the information persons requesting absentee ballots must disclose; amending s. 101.657, F.S.; allowing any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections; amending s. 101.64, F.S.; modifying the voter’s certificate on absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absent electors; amending s. 101.68, F.S.; modifying the information that must be included on an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; deleting a prohibition against returning more than two absentee ballots in violation of law and the penalty therefor; repealing s. 101.647, F.S., relating to requirements for the return of absentee ballots; repealing s. 101.685, F.S., relating to authorization for absentee ballot coordinators; providing an effective date.

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

By Representative Harrington and others—

HB 189—A bill to be entitled An act relating to elections; creating the “Military and Overseas Voter Protection Act;” providing definitions; stating legislative intent; providing for registration of certain recently discharged or separated military personnel, or individuals separated from employment outside the territorial United States, and family members; requiring the Department of State to adopt rules specifying eligibility; providing a state write-in absentee ballot for overseas voters; providing for absentee ballots for overseas voters; providing for advance ballots; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; directing the promulgation of emergency rules to facilitate voting by overseas voters; providing a presumption that absentee ballots were mailed on the date stated on the outside of the absentee return envelopes of absentee voters; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S., to conform, amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absentee voters; amending s. 102.112, F.S.; extending the deadline for submission of county returns to the Department of State; amending s. 102.111, F.S.; providing an effective date.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Fiscal Responsibility Council; and Representative Fasano—

CS for HB 347—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; creating the “Officer Malcolm Thompson Act;” providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; amending s. 121.4501, F.S.; redefining the term “approved provider;” providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the

appointment of the executive director of the State Board of Administration; amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Fasano and others—

CS for HB 563—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Council for Lifelong Learning; and Representative Holloway and others—

CS for HB 1199—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; providing for severability; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By the Committee on Rules, Ethics and Elections; and Representative Goodlette—

HB 1323—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers’ reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt

procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing effective dates.

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

By the Procedural and Redistricting Council; the Committee on Rules, Ethics and Elections; and Representative Goodlette—

CS for HB 1921—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the terms and conditions of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of “voting equipment,” applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By the Procedural and Redistricting Council; the Committee on Rules, Ethics and Elections; and Representative Goodlette—

CS for HB 1925—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms “error in the vote tabulation” and “provisional ballot”; revising the definition of “primary election”; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing

s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector’s eligibility if the elector’s name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; amending s. 98.255, F.S.; providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012 (8) and (9), F.S., relating to pollworker training; amending s. 101.031, F.S.; providing for a Voter’s Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; providing severability; providing effective dates.

—was referred to the Committees on Ethics and Elections; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Judicial Oversight; and Representative Lacasa and others—

CS for HJR 471—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By the Fiscal Responsibility Council; the Committee on State Administration; and Representative Fasano—

CS for CS for HB 503—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional

Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

ENROLLING REPORTS

SB 946 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 27, 2001.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 26 was corrected and approved.

CO-SPONSORS

Senators Crist—CS for SB 678, SB 696, CS for SB 1684; Geller—CS for CS for SB 856

RECESS

On motion by Senator Lee, the Senate recessed at 12:11 p.m. to reconvene at 9:00 a.m., Monday, April 30.



Journal of the Senate

Number 22—Regular Session

Monday, April 30, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Conferees periodically for the purpose of working on the appropriations bills: Senator Horne, Chairman; Senators Rossin, Sullivan, Dyer, Garcia, Holzendorf, Latvala, Miller, Webster, Clary, Jones, King, Laurent, Lawson, Silver, Mitchell, Peaden, Sanderson, Saunders, Cowin, Burt, Dawson, Meek and Villalobos

PRAYER

The following prayer was offered by Dr. Douglas Dortch, Jr., Pastor, First Baptist Church, Tallahassee:

Almighty and Everlasting God, we thank you for this day and this opportunity that is ours to serve your purposes in our state, our nation and our world. We recognize that our place in life is a calling from you, and that you provide the resources that are necessary for us to carry out your task.

I thank you for this Senate, for every person who is a part of this important body. I pray for each member this morning, that you would grant them wisdom and courage in deciding the matters that are before them. This is a busy week for them, O God, with much for them to accomplish in so little time in which to do it. Remind them of the gravity of these days and help them to be good stewards of the time that is allotted them.

And now, may your abiding presence rest upon everyone here today, that in all this good Senate says and does it will in some way result in the good thing you are in the process of doing in our midst. This we pray in the name of all that is Holy, even your name. Amen.

PLEDGE

Senate Pages Lauren Thornton of Tallahassee, Emily Holder of Orange Park and Kristen Turnage of Middleburg, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Terrence McCoy of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. McCoy specializes in Family Practice.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 454, SB 456, SB 484, SB 486, SB 768, CS for SB 822, CS for SB 892, CS for SB 988, CS for SB 1562, SB 1958, SB 2022, CS for SJR 2236, CS for CS for SB 2178 and CS for SB 2124** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 738, CS for CS for SB 856, CS for CS for SB 1204, CS for SB 1560, CS for CS for SB 1664, SB 1738, CS for SB 1750 and CS for SB 1902** were withdrawn from the Committee on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 620, SB 1238, CS for SB 1458, CS for SB 1734 and SB 1912** were withdrawn from the Committee on Governmental Oversight and Productivity; **SB 254** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 422** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for SB 1288** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; **CS for SB 1926** was withdrawn from the Committee on Judiciary; and **CS for SB 1966** was withdrawn from the Committee on Health, Aging and Long-Term Care.

On motion by Senator Lee, by two-thirds vote **HB 1741 and SB 622** which have been reported favorably by the Appropriations Subcommittee on Health and Human Services with amendments, were withdrawn from the Committee on Appropriations and the amendments recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SJR 2236 and CS for SB 682** which have been reported favorably by the Appropriations Subcommittee on Health and Human Services with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for CS for SB 1092** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **SB 878, CS for SB 930, CS for SB 1330, CS for SB 934 and SB 1710** which have been reported favorably by the Appropriations Subcommittee on Education were withdrawn from the Committee on Appropriations; **CS for SB 1874** which has been reported favorably by the Appropriations Subcommittee on Education with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 1780 and CS for SB 2172** which have been reported favorably by the Appropriations Subcommittee on Education with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 1002** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with committee substitute, was withdrawn from the Committee on Appropriations and the committee

substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for CS for CS for SB's 310 and 380, CS for CS for SB 478, CS for SB 1812, CS for SB 1968 and CS for CS for SB 2224** which have been reported favorably by the Appropriations Subcommittee on General Government with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **CS for SB 1010** which has been reported favorably by the Appropriations Subcommittee on General Government was withdrawn from the Committee on Appropriations.

MOTIONS

On motion by Senator Meek, by two-thirds vote **CS for SB 84** which passed April 27 was ordered immediately certified to the House.

BILLS ON THIRD READING

Consideration of **CS for SB 1704, CS for CS for SB's 1970 and 164, CS for CS for SB 2108 and SJR 1426** was deferred.

CS for SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the "Higher Educational Facilities Financing Act"; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

—was read the third time by title.

MOTION

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

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

Amendment 1 (752252)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Short title.*—Sections 1-28 of this act may be cited as the "Higher Educational Facilities Financing Act."

Section 2. *Findings and declarations.*—It is the purpose of sections 1-28 of this act to provide a measure of assistance and an alternative method enabling private institutions of higher education of this state to provide the facilities and structures that they need and to enable those institutions to coordinate their budgetary needs with the timing of receipt of tuition revenues.

Section 3. *Definitions.*—As used in sections 1-28 of this act, the term:

(1) "Authority" or "educational facilities authority" means the public corporation created by sections 1-28 of this act.

(2) "Real property" includes all lands, including improvements and fixtures thereon, and any such property appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens. This definition does not affect the classification of property as real property or tangible personal property for purposes of ad valorem taxation under chapters 192 and 193, Florida Statutes, or sales and use taxation under chapter 212, Florida Statutes.

(3) "Project" means a dormitory, student service facility, parking facility, administration building, academic building, or library and includes a loan in anticipation of tuition revenues by an institution of higher education, as defined in subsection (6).

(4) "Cost," as applied to a project or any portion thereof financed under sections 1-28 of this act, includes all or any part of the cost of construction and acquisition of all lands, structures, real property, rights, rights-of-way, franchises, easements, and interests acquired or used for a project; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which the buildings or structures may be removed; the cost of all machinery and equipment, financing charges, and interest before, during, and for a period of 30 months after completion of the construction; provisions for working capital, reserves for principal, interest, and rebate; provisions for extensions, enlargements, additions, and improvements; the cost of engineering, financial, and legal services; the cost of plans, specifications, studies, surveys, estimates of costs and revenues, administrative expenses, expenses necessary to determining the feasibility or practicability of constructing the project; and other expenses necessary for constructing and acquiring the project, financing the construction, and placing the project in operation. In the case of a loan in anticipation of tuition revenues, the term "cost" means the amount of the loan in anticipation of revenues which does not exceed the amount of tuition revenues anticipated to be received by the borrowing institution of higher education in the 1-year period following the date of the loan, plus costs related to the issuance of the loan, or the amount of the bonds, the proceeds of which fund the loans and any related cost of debt service, reserve funds, and rebate associated therewith.

(5) "Bond" or "revenue bond" means a revenue bond of the authority issued under sections 1-28 of this act, including a revenue refunding bond, notwithstanding that it may be secured by mortgage or the full faith and credit of a participating institution of higher education or any other lawfully pledged security of a participating institution of higher education.

(6) "Institution of higher education" means an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; and which is not a state university or state community college.

(7) "Participating institution" means an institution of higher education, as defined in subsection (6), that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in and permitted by sections 1-28 of this act.

(8) "Loan in anticipation of tuition revenues" means a loan to an institution of higher education under circumstances in which tuition revenues anticipated to be received by the institution in any budget year are estimated to be insufficient at any time during the budget year to pay the operating expenses or other obligations of the institution in accordance with the budget of the institution.

Section 4. *Creation of Higher Educational Facilities Financing Authority.*—

(1) There is created a public body corporate and politic to be known as the Higher Educational Facilities Financing Authority. The authority is constituted as a public instrumentality and the exercise by the authority of the powers conferred by sections 1-28 of this act is considered to be the performance of an essential public function. Chapters 119 and 286, Florida Statutes, apply to the authority.

(2) The authority shall consist of five members to be appointed by the Governor, subject to confirmation by the Senate. One member shall be a trustee, director, officer, or employee of an institution of higher education. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years, and in each case until his or her successor is appointed and has qualified. Thereafter, the Governor shall appoint for terms of 5 years each a member or members to succeed those whose terms expire. The Governor shall fill any vacancy for an unexpired term. A member of the authority is eligible for reappointment. Any member of the authority may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority before entering upon his or her duties shall take and subscribe to the oath or affirmation required by the State Constitution. A record of

each oath must be filed in the office of the Department of State and with the authority.

(3) The authority shall annually elect one of its members as chair and one as vice chair, and shall also appoint an executive director who is not a member of the authority and who serves at the pleasure of the authority and receives compensation as fixed by the authority. The authority may contract for the services of an executive director.

(4) The executive director shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority and of the minute book or journal of the authority and of its official seal. He or she may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true copies, and all persons dealing with the authority may rely upon those certificates.

(5) A majority of the members of the authority constitutes a quorum, and the affirmative vote of a majority of the members present at a meeting of the authority is necessary for any action taken by the authority. A vacancy in the membership of the authority does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under sections 1-28 of this act may be authorized by resolution at any regular or special meeting, and each resolution shall take effect immediately and need not be published or posted.

(6) The members of the authority shall receive no compensation for the performance of their duties, but each member is entitled to reimbursement as provided in s. 112.061, Florida Statutes, for necessary expenses incurred while engaged in the performance of his or her duties.

(7) The authority is assigned to the Department of Education for administrative purposes.

Section 5. Powers of the authority.—The purpose of the authority is to assist institutions of higher education in constructing, financing, and refinancing projects throughout the state and, for this purpose, the authority may:

(1) Exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, Florida Statutes.

(2) Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.

(3) Adopt an official seal and alter the same at its pleasure.

(4) Maintain an office at any place in the state that it may designate.

(5) Sue and be sued in its own name, and plead and be impleaded.

(6) Make and execute financing agreements, leases, as lessee or as lessor, contracts, deeds, and other instruments necessary or convenient in the exercise of the powers and functions of the authority, including contracts with persons, firms, corporations, federal and state agencies, and other authorities, which state agencies and other authorities are authorized to enter into contracts and otherwise cooperate with the authority to facilitate the financing, construction, leasing, or sale of any project or the institution of any program; engage in sale-leaseback, lease-purchase, lease-leaseback, or other undertakings and provide for the sale of certificates of participation incident thereto; and enter into interlocal agreements in the manner provided in s. 163.01, Florida Statutes.

(7) Determine the location and character of any project to be financed under sections 1-28 of this act and may:

(a) Construct, reconstruct, maintain, repair, and lease the project as lessee or lessor.

(b) Enter into contracts for any of those purposes.

(c) Designate a participating institution as its agent to determine the location and character of a project undertaken by a participating institution under sections 1-28 of this act and, as the agent of the authority, construct, reconstruct, maintain, repair, own, and lease the project as lessee or lessor.

(8) Issue bonds, bond anticipation notes, and other obligations of the authority for any of its corporate purposes, including the provision of funds to pay all or any part of the cost of any project and to fund or refund the cost of any project as provided in sections 1-28 of this act.

(9) Establish rules for the use of a project or any portion thereof and designate a participating institution as its agent to establish rules for the use of a project undertaken by the participating institution.

(10) Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as necessary, and fix their compensation.

(11) Receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof, and receive and accept loans, grants, aid, or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the loans, grants, aid, and contributions are made.

(12) Mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance projects or those providing credit for that purpose.

(13) Make loans to any participating institution for the cost of a project, including a loan in anticipation of tuition revenues, in accordance with an agreement between the authority and the participating institution. However, a loan may not exceed the total cost of the project as determined by the participating institution and approved by the authority.

(14) Make loans to a participating institution to refund outstanding obligations, mortgages, or advances issued, made, or given by the participating institution for the cost of a project.

(15) Charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties conferred by sections 1-28 of this act.

(16) Contract with an entity as its agent to assist the authority in screening applications of institutions of higher education for loans under sections 1-28 of this act and receive any recommendations the entity may make.

(17) Do all things necessary or convenient to carry out the purposes of sections 1-28 of this act.

Section 6. Payment of expenses.—All expenses incurred in carrying out sections 1-28 of this act are payable solely from funds provided under the authority of sections 1-28 of this act, and the authority may not incur any liability or obligation beyond the extent to which moneys have been provided under sections 1-28 of this act.

Section 7. Acquisition of real property.—The authority may directly, or by and through a participating institution as its agent, acquire by purchase or lease solely from funds provided under sections 1-28 of this act, or by gift or devise, any lands, structures, real property, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying underwater and riparian rights, which are located within the state as it considers necessary or convenient for the construction or operation of a project, upon terms and at prices that are considered by it to be reasonable and that can be agreed upon between it and the owner thereof, and to take title thereto in the name of the authority or in the name of a participating institution as its agent or as an owner and borrower.

Section 8. Conveyance of title or interest to participating institutions.—When the principal of and interest on revenue bonds of the authority issued to finance the cost of a particular project or projects at a participating institution, including any revenue refunding bonds issued to refund and refinance the revenue bonds, have been fully paid and retired, or when adequate provision has been made to pay fully and retire them, and all other conditions of the resolution or trust agreement authorizing and securing the revenue bonds have been satisfied and the lien of the resolution or trust agreement has been released in accordance with the provisions thereof, the authority shall promptly execute deeds and conveyances necessary and required to convey title to the project or projects to the participating institution, free and clear of all liens and encumbrances.

Section 9. *Criteria and requirements.*—*In undertaking any project under sections 1-28 of this act, the authority shall be guided by and shall observe the following criteria and requirements:*

(1) *The project, in the determination of the authority, is appropriate to the needs and circumstances of, and shall make a significant contribution to the purposes of, the authority and sections 1-28 of this act as set forth in the findings and declarations, and shall serve a public purpose by advancing the prosperity and general welfare of the state and the public.*

(2) *A financing agreement for a project may not be entered into with a participating institution that is not financially responsible and fully capable of and willing to fulfill its obligations under the financing agreement, including the obligations to make payments in the amounts and at the times required; to operate, repair, and maintain at its own expense the project owned or leased; and to serve the purposes of sections 1-28 of this act and any other responsibilities that may be imposed under the financing agreement. In determining the financial responsibility of the participating institution, consideration must be given to the party's ratio of current assets to current liabilities; net worth; endowments; pledges; earning trends; coverage of all fixed charges; the nature of the project involved; its inherent stability; any guarantee of the obligations by some other financially responsible corporation, firm, or person; means by which the bonds are to be marketed to the public; and other factors determinative of the capability of the participating institution, financially and otherwise, to fulfill its obligations consistently with the purposes of sections 1-28 of this act.*

(3) *Adequate provision must be made for the operation, repair, and maintenance of the project at the expense of the participating institution and for the payment of principal of and interest on the bonds.*

(4) *The costs to be paid from the proceeds of the bonds are costs of a project within the meaning of sections 1-28 of this act, except for payments included in the purposes for which revenue refunding bonds may be issued under sections 1-28 of this act.*

Section 10. *Approval required to issue bonds.*—*The authority is created for the purpose of promoting higher education and issuing bonds on behalf of the state, and the Governor may approve any bonds issued by the authority which require approval under federal law.*

Section 11. *Notes of authority.*—*The authority may issue its negotiable notes for any corporate purpose and renew any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. Any resolution authorizing notes of the authority or any issue thereof may contain any provisions that the authority is authorized to include in any resolution authorizing revenue bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants, or conditions that it is authorized to include in any bonds. All the notes must be payable solely from the revenues of the project to be financed, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.*

Section 12. *Revenue bonds.*—

(1) *The authority may issue its negotiable revenue bonds for any corporate purpose, including the provision of funds to pay all or any part of the cost of any project. In anticipation of the sale of revenue bonds, the authority may issue negotiable bond anticipation notes and may renew them from time to time, but the maximum maturity of any note, including renewals thereof, may not exceed 5 years following the date of issue of the original note. The notes must be paid from any revenues of the authority available therefor or of the project and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the authority in anticipation of which they were issued. The notes must be issued in the same manner as the revenue bonds. The notes and the resolution authorizing them may contain any provisions, conditions, or limitations that a bond resolution of the authority may contain.*

(2) *The revenue bonds and notes of every issue must be payable solely out of revenues of the authority, including the provision of funds of the participating institution to pay all or any part of the cost of any project, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues. Notwithstanding that*

revenue bonds and notes may be payable from a special fund, they are for all purposes negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(3) *The revenue bonds may be issued as serial bonds or as term bonds, or the authority may issue bonds of both types. The revenue bonds must be authorized by resolution of the authority; must bear the date of issuance, the date of maturity, not exceeding 30 years from issuance, and the interest rate of the bonds, which may be a variable rate; must be payable at a specified time; must be in specified denominations; and must be in specified form, carry registration privileges, be executed in a specified manner, be payable in lawful money of the United States at a specified place, and be subject to the terms of redemption, as the resolution provides. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates that may be exchanged for the definitive bonds. In case any officer whose signature, or a facsimile of whose signature, appears on any bonds or coupons ceases to be that officer before the delivery of the bonds, the signature or facsimile is nevertheless valid and sufficient for all purposes as if he or she had remained in office until delivery. The authority may also provide for the authentication of the bonds by a trustee or fiscal agent. The bonds may be issued in coupon form or in registered form, or both, as the authority determines. Provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest; for the reconversion into coupon bonds of any bonds registered as to both principal and interest; and for the interchange of registered and coupon bonds.*

(4)(a) *The authority may sell such bonds at such price or prices as it may determine to be in the best interest of the state or of the participating institution on behalf of which such bonds are issued, but no such sale shall be made at an average net interest cost rate in excess of the interest rate limitation set forth in s. 215.84(3), Florida Statutes, provided, however, that such bonds may be sold at a reasonable discount to par not to exceed 3 percent. This limitation on discount does not apply to the portion of the discount that constitutes original issue discount.*

(b) *All of such bonds shall be sold at public sale at such place or places within the state as the authority shall determine to receive proposals for the purchase of such bonds. Notice of such sale shall be published at least once at least 10 days prior to the date of sale in one or more newspapers or financial journals published within or without the state and shall contain such terms as the authority shall deem advisable and proper under the circumstances, provided that if no bids are received at the time and place called for by such notice of sale, or if all bids received are rejected, such bonds may again be offered for public sale by competitive bid or negotiated sale, as provided herein, upon a shorter period of reasonable notice provided for by resolution of the authority. However, unless the public sale by competitive bid of such bonds is required by law, the authority may, by resolution adopted at a public meeting, determine that a negotiated sale of such bonds is in the best interest of the authority, and may negotiate for sale of such bonds to any underwriter designated by the authority.*

1. *In the resolution authorizing the negotiated sale, the authority shall provide specific findings as to the reasons requiring the negotiated sale.*

2. *A resolution authorizing a negotiated bond sale may be the same resolution as that authorizing the issuance of such bonds.*

(c) *All proposals for the purchase of any bonds offered for sale by the authority shall be opened in public. When competitively bid, bonds shall be awarded to the lowest bidder by the official of the authority as provided in the resolution authorizing the issuance of the bonds. The basis of award of a competitive bid may be either the lowest net interest cost or the lowest true interest cost, as set forth in the resolution authorizing the issuance or sale of the bonds.*

(5) *Any resolution authorizing any revenue bonds may contain provisions, which are a part of the contract with the holders of the revenue bonds to be authorized, as to:*

(a) *Pledging of all or any part of the revenues of a project or any revenue-producing contract made by the authority with any individual, partnership, corporation, or association or other body, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to any agreements with bondholders as may then exist.*

(b) *The rentals, fees, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues.*

(c) *The setting aside of reserves or sinking funds and the regulation and disposition thereof.*

(d) *Limitations on the right of the authority or its agent to restrict and regulate the use of the project.*

(e) *Limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and the pledging of the proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds.*

(f) *Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.*

(g) *The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, including the amount of bonds the holders of which must consent thereto and the manner in which consent may be given.*

(h) *Limitations on the amount of moneys derived from the project to be expended for operating, administrative, or other expenses of the authority.*

(i) *The acts or omissions to act that constitute a default in the duties of the authority to holders of its obligations and provisions for the rights and remedies of the holders in the event of a default.*

(j) *The mortgaging of or granting of a security interest in the project or the site thereof for the purpose of securing the bondholders.*

(6) *Neither the members of the authority nor any person executing the revenue bonds or notes is liable personally on the revenue bonds or notes or is subject to any personal liability or accountability by reason of the issuance thereof.*

(7) *The authority may purchase its bonds or notes out of any funds available therefor. The authority may hold, pledge, cancel, or resell the bonds, subject to and in accordance with agreements with bondholders.*

(8) *Incident to its powers to issue bonds and notes, the authority may enter into interest rate swap agreements, collars, caps, forward securities purchase agreements, delayed delivery bond purchase agreements, and any other financial agreements considered to be in the best interest of the authority.*

Section 13. *Covenants.—Any resolution authorizing the issuance of bonds may contain any covenants the authority considers advisable, including those provisions set forth in section 12(5), and all those covenants constitute valid and legally binding and enforceable contracts between the authority and the bondholders, regardless of the time of issuance thereof. The covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues and assessments; the obligations of the authority with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding bonds and obligations; restrictions on the establishment of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the authority; the maintenance of deposits to assure the payment of the bonds issued under sections 1-28 of this act; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and any other covenants considered necessary for the security of the bondholders.*

Section 14. *Validation.—Bonds issued pursuant to this act may be validated in the manner provided by law through proceedings instituted by the authority under chapter 75, Florida Statutes. In actions to validate bonds to be issued pursuant to this act, the complaint shall be filed in the circuit court of the county where the seat of state government is situated or, in the discretion of the authority, in the circuit court of the county where the project is to be situated. The notice required to be published by s. 75.06, Florida Statutes, shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall*

be served only on the state attorney of the circuit in which the action is pending.

Section 15. *Act furnishes full authority for issuance of bonds.—Sections 1-28 of this act constitute full authority for the issuance of bonds and the exercise of the powers of the authority provided in sections 1-28 of this act. Any bonds issued by the authority are not secured by the full faith and credit of the state and do not constitute an obligation, either general or special, of the state.*

Section 16. *Security of bondholders.—In the discretion of the authority, any revenue bonds issued under sections 1-28 of this act may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement or the resolution providing for the issuance of revenue bonds may pledge or assign the revenues to be received or the proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. The trust agreement or resolution providing for the issuance of revenue bonds may contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly those provisions specifically authorized by sections 1-28 of this act to be included in any resolution of the authority authorizing revenue bonds. Any bank or trust company incorporated under the laws of this state or of any other state or the United States which may legally act as depository of the proceeds of bonds or of revenues or other moneys or security may furnish indemnifying bonds or pledge securities required by the authority, if any. Any trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition, any trust agreement or resolution may contain any other provisions the authority considers reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the trust agreement or resolution may be treated as a part of the cost of the operation of a project.*

Section 17. *Payment of bonds.—Revenue bonds issued under sections 1-28 of this act are not a debt or liability of the authority, any municipality, the state, or any political subdivision thereof, and are not a pledge of the faith and credit of the state, the authority, any municipality, or any political subdivision thereof, but are payable solely from revenues of the authority pertaining to the project relating to the issue; payments by participating institutions of higher education, banks, insurance companies, or others under letters of credit or purchase agreements; investment earnings from funds or accounts maintained under the bond resolution; insurance proceeds; loan funding deposits; proceeds of sales of education loans; proceeds of refunding obligations; and fees, charges, and other revenues of the authority from the project. All revenue bonds must contain on the face thereof a statement to the effect that neither the authority nor any municipality, the state, or any political subdivision thereof is obligated to pay the bond or the interest thereon except from revenues of the project or the portion thereof for which they are issued, and that neither the faith and credit nor the taxing power of the authority, any municipality, the state, or any political subdivision thereof is pledged to the payment of the principal of or the interest on the bonds. The issuance of revenue bonds under sections 1-28 of this act may not directly, indirectly, or contingently obligate the authority, any municipality, the state, or any political subdivision thereof to levy or to pledge any form of taxation therefor or to make any appropriation for their payment.*

Section 18. *Rates, rents, fees, and charges.—*

(1) *The participating institution may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished or to be furnished by each project and may contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from the project so as to provide funds sufficient with other revenues, if any, to:*

(a) *Pay the cost of maintaining, repairing, and operating the project and each portion thereof, to the extent that the payment of the cost has not otherwise been adequately provided for.*

(b) *Pay the principal of and the interest on outstanding revenue bonds of the authority issued in respect of the project as the bonds become due and payable.*

(c) Create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, the revenue bonds of the authority.

(2) A sufficient amount of the revenues derived in respect of a project, except the part of the revenues necessary to pay the cost of maintenance, repair, and operation and to provide reserves and provide for renewals, replacements, extensions, enlargements, and improvements provided for in the resolution authorizing the issuance of any revenue bonds of the authority or in the trust agreement securing them, must be set aside at regular intervals as provided in the resolution or trust agreement in a sinking or other similar fund that is hereby pledged to, and charged with, the payment of the principal of and the interest on the revenue bonds as they become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. The pledge must be valid and binding from the time when the pledge is made. The rates, rents, fees, charges, and other revenues or other moneys so pledged and thereafter received by the participating institution must immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority.

(3) The use and disposition of moneys to the credit of a sinking or other similar fund must be subject to the resolution authorizing the issuance of the bonds or of the trust agreement. Except as otherwise provided in the resolution or the trust agreement, the sinking or other similar fund must be a fund for all revenue bonds issued to finance projects at a particular institution of higher education without distinction or priority of one over another. However, the authority in any resolution or trust agreement may provide that the sinking or other similar fund be the fund for a particular project at a participating institution and for payment of the revenue bonds issued to finance that project, and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security authorized to other revenue bonds of the authority, and, in such case, the authority may create separate sinking or other similar funds in respect of the subordinate lien bonds.

Section 19. *Trust funds.*—All moneys received under sections 1-28 of this act, whether as proceeds from the sale of bonds or as revenues, are considered to be trust funds to be held and applied solely as provided in sections 1-28 of this act. Any officer with whom, or any bank or trust company with which, the moneys are deposited shall act as trustee of the moneys and shall hold and apply them for the purposes of sections 1-28 of this act, subject to the provisions of sections 1-28 of this act and the resolution authorizing the bonds of any issue or the trust agreement securing the bonds.

Section 20. *Remedies of bondholders.*—Any holder of revenue bonds issued under sections 1-28 of this act or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, the bonds may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any rights under the laws of the state or granted hereunder or under the resolution or trust agreement, and may enforce and compel the performance of all duties required by sections 1-28 of this act or by the resolution or trust agreement to be performed by the authority or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of the rates, rents, fees, and charges authorized and required by the provisions of the resolution or trust agreement to be fixed, established, and collected.

Section 21. *Tax exemption.*—The exercise of the powers granted by sections 1-28 of this act is in all respects for the benefit of the people of this state. Because the operation and maintenance of a project by the authority or a participating institution constitutes the performance of an essential public function, neither the authority nor a participating institution is required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the authority or a participating institution under sections 1-28 of this act or upon the income therefrom, and any bonds issued under sections 1-28 of this act, any security therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, and all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of bonds issued in connection with a project financed under sections 1-28 of this act, shall at all times be free from

taxation by the state or any local unit, political subdivision, or other instrumentality of the state. The exemption granted by this section is not applicable to any tax imposed by chapter 220, Florida Statutes, on interest, income, or profits or on debt obligations owned by corporations.

Section 22. *Refunding bonds.*—

(1) The authority may provide for the issuance of revenue bonds of the authority for the purpose of refunding any revenue bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of the revenue bonds, and, if considered advisable by the authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project or any portion thereof.

(2) The proceeds of any revenue bonds issued for the purpose of refunding outstanding revenue bonds may be applied to the purchase or retirement at maturity or redemption of the outstanding revenue bonds on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending the application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date determined by the authority.

(3) Any escrowed proceeds, pending use, may be invested and reinvested in direct obligations of the United States, or in certificates of deposit or time deposits secured by direct obligations of the United States, or in other investments as the resolution authorizing the issuance and sale of the bonds or the trust agreement provides, maturing at the time or times as is appropriate to assure the prompt payment, as to principal, interest, and redemption premium, if any, of the outstanding revenue bonds to be refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investments thereof may be returned to the authority or to the participating institution for use by it in any lawful manner.

(4) The portion of the proceeds of any revenue bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project may be invested and reinvested in direct obligations of the United States, or in certificates of deposit or time deposits secured by direct obligations of the United States, or other investments as the resolution authorizing the issuance and sale of the bonds or the trust agreement provides, maturing not later than the time or times when the proceeds will be needed for the purpose of paying all or any part of the cost. The interest, income, and profits, if any, earned or realized on the investment may be applied to the payment of all or any part of the cost or may be used by the authority or the participating institution in any lawful manner.

(5) All refunding revenue bonds are subject to sections 1-28 of this act in the same manner and to the same extent as other revenue bonds issued under sections 1-28 of this act.

Section 23. *Legal investment.*—Bonds issued by the authority under sections 1-28 of this act are made securities in which all public officers and public bodies of the state and its political subdivisions, and all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. The bonds are made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereafter be authorized by law.

Section 24. *Reports; audits.*—

(1) The authority shall submit to the Governor and the presiding officers of each house of the Legislature, within 2 months after the end of its fiscal year, a complete and detailed report setting forth:

(a) Its operations and accomplishments.

(b) Its receipts and expenditures during its fiscal year in accordance with the categories or classifications established by the authority for its operating and capital outlay purposes.

(c) *Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds.*

(d) *A schedule of its bonds outstanding at the end of its fiscal year, together with a statement of the principal amounts of bonds issued and redeemed during the fiscal year.*

(e) *Any other information the authority deems appropriate.*

(2) *The authority shall submit, with the annual report required by this section, a copy of an annual financial audit of its accounts and records and an annual compliance audit of its programs conducted by an independent certified public accountant and performed in accordance with generally accepted auditing standards and government auditing standards.*

(3) *The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the authority or any programs or entities created by the authority.*

Section 25. *State agreement.—The state agrees with the holders of any obligations issued under sections 1-28 of this act, and with those parties who may enter into contracts with the authority under sections 1-28 of this act, that the state will not limit or alter the rights vested in the authority until the obligations, together with the interest thereon, are fully met and discharged and the contracts are fully performed on the part of the authority. However, sections 1-28 of this act do not preclude any limitation or alteration if adequate provision is made by law for the protection of the holders of the obligations of the authority or those entering into contracts with the authority. The authority may include this pledge and undertaking for the state in any obligations or contracts.*

Section 26. *Alternative means.—Sections 1-28 of this act provide an additional and alternative method for the doing of the things authorized, and shall be regarded as supplemental and additional to powers conferred by other laws; but, except as otherwise specifically provided in sections 1-28 of this act, the issuance of notes, certificates of participation, revenue bonds, and revenue refunding bonds under sections 1-28 of this act need not comply with the requirements of any other law applicable to the issuance of bonds or such obligations. Except as otherwise expressly provided in sections 1-28 of this act, the powers granted to the authority under sections 1-28 of this act are not subject to the supervision or regulation of, and do not require the approval or consent of, any municipality or political subdivision or any commission, board, body, bureau, official, or agency thereof or of the state.*

Section 27. *Liberal construction.—Sections 1-28 of this act shall be liberally construed to effectively carry out their purpose.*

Section 28. *Act controlling.—To the extent that sections 1-28 of this act are inconsistent with any general statute or special act or part thereof, sections 1-28 control.*

Section 29. Subsection (5) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(5) “Educational institution” means a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance; educational direct-support organizations created pursuant to ss. 229.8021, 240.299, and 240.331; and facilities located on the property of eligible entities which will become owned by those entities on a date certain; and institutions of higher education, as defined under and participating in the Higher Educational Facilities Financing Act.

Section 30. This act shall take effect upon becoming a law. And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the “Higher Educational Facilities Financing Act”; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; providing for construction; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

On motion by Senator Pruitt, **CS for SB 302** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Lawson	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Carlton

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

SJR 1426—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

—which was previously considered April 27 and amended April 26.

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

Amendment 1 (651382)—On page 2, lines 4-15, delete those lines and insert: by vote of at least 55 percent of the electors voting on the proposed amendment or revision, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 5

APPROVAL OF CONSTITUTIONAL AMENDMENTS.—Proposing an amendment to the State Constitution to require approval by 55

On motion by Senator Posey, **SJR 1426** as amended was shown in full as follows:

SJR 1426—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

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

That the following amendment to Section 5 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this

state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI
AMENDMENTS

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of at least 55 percent of the electors voting on the proposed amendment or revision, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 5

APPROVAL OF CONSTITUTIONAL AMENDMENTS.—Proposing an amendment to the State Constitution to require approval by 55 percent, rather than a simple majority, of the electors voting on a proposed constitutional amendment.

—and SJR 1426 as amended was passed by the required constitutional three-fifths vote of the membership, and certified to the House. The vote on passage was:

Yeas—27

Table with 4 columns: Name, Constantine, Lee, Silver. Rows include Mr. President, Bronson, Brown-Waite, Burt, Campbell, Carlton, Clary.

Nays—11

Table with 4 columns: Name, Holzendorf, Lawson, Mitchell. Rows include Cowin, Dawson, Dyer.

Vote after roll call:

Yea—Diaz de la Portilla

Nay to Yea—Klein

SPECIAL ORDER CALENDAR

On motion by Senator Brown-Waite—

CS for SB 660—A bill to be entitled An act relating to the Money Transmitters' Code; amending s. 560.119, F.S.; eliminating examination fees; shifting the deposit of funds from one trust fund to another; amending s. 560.205, F.S.; providing for application fees; amending s. 560.206, F.S.; providing for an extended registration period; amending s. 560.207, F.S.; revising renewal dates and fees; amending s. 560.208, F.S.; providing for notice of branch location openings and closings; providing fees for branch locations and authorized vendors; amending s. 560.307, F.S.; providing fees and notice of openings and closings of branch locations or

authorized vendors; amending s. 560.308, F.S.; revising renewal dates and fees; repealing s. 560.118(1)(d) and (e), F.S., which provides for examination costs; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (310544)(with title amendment)—On page 2, between lines 4 and 5, insert:

Section 2. Subsection (2) of section 560.204, Florida Statutes, is amended to read:

560.204 Requirement of registration.—

(2) A person registered pursuant to this part is permitted to engage in the activities authorized by this part. A person registered pursuant to this part may also engage in the activities authorized under part III and is exempt from the registration fee required by s. 560.307.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 560.204, F.S.; providing that a person registered under part II of ch. 560, F.S., is exempt from the registration fee required to engage in activities under part III of ch. 560, F.S.;

Pursuant to Rule 4.19, CS for SB 660 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

CS for CS for SB 366—A bill to be entitled An act relating to DNA evidence; creating s. 925.11, F.S.; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty may petition the trial court to order an examination of DNA evidence; providing guidelines for seeking postsentencing DNA testing; requiring that the court make certain findings; providing for right to appeal; creating s. 943.3251, F.S.; prescribing duties of the Department of Law Enforcement with respect to postsentencing DNA testing; providing an effective date.

—was read the second time by title.

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (043518)(with title amendment)—On page 1, line 29 through page 4, line 26, delete those lines and insert: and which would exonerate that person or mitigate the sentence that person received.

(b) Except as provided in subparagraph 2., a petition for postsentencing DNA testing may be filed or considered:

1. Within 2 years following the date that the judgment and sentence in the case becomes final if no direct appeal is taken, within 2 years following the date that the conviction is affirmed on direct appeal if an appeal is taken, within 2 years following the date that collateral counsel is appointed or retained subsequent to the conviction being affirmed on direct appeal in a capital case, or by October 1, 2003, whichever occurs later; or

2. At any time if the facts on which the petition is predicated were unknown to the petitioner or the petitioner's attorney and could not have been ascertained by the exercise of due diligence.

(2) Method for seeking postsentencing DNA testing.—

(a) The petition for postsentencing DNA testing must be made under oath by the sentenced defendant and must include the following:

1. A statement of the facts relied on in support of the petition, including a description of the physical evidence containing DNA to be tested and, if known, the present location or the last known location of the evidence and how it was originally obtained;

2. A statement that the evidence was not previously tested for DNA or a statement that the results of any previous DNA testing were inconclusive and that subsequent scientific developments in DNA testing techniques would likely produce a definitive result;

3. A statement that the sentenced defendant is innocent and how the DNA testing requested by the petition will exonerate the defendant of the crime for which the defendant was sentenced or will mitigate the sentence received by the defendant for that crime;

4. A statement that identification of the defendant is a genuinely disputed issue in the case, and why it is an issue;

5. Any other facts relevant to the petition; and

6. A certificate that a copy of the petition has been served on the prosecuting authority.

(b) Upon receiving the petition, the clerk of the court shall file it and deliver the court file to the assigned judge.

(c) The court shall review the petition and deny it if it is insufficient. If the petition is sufficient, the prosecuting authority shall be ordered to respond to the petition within 30 days.

(d) Upon receiving the response of the prosecuting authority, the court shall review the response and enter an order on the merits of the petition or set the petition for hearing.

(e) Counsel may be appointed to assist the sentenced defendant if the petition proceeds to a hearing and if the court determines that the assistance of counsel is necessary and makes the requisite finding of indigency.

(f) The court shall make the following findings when ruling on the petition:

1. Whether the sentenced defendant has shown that the physical evidence that may contain DNA still exists;

2. Whether the results of DNA testing of that physical evidence would be admissible at trial and whether there exists reliable proof to establish that the evidence has not been materially altered and would be admissible at a future hearing; and

3. Whether there is a reasonable probability that the sentenced defendant would have been acquitted or would have received a lesser sentence if the DNA evidence had been admitted at trial.

(g) If the court orders DNA testing of the physical evidence, the cost of such testing may be assessed against the sentenced defendant unless he or she is indigent. If the sentenced defendant is indigent, the state shall bear the cost of the DNA testing ordered by the court.

(h) Any DNA testing ordered by the court shall be carried out by the Department of Law Enforcement or its designee, as provided in s. 943.3251.

(i) The results of the DNA testing ordered by the court shall be provided to the court, the sentenced defendant, and the prosecuting authority.

(3) Right to appeal; rehearing.—

(a) An appeal from the court's order on the petition for postsentencing DNA testing may be taken by any adversely affected party.

(b) An order denying relief shall include a statement that the sentenced defendant has the right to appeal within 30 days after the order denying relief is entered.

(c) The sentenced defendant may file a motion for rehearing of any order denying relief within 15 days after service of the order denying relief. The time for filing an appeal shall be tolled until an order on the motion for rehearing has been entered.

(d) The clerk of the court shall serve on all parties a copy of any order rendered with a certificate of service, including the date of service.

(4) Preservation of evidence.—

(a) Governmental entities that may be in possession of any physical evidence in the case, including, but not limited to, any investigating law enforcement agency, the clerk of the court, the prosecuting authority, or the Department of Law Enforcement shall maintain any physical evidence collected at the time of the crime for which a postsentencing testing of DNA may be requested.

(b) Except for a case in which the death penalty is imposed, the evidence shall be maintained for at least the period of time set forth in subparagraph (1)(b)1. In a case in which the death penalty is imposed, the evidence shall be maintained for 60 days after execution of the sentence.

(c) A governmental entity may dispose of the physical evidence before the expiration of the period of time set forth in paragraph (1)(b) if all of the conditions set forth below are met.

1. The governmental entity notifies all of the following individuals of its intent to dispose of the evidence: the sentenced defendant, any counsel of record, the prosecuting authority, and the Attorney General.

2. The notifying entity does not receive, within 90 days after sending the notification, either a copy of a petition for postsentencing DNA testing filed pursuant to this section or a request that the evidence not be destroyed because the sentenced defendant will be filing the petition before the time for filing it has expired.

3. No other provision of law or rule requires that the physical evidence be preserved or retained.

And the title is amended as follows:

On page 1, line 11, after the first semicolon (;) insert: providing for preservation of evidence for which testing of DNA may be requested;

Senators Silver and Villalobos offered the following amendment which was moved by Senator Silver and adopted:

Amendment 2 (041830)(with title amendment)—On page 5, delete line 9 and insert:

Section 3. Subsection (1) of section 943.325, Florida Statutes, is amended to read:

943.325 Blood specimen testing for DNA analysis.—

(1)(a) Any person who is convicted or was previously convicted in this state for any offense or attempted offense enumerated in paragraph (b) defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s. 810.02, s. 812.133, or s. 812.135 and who is either:

1. Still incarcerated, or

2. No longer incarcerated but is within the confines of the legal state boundaries and is on probation, community control, parole, conditional release, control release, or any other type of court-ordered supervision, shall be required to submit two specimens of blood to a Department of Law Enforcement designated testing facility as directed by the department.

(b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s. 810.02, s. 812.133, or s. 812.135.

2. Effective July 1, 2002, and contingent upon specific appropriation, s. 812.13 or s. 812.131.

3. Effective July 1, 2003, and contingent upon specific appropriation, chapter 787 or s. 782.07.

4. Effective July 1, 2004, and contingent upon specific appropriation, any forcible felony, as described in s. 776.08, aggravated child abuse, as described in s. 827.03(2), aggravated abuse of an elderly person or a disabled adult, as described in s. 825.102(2), or any felony violation of chapter 790 involving the use or possession of a firearm.

5. Effective July 1, 2005, and contingent upon specific appropriation, any felony offense.

(c) As used in For the purpose of this section, the term "any person" includes ~~shall include~~ both juveniles and adults committed to a county

jailed or committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice, including persons incarcerated in a private correctional institution operated under contract pursuant to s. 944.105 or s. 957.03 or committed to a county jail.

(d) *Effective July 1, 2001, any person who was previously convicted in this state for any offense or attempted offense enumerated in subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3. and who is still incarcerated or in the custody of the Department of Juvenile Justice must submit, not less than 45 days before his or her presumptive date of release from such incarceration or commitment, two specimens of blood as directed by the Department of Law Enforcement to a testing facility designated by the department.*

Section 4. This act shall take effect October 1, 2001, except that this section and section 3 of this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, delete line 15 and insert: amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data bank's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 366** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR MEEK PRESIDING

On motion by Senator Geller—

CS for CS for SB 144—A bill to be entitled An act relating to improper activity over the Internet; amending s. 847.001, F.S.; defining the term “child pornography” for purposes of ch. 847, F.S.; clarifying the definition of the term “sexual conduct”; defining the term “transmit”; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; amending s. 905.34, F.S.; extending the jurisdiction of a statewide grand jury to certain offenses relating to computer pornography and exploitation; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

Amendment 1 (044792)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) of subsection (1) of section 827.071, Florida Statutes, is amended to read:

827.071 Sexual performance by a child; penalties.—

(1) As used in this section, the following definitions shall apply:

(g) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. *A mother's breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”*

Section 2. Section 847.001, Florida Statutes, is amended to read:

847.001 Definitions.—As ~~When~~ used in this chapter, the term:

(1) “Child pornography” means any image depicting a minor engaged in sexual conduct.

(2)(1) “Computer” means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions and includes any data storage facility or

communications facility directly related to or operating in conjunction with such device. The term also includes: any on-line service, Internet service, or local bulletin board; any electronic storage device, including a floppy disk or other magnetic storage device; or any compact disc that has read-only memory and the capacity to store audio, video, or written materials.

(3)(2) “Deviate sexual intercourse” means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(4)(3) “Harmful to minors” means ~~that quality of~~ any reproduction, imitation, characterization, description, exhibition, presentation, or representation, ~~of in~~ whatever kind or form, depicting of nudity, sexual conduct, or sexual excitement when it:

(a) Predominantly appeals to the prurient, shameful, or morbid interest of minors;

(b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

A mother's breastfeeding of her baby is not under any circumstance “harmful to minors.”

(5)(4) “Minor” means any person under the age of 18 years.

(6)(5) “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstance constitute “nudity,” irrespective of whether or not the nipple is covered during or incidental to feeding.

(7)(6) “Person” includes individuals, *children*, firms, associations, *joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries*, corporations, and all other groups ~~or and~~ combinations.

(8)(7) “Obscene” means the status of material which:

(a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;

(b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and

(c) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

A mother's breastfeeding of her baby is not under any circumstance “obscene.”

(9)(8) “Sadomasochistic abuse” means flagellation or torture by or upon a person or animal, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction, or satisfaction brought about as a result of sadistic violence, from inflicting harm on another or receiving such harm oneself.

(10)(9) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, “sexual battery” does not include an act done for a bona fide medical purpose.

(11)(10) “Sexual bestiality” means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other.

(12)(11) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast *with the intent to arouse or gratify the sexual desire of either party*; or any act or conduct which constitutes sexual battery or simulates that sexual battery is

being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

(13)(12) "Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(14)(13) "Simulated" means the explicit depiction of conduct described in subsection (12) (11) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

Section 3. Subsection (2) of section 847.0135, Florida Statutes, is amended to read:

847.0135 Computer pornography; penalties.—

(2) COMPUTER PORNOGRAPHY.—A person who:

(a) Knowingly compiles, enters into, or transmits by use ~~means~~ of computer;

(b) Makes, prints, publishes, or reproduces by other computerized means;

(c) Knowingly causes or allows to be entered into or transmitted by use ~~means~~ of computer; or

(d) Buys, sells, receives, exchanges, or disseminates,

any notice, statement, or advertisement of, ~~or~~ any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information; for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct, *commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.984.* The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section. ~~Any person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084.~~

Section 4. Section 847.0137, Florida Statutes, is created to read:

847.0137 *Transmission of pornography by electronic device or equipment prohibited; penalties.—*

(1) *For purposes of this section:*

(a) "Minor" means any person less than 18 years of age.

(b) "Transmit" means the act of sending and causing to be delivered any image, information, or data from one or more persons or places to one or more other persons or places over or through any medium, including the Internet, by use of any electronic equipment or device.

(2) *Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to another person in this state or in another jurisdiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to any person in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(4) *This section shall not be construed to prohibit prosecution of a person in this state or another jurisdiction for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section, for the transmission of child pornography, as defined in s. 847.001, to any person in this state.*

(5) *A person is subject to prosecution in this state pursuant to chapter 910 for any act or conduct proscribed by this section, including a person in a jurisdiction other than this state, if the act or conduct violates subsection (3).*

The provisions of this section do not apply to subscription-based transmissions such as list servers.

Section 5. Section 847.0138, Florida Statutes, is created to read:

847.0138 *Transmission of material harmful to minors to a minor by electronic device or equipment prohibited; penalties.—*

(1) *For purposes of this section:*

(a) "Known by the defendant to be a minor" means that the defendant had actual knowledge or had reason to believe that the recipient of the communication was a minor.

(b) "Transmit" means to send to a specific individual known by the defendant to be a minor via electronic mail.

(2) *Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

The provisions of this section do not apply to subscription-based transmissions such as list servers.

Section 6. Section 847.0139, Florida Statutes, is created to read:

847.0139 *Immunity from civil liability for reporting child pornography, transmission of child pornography, or any image, information, or data harmful to minors to a minor in this state.—Any person who reports to a law enforcement officer what the person reasonably believes to be child pornography, transmission of child pornography, or any image, information, or data that is harmful to minors to a minor in this state may not be held civilly liable for such reporting. For purposes of this section, such reporting may include furnishing the law enforcement officer with any image, information, or data that the person reasonably believes to be evidence of child pornography, transmission of child pornography, or an image, information, or data that is harmful to minors to a minor in this state.*

Section 7. Subsection (7) is added to section 905.34, Florida Statutes, to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impeaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

(7) *Any violation of s. 847.0135, s. 847.0137, or s. 847.0138 relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135, s. 847.0137, or s. 847.0138;*

or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

Section 8. *If a court of competent jurisdiction rules that any part of this act is unconstitutional or otherwise ineffective, such ruling shall not affect the other parts of this act and such other parts shall remain effective as though no such ruling has occurred.*

Section 9. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to child pornography and images harmful to minors; amending s. 827.071, F.S.; revising the definition of "sexual conduct"; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the "Computer Pornography and Child Exploitation Act of 1986" to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.; providing severability; providing effective dates.

WHEREAS, The Florida Information Service Technology Development Task Force found and recommended that, while the development of information technology is a rapidly expanding enterprise and the issue of transmission of adult and child pornography is difficult to resolve, legislation should be enacted to address the following situations: where a person in or outside of the State of Florida knowingly transmits any type of pornography to a minor in Florida, a crime has occurred and the State of Florida has jurisdiction; where a person in the State of Florida transmits child pornography to anyone in or outside the State of Florida a crime has occurred and the State of Florida has jurisdiction; and where a person outside the State of Florida knowingly transmits child pornography to any person in the State of Florida, a crime has occurred and the State of Florida has jurisdiction, and

WHEREAS, the task force also recommended that legislation be enacted that, while not mandating that a person report child pornography, the transmission of child pornography, or the unlawful transmission of any image, information, or data that is harmful to minors, would grant civil immunity to any person who reports to any law enforcement officer what he or she reasonably believes to be evidence of child pornography, the transmission of child pornography, or the unlawful transmission of any image, information, or data harmful to any minor in this state, and

WHEREAS, the Legislature agrees with the foregoing findings, conclusions, and recommendations of the task force, and finds that legislation enacting the recommendations would facilitate apprehension of persons who transmit child pornography or improperly transmit images harmful to minors while protecting persons from arrest based on unsubstantiated or false accusations or statements or the submission of falsified evidence by the person reporting the transmission, and

WHEREAS, the Legislature further finds that the use of minors in pornographic images is harmful to the physiological, emotional, mental, and social well-being of minors and that the dissemination of such images results in subjecting the minors who are the subject of such images to continuing irreparable injury by creating a perpetual record of their participation in pornographic acts, and

WHEREAS, the Legislature further finds that child pornography and images, information, and data that are harmful to minors are frequently used to entice minors to engage in improper sexual activity, and the use of such means to entice minors in Florida to engage in such sexual activity irreparably harms their physiological, emotional, mental, and social well-being, and

WHEREAS, the Legislature further finds that the advent and growing use of the Internet and other electronic devices has greatly facilitated transmission of child pornography and images, information, and data that are harmful to minors, thus subjecting minors in Florida to an ever-increasing likelihood of being victimized by the purveyors of such, and

WHEREAS, the Legislature further finds that criminalizing the transmission of child pornography and the unlawful transmission of images, information, and data that are harmful to minors is an appropriate means of serving the state's compelling interest in protecting minors in Florida from suffering the irreparable harm they can experience from being subjected to participating in creating the images that are included in such transmissions and from being subjected to receiving the images that are included in such transmissions, and

WHEREAS, the Legislature further finds that the First Amendment would not be violated by legislation prohibiting the transmission of child pornography or the transmission of images harmful to minors to a minor in this state, and

WHEREAS, the Legislature further finds that deterring and punishing the transmission of child pornography and images harmful to minors can and should be accomplished by amending the laws of this state, and

WHEREAS, the Legislature further finds that the laws of this state may be amended to address jurisdictional concerns regarding transmission of child pornography and transmission of images, information, and data harmful to minors to a minor in this state, as those concerns have already been addressed by the Legislature regarding computer-solicitation offenses against minors, and

WHEREAS, the Legislature further finds that the laws of this state may be amended to grant civil immunity to any person who reports to any law enforcement officer what he or she reasonably believes to be child pornography, the transmission of child pornography, or the transmission of images, information, and data that are harmful to minors to a minor in this state, NOW, THEREFORE,

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

Amendment 1A (115880)—On page 5, line 21, delete "775.984" and insert: 775.084

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

Amendment 1B (574872)(with title amendment)—On page 9, between lines 17 and 18, insert:

Section 9. Section 815.03, Florida Statutes, is amended to read:

815.03 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(1) "Access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network ~~"Intellectual property" means data, including programs.~~

~~(2) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.~~

(2)(3) "Computer" means an internally programmed, automatic device that performs data processing.

(3) "Computer contaminant" means any set of computer instructions designed to modify, damage, destroy, record, or transmit information within a computer, computer system, or computer network without the intent or permission of the owner of the information. The term includes, but is not limited to, a group of computer instructions commonly called viruses or worms which are self-replicating or self-propagating and which are designed to contaminate other computer programs or computer data; consume computer resources; modify, destroy, record, or transmit data; or in some other fashion usurp the normal operation of the computer, computer system, or computer network.

(4) "Computer network" means any system that provides communications between one or more computer systems and its input or output devices, including, but not limited to, display terminals and printers that are connected by telecommunication facilities.

(5) "Computer program or computer software" means a set of instructions or statements and related data which, when executed in actual or modified form, cause a computer, computer system, or computer network to perform specified functions.

(6) "Computer services" include, but are not limited to, computer time; data processing or storage functions; or other uses of a computer, computer system, or computer network.

(7) "Computer system" means a device or collection of devices, including support devices, one or more of which contain computer programs,

electronic instructions, or input data and output data, and which perform functions, including, but not limited to, logic, arithmetic, data storage, retrieval, communication, or control. The term does not include calculators that are not programmable and that are not capable of being used in conjunction with external files.

(8) "Data" means a representation of information, knowledge, facts, concepts, computer software, computer programs, or instructions. Data may be in any form, in storage media or stored in the memory of the computer, or in transit or presented on a display device.

(4) ~~"Computer software" means a set of computer programs, procedures, and associated documentation concerned with the operation of a computer system.~~

(5) ~~"Computer system" means a set of related, connected or unconnected, computer equipment, devices, or computer software.~~

(6) ~~"Computer network" means a set of related, remotely connected devices and communication facilities including more than one computer system with capability to transmit data among them through communication facilities.~~

(7) ~~"Computer system services" means providing a computer system or computer network to perform useful work.~~

(9) "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, or marketable security.

(10) "Intellectual property" means data, including programs.

(11)(8) "Property" means anything of value as defined in s. 812.011 and includes, but is not limited to, financial instruments, information, including electronically produced data and computer software and programs in either machine-readable or human-readable form, and any other tangible or intangible item of value.

(9) ~~"Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, or marketable security.~~

(10) ~~"Access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.~~

Section 10. Section 815.05, Florida Statutes, is repealed.

Section 11. Section 815.06, Florida Statutes, is amended to read:

815.06 Offenses against computer users.—

(1) Whoever willfully, knowingly, and without authorization:

(a) Accesses or causes to be accessed any computer, computer system, or computer network; ~~or whoever willfully, knowingly, and without authorization~~

(b) *Disrupts or denies* or causes the denial of computer system services to an authorized user of such computer system services, which, in whole or part, is owned by, under contract to, or operated for, on behalf of, or in conjunction with another;

(c) *Destroys, takes, injures, or damages equipment or supplies used or intended to be used in a computer, computer system or computer network;*

(d) *Destroys, injures, or damages any computer, computer system, or computer network;* or

(e) *Introduces any computer contaminant into any computer, computer system, or computer network;*

commits an offense against computer users.

(2)(a) *Except as provided in paragraphs (b) and (c), whoever violates subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) *Whoever violates subsection (1) and:*

1. *Damages a computer, computer equipment, computer supplies, a computer system, or a computer network, and the monetary damage or loss incurred as a result of the violation is \$5,000 or greater;*

2. *Commits the offense for the purpose of devising or executing any scheme or artifice to defraud or obtain property;* or

3. *Interrupts or impairs a governmental operation or public communication, transportation, or supply of water, gas, or other public service.*

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

(c) *Whoever violates subsection (1) and the violation endangers human life commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *Whoever willfully, knowingly, and without authorization modifies equipment or supplies used or intended to be used in a computer, computer system, or computer network commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(4)(a) *In addition to any other civil remedy available, the owner or lessee of the computer, computer system, computer network, computer program, computer equipment, computer supplies, or computer data may bring a civil action against any person convicted under this section for compensatory damages.*

(b) *In any action brought under this subsection, the court may award reasonable attorney's fees to the prevailing party.*

(5) *Any computer, computer system, computer network, computer software, or computer data owned by a defendant which is used during the commission of any violation of this section or any computer owned by the defendant which is used as a repository for the storage of software or data obtained in violation of this section is subject to forfeiture as provided under sections 932.701-932.704, Florida Statutes.*

(6) *This section does not apply to any person who accesses his or her employer's computer system, computer network, computer program, or computer data when acting within the scope of his or her lawful employment.*

(7) *For purposes of bringing a civil or criminal action under this section, a person who causes, by any means, the access to a computer, computer system, or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system, or computer network in both jurisdictions.*

(2)(a) ~~Except as provided in this subsection, an offense against computer users is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) ~~If the offense is committed for the purposes of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 12. Subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment.

ment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the provisions of the Florida Anti-Fencing Act;
5. Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;
6. Any crime involving, or resulting in, fraud or deceit upon any person; ~~or~~
7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135; *or*;
8. *Any violation of the provision of chapter 815;*

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

(b) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crimes.

(c) Request and receive from any department, division, board, bureau, commission, or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

Section 13. Section 905.34, Florida Statutes, is amended to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

- (1) Bribery, burglary, carjacking, home-invasion robbery, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery;
- (2) Crimes involving narcotic or other dangerous drugs;
- (3) Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;
- (4) Any violation of the provisions of the Florida Anti-Fencing Act;
- (5) Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;
- (6) *Any violation of the provision of chapter 815;*
- (7)(6) Any crime involving, or resulting in, fraud or deceit upon any person;

or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 20, after “severability;” insert: amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., relating to definitions; amending s. 815.06, F.S.; creating offenses against computer equipment or supplies, computers, computer system, and computer networks; providing penalties; amending s. 16.56, F.S., adding violations of computer and computer-related crimes under chapter 815, F.S., expanding prosecutorial jurisdiction of the Office of Statewide Prosecution; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under chapter 815, F.S.;

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

Amendment 1C (565102)—In title, on page 9, lines 28 and 29, delete those lines and insert: An act relating to computer crimes; amending s. 827.071, F.S.;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 144** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing penalties for an assault or battery upon specified facility staff; creating s. 784.078, F.S.; defining the terms “facility” and “employee”; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; amending s. 806.13, F.S.; providing a penalty for damaging specified detention or commitment facilities; providing an effective date.

—was read the second time by title.

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

On motion by Senator Bronson—

CS for SB’s 1864 and 2086—A bill to be entitled An act relating to criminal justice; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; adding members; revising powers and duties of the council, particularly with respect to money laundering and with drug control; limiting funding that agencies may receive from the council; amending s. 943.042, F.S.; redesignating the Violent Crime Emergency Account as the Violent Crime Emergency and Drug Control Strategy Implementation Account; prescribing uses that may be made of moneys from the account; limiting funding that agencies may receive from the account; requiring rules that provide funding criteria; providing for disqualification of an agency from funding eligibility and for demand for reimbursement by an agency for failure to use funds as authorized; creating s. 943.0582, F.S.; authorizing the expunction under certain circumstances of the arrest record of a minor who successfully completes a prearrest, postarrest, or teen court diversion program; amending s. 985.3065, F.S.; providing for a law enforcement agency or school district to establish a postarrest diversion program; providing for expunction of the arrest of a minor who completes such program; amending ss. 943.0585, 943.059,

F.S.; prescribing additional criminal violations for which a criminal history record may not be expunged or sealed; amending s. 943.325, F.S.; authorizing use of biological specimens other than blood for DNA analysis; authorizing use of trained, nonmedical personnel in collecting specimens; providing for collection of specimens from persons who are required to provide specimens but have never been incarcerated; providing immunity from liability for persons assisting in collecting specimens; authorizing collection of specimens at remote sites; amending s. 760.40, F.S.; exempting tests performed under s. 943.325, F.S., from requirements for informed consent to genetic testing; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (595944)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 943.031, Florida Statutes, is amended to read:

943.031 Florida Violent Crime and Drug Control Council.—The Legislature finds that there is a need to develop and implement a statewide strategy to address violent criminal activity and drug control efforts by state and local law enforcement agencies, including investigations of illicit money laundering. In recognition of this need, the Florida Violent Crime and Drug Control Council is created within the department. The council shall serve in an advisory capacity to the department.

(1) MEMBERSHIP.—The council shall consist of 14 ~~12~~ members, as follows:

- (a) The Attorney General or a designate.
- (b) A designate of the executive director of the Department of Law Enforcement.
- (c) The secretary of the Department of Corrections or a designate.
- (d) The Secretary of Juvenile Justice or a designate.
- (e) The Commissioner of Education or a designate.
- (f) The president of the Florida Network of Victim/Witness Services, Inc., or a designate.
- (g) ~~The director of the Office of Drug Control within the Executive Office of the Governor, or a designate.~~
- (h) ~~The Comptroller, or a designate.~~
- (i)(g) Six members appointed by the Governor, consisting of two sheriffs, two chiefs of police, one medical examiner, and one state attorney or their designates.

The Governor, when making appointments under this subsection, must take into consideration representation by geography, population, ethnicity, and other relevant factors to ensure that the membership of the council is representative of the state at large. *Designates appearing on behalf of a council member who is unable to attend a meeting of the council are empowered to vote on issues before the council to the same extent the designating council member is so empowered.*

(2) TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION; STAFF.—

(a) Members appointed by the Governor shall be appointed for terms of 2 years. The other members are standing members of the council. In no event shall a member serve beyond the time he or she ceases to hold the office or employment which was the basis for appointment to the council. In the event of a vacancy, an appointment to fill the vacancy shall be only for the unexpired term.

(b) The Legislature finds that the council serves a legitimate state, county, and municipal purpose and that service on the council is consistent with a member's principal service in a public office or employment. Membership on the council does not disqualify a member from holding any other public office or being employed by a public entity, except that no member of the Legislature shall serve on the council.

(c) The members of the council shall elect a chair and a vice chair every 2 years, to serve for a 2-year term. As deemed appropriate, other officers may be elected by the members.

(d) Members of the council or their designates shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061. Reimbursements made pursuant to this paragraph may ~~shall~~ be paid from either the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund or from other appropriations provided to the department by the Legislature in the General Appropriations Act.

(e) The department shall provide the council with staff necessary to assist the council in the performance of its duties.

(3) MEETINGS.—The council must meet at least semiannually. Additional meetings may be held when it is determined ~~deemed appropriate~~ by the chair that extraordinary circumstances require an additional meeting of the council or a majority of the council members. A majority of the members of the council constitutes a quorum.

(4) DUTIES OF COUNCIL.—The council shall provide advice and make recommendations, as necessary, to the executive director of the department.

(a) The council may advise the executive director on the feasibility of undertaking initiatives which include, but are not limited to, the following:

1. Establishing a program which provides grants to criminal justice agencies that develop and implement effective violent crime prevention and investigative programs and which provides grants to law enforcement agencies for the purpose of drug control and illicit money laundering investigative efforts or task force efforts that are determined by the council to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, subject to the limitations provided in this section. The grant program may ~~shall~~ include an innovations grant program to provide startup funding for new initiatives by local and state law enforcement agencies to combat violent crime or to implement drug control or illicit money laundering investigative efforts or task force efforts by law enforcement agencies, including, but not limited to, initiatives such as:

- a. ~~Providing Provision of~~ enhanced community-oriented policing.
- b. ~~Providing Provision of~~ additional undercover officers and other investigative officers to assist with violent crime investigations in emergency situations.
- c. ~~Providing funding for multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that cannot be reasonably funded completely by alternative sources and that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.~~

2.—~~Creating a criminal justice research and behavioral science center. The center shall provide key support to local law enforcement agencies undertaking unique or emergency violent crime investigations, including the mobilization of special task forces to directly target violent crime in specific areas.~~

2.3. Expanding the use of automated fingerprint identification systems at the state and local level.

3.4. Identifying methods to prevent violent crime.

4. Identifying methods to enhance multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.

5. Enhancing criminal justice training programs which address violent crime, *drug control*, or *illicit money laundering investigative techniques or efforts*.

6. Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to:

a. Enhanced victim and witness counseling services that also provide crisis intervention, information referral, transportation, and emergency financial assistance.

b. A well-publicized rewards program for the apprehension and conviction of criminals who perpetrate violent crimes.

7. Enhancing information sharing and assistance in the criminal justice community by expanding the use of community partnerships and community policing programs. Such expansion may include the use of civilian employees or volunteers to relieve law enforcement officers of clerical work in order to enable the officers to concentrate on street visibility within the community.

(b) ~~Additionally~~, The council shall:

1. ~~Receive periodic reports from~~ ~~Advise the executive director on the creation of~~ regional violent crime investigation and statewide drug control strategy implementation coordinating teams which relate to violent crime trends or the investigative needs or successes in the regions, factors and trends relevant to the implementation of the statewide drug strategy, and the results of drug control and illicit money laundering investigative efforts funded in part by the council.

2. ~~Maintain and utilize~~ ~~Develop~~ criteria for the disbursement of funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund or other appropriations provided to the Department of Law Enforcement by the Legislature in the General Appropriations Act. The criteria shall allow for the advancement of funds as approved by the council.

3. Review and approve all requests for disbursement of funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund and from other appropriations provided to the department by the Legislature in the General Appropriations Act. An expedited approval procedure shall be established for rapid disbursement of funds in violent crime emergency situations.

4. ~~Advise the executive director on the development of a statewide violent crime information system.~~

(5) REPORTS.—The council shall report annually on its activities, on or before December 30 of each calendar year, to the executive director, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees having principal jurisdiction over criminal law ~~chairs of the Committees on Criminal Justice in both chambers. Comments and responses of the executive director to the report are to be included~~ ~~must respond to the annual report and any other recommendations of the council in writing. All written responses must be forwarded to the council members, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Committees on Criminal Justice in both chambers.~~

(6) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.—

(a) The Victim and Witness Protection Review Committee is created within the Florida Violent Crime and Drug Control Council, consisting of the statewide prosecutor or a state attorney, a sheriff, a chief of police, and the designee of the executive director of the Department of Law Enforcement. The committee shall be appointed from the membership of the council by the chair of the council after the chair has consulted with the executive director of the Department of Law Enforcement. Committee members shall meet in conjunction with the meetings of the council.

(b) The committee shall:

1. ~~Maintain and utilize~~ ~~Develop~~ criteria for disbursing funds to reimburse law enforcement agencies for costs associated with providing victim and witness protective or temporary relocation services.

2. Review and approve or deny, in whole or in part, all reimbursement requests submitted by law enforcement agencies.

(c) The lead law enforcement agency providing victim or witness protective or temporary relocation services pursuant to the provisions of s. 914.25 may submit a request for reimbursement to the Victim and Witness Protection Review Committee in a format approved by the committee. The lead law enforcement agency shall submit such reimbursement request on behalf of all law enforcement agencies that cooperated in providing protective or temporary relocation services related to a particular criminal investigation or prosecution. As part of the reimbursement request, the lead law enforcement agency must indicate how any reimbursement proceeds will be distributed among the agencies that provided protective or temporary relocation services.

(d) The committee, in its discretion, may use funds available to the committee to provide all or partial reimbursement to the lead law enforcement agency for such costs, or may decline to provide any reimbursement.

(e) *The committee may conduct its meeting by teleconference or conference phone calls when the chair of the committee finds that the need for reimbursement is such that delaying until the next scheduled council meeting will adversely affect the requesting agency's ability to provide the protection services.*

(7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS AND RECORDS.—

(a)1. The Legislature finds that during limited portions of the meetings of the Florida Violent Crime and Drug Control Council it is necessary that the council be presented with and discuss details, information, and documents related to active criminal investigations or matters constituting active criminal intelligence, as those concepts are defined by s. 119.011. These presentations and discussions are necessary for the council to make its funding decisions as required by the Legislature. The Legislature finds that to reveal the contents of documents containing active criminal investigative or intelligence information or to allow active criminal investigative or active criminal intelligence matters to be discussed in a meeting open to the public negatively impacts the ability of law enforcement agencies to efficiently continue their investigative or intelligence gathering activities. The Legislature finds that information coming before the council that pertains to active criminal investigations or intelligence should remain confidential and exempt from public disclosure. The Legislature finds that the Florida Violent Crime and Drug Control Council may, by declaring only those portions of council meetings in which active criminal investigative or active criminal intelligence information is to be presented or discussed closed to the public, assure an appropriate balance between the policy of this state that meetings be public and the policy of this state to facilitate efficient law enforcement efforts.

2. The Legislature finds that it is a public necessity that portions of the meetings of the Florida Violent Crime and Drug Control Council be closed when the confidential details, information, and documents related to active criminal investigations or matters constituting active criminal intelligence are discussed. The Legislature further finds that it is no less a public necessity that portions of public records generated at closed council meetings, such as tape recordings, minutes, and notes, memorializing the discussions regarding such confidential details, information, and documents related to active criminal investigations or matters constituting active criminal intelligence, also shall be held confidential.

(b) The Florida Violent Crime and Drug Control Council shall be considered a "criminal justice agency" within the definition of s. 119.011(4).

(c)1. The Florida Violent Crime and Drug Control Council may close portions of meetings during which the council will hear or discuss active criminal investigative information or active criminal intelligence information, and such portions of meetings shall be exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution, provided that the following conditions are met:

a. The chair of the council shall advise the council at a public meeting that, in connection with the performance of a council duty, it is necessary that the council hear or discuss active criminal investigative information or active criminal intelligence information.

b. The chair's declaration of necessity for closure and the specific reasons for such necessity shall be stated in writing in a document that shall be a public record and shall be filed with the official records of the council.

c. The entire closed session shall be recorded. The recording shall include the times of commencement and termination of the closed session, all discussion and proceedings, and the names of all persons present. No portion of the session shall be off the record. Such recording shall be maintained by the council, and is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the criminal investigative information or criminal intelligence information that justifies closure ceases to be active, at which time the portion of the record related to the no longer active information or intelligence shall be open for public inspection and copying.

The exemption in this paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

2. Only members of the council, Department of Law Enforcement staff supporting the council's function, and other persons whose presence has been authorized by *chair* of the council shall be allowed to attend the exempted portions of the council meetings. The council shall assure that any closure of its meetings as authorized by this section is limited so that the general policy of this state in favor of public meetings is maintained.

(d) Those portions of any public record, such as a tape recording, minutes, and notes, generated during that portion of a Florida Violent Crime and Drug Control Council meeting which is closed to the public pursuant to this section, which contain information relating to active criminal investigations or matters constituting active criminal intelligence, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such criminal investigative information or criminal intelligence information ceases to be active. The exemptions in this paragraph are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (5) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(5) The commission, in consultation with the Florida Violent Crime and Drug Control Council, shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing violent crime. After January 1, 1995, every basic skills course required in order for law enforcement officers to obtain initial certification must include training on violent crime prevention and investigations.

Section 3. Section 943.042, Florida Statutes, is amended to read:

943.042 Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund.—

(1) There is created a Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund. The account shall be used to provide emergency supplemental funds to:

(a) State and local law enforcement agencies which are involved in complex and lengthy violent crime investigations, or matching funding to multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support

statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333;

(b) State and local law enforcement agencies which are involved in violent crime investigations which constitute a significant emergency within the state; or

(c) Counties which demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial.

(2) In consultation with the Florida Violent Crime and Drug Control Council, the department must ~~maintain~~ promulgate rules which, at minimum, address the following:

(a) Criteria for determining what constitutes a complex and lengthy violent crime investigation for the purpose of this section.

(b) Criteria for determining those violent crime investigations which constitute a significant emergency within the state for the purpose of this section.

(c) Criteria for determining the circumstances under which counties may receive emergency supplemental funds for extraordinary expenses associated with a violent crime trial under this section.

(d) Guidelines which establish a \$100,000 maximum limit ~~limits~~ on the amount that may be disbursed on a single investigation and a \$200,000 maximum limit on funds that may be provided to a single agency during the agency's fiscal year.

(e) Procedures for law enforcement agencies to use when applying for funds, including certification by the head of the agency that a request complies with the requirements established by the council.

(f) Annual evaluation and audit of the trust fund.

(3) With regard to the funding of drug control or illicit money laundering investigative efforts or task force efforts, the department shall adopt rules which, at a minimum, address the following:

(a) Criteria for determining what constitutes a multiagency or statewide drug control or illicit money laundering investigative effort or task force effort eligible to seek funding under this section.

(b) Criteria for determining whether a multiagency or statewide investigation or task force effort significantly contributes to achieving the state's goals and strategies.

(c) Limitations upon the amount that may be disbursed yearly to a single multiagency or statewide drug control or illicit money laundering investigation or task force effort.

(d) Procedures to utilize when applying for funds, including a required designation of the amount of matching funds being provided by the task force or participating agencies and a signed commitment by the head of each agency seeking funds that funds so designated will be utilized as represented if council funding is provided.

(e) Requirements to expend funds provided by the council in the manner authorized by the council, and a method of accounting for the receipt, use, and disbursement of any funds expended in drug control or illicit money laundering investigative efforts or task force efforts funded in part under the authority of this section.

(f) Requirements for reporting by recipient agencies on the performance and accomplishments secured by the investigative or task force efforts, including a requirement that the reports demonstrate how the state's drug control goals and strategies have been promoted by the efforts, and how other investigative goals have been met, including arrests made by such efforts, results of prosecutions based on such arrests, impact upon organized criminal enterprise structures by reason of such efforts, property or currency seizures made, illicit money laundering operations disrupted or otherwise impacted, forfeiture of assets by reason of such efforts, and anticipated or actual utilization of assets received by reason of a forfeiture based in whole or in part upon an investigation funded in whole or in part by council funds.

(4)(3)(a) Except as permitted in this section, a disbursement from ~~for~~ the Violent Crime Investigative Emergency and Drug Control Strategy

Implementation Account shall not be used to supplant existing appropriations of state and local law enforcement agencies and counties or to otherwise fund expenditures that are ordinary or reasonably predictable for the operation of a state or local law enforcement agency.

(b) The moneys placed in the account shall consist of appropriations from the Legislature or moneys received from any other public or private source. Any local law enforcement agency that acquires funds pursuant to the Florida Contraband Forfeiture Act or any other forfeiture action is authorized to donate a portion of such funds to the account.

(c) Upon a finding by a majority of the members of the council, any unexcused failure by recipient agencies or task forces to utilize funds in the manner authorized by this section and the Florida Violent Crime and Drug Control Council, or to timely provide required accounting records, reports, or other information requested by the council or by the department related to funding requested or provided, shall:

1. Constitute a basis for a demand by the council for the immediate return of all or any portion of funds previously provided to the recipient by the council; and

2. Result in termination or limitation of any pending funding by the council under this section,

and may, upon specific direction of a majority of the council, result in disqualification of the involved agencies or task forces from consideration for additional or future funding for investigative efforts as described in this section for a period of not more than 2 years following the council's action. The council, through the department, is authorized to pursue any collection remedies necessary if a recipient agency fails to return funds as demanded.

Section 4. Section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each petition to a court to expunge a criminal history record is complete only when accompanied by:

(a) A certificate of eligibility for expunction issued by the department pursuant to subsection (2).

(b) The petitioner's sworn statement attesting that the petitioner:

1. Has never, prior to the date on which the petition is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b).

2. Has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition pertains.

3. Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058, or from any jurisdiction outside the state.

4. Is eligible for such an expunction to the best of his or her knowledge or belief and does not have any other petition to expunge or any petition to seal pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to petitioning the court to expunge a criminal history record, a person seeking to expunge a criminal history record shall apply to the department for a certificate of eligibility for expunction. The department shall, by rule adopted pursuant to chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for expunction. The department shall issue a certificate of eligibility for expunction to a person who is the subject of a criminal history record if that person:

(a) Has obtained, and submitted to the department, a written, certified statement from the appropriate state attorney or statewide prosecutor which indicates:

1. That an indictment, information, or other charging document was not filed or issued in the case.

2. That an indictment, information, or other charging document, if filed or issued in the case, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction.

3. That the criminal history record does not relate to a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in s. 907.041, where the defendant was found guilty of, or pled guilty or nolo contendere to any such offense, or that the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, such an offense as a delinquent act, without regard to whether adjudication was withheld.

(b) Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(c) Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains.

(d) Has never, prior to the date on which the application for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b).

(e) Has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to expunge pertains.

(f) Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058.

(g) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to expunge pertains.

(h) Is not required to wait a minimum of 10 years prior to being eligible for an expunction of such records because all charges related to

the arrest or criminal activity to which the petition to expunge pertains were dismissed prior to trial, adjudication, or the withholding of adjudication. Otherwise, such criminal history record must be sealed under this section, former s. 893.14, former s. 901.33, or former s. 943.058 for at least 10 years before such record is eligible for expunction.

(3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

(a) In judicial proceedings under this section, a copy of the completed petition to expunge shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to expunge.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and the arresting agency. The arresting agency is responsible for forwarding the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to expunge to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) For an order to expunge entered by a court prior to July 1, 1992, the department shall notify the appropriate state attorney or statewide prosecutor of an order to expunge which is contrary to law because the person who is the subject of the record has previously been convicted of a crime or comparable ordinance violation or has had a prior criminal history record sealed or expunged. Upon receipt of such notice, the appropriate state attorney or statewide prosecutor shall take action, within 60 days, to correct the record and petition the court to void the order to expunge. The department shall seal the record until such time as the order is voided by the court.

(d) On or after July 1, 1992, the department or any other criminal justice agency is not required to act on an order to expunge entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to expunge when the petitioner for such order failed to obtain the certificate of eligibility as required by this section or such order does not otherwise comply with the requirements of this section.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted an expunction under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

(c) Information relating to the existence of an expunged criminal history record which is provided in accordance with paragraph (a) is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the existence of a criminal history record ordered expunged to the entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes, and to criminal justice agencies for their respective criminal justice purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment or licensure decisions. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) STATUTORY REFERENCES.—Any reference to any other chapter, section, or subdivision of the Florida Statutes in this section constitutes a general reference under the doctrine of incorporation by reference.

Section 5. Section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice

agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(1) **PETITION TO SEAL A CRIMINAL HISTORY RECORD.**—Each petition to a court to seal a criminal history record is complete only when accompanied by:

(a) A certificate of eligibility for sealing issued by the department pursuant to subsection (2).

(b) The petitioner's sworn statement attesting that the petitioner:

1. Has never, prior to the date on which the petition is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b).

2. Has not been adjudicated guilty of or adjudicated delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.

3. Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, former s. 943.058, or from any jurisdiction outside the state.

4. Is eligible for such a sealing to the best of his or her knowledge or belief and does not have any other petition to seal or any petition to expunge pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) **CERTIFICATE OF ELIGIBILITY FOR SEALING.**—Prior to petitioning the court to seal a criminal history record, a person seeking to seal a criminal history record shall apply to the department for a certificate of eligibility for sealing. The department shall, by rule adopted pursuant to chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for sealing. The department shall issue a certificate of eligibility for sealing to a person who is the subject of a criminal history record provided that such person:

(a) Has submitted to the department a certified copy of the disposition of the charge to which the petition to seal pertains.

(b) Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(c) Has never, prior to the date on which the application for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b).

(d) Has not been adjudicated guilty of or adjudicated delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.

(e) Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058.

(f) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to seal pertains.

(3) **PROCESSING OF A PETITION OR ORDER TO SEAL.**—

(a) In judicial proceedings under this section, a copy of the completed petition to seal shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to seal.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and to the arresting agency. The arresting agency is responsible for forwarding the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to seal to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) For an order to seal entered by a court prior to July 1, 1992, the department shall notify the appropriate state attorney or statewide prosecutor of any order to seal which is contrary to law because the person who is the subject of the record has previously been convicted of a crime or comparable ordinance violation or has had a prior criminal history record sealed or expunged. Upon receipt of such notice, the appropriate state attorney or statewide prosecutor shall take action, within 60 days, to correct the record and petition the court to void the order to seal. The department shall seal the record until such time as the order is voided by the court.

(d) On or after July 1, 1992, the department or any other criminal justice agency is not required to act on an order to seal entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to seal when the petitioner for such order failed to obtain the certificate of eligibility as required by this section or when such order does not comply with the requirements of this section.

(e) An order sealing a criminal history record pursuant to this section does not require that such record be surrendered to the court, and such record shall continue to be maintained by the department and other criminal justice agencies.

(4) **EFFECT OF CRIMINAL HISTORY RECORD SEALING.**—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter 400; or
6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted a sealing under this section, former s. 893.14, former s. 901.33,

or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge a sealed criminal history record.

(c) Information relating to the existence of a sealed criminal record provided in accordance with the provisions of paragraph (a) is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. to disclose information relating to the existence of a sealed criminal history record of a person seeking employment or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment or licensure decisions. Any person who violates the provisions of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) STATUTORY REFERENCES.—Any reference to any other chapter, section, or subdivision of the Florida Statutes in this section constitutes a general reference under the doctrine of incorporation by reference.

Section 6. Section 943.325, Florida Statutes, is amended to read:

943.325 Blood or other biological specimen testing for DNA analysis.—

(1)(a) Any person who is convicted or was previously convicted in this state for any offense or attempted offense defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s. 810.02, s. 812.133, or s. 812.135 and who is either:

1. Still incarcerated, or

2. No longer incarcerated, or has never been incarcerated, yet ~~but~~ is within the confines of the legal state boundaries and is on probation, community control, parole, conditional release, control release, or any other court-ordered supervision,

shall be required to submit two specimens of blood or other biological specimens approved by the Department of Law Enforcement to a Department of Law Enforcement designated testing facility as directed by the department.

(b) For the purpose of this section, the term "any person" shall include both juveniles and adults committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice or committed to a county jail.

(2) The withdrawal of blood for purposes of this section shall be performed in a medically approved manner using a collection kit provided by, or accepted by, the Department of Law Enforcement and only by or under the supervision of a physician, registered nurse, licensed practical nurse, or duly licensed medical personnel, or other trained and competent personnel. The collection of other approved biological specimens shall be performed by any person using a collection kit provided by, or accepted by, the Department of Law Enforcement in a manner approved by the department, as directed in the kit, or as otherwise found to be acceptable by the department.

(3) Upon a conviction of any person for any offense under paragraph (1)(a) which results in the commitment of the offender to a county jail, correctional facility, or juvenile facility, the entity responsible for the facility shall assure that the blood specimens or other biological specimens required by this section and approved by the Department of Law Enforcement are promptly secured and transmitted to the Department of Law Enforcement. If the person is not incarcerated following such conviction, the person may not be released from the custody of the court or released pursuant to a bond or surety until the blood specimens or other approved biological specimens required by this section have been taken. The chief judge of each circuit shall, in conjunction with the sheriff or other entity that maintains the county jail, assure implementation of a method to promptly collect required blood specimens or other approved biological specimens and forward the specimens to the Department of Law Enforcement. The Department of Law Enforcement, in

conjunction with the sheriff, the courts, the Department of Corrections, and the Department of Juvenile Justice, shall develop a statewide protocol for securing the blood specimens or other approved biological specimens of any person required to provide specimens under this section. Personnel at the jail, correctional facility, or juvenile facility shall implement the protocol as part of the regular processing of offenders.

(4) If any blood specimens or other approved biological specimens submitted to the Department of Law Enforcement under this section are found to be unacceptable for analysis and use or cannot be used by the department in the manner required by this section, the Department of Law Enforcement may require that another set of blood specimens or other approved biological specimens be taken as set forth in subsection (11).

(5) The Department of Law Enforcement shall provide the specimen vials, mailing tubes, labels, or other appropriate containers and instructions for the collection of blood specimens or other approved biological specimens. The specimens shall thereafter be forwarded to the designated testing facility for analysis to determine genetic markers and characteristics for the purpose of individual identification of the person submitting the sample.

(6) In addition to the specimens required to be submitted under this section, the Department of Law Enforcement may receive and utilize other blood specimens or other approved biological specimens. Any The analysis, when completed, shall be entered into the automated database maintained by the Department of Law Enforcement for such purpose, as provided in this section, and shall not be included in the state central criminal justice information repository.

(7) The results of a DNA analysis and the comparison of analytic results shall be released only to criminal justice agencies as defined in s. 943.045(10), at the request of the agency. Otherwise, such information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(8) The Department of Law Enforcement and the statewide criminal laboratory analysis system shall establish, implement, and maintain a statewide automated personal identification system capable of, but not limited to, classifying, matching, and storing analyses of DNA (deoxyribonucleic acid) and other biological molecules. The system shall be available to all criminal justice agencies.

(9) The Department of Law Enforcement shall:

(a) Receive, process, and store blood specimen samples or other approved biological specimen samples and the data derived therefrom furnished pursuant to subsection (1), or pursuant to a requirement of supervision imposed by the court or the Parole Commission with respect to a person convicted of any offense specified in subsection (1), or as specified in subsection (6).

(b) Collect, process, maintain, and disseminate information and records pursuant to this section.

(c) Strive to maintain or disseminate only accurate and complete records.

(d) Adopt rules prescribing the proper procedure for state and local law enforcement and correctional agencies to collect and submit blood specimen samples and other approved biological specimen samples pursuant to this section.

(10)(a) The court shall include in the judgment of conviction for an offense specified in this section, or a finding that a person described in subsection (1) violated a condition of probation, community control, or any other court-ordered supervision, an order stating that blood specimens or other approved biological specimens are required to be drawn or collected by the appropriate agency in a manner consistent with this section and, unless the convicted person lacks the ability to pay, the person shall reimburse the appropriate agency for the cost of drawing and transmitting the blood specimens or collecting and transmitting other approved biological specimens to the Florida Department of Law Enforcement. The reimbursement payment may be deducted from any existing balance in the inmate's bank account. If the account balance is insufficient to cover the cost of drawing and transmitting the blood specimens or collecting and transmitting other approved biological specimens to the Florida Department of Law Enforcement, 50 percent of each

deposit to the account must be withheld until the total amount owed has been paid. If the judgment places the convicted person on probation, community control, or any other court-ordered supervision, the court shall order the convicted person to submit to the drawing of the blood specimens *or the collecting of other approved biological specimens* as a condition of the probation, community control, or other court-ordered supervision. For the purposes of a person who is on probation, community control, or any other court-ordered supervision, the collection requirement must be based upon a court order, or as otherwise provided by the person in the absence of a court order. If the judgment sentences the convicted person to time served, the court shall order the convicted person to submit to the drawing of the blood specimens *or the collecting of other approved biological specimens* as a condition of such sentence.

(b) The appropriate agency shall cause the specimens to be drawn *or collected* as soon as practical after conviction but, in the case of any person ordered to serve a term of incarceration as part of the sentence, the specimen shall be drawn *or collected* as soon as practical after the receipt of the convicted person by the custodial facility. For the purpose of this section, the appropriate agency shall be the Department of Corrections whenever the convicted person is committed to the legal and physical custody of the department. Conviction information contained in the offender information system of the Department of Corrections shall be sufficient to determine applicability under this section. The appropriate agency shall be the sheriff or officer in charge of the county correctional facility whenever the convicted person is placed on probation, community control, or any other court-ordered supervision or form of supervised release or is committed to the legal and physical custody of a county correctional facility.

(c) Any person previously convicted of an offense specified in this section, or a crime which, if committed in this state, would be an offense specified in this section, and who is also subject to the registration requirement imposed by s. 775.13, shall be subject to the collection requirement of this section when the appropriate agency described in this section verifies the identification information of the person. The collection requirement of this section does not apply to a person as described in s. 775.13(5).

(d) For the purposes of this section, conviction shall include a finding of guilty, or entry of a plea of *nolo contendere* or guilty, regardless of adjudication or, in the case of a juvenile, the finding of delinquency.

(e) If necessary, the state or local law enforcement or correctional agency having authority over the person subject to the sampling under this section shall assist in the procedure. The law enforcement or correctional officer so assisting may use reasonable force if necessary to require such person to submit to the withdrawal of blood specimens *or the collection of other approved biological specimens*. Any such ~~The~~ withdrawal *or collection* shall be performed in a reasonable manner. A hospital, clinical laboratory, medical clinic, or similar medical institution; a physician, certified paramedic, registered nurse, licensed practical nurse, or other personnel authorized by a hospital to draw blood; a licensed clinical laboratory director, supervisor, technologist, or technician; or any other person who assists a law enforcement officer is not civilly or criminally liable as a result of withdrawing blood specimens according to accepted medical standards when requested to do so by a law enforcement officer or any personnel of a jail, correctional facility, or juvenile detention facility, regardless of whether the convicted person resisted the drawing of blood specimens. *A person other than the subject required to provide the biological specimens who collects or assists in the collection of approved specimens other than blood is not civilly or criminally liable if a collection kit provided by, or accepted by, the Department of Law Enforcement is utilized and the collection is done in a manner approved by the department, as directed in the kit, or is performed in an otherwise reasonable manner.*

(f) If a judgment fails to order the convicted person to submit to the drawing of the blood specimens *or the collecting of other approved biological specimens* as mandated by this section, the state attorney may seek an amended order from the sentencing court mandating the submission of blood specimens *or other approved biological specimens* in compliance with this section. As an alternative, the department, a state attorney, the Department of Corrections, or any law enforcement agency may seek a court order to secure the blood specimens *or other approved biological specimens* as authorized in subsection (11).

(11) If the Department of Law Enforcement determines that a convicted person who is required to submit blood specimens *or other ap-*

proved biological specimens under this section has not provided the specimens, the department, a state attorney, or any law enforcement agency may apply to the circuit court for an order that authorizes taking the convicted person into custody for the purpose of securing the required specimens. The court shall issue the order upon a showing of probable cause. Following issuance of the order, the convicted person shall be transported to a location acceptable to the agency that has custody of the person, the blood specimens *or other approved biological specimens* shall be withdrawn *or collected* in a reasonable manner, and the person shall be released if there is no other reason to justify retaining the person in custody. *An agency acting under authority of an order under this section may, in lieu of transporting the convicted person to a collection site, secure the blood specimens or other approved biological specimens at the location of the convicted person in a reasonable manner. If the convicted person resists providing the specimens, reasonable force may be utilized to secure the specimens and any person utilizing such force to secure the specimens or reasonably assisting in the securing of the specimens is not civilly or criminally liable for actions taken.* The agency that takes the convicted person into custody may, but is not required to, transport the person back to the location where the person was taken into custody.

(12) Unless the convicted person has been declared indigent by the court, the convicted person shall pay the actual costs of collecting the blood specimens *or other approved biological specimens* required under this section.

(13) If a court, a law enforcement agency, or the Department of Law Enforcement fails to strictly comply with this section or to abide by a statewide protocol for collecting blood specimens *or other approved biological specimens*, such failure is not grounds for challenging the validity of the collection or the use of a specimen, and evidence based upon or derived from the collected blood specimens *or other approved biological specimens* may not be excluded by a court.

Section 7. Subsection (2) of section 760.40, Florida Statutes, is amended to read:

760.40 Genetic testing; informed consent; confidentiality.—

(2)(a) Except for purposes of criminal prosecution, except for purposes of determining paternity as provided in s. 742.12(1), and except for purposes of acquiring specimens from persons convicted of certain offenses *or as otherwise* provided in s. 943.325, DNA analysis may be performed only with the informed consent of the person to be tested, and the results of such DNA analysis, whether held by a public or private entity, are the exclusive property of the person tested, are confidential, and may not be disclosed without the consent of the person tested. Such information held by a public entity is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) A person who violates paragraph (a) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Section 843.167, Florida Statutes, is created to read:

843.167 *Unlawful use of police communications; enhanced penalties.--*

(1) *A person may not:*

(a) *Intercept any police radio communication by use of a scanner or any other means for the purpose of using that communication to assist in committing a crime or to escape from or avoid detection, arrest, trial, conviction, or punishment in connection with the commission of such crime.*

(b) *Divulge the existence, contents, substance, purport, effect, or meaning of a police radio communication to any person he or she knows to be a suspect in the commission of a crime with the intent that the suspect may escape from or avoid detention, arrest, trial, conviction, or punishment.*

(2) *Any person who is charged with a crime and who, during the time such crime was committed, possessed or used a police scanner or similar device capable of receiving police radio transmissions is presumed to have violated paragraph (1)(a).*

(3) *The penalty for a crime that is committed by a person who violates paragraph (1)(a) shall be enhanced as follows:*

(a) A misdemeanor of the second degree shall be punished as if it were a misdemeanor of the first degree.

(b) A misdemeanor of the first degree shall be punished as if it were a felony of the third degree.

(c) A felony of the third degree shall be punished as if it were a felony of the second degree.

(d) A felony of the second degree shall be punished as if it were a felony of the first degree.

(e) A felony of the first degree shall be punished as if it were a life felony.

(4) Any person who violates paragraph (1)(b) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Subsection (3) of section 943.053, Florida Statutes, is amended to read:

943.053 Dissemination of criminal justice information; fees.—

(3) Criminal history information, including information relating to minors, compiled by the Criminal Justice Information Program from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate-cost basis. After providing the program with all known identifying information, persons in the private sector may be provided criminal history information upon tender of fees as established and in the manner prescribed by rule of the Department of Law Enforcement. Such fees shall approximate the actual cost of producing the record information. As used in this subsection, the department's determination of actual cost shall take into account the total cost of creating, storing, maintaining, updating, retrieving, improving, and providing criminal history information in a centralized, automated database, including personnel, technology, and infrastructure expenses. Actual cost shall be computed on a fee-per-record basis, and any access to criminal history information by the private sector as provided in this subsection shall be assessed the per-record fee without regard to the quantity or category of criminal history record information requested. Fees may be waived by the executive director of the Department of Law Enforcement for good cause shown.

Section 10. Section 943.0582, Florida Statutes, is created to read:

943.0582 Prearrest, postarrest, or teen court diversion program expunction.—

(1) Notwithstanding any law dealing generally with the preservation and destruction of public records, the department may provide, by rule adopted pursuant to chapter 120, for the expunction of any nonjudicial record of the arrest of a minor who has successfully completed a prearrest or postarrest diversion program for minors as authorized by s. 985.3065.

(2) As used in this section, the term "expunction" shall have the same meaning and effect as in s. 943.0585, except that:

(a) The provisions of s. 943.0585(4)(a) shall not apply, except that the criminal history record of a person whose record is expunged pursuant to this section shall be made available only to criminal justice agencies for the purpose of determining eligibility for prearrest, postarrest or teen court diversion programs, when the record is sought as part of a criminal investigation, or when the subject of the record is a candidate for employment with a criminal justice agency. For all other purposes, a person whose record is expunged pursuant to this section may lawfully deny or fail to acknowledge the arrest or charge covered by the expunged record.

(b) Records maintained by local criminal justice agencies in the county in which the arrest occurred that are eligible for expunction pursuant to this section shall be sealed as the term is used in s. 943.059.

(3) As used in this section, the term "nonviolent misdemeanor" includes simple assault or battery when prearrest or postarrest diversion expunction is approved in writing by the state attorney for the county in which the arrest occurred.

(4) The department shall expunge the nonjudicial arrest record of a minor who has successfully completed a prearrest or postarrest diversion program if that minor:

(a) Submits an application for prearrest or postarrest diversion expunction, on a form promulgated by the department, signed by the minor's parent or legal guardian or by the minor if he or she has reached the age of majority at the time of applying.

(b) Submits the application for prearrest or postarrest diversion expunction no later than 6 months after completion of the diversion program.

(c) Submits to the department, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that he or she has successfully completed that county's prearrest or postarrest diversion program and that participation in the program is strictly limited to minors arrested for a nonviolent misdemeanor who have not otherwise been charged with or found to have committed any criminal offense or comparable ordinance violation.

(d) Participated in a prearrest or postarrest diversion program that expressly authorizes or permits such expunction to occur.

(e) Participated in a prearrest or postarrest diversion program based on an arrest for a nonviolent misdemeanor that would not qualify as an act of "domestic violence" as that term is defined in s. 741.28.

(f) Has never, prior to filing the application for expunction, been charged with or been found to have committed any criminal offense or comparable ordinance violation.

(5) The department is authorized to charge a \$75 processing fee for each request received for prearrest or postarrest diversion program expunction, for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(6) This section shall operate retroactively to permit the expunction of any nonjudicial record of the arrest of a minor who has successfully completed a prearrest or postarrest diversion program on or after July 1, 2000, provided that, in the case of a minor whose completion of the program occurred before the effective date of this act, the application for prearrest or postarrest diversion expunction is submitted no later than 6 months after the effective date of this act.

(7) Expunction or sealing granted pursuant to this section shall not preclude the minor who receives such relief from petitioning for the expunction or sealing of a later criminal history record as provided for in ss. 943.0585 and 943.059, provided he or she is otherwise eligible under those sections.

Section 11. Section 985.3065, Florida Statutes, is amended to read:

985.3065 Prearrest or postarrest diversion programs.—

(1) A law enforcement agency or school district, in cooperation with the state attorney, may establish a prearrest or postarrest diversion program.

(2) As part of the prearrest or postarrest diversion program, a child who is alleged to have committed a delinquent act may be required to surrender his or her driver's license, or refrain from applying for a driver's license, for not more than 90 days. If the child fails to comply with the requirements of the program, the state attorney may notify the Department of Highway Safety and Motor Vehicles in writing to suspend the child's driver's license for a period that may not exceed 90 days.

(3) The prearrest or postarrest diversion program may, upon agreement of the agencies that establish the program, provide for the expunction of the nonjudicial arrest record of a minor who successfully completes such a program pursuant to s. 943.0582.

Section 12. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent

Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

Pursuant to Rule 4.19, **CS for SB's 1864 and 2086** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 1932—A bill to be entitled An act relating to controlled substances; authorizing the creation of a pilot program in Orange County to intercept illegal drug shipments through package delivery services; amending ss. 823.10, 823.01, F.S.; providing that a person who willfully maintains a place where controlled substances are unlawfully kept, sold, or delivered commits the offense of keeping or maintaining a public nuisance; providing a penalty; amending s. 877.111, F.S., relating to inhalation, ingestion, sale, purchase, or transfer of certain harmful chemical substances; providing exceptions to applications of offenses relating to unlawful distribution, sale, purchase, transfer, or possession of nitrous oxide; amending s. 893.03, F.S., relating to controlled substance standards and schedules; adding 4-methoxymethamphetamine, 1, 4-Butanediol, Gamma-butyrolactone (GBL), Gamma-hydroxybutyric acid (GBH), methaqualone, and mecloqualone to Schedule I; deleting 1, 4-Butanediol and Gamma-hydroxybutyric acid from Schedule II; adding drug products containing Gamma-hydroxybutyric acid which are approved under the Federal Food, Drug, and Cosmetic Act to Schedule III; amending s. 893.033, F.S., relating to listed chemicals; adding chloroephedrine and chloropseudoephedrine to the list of precursor chemicals; amending s. 893.135, F.S., relating to drug trafficking; creating offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD); providing penalties; amending scheduling references for trafficking in Gamma-hydroxybutyric acid (GHB) and 1, 4-Butanediol; providing effective dates.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (824276)(with title amendment)—On page 2, line 23 through page 3, line 6, delete those lines and insert:

823.10 Place where controlled substances are illegally kept, sold, or used declared a public nuisance.—

(1) Any store, shop, warehouse, dwelling house, building, *structure*, vehicle, ship, boat, vessel, or aircraft, or any place whatever, which is visited by persons for the purpose of unlawfully using any substance controlled under chapter 893 or any drugs as described in chapter 499, or which is used for the illegal keeping, selling, or delivering of the same, shall be deemed a public nuisance. No person shall keep or maintain such public nuisance or aid and abet another in keeping or maintaining such public nuisance. *Any person who willfully keeps or maintains a public nuisance or willfully aids or abets another in keeping or maintaining a public nuisance, and such public nuisance is a warehouse, structure, or building, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

And the title is amended as follows:

On page 1, lines 7 and 8, delete those lines and insert: that a person who willfully keeps or maintains or aids or abets another in keeping or maintaining certain types of places where controlled substances are unlawfully used,

Pursuant to Rule 4.19, **CS for SB 1932** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1956—A bill to be entitled An act relating to motor vehicles dealers; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1 (702818)(with title amendment)—On page 1, line 13, insert:

Section 1. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The “truck camper,” which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The “motor home,” which is a vehicular unit which does not exceed ~~the 40 feet in length, and the height, and the width~~ limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The “private motor coach,” which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The “van conversion,” which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The “park trailer,” which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The “fifth-wheel trailer,” which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

Section 2. Subsection (2) of section 320.699, Florida Statutes, is amended to read:

320.699 Administrative hearings and adjudications; procedure.—

(2) If a written objection or notice of protest is filed with the department under paragraph (1)(b), a hearing shall be held within 180 days of the date of filing of the first objection or notice of protest, unless the time is extended by the *Administrative Law Judge for good cause shown*. ~~This subsection shall govern the schedule of hearings in lieu of any other provision of law with respect to administrative hearings conducted by the Department of Highway Safety and Motor Vehicles or the Division of Administrative Hearings, including performance standards of state agencies, which may be included in current and future appropriations acts. hearing officer for good cause shown. If a hearing is not scheduled within said time, any party may request such hearing which shall be held forthwith by the hearing officer.~~

Section 3. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter, *or that requires a consumer not to disclose the terms of such agreement as a condition thereof*, is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to motor vehicles; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; amending s. 320.699, revising provisions relating to administrative hearings; amending s. 681.115,

F.S.; providing that a motor vehicle sales agreement that prohibits disclosure of its terms is void;

Amendment 2 (342718)—On page 6, line 15 delete “320.60(10)” and insert: 319.001(4)

Pursuant to Rule 4.19, **CS for SB 1956** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 106—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney’s fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents’ visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent’s right to adopt; amending s. 61.13, F.S.; providing for great-grandparents’ visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—was read the second time by title.

On motion by Senator Campbell, further consideration of **SB 106** was deferred.

On motion by Senator Carlton—

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (623098)(with title amendment)—On page 5, between lines 18 and 19, insert:

(5) *A trust company incorporated under the laws of this state, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state, may, but shall not be required to, register as a professional guardian under this subsection.*

And the title is amended as follows:

On page 1, line 17, after the second semicolon (;) insert: authorizing certain financial institutions to register;

Senator Rossin offered the following amendment which was moved by Senator Carlton and adopted:

Amendment 2 (840922)(with title amendment)—On page 8, between lines 12 and 13, insert:

Section 7. Section 744.387, Florida Statutes, is amended to read:

744.387 Settlement of claims.—

(1) When a settlement of any claim by or against the guardian, whether arising as a result of personal injury or otherwise, and whether arising before or after appointment of a guardian, is proposed, but before an action to enforce it is begun, on petition by the guardian of the property stating the facts of the claim, question, or dispute and the proposed settlement, and on any evidence that is introduced, the court may enter an order authorizing the settlement if satisfied that the settlement will be for the best interest of the ward. The order shall relieve the guardian from any further responsibility in connection with the claim or dispute when the settlement has been made in accordance with the order. The order authorizing the settlement may also determine whether an additional bond is required and, if so, shall fix the amount of it.

(2) In the same manner as provided in subsection (1) or as authorized by s. 744.301, the natural guardians or guardian of a minor may settle any claim by or on behalf of a minor that does not exceed \$15,000 ~~\$5,000~~ without bond. A legal guardianship shall be required when the amount of the net settlement to the ward exceeds \$15,000 ~~\$5,000~~.

(3)(a) No settlement after an action has been commenced by or on behalf of a ward shall be effective unless approved by the court having jurisdiction of the action.

(b) In the event of settlement or judgment in favor of the ward or minor, the court may authorize the natural guardians or guardian, or a guardian of the property appointed by a court of competent jurisdiction, to collect the amount of the settlement or judgment and to execute a release or satisfaction. When the amount of net settlement to the ward or judgment exceeds \$15,000 ~~\$5,000~~ and no guardian has been appointed, the court shall require the appointment of a guardian for the property.

(4) In making a settlement under court order as provided in this section, the guardian is authorized to execute any instrument that may be necessary to effect the settlement. When executed, the instrument shall be a complete release of the person making the settlement.

Section 8. Subsections (2) and (4) of section 744.301, Florida Statutes, are amended to read:

744.301 Natural guardians.—

(2) The natural guardian or guardians are authorized, on behalf of any of their minor children, to settle and consummate a settlement of any claim or cause of action accruing to any of their minor children for damages to the person or property of any of said minor children and to collect, receive, manage, and dispose of the proceeds of any such settlement and of any other real or personal property distributed from an estate or trust or proceeds from a life insurance policy to, or otherwise accruing to the benefit of, the child during minority, when the amount involved in any instance does not exceed \$15,000 ~~\$5,000~~, without appointment, authority, or bond.

(4)(a) In any case where a minor has a claim for personal injury, property damage, or wrongful death in which the gross settlement for the claim of the minor equals or exceeds \$15,000 ~~\$10,000~~, the court may, prior to the approval of the settlement of the minor's claim, appoint a guardian ad litem to represent the minor's interests. In any case in which the gross settlement involving a minor equals or exceeds \$25,000, the court shall, prior to the approval of the settlement of the minor's claim, appoint a guardian ad litem to represent the minor's interests. The appointment of the guardian ad litem must be without the necessity of bond or a notice. The duty of the guardian ad litem is to protect the minor's interests. The procedure for carrying out that duty is as prescribed in the Florida Probate Rules. If a legal guardian of the minor has previously been appointed and has no potential adverse interest to the minor, the court may not appoint a guardian ad litem to represent the minor's interests, unless the court determines that the appointment is otherwise necessary.

(b) Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem;

Pursuant to Rule 4.19, **CS for CS for SB 374** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

CS for SB 1084—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1084** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, consideration of **CS for SB 1286** was deferred.

On motion by Senator Saunders—

CS for SB 1558—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing-education tracking system; amending ss. 457.107, 483.807, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination-item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; prohibiting a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for publication of information; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising provisions governing and providing for disciplinary actions; amending s. 456.079,

F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of licenses for violations relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; providing effective dates.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (353272)(with title amendment)—On page 164, between lines 12 and 13, insert:

Section 51. Subsection (6) is added to section 456.003, Florida Statutes, to read:

456.003 Legislative intent; requirements.—

(6) *Unless expressly and specifically granted in statute, the duties conferred on the boards do not include the enlargement, modification, or contravention of the lawful scope of practice of the profession regulated by the boards. This subsection shall not prohibit the boards, or the department when there is no board, from taking disciplinary action or issuing a declaratory statement.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 21, after the semicolon (;) insert: amending s. 456.003, F.S.; providing a limitation on the duties of certain boards;

Pursuant to Rule 4.19, **CS for SB 1558** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 414—A bill to be entitled An act relating to public records; amending s. 408.185, F.S.; abrogating the repeal of provisions relating to confidential information submitted to the Office of the Attorney General for review of antitrust issues; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 414** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 1778—A bill to be entitled An act relating to acts of violence; providing a short title; amending s. 39.301, F.S.; requiring that staff who conduct child protective investigations receive training on removing a perpetrator of domestic violence from the home by use of injunction; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence that intentionally caused bodily harm to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic violence and other assault, battery, and stalking offenses; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; providing for the clerk of the court to retain a service charge; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers' intervention program; requiring that the offender pay the cost of attending the program; amending

s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; amending s. 741.281, F.S.; requiring the court to impose the batterers' intervention program as a condition of probation; providing for an exception; requiring that the batterers' intervention program be certified; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendments which were adopted:

Amendment 1 (160798)—On page 3, lines 7 and 8, delete those lines and insert: *violence.—If a person is adjudicated guilty of a crime of domestic violence, as defined in s.*

Amendment 2 (893750)—On page 4, delete line 11 and insert: *784.083, s. 784.085, or s. 794.011 or for any offense of domestic violence*

Amendment 3 (903126)—On page 4, lines 20-22, delete those lines and insert: *shall be provided to the governing board of the county and must be used only to defray the costs of incarcerating persons sentenced under s. 741.283 and provide additional training to law enforcement*

Pursuant to Rule 4.19, **CS for SB 1778** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1580** was deferred.

On motion by Senator Crist—

CS for SB 1652—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising membership and terms of the Governor's Panel on Excellence in Long-Term Care; providing for selection of a panel chair; providing a definition; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (292974)—On page 1, lines 25 and 27, delete "2001" and insert: *2002*

Senator Crist moved the following amendment:

Amendment 2 (381076)(with title amendment)—On page 4, line 9 through page 5, line 4, delete those lines and insert:

400.4195 Rebates prohibited; penalties.—

(1) *Except as provided in paragraph (a), paragraph (b), or paragraph (c), it is unlawful for any assisted living facility licensed under this part to contract or promise to pay or receive any commission, bonus, kick-back, or rebate or engage in any split-fee arrangement in any form whatsoever with any physician, surgeon, organization, agency, or person, either directly or indirectly, for residents referred to an assisted living facility licensed under this part. A facility may employ or contract with persons to market the facility, provided the employee or contract provider clearly indicates that he or she represents the facility.*

(a) *Any assisted living facility licensed under this part may contract with an independent marketing agency as defined in s. 400.4196.*

(b) *A person or agency independent of and not under contract with a facility licensed under this part may provide placement or referral services for a fee to individuals seeking assistance in finding a suitable facility; however, any fee paid for placement or referral services must be paid by the individual looking for a facility, not by the facility.*

(c) *A facility may employ persons to market the facility.*

(2) *A violation of this section shall be considered patient brokering and is punishable as provided in s. 817.505.*

Section 3. Section 400.4196, Florida Statutes, is created to read:

400.4196 *Independent marketing agency.*—

(1) *As used in s. 400.4195 and this section, the term “independent marketing agency” means a person or corporation that:*

(a) *Is officially registered with the Department of State, Division of Corporations, to do business in this state;*

(b) *Enters into contracts with assisted living facilities under a nonexclusive contract to market the facility to prospective residents; and*

(c)1. *Represents multiple facilities with different owners; and*

2. *Clearly indicates to prospective residents, prior to referral, all facilities that are represented by the agency.*

(2) *A person who is licensed as a physician or other health care professional, or who is employed as a social worker or case manager by a state or federal government program, may not own or work for an independent marketing agency.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: creating s. 400.4196, F.S.; defining the term “independent marketing agency”; prohibiting certain professionals from working for such an agency;

Senator Crist moved the following substitute amendment which was adopted:

Amendment 3 (113226)—On page 4, line 9 through page 5, line 4, delete those lines and insert:

400.4195 *Rebates prohibited; penalties.*—

(1) *Except as provided in subsection (2), it is unlawful for any assisted living facility, or any person or agency employed by or contracting with the facility, licensed under this part to contract or promise to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any health care practitioner, health care facility, or other physician, surgeon, organization, agency, or person, either directly or indirectly, for residents referred to an assisted living facility licensed under this part.*

(2) *A facility may employ or contract with persons or agencies to market the facility for a fee or commission based on the volume or value of referrals to the facility, provided that:*

(a) *The facility is not subject to the provisions of 42 U.S.C. s. 1320a-7b;*

(b) *Payment to the contract provider is made under a nonexclusive contract;*

(c) *The contract provider represents multiple facilities with different owners;*

(d) *The employee or contract provider clearly indicates to all clients prior to referral that he or she represents the facility, in addition to all other facilities represented by the person or agency; and*

(e) *The employee or contract provider also is not a health care practitioner in a position to make referrals to an assisted living facility or employed by a health care facility or any other organization or agency in a position to make referrals to an assisted living facility or does not have an ownership interest in an assisted living facility.*

(3) *A person or agency independent of and not under contract with a the facility may provide placement or referral services for a fee to individuals seeking assistance in finding a suitable facility; however, any fee paid for placement or referral services must be paid by the individual looking for a facility, not by the facility.*

(4)(2) *A violation of this section shall be considered patient brokering and is punishable as provided in s. 817.505.*

Pursuant to Rule 4.19, **CS for SB 1652** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 342** was deferred.

On motion by Senator Jones—

CS for SJR 526—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Jones and adopted:

Amendment 1 (843590)—On page 4, line 2, delete “6” and insert: 1

Pursuant to Rule 4.19, **CS for SJR 526** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 274** was deferred.

On motion by Senator Latvala—

CS for SB 1468—A bill to be entitled An act relating to the Florida Forever program; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; providing a definition for the term “conservation lands”; providing for the disposition of conservation lands in certain circumstances; revising appraisal requirements; providing for the deposit of funds received from the sale of surplus nonconservation lands into the Internal Improvement Trust Fund; providing that the management of certain lands is not subject to review by the Acquisition and Restoration Council; amending s. 253.82, F.S.; revising conditions under which lands to which title is vested in the Board of Trustees of the Internal Improvement Fund may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; amending s. 253.111, F.S.; providing that certain state lands are exempt from notice requirements prior to sale; amending s. 253.115, F.S.; revising exemptions to notice and publication requirements for certain leases, subleases, or easements; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (684284)(with title amendment)—On page 8, line 18 through page 16, line 14, delete those lines and insert:

Section 2. Paragraph (c) is added to subsection (2) of section 253.034, Florida Statutes, and subsection (6) of said section is amended, to read:

253.034 State-owned lands; uses.—

(2) As used in this section, the following phrases have the following meanings:

(c) *“Conservation lands” means lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation shall not be designated conservation lands except as otherwise authorized under this section. These lands shall include, but not be limited to, the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, state university or state community college campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources. However, lands*

acquired solely to facilitate the acquisition of other conservation lands, and for which the land management plan has not yet been completed or updated, may be evaluated by the Board of Trustees of the Internal Improvement Trust Fund on a case-by-case basis to determine if they will be designated conservation lands.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplus. ~~Notwithstanding s. 253.111,~~ For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote. *In the case of a land exchange involving the disposition of conservation lands, the board must determine by at least a two-thirds vote that the exchange will result in a net positive conservation benefit.* For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by majority vote.

(a) For the purposes of this subsection, all lands acquired by the state prior to July 1, 1999, using proceeds from the Preservation 2000 bonds, the Conservation and Recreation Lands Trust Fund, the Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board, which lands are identified as core parcels or within original project boundaries, shall be deemed to have been acquired for conservation purposes.

(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes, or the State University System or the Florida Community College System shall be designated as having been purchased for conservation purposes.

(c) At least every 5 3 years, as a component of each land management plan or land use plan and in a form and manner prescribed by rule by the board, each management entity shall evaluate and indicate to the board those lands that the entity manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the council for its recommendation as to whether such lands should be disposed of by the board.

(d) Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed pursuant to subsection (5) shall be reviewed by the council or its successor for its recommendation as to whether such lands should be disposed of by the board.

(e) Prior to any decision by the board to surplus lands, the Acquisition and Restoration Council shall review and make recommendations to the board concerning the request for surplus. The council shall determine whether the request for surplus is compatible with the resource values of and management objectives for such lands.

(f) In reviewing lands owned by the board, the council ~~or its successor~~ shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council ~~or its successor~~ shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 30 90 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; and governmental, judicial, or recreational centers. County or local government requests for surplus lands shall be expedited throughout the surplus process. *If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplus determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. State agencies shall have the subsequent opportunity to acquire the surplus lands for a period not to exceed 30 days after the offer to a county or local government expires.* Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

(g) Lands determined to be surplus pursuant to this subsection shall be sold for ~~appraised fair market~~ value or the price paid by the state or

a water management district to originally acquire the lands, whichever is greater, except when the board or its designee determines a different sale price is in the public interest. However, for those that the price of lands sold as surplus to any unit of government, the price shall not exceed the price paid by the state or a water management district to originally acquire the lands. A unit of government which acquires title to lands hereunder for less than ~~appraised fair market~~ value may not sell or transfer title to all or any portion of the lands to any private owner for a period of 10 years. Any unit of government seeking to transfer or sell lands pursuant to this paragraph shall first allow the board of trustees to reacquire such lands. ~~The board of trustees may reacquire such lands for the price at which they sold such lands.~~

(h) Where a unit of government acquired land by gift, donation, grant, quit-claim deed, or other such conveyance where no monetary consideration was exchanged, the price of land sold as surplus *may be based on one appraisal. In the event that a single appraisal yields a value equal to or greater than \$1 million, a second appraisal is required. shall not exceed the fair market value of the lands. Fair market value shall be determined by the average of two separate appraisals.* The individual or entity requesting the surplus shall select and use appraisers from the list of approved appraisers maintained by the Division of State Lands in accordance with s. 253.025(6)(b). The individual or entity requesting the surplus is to incur all costs of the appraisals.

(i) After reviewing the recommendations of the council ~~or its successor~~, the board shall determine whether lands identified for surplus are to be held for other public purposes or whether such lands are no longer needed. The board may require an agency to release its interest in such lands. *For an agency that has requested the use of a property that was to be declared as surplus, said agency must have the property under lease within six months of the date of expiration of the notice provisions required under ss. 253.034(6) and 253.111.*

(j) Requests for surplus may be made by any public or private entity or person. All requests shall be submitted to the lead managing agency for review and recommendation to the council or its successor. Lead managing agencies shall have 90 days to review such requests and make recommendations. Any surplus requests that have not been acted upon within the 90-day time period shall be immediately scheduled for hearing at the next regularly scheduled meeting of the council or its successor. Requests for surplus pursuant to this paragraph shall not be required to be offered to local or state governments as provided in paragraph (f).

(k) Proceeds from any sale of surplus lands pursuant to this subsection shall be deposited into the fund from which such lands were acquired. However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account to be used for land management by the lead managing agency assigned the lands prior to the lands being declared surplus. *Funds received from the sale of surplus nonconservation lands, or lands that were acquired by gift, by donation, or for no consideration, shall be deposited into the Internal Improvement Trust Fund.*

(l) Notwithstanding the provisions of this subsection, no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax purposes.

(m) The sale of filled, formerly submerged land that does not exceed 5 acres in area is not subject to review by the council or its successor.

Section 3. Subsection (3) of section 253.111, Florida Statutes, is amended, and paragraph (c) is added to subsection (6) of said section, to read:

253.111 Notice to board of county commissioners before sale.—The Board of Trustees of the Internal Improvement Trust Fund of the state may not sell any land to which they hold title unless and until they afford an opportunity to the county in which such land is situated to receive such land on the following terms and conditions:

(3) If the board receives, within 30 45 days after notice is given to the board of county commissioners pursuant to subsection (1), the certified copy of the resolution provided for in subsection (2), the board shall forthwith convey to the county such land at a price that is equal to its appraised market value established by generally accepted professional

standards for real estate appraisal and subject to such other terms and conditions as the board determines.

- (6) This section does not apply to:
 - (a) Any land exchange approved by the board; ~~or~~
 - (b) The conveyance of any lands located within the Everglades Agricultural Area; ~~or-~~
 - (c) *Lands managed pursuant to ss. 253.781-253.785.*

Section 4. Paragraphs (h) and (i) of subsection (5) of section 253.115, Florida Statutes, are amended, and paragraph (j) is added to said subsection, to read:

- 253.115 Public notice and hearings.—
- (5) The notice and publication requirements of this section do not apply to:
 - (h) The conveyance of lands pursuant to the provisions of s. 373.4592(4)(b); ~~or~~
 - (i) Renewals, modifications, or assignments; ~~or-~~
 - (j) *Lands managed pursuant to ss. 253.781-253.785.*

Section 5. Subsection (2) of section 253.82, Florida Statutes, is amended to read:

- 253.82 Title of state or private owners to Murphy Act lands.—
- (2)(a) The title to any land which was acquired by the state under chapter 18296, Laws of Florida, 1937, except those parcels which have been sold, conveyed, dedicated, or released by the state pursuant to subsection (1), is hereby vested in the Board of Trustees of the Internal Improvement Trust Fund.

(b) Land to which title is vested in the board of trustees by paragraph (a) shall be treated in the same manner as other nonsovereignty lands owned by the board. However, any parcel of land the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund pursuant to this section which is 10 5 acres or less in size and has an appraised market value of \$250,000 \$100,000 or less is hereby declared surplus, *except for lands determined to be needed for state use*, and may be sold in any manner provided by law. *Only one appraisal shall be required for a sale of such land. All proceeds from the sale of such land shall be deposited into the Internal Improvement Trust Fund. The Board of Trustees of the Internal Improvement Trust Fund is authorized to adopt rules to implement the provisions of this subsection.* ~~Conservation and Recreation Lands Trust Fund.~~

(c) The holder of a claim or lien against land vested in the board of trustees by paragraph (a), including a municipality or special taxing district, has until October 1, 1985, to institute suit in a court of competent jurisdiction to establish or enforce the claim or lien. The failure to institute suit by October 1, 1985, is conclusive evidence of abandonment of the claim or lien, and such claim or lien will become unenforceable. This paragraph shall not operate to revive any claim or lien previously extinguished by operation of law.

Section 6. Section 253.86, Florida Statutes, is created to read:

253.86 *Management and use of state-owned or other uplands; rule-making authority.—*

(1) *The Office of Coastal and Aquatic Managed Areas of the Department of Environmental Protection shall have the authority to promulgate rules to govern the management and use of state-owned or other uplands assigned to it for management. Such rules may include, but shall not be limited to, establishing prohibited activities or restrictions on activities, consistent with the purposes for which the lands were acquired, designated, or dedicated, and charging fees for use of lands. All fees collected shall be used for the management of uplands managed by the office.*

(2) *Any person violating or otherwise failing to comply with the rules adopted under this section commits a noncriminal violation as defined in s. 775.08(3), punishable by fine, not to exceed \$500 per violation.*

Section 7. Subsections (1), (7), (8) and (9) of section 259.0345, Florida Statutes, are amended to read:

259.0345 Florida Forever Advisory Council.—

(1)(a) There is hereby created the Florida Forever Advisory Council, consisting of seven residents of this state who shall be appointed by the Governor. The appointments shall include one member from within the geographic boundaries of each water management district who has resided in the district for at least 1 year. The remaining appointments shall come from the state at large. The membership of the council shall be representative of agriculture, the development community, local government, the environmental community, and the scientific and technical community who have substantial experience in areas of land, water, and wildlife management and other related areas.

(b) The members appointed by the Governor shall serve 3-year terms, except that, initially, to provide for staggered terms, three of the appointees shall serve 2-year terms. No appointee shall serve more than 6 years. The Governor may at any time fill a vacancy for the unexpired term of a member appointed under paragraph (a).

~~(c) Additionally, the President of the Senate and the Speaker of the House of Representatives shall each appoint one ad hoc nonvoting member from their respective chambers. Such members shall be appointed from a standing committee that has a jurisdictional responsibility for the Department of Environmental Protection. These appointees shall serve for the duration of the term of the appointing President or Speaker.~~

~~(c)(d) No person who is or has been a lobbyist as defined in s. 112.3148, at any time during the 24 months preceding appointment to the council, for any entity whose interests could be affected by actions or decisions of the council, shall be appointed to the council.~~

~~(d)(e) The council shall, at a minimum, meet twice a year.~~

~~(7) The council shall provide a report, by December 15, 2000, to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for their approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives, prior to the beginning of the 2001 Regular Legislative Session, for review by the appropriate substantive legislative committee from which the Florida Forever Act originated, or its successor. The Legislature may reject, modify, or take no action relative to the goals and performance measures established by the report. If no action is taken, the goals and performance measures shall be implemented. The report shall meet the following requirements solely with respect to the funding provided pursuant to s. 259.105(3)(b):~~

- ~~(a) Establish specific goals for those identified in s. 259.105(4).~~
- ~~(b) Provide recommendations expanding or refining the goals identified in s. 259.105(4).~~
- ~~(c) Identify specific performance measures that may be used to analyze progress towards the goals established.~~

~~It is recognized that during the development of this report, the council may identify other recommendations concerning the implementation of Florida Forever. These recommendations shall be incorporated in the reports identified in subsection (8).~~

(7)(8) The council shall provide a report, at least 30 days prior to the regular legislative sessions in the following years: 2002, 2004, 2006 and 2008. The report shall be provided to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for their approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives. The report shall provide: recommendations for adjusting or expanding the goals detailed in s. 259.105(4); recommendations for adjusting the percentage distributions detailed in s. 259.105(3); and recommendations concerning other aspects of the Florida Forever Act. In making recommendations for adjusting the percentage distributions detailed in s. 259.105(3), the council shall consider which agencies have encumbered their funds in a timely manner and unencumbered balances, if any, in each agency's Florida Forever subaccount. The recommendations may include increases in percentage distributions to those agencies that have encumbered Florida Forever funds in a timely manner.

(8)(9) The reports required pursuant to subsections (7) and (8) are to be based upon and developed through:

(a) Comments received during public hearings, in different areas of the state, held for the purpose of gathering public input and recommendations.

(b) Evaluations of Florida's existing public land acquisition programs for conservation, preservation, and recreational purposes, including those administered by the water management districts and the Department of Community Affairs, to determine the extent of Florida's unmet needs for restoration, acquisition, and management of public lands and water areas and for acquisition of privately owned lands and water areas.

(c) Material and data developed by the Florida Natural Areas Inventory concerning Florida's conservation lands.

Section 8. Subsection (4) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

(4) The council may use existing rules adopted by the board of trustees, until it develops and recommends amendments to those rules, to competitively evaluate, select, and rank projects eligible for the Conservation and Recreation Lands list pursuant to ss. 259.032(3) and 259.101(4) and, beginning no later than May 1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b). In developing or amending the rules, the council shall give weight to the criteria included in s. 259.105(10)(9). The board of trustees shall review the recommendations and shall adopt rules necessary to administer this section.

Section 9. Subsection (12) is added to section 298.22, Florida Statutes, to read:

298.22 Powers of supervisors.—The board of supervisors of the district has full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan. Subject to the applicable provisions of chapter 373 or chapter 403, the board of supervisors:

(12) *May construct, manage, or authorize construction and management of resource-based recreational facilities that may include greenways, trails, and associated facilities.*

Section 10. Section 369.255, Florida Statutes, is amended to read:

369.255 Green utility ordinances for funding greenspace management and exotic plant control.—

(1) **LEGISLATIVE FINDING.**—The Legislature finds that the proper management of greenspace areas, including, without limitation, the urban forest, greenways, private and public forest preserves, wetlands, and aquatic zones, is essential to the state's environment and economy and to the health and safety of its residents and visitors. The Legislature also finds that the limitation and control of nonindigenous plants and tree replacement and maintenance are vital to achieving the natural systems and recreational lands goals and policies of the state pursuant to s. 187.201(10), the State Comprehensive Plan. It is the intent of this section to enable local governments to establish a mechanism to provide dedicated funding for the aforementioned activities, when deemed necessary by a ~~that~~ county or municipality.

(2) In addition to any other funding mechanisms legally available to counties and municipalities to control invasive, nonindigenous aquatic or upland plants and manage urban forest resources, a county or municipality may create one or more green utilities or adopt fees sufficient to plan, restore, and manage urban forest resources, greenways, forest preserves, wetlands, and other aquatic zones and create a stewardship grant program for private natural areas. Counties or municipalities may create, alone or in cooperation with other counties or municipalities pursuant to the Florida Interlocal Cooperation Act, s. 163.01, one or more greenspace management districts to fund the planning, management, operation, and administration of a greenspace management program. The fees shall be collected on a voluntary basis as set forth by the county or municipality and calculated to generate sufficient funds to plan, manage, operate, and administer a greenspace management program. Private natural areas assessed according to s. 193.501 would qualify for stewardship grants.

(3) This section shall only apply to counties with a population of 500,000 or more and municipalities with a population of 200,000 or more.

(4) Nothing in this section shall authorize counties or municipalities to require any nongovernmental entity to collect the fee described in subsection (2) on their behalf.

Section 11. *Notwithstanding the provision of section 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter 92-288, Laws of Florida) regarding the set-aside of funds for land acquisition in areas of critical state concern, \$2.9 million from funds previously approved is available for grants to local governments in the Florida Keys and the Key West areas of critical state concern to assist in implementing the local comprehensive plan. Grant funds are to be used for land acquisition for conservation, open space, and outdoor recreation lands, and are contingent upon the review of a local government's proposed project, and a determination by the Florida Communities Trust that the proposed project is an eligible use of funds under the Florida Communities Trust Program. A local government with a population of less than 10,000 is not required to provide a local match. A local government with a population of 10,000 or more is required to provide a dollar for dollar match.*

Section 12. *Subsection (8) of section 259.101, Florida Statutes, is repealed.*

Section 13. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to land acquisition and management; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; defining "conservation lands"; providing procedure for disposition of certain surplus conservation lands by the Board of Trustees of the Internal Improvement Trust Fund; revising procedure for evaluating and offering for sale of surplus lands; providing for disposition of proceeds from the sale of surplus nonconservation lands; amending ss. 253.111 and 253.115, F.S.; exempting Greenway lands from certain public notice and hearing requirements prior to sale, lease, exchange, or grant of easement; amending s. 253.82, F.S.; revising conditions under which certain lands titled to the board of trustees may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; creating s. 253.86, F.S.; providing for management and use of certain uplands; providing rulemaking authority of the Office of Coastal and Aquatic Management Areas; providing for fees; providing a penalty; amending s. 259.035, F.S., correcting a cross reference; amending s. 259.0345, F.S.; repealing authority for certain members of the Legislature to be appointed as ad hoc nonvoting members to the Florida Forever Advisory Council; deleting obsolete provisions; amending s. 298.22, F.S.; authorizing boards of supervisors of water control districts to construct and manage resource-based recreational facilities; amending s. 369.255, F.S.; authorizing certain municipalities to create a funding mechanism for greenspace management and exotic plant control; repealing subsection (8) of s. 259.101, F.S.; relating to the disposal and use of certain state owned lands; providing an effective date.

Senators Saunders, Latvala, Sullivan, Silver, Constantine and Laurent offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 2 (103450)(with title amendment)—On page 16, between lines 12 and 13, insert:

Section 6. *The Legislature recognizes that the Preservation 2000 program has provided incalculable benefits to the citizens of Florida by funding the acquisition and protection of more than one million acres of land for conservation and recreation purposes. The Preservation 2000 Program has helped insure present and future generations access to important open spaces and recreation and conservation lands. It is therefore the intent of the Legislature that any funds from the Preservation 2000 Trust Fund redirected to Everglades restoration efforts by the 2001 Legislature due to current budgeting constraints be restored by the General Appropriations Act for Fiscal Year 2002-2003 to the Preservation 2000 Trust Fund.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: providing intent of the Legislature to repay any Preservation 2000 funds redirected for other purposes;

Pursuant to Rule 4.19, **CS for SB 1468** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

SB 384—A bill to be entitled An act relating to public records exemptions; amending s. 365.171, F.S.; reenacting the public records exemption for information relating to “911” telephone calls; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 384** to **HB 399**.

Pending further consideration of **SB 384** as amended, on motion by Senator Constantine, by two-thirds vote **HB 399** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Constantine—

HB 399—A bill to be entitled An act relating to a public records exemption for certain information relating to emergency telephone number “911”; amending s. 365.171, F.S., which provides an exemption from public records requirements for information that reveals the name, address, telephone number, or personal information about, or other information that would identify, a person requesting emergency service or reporting an emergency; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; correcting a reference; providing an effective date.

—a companion measure, was substituted for **SB 384** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 399** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term “additive product”; redefining the terms “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons are subject to pt. X of ch. 626, F.S., relating to viatical settlements; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and

desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.301, F.S.; redefining the term “home warranty”; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.313, F.S.; providing for submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.336, F.S.; including advertising, offering, or providing a free home warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending s. 634.415, F.S.; providing for submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (122232)(with title amendment)—On page 9, line 13 through page 33, line 8, delete those lines and insert:

(e) *Uses any advertisement that would mislead or otherwise cause a reasonable person to believe mistakenly that the state or federal government is responsible for the motor vehicle service agreement sales activity of any person or stands behind any person's credit or that any person, the state, or the federal government guarantees any returns on motor vehicle service agreements or is a source of payment of any motor vehicle service agreement obligation of or sold by any person.*

(2) **FALSE INFORMATION AND ADVERTISING GENERALLY.**—*Knowingly making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public:*

- (a) *In a newspaper, magazine, or other publication;*
- (b) *In the form of a notice, circular, pamphlet, letter, or poster;*
- (c) *Over any radio or television station; or*
- (d) *Over the Internet, electronically, or in any other way,*

an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of motor vehicle service agreements, which assertion, representation, or statement is untrue, deceptive, or misleading.

(3) **DEFAMATION.**—*Knowingly making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of, any oral or written statement, or any pamphlet, circular, article, or literature, that is false or maliciously critical of, or derogatory to, any person and that is calculated to injure such person.*

(4) **BOYCOTT, COERCION, AND INTIMIDATION.**—*Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion, or intimidation resulting in, or tending to result in, unreasonable restraint of, or monopoly in, the business of motor vehicle service agreements.*

(5) **FALSE STATEMENTS AND ENTRIES.**—

- (a) *Knowingly:*

1. *Filing with any supervisory or other public official;*
2. *Making, publishing, disseminating, or circulating;*
3. *Delivering to any person;*
4. *Placing before the public; or*
5. *Causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement.*

(b) *Knowingly making any false entry of a material fact in any book, report, or statement of any person, or knowingly failing to make a true entry of any material fact pertaining to the business of such person in any book, report, or statement of such person.*

(6) **UNFAIR DISCRIMINATION.**—*Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any motor vehicle service agreement, in any of the terms or conditions of such agreement, or in any other manner whatsoever.*

(7) **UNLAWFUL REBATES.**—*Except as otherwise expressly provided by law, or in an applicable filing with the department, knowingly:*

(a) *Permitting, or offering to make, or making, any contract or agreement as to such contract other than as plainly expressed in the motor vehicle service agreement issued thereon;*

(b) *Paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such motor vehicle service agreement, any unlawful rebate of premiums payable on the agreement, any special favor or advantage in the benefits thereon, or any valuable consideration or inducement not specified in the agreement;*

(c) *Giving, selling, or purchasing, or offering to give, sell, or purchase, as an inducement to such motor vehicle service agreement or in connection therewith, any stocks, bonds, or other securities of any insurance company, service agreement company, or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value not specified in the motor vehicle service agreement.*

(8) **UNFAIR CLAIM SETTLEMENT PRACTICES.**—

(a) *Attempting to settle claims on the basis of an application or any other material document that was altered without notice to, or knowledge or consent of, the service agreement holder;*

(b) *Making a material misrepresentation to the service agreement holder for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such contract on less favorable terms than those provided in, and contemplated by, such contract; or*

(c) *Committing or performing with such frequency as to indicate a general business practice any of the following practices:*

1. *Failure to adopt and implement internal standards for the investigation of claims;*
2. *Misrepresentation of pertinent facts or contract provisions relating to coverages at issue;*
3. *Failure to acknowledge and act promptly upon communications with respect to claims;*
4. *Denial of claims without conducting reasonable investigations based upon available information;*
5. *Failure to affirm or deny full or partial coverage of claims and, as to partial coverage, the dollar amount or extent of coverage, or failure to provide a written statement that the claim is being investigated, upon written request of the service agreement holder within 30 days after proof-of-loss statements have been completed;*
6. *Failure to promptly provide a reasonable explanation to the service agreement holder of the basis in the contract in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;*

7. *Failure to promptly notify the service agreement holder of any additional information necessary for the processing of a claim; or*

8. *Failure to clearly explain the nature of the requested information and the reasons such information is necessary.*

(9) **FAILURE TO MAINTAIN PROCEDURES FOR HANDLING COMPLAINTS.**—*Failing to maintain a complete record of all complaints received since the date of the last examination. For purposes of this paragraph, “complaint” means any written communication primarily expressing a grievance.*

(10) **DISCRIMINATORY REFUSAL TO ISSUE A CONTRACT.**—*Refusing to issue a contract solely because of an individual’s race, color, creed, marital status, sex, or national origin.*

(11) **MISREPRESENTATION IN SERVICE AGREEMENT APPLICATIONS.**—*Knowingly making a false or fraudulent written or oral statement or representation on, or relative to, an application or negotiation for a motor vehicle service agreement for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, service agreement company, agent, broker, salesperson, or individual.*

(12) **FREE SERVICE AGREEMENTS.**—

(a) *Advertising, offering, or providing a free motor vehicle service agreement as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.*

(b) *For the purposes of this subsection, a “free” motor vehicle service agreement is:*

1. *A motor vehicle service agreement for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.*

2. *A motor vehicle service agreement for which an identifiable or additional charge is made in an amount less than the cost of such motor vehicle service agreement as to the seller or other person, other than the service agreement company, providing the same.*

3. *Using the word “free” or words that imply the provision of a motor vehicle service agreement without a cost in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.*

(13) **ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR MOTOR VEHICLE SERVICE AGREEMENTS.**—

(a) *Knowingly collecting any sum as a premium or charge for a motor vehicle service agreement, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by a service agreement company or an insurer, by a motor vehicle service agreement issued by a service agreement company or an insurer as permitted by this part.*

(b) *Knowingly collecting as a premium or charge for a motor vehicle service agreement any sum in excess of or less than the premium or charge applicable to such motor vehicle service agreement, in accordance with the applicable classifications and rates as filed with the department, and as specified in the motor vehicle service agreement.*

(14) **INTERLOCKING OWNERSHIP AND MANAGEMENT.**—

(a) *Any motor vehicle service agreement company may retain, invest in, or acquire the whole or any part of the capital of any other motor vehicle service agreement company, or have a common management with any other motor vehicle service agreement company, unless such retention, investment, acquisition, or common management is inconsistent with any other provision of this part, or unless by reason thereof the business of such insurers with the public is conducted in a manner that substantially lessens competition generally in the insurance business.*

(b) *Any person otherwise qualified may be a director of two or more motor vehicle service agreement companies that are competitors, unless the effect thereof is substantially to lessen competition between motor vehicle service agreement companies generally or materially tend to create a monopoly.*

(15) FALSE CLAIMS; OBTAINING OR RETAINING MONEY DISHONESTLY.—

(a) Any salesperson who causes to be presented to any motor vehicle service agreement company a false claim for payment, knowing the same to be false; or

(b) Any salesperson who represents any motor vehicle service agreement company or collects or does business without the authority of the motor vehicle service agreement company, secures cash advances by false statements, or fails to turn over when required, or satisfactorily account for, all collections of such motor vehicle service agreement company,

in addition to the other penalties provided in this act, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(16) SLIDING.—Sliding is the act or practice of:

(a) Representing to the applicant that a specific ancillary coverage or product is required by law in conjunction with the purchase of a motor vehicle service agreement when such coverage or product is not required;

(b) Representing to the applicant that a specific ancillary coverage or product is included in the motor vehicle service agreement contract applied for without an additional charge when such charge is required; or

(c) Charging an applicant for a specific ancillary coverage or product, in addition to the cost of the motor vehicle service agreement coverage applied for, without the informed consent of the applicant.

No provision of this section shall be deemed to prohibit a service agreement company or a licensed insurer from giving to service agreement holders, prospective service agreement holders, and others for the purpose of advertising, any article of merchandise having a value of not more than \$25.

Section 8. Section 634.2825, Florida Statutes, is created to read:

634.2825 Motor vehicle service agreement cost specified in "price package".—

(1) When the premium or charge for a motor vehicle service agreement or involving such property or merchandise is included in the overall purchase price or financing of the purchase of merchandise or property, the vendor or lender shall separately state and identify the amount charged and to be paid for the motor vehicle service agreement, and the classifications, if any, upon which based; and the inclusion or exclusion of the cost of a motor vehicle service agreement in such purchase price or financing shall not increase, reduce, or otherwise affect any other factor involved in the cost of merchandise, property, or financing as to the purchaser or borrower.

(2) This section does not apply to transactions that are subject to the provisions of part I of chapter 520, entitled "The Motor Vehicle Retail Sales Finance Act."

Section 9. Section 634.283, Florida Statutes, is created to read:

634.283 Power of department to examine and investigate.—The department may examine and investigate the affairs of every person involved in the business of motor vehicle service agreements in this state in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by s. 634.2815.

Section 10. Section 634.284, Florida Statutes, is created to read:

634.284 Prohibited practices; hearings, witnesses, appearances, production of books, and service of process.—

(1) Whenever the department has reason to believe that any person has engaged, or is engaging, in this state in any unfair method of competition or any unfair or deceptive act or practice as defined in s. 634.282, or is engaging in the business of motor vehicle service agreements without being properly licensed as required by this part, and that a proceeding by the department in respect thereto would be in the interest of the public, the department shall conduct or cause to have conducted a hearing in accordance with chapter 120.

(2) The department, a duly empowered hearing officer, or an administrative law judge shall, during the conduct of such hearing, have those powers enumerated in s. 120.569; however, the penalty for failure to comply with a subpoena or with an order directing discovery is limited to a fine not to exceed \$1,000 per violation.

(3) A statement of charges, notice, or order under this part may be served by anyone duly authorized by the department, either in the manner provided by law for service of process in civil actions or by certifying and mailing a copy thereof to the person affected by such statement, notice, order, or other process at her or his residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of the service, is proof of the same; and the return postcard receipt for such statement, notice, order, or other process, certified and mailed as provided in this subsection, is proof of service of the same.

Section 11. Section 634.285, Florida Statutes, is created to read:

634.285 Cease and desist and penalty orders.—After the hearing provided for in s. 634.284, the department shall enter a final order in accordance with s. 120.569. If it is determined that the person charged has engaged in an unfair or deceptive act or practice or the unlawful transaction of a service agreement business, the department also shall issue an order requiring the violator to cease and desist from engaging in such method of competition, act, or practice or the unlawful transaction of service agreement business. Further, the department may, at its discretion, order any one or more of the following penalties:

(1) The suspension or revocation of such person's license, or eligibility for any license, if the person knew, or reasonably should have known, that she or he was in violation of this part.

(2) If it is determined that the person charged has provided or offered to provide motor vehicle service agreements without proper licensure, the imposition of an administrative penalty not to exceed \$1,000 for each service agreement contract offered or effectuated.

Section 12. Section 634.286, Florida Statutes, is created to read:

634.286 Appeals from orders of the department.—Any person subject to an order of the department under s. 634.285 may obtain a review of such order by filing an appeal therefrom in accordance with the provisions and procedures for appeal from the orders of the department in general under s. 120.68.

Section 13. Section 634.287, Florida Statutes, is created to read:

634.287 Penalty for violation of cease and desist order.—Any person who violates a cease and desist order of the department under s. 634.285 while such order is in effect, after notice and hearing as provided in s. 634.284, is subject, at the discretion of the department, to any one or more of the following penalties:

(1) A monetary penalty of not more than \$50,000 as to all matters determined in such hearing.

(2) The suspension or revocation of such person's license or eligibility to hold a license.

Section 14. Section 634.288, Florida Statutes, is created to read:

634.288 Civil liability.—The provisions of this part are cumulative to rights under the general civil and common law, and no action of the department will abrogate such rights to damages or other relief in any court.

Section 15. Effective January 1, 2002, section 634.3077, Florida Statutes, is amended to read:

634.3077 Financial requirements.—

(1) An association licensed under this part shall maintain a funded, unearned premium reserve account, consisting of unencumbered assets, equal to a minimum of 25 percent of the gross written premiums received by it from all warranty contracts in force. Such assets shall be held in the form of cash or invested in securities for investments as provided in part II of chapter 625.

(2) An association shall maintain, at a minimum, net assets equal to one-sixth of the written premiums it receives for the issuance and delivery of any binder or warranty in force. Net assets may be less than one-sixth of the premiums written provided the association has net assets of not less than \$500,000 and maintains a funded, unearned premium reserve account consisting of unencumbered assets equal to a minimum of 40 percent of the gross written premiums received by it from all warranty contracts in force which shall be held in the form of cash or invested in securities for investments as provided in part II of chapter 625.

~~(3) In computing the net asset requirement, goodwill, franchises, customer lists, patents or trademarks, receivables from or advances to officers, directors, employees, salespersons, or affiliated companies, and assets deposited outside the United States shall be deducted from the net assets of the association.~~

(3)(4) An association shall not be required to set up an unearned premium reserve if it has purchased contractual liability insurance which demonstrates to the satisfaction of the department that 100 percent of its claim exposure is covered by such insurance. Such contractual liability insurance shall be obtained from an insurer that holds a certificate of authority to do business within the state or from an insurer approved by the department as financially capable of meeting the obligations incurred pursuant to the policy. For purposes of this subsection, the contractual liability policy shall contain the following provisions:

(a) In the event that the home warranty association is unable to fulfill its obligation under its contracts issued in this state for any reason, including insolvency, bankruptcy, or dissolution, the contractual liability insurer will pay losses and unearned premiums under such plans directly to persons making claims under such contracts.

(b) The insurer issuing the policy shall assume full responsibility for the administration of claims in the event of the inability of the association to do so.

(c) The policy may not be canceled or not renewed by either the insurer or the association unless 60 days' written notice thereof has been given to the department by the insurer before the date of such cancellation or nonrenewal.

~~(4)(5)~~ An association that purchases contractual liability insurance on the warranties that it issues shall provide the department with claim statistics required to be filed by associations not purchasing such insurance.

Section 16. Effective January 1, 2002, section 634.3078, Florida Statutes, is created to read:

634.3078 *Assets and liabilities.*—

(1) *ASSETS.*—*In any determination of the financial condition of a home warranty association, there shall be allowed as assets only those assets that are owned by the home warranty association company and which assets consist of:*

(a) *Cash in the possession of the home warranty association, or in transit under its control, including the true balance of any deposit in a solvent bank, savings and loan association, or trust company that is domiciled in the United States.*

(b) *Investments, securities, properties, and loans acquired or held in accordance with this part and, in connection therewith, the following items:*

1. *Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.*

2. *Declared and unpaid dividends on stock and shares, unless the amount of the dividends has otherwise been allowed as an asset.*

3. *Interest due or accrued upon a collateral loan that is not in default in an amount not to exceed 1 year's interest thereon.*

4. *Interest due or accrued on deposits or certificates of deposit in solvent banks, savings and loan associations, and trust companies domiciled in the United States, and interest due or accrued on other assets, if such interest is in the judgment of the department a collectible asset.*

5. *Interest due or accrued on current mortgage loans, in an amount not exceeding the amount, if any, of the excess of the value of the property less delinquent taxes thereon over the unpaid principal; but interest accrued for a period in excess of 90 days may not be allowed as an asset.*

6. *Rent due or accrued on real property if such rent is not in arrears for more than 3 months. However, rent accrued for a period in excess of 90 days may not be allowed as an asset.*

7. *The unaccrued portion of taxes paid prior to the due date on real property.*

(c) *Furniture, fixtures, furnishings, vehicles, and equipment, if the original cost of each item is at least \$200, which cost shall be amortized in full over a period not to exceed 5 calendar years, unless otherwise approved by the department.*

(d) *Part inventories maintained for the purpose of servicing products warranted. Part inventories must be listed at cost. Home warranty associations companies are required to maintain records to support valuation of part inventories.*

(e) *The liquidation value of prepaid expenses.*

(f) *Other assets or receivables, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by the department.*

The department, upon determining that a home warranty association's asset has not been evaluated according to applicable law or that it does not qualify as an asset, shall require the home warranty association to properly reevaluate the asset or replace the asset with an asset suitable to the department within 30 days after written notification by the department of this determination, if the removal of the asset from the organization's assets would impair the company's solvency.

(2) *ASSETS NOT ALLOWED.*—*In addition to assets impliedly excluded by the provisions of subsection (1), the following assets expressly shall not be allowed as assets in any determination of the financial condition of a home warranty association:*

(a) *Goodwill, agreement holder lists, patents, trade names, agreements not to compete, and other like intangible assets.*

(b) *Any note or account receivable from or advances to officers, directors, or controlling stockholders, whether secured or not, and advances to employees, agents, or other persons on personal security only.*

(c) *Stock of the home warranty association owned by it directly or owned by it through any entity in which the organization owns or controls, directly or indirectly, more than 25 percent of the ownership interest.*

(d) *Leasehold improvements, stationery, and literature, except that leasehold improvements made prior to October 1, 2001, shall be allowed as an asset and shall be amortized over the shortest of the following periods:*

1. *The life of the lease.*

2. *The useful life of the improvements.*

3. *The 3-year period following October 1, 2001.*

(e) *Furniture, fixtures, furnishings, vehicles, and equipment, other than those items authorized under paragraph (1)(c).*

(f) *Notes or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default and beyond the express period specified in the instrument for curing the default.*

(g) *Bonds in default for more than 60 days.*

(h) *Deferred costs other than the liquidation value of prepaid expenses except for those companies that reserve 100 percent of gross written premium.*

(i) *Any note, account receivable, advance, or other evidence of indebtedness, or investment in:*

1. *The parent of the home warranty association;*
2. *Any entity directly or indirectly controlled by the home warranty association's parent;*
3. *An affiliate of the parent or the home warranty association; or*
4. *Officers, directors, shareholders, employees, or salespersons of the home warranty association; however, premium receivables under 45 days old may be considered an admitted asset.*

The department may, however, allow all or a portion of such asset, at values to be determined by the department, if deemed by the department to be available for the payment of losses and claims.

(3) **LIABILITIES.**—*In any determination of the financial condition of a home warranty association, liabilities to be charged against its assets shall include, but not be limited to:*

- (a) *The amount, in conformity with generally accepted accounting principles, necessary to pay all of its unpaid losses and claims incurred for or on behalf of an agreement holder, on or prior to the end of the reporting period, whether reported or unreported.*
- (b) *Taxes, expenses, and other obligations due or accrued at the date of the statement.*
- (c) *Reserve for unearned premiums.*

The department, upon determining that the home warranty association has failed to report liabilities that should have been reported, shall require a correct report which reflects the proper liabilities to be submitted by the home warranty association to the department within 10 working days after receipt of written notification.

Section 17. Effective January 1, 2002, subsection (7) is added to section 634.312, Florida Statutes, to read:

634.312 Filing, approval of forms.—

(7) *All home warranty contracts must disclose any exclusions, restrictions, or limitations on the benefits offered or the coverage provided by the home warranty contract in boldfaced type, and must contain, in boldfaced type, a statement on the front page of the contract substantially similar to the following: "Certain items and events are not covered by this contract. Please refer to the exclusions listed on page _ of this document."*

Section 18. Subsection (5) is added to section 634.313, Florida Statutes, to read:

634.313 Tax on premiums; annual statement; reports.—

(5) *The department may by rule require each home warranty association to submit to the department, as the department may designate, all or part of the information contained in the financial reports required by this section in a computer-readable form compatible with the electronic data processing system specified by the department.*

Section 19. Section 634.318, Florida Statutes, is amended to read:

634.318 License and appointment of sales representatives.—Sales representatives for home warranty associations and insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated in the same manner as prescribed in chapter 626 for insurance representatives in general, except they shall be exempt from the fingerprinting, photo identification card, education, and examination provisions. License, appointment, and other fees shall be those as prescribed in s. 624.501. No employee or sales representative of a home warranty association or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent or solicitor, unless so qualified, licensed, and appointed therefor under the insurance code. *A home warranty association is not required to be licensed as a sales representative to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the home warranty association.*

Section 20. Section 634.331, Florida Statutes, is amended to read:

634.331 Coverage of property for sale.—A home warranty may provide coverage of residential property during the listing period of such

property for a period not to exceed 12 months, provided that the home warranty company charges the warranty purchaser a separately identifiable charge for the listing list period coverage in an amount equal to at least 15 percent of the annual premium charged for the home warranty and the charge for such coverage is due at the earlier of the end of the listing period or the date the sale of the residential property is closed.

Section 21. Subsection (6) is added to section 634.415, Florida Statutes, to read:

634.415 Tax on premiums; annual statement; reports; quarterly statements.—

(6) *The department may by rule require each service warranty association to submit to the department, as the department may designate, all or part of the information contained in the financial statements and reports required by this section in a computer-readable form compatible with the electronic data processing system specified by the department.*

Section 22. Section 634.419, Florida Statutes, is amended to read:

634.419 License and appointment required.—No person or entity shall solicit, negotiate, advertise, or effectuate service warranty contracts in this state unless such person or entity is licensed and appointed as a sales representative. Sales representatives shall be responsible for the actions of persons under their supervision. However, a service warranty association licensed as such under this part shall not be required to be licensed and appointed as a sales representative to solicit, negotiate, advertise, or effectuate its products.

Section 23. Subsection (8) is added to section 634.436, Florida Statutes, to read:

634.436 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following methods, acts, or practices are defined as unfair methods of competition and unfair or deceptive acts or practices:

(8) **FREE SERVICE WARRANTIES.**—

(a) *Advertising, offering, or providing a free service warranty as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.*

(b) *For the purposes of this subsection, a "free" service warranty is:*

1. *A service warranty for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.*
2. *A service warranty for which an identifiable or additional charge is made in an amount less than the cost of such service warranty as to the seller or other person, other than the service warranty association, providing the same.*
3. *A service warranty with respect to which the word "free" or words implying that the provision of the service warranty is without cost are used in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.*

Section 24. Section 624.124, Florida Statutes, is amended to read:

624.124 Motor vehicle services; exemption from code.—Any person may, in exchange for fees, dues, charges, or other consideration, provide any of the following services related to the ownership, operation, use, or maintenance of a motor vehicle without being deemed an insurer and without being subject to the provisions of this code:

- (1) Towing service.
- (2) Procuring from an insurer group coverage for bail and arrest bonds or for accidental death and dismemberment.
- (3) Emergency service.
- (4) Procuring prepaid legal services, or providing reimbursement for legal services, except that this shall not be deemed to be an exemption from chapter 642.

(5) Offering assistance in locating or recovering stolen or missing motor vehicles.

(6) Paying emergency living and transportation expenses of the owner of a motor vehicle when the motor vehicle is damaged.

For purposes of this section, "motor vehicle" has the same meaning specified by s. 634.011(7) ~~§. 634.011(6)~~.

Section 25. Subsection (1) of section 628.4615, Florida Statutes, is amended to read:

628.4615 Specialty insurers; acquisition of controlling stock, ownership interest, assets, or control; merger or consolidation.—

(1) For the purposes of this section, the term "specialty insurer" means any person holding a license or certificate of authority as:

(a) A motor vehicle service agreement company authorized to issue motor vehicle service agreements as those terms are defined in s. 634.011(8) and (9) ~~§. 634.011(7) and (8)~~;

(b) A home warranty association authorized to issue "home warranties" as those terms are defined in s. 634.301(4) and (5);

(c) A service warranty association authorized to issue "service warranties" as those terms are defined in s. 634.401(14) and (15);

(d) An optometric service plan corporation authorized to issue optometric service plan contracts as those terms are defined in s. 637.001(2) and (3);

(e) A pharmaceutical service plan corporation authorized to issue pharmaceutical service plan contracts as those terms are defined in s. 637.1701(2) and (3);

(f) A dental service plan corporation licensed to issue contracts for dental services pursuant to a dental service plan as that term is defined in s. 637.401(1);

(g) An ambulance service association authorized to issue ambulance service contracts as those terms are defined in s. 638.021(1) and (2);

(h) An authorized health maintenance organization operating pursuant to s. 641.21;

(i) An authorized prepaid health clinic operating pursuant to s. 641.405;

(j) A legal expense insurance corporation authorized to engage in a legal expense insurance business pursuant to s. 642.021;

(k) A provider which is licensed to operate a facility which undertakes to provide continuing care as those terms are defined in s. 651.011(2), (5), (6), and (7);

(l) A multiple-employer welfare arrangement operating pursuant to ss. 624.436-624.446;

(m) A premium finance company authorized to finance insurance premiums pursuant to s. 627.828; or

(n) A corporation authorized to accept donor annuity agreements pursuant to s. 627.481.

Section 26. Section 634.289, Florida Statutes, is created to read:

634.289 *Rules.*—*The department may adopt rules, in accordance with chapter 20, to identify specific methods of competition or acts or practices that are prohibited by s. 634.282, but these rules shall not enlarge upon or extend the provisions of that section.*

Section 27. Section 634.302, Florida Statutes, is amended to read:

634.302 Powers of department; rules.—The department shall administer this part, and, to that end, it has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part. *Such rules may include rules that identify specific methods of competition or acts or practices that are prohibited by s. 634.336, but the rules shall not enlarge upon or extend the provisions of that section.*

Section 28. Section 634.402, Florida Statutes, is amended to read:

634.402 Powers of department; rules.—The department shall administer this part, and to that end it has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part. *Such rules may identify specific methods of competition or acts or practices that are prohibited by s. 634.436, but shall not enlarge upon or extend the provisions of that section.*

Section 29. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 17 through page 3, line 28, delete those lines and insert: repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

Pursuant to Rule 4.19, **SB 2240** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 1922—A bill to be entitled An act relating to agriculture and consumer services; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; redefining

the term "goat" to include certain additional farm equipment for purposes of the annual license tax imposed on trucks; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; repealing ss. 536.20, 536.21, 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Apaloosa racing; amending ss. 550.2625, 550.2633, F.S.; conforming cross-references; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; authorizing the department to repair or construct structures; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.031, F.S.; revising definitions; amending s. 580.051, F.S.; revising label requirements for feed; amending s. 580.065, F.S.; revising feed laboratory procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; amending s. 580.112, F.S.; expanding prohibited acts; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.002, F.S.; prohibiting regulation of care and treatment of livestock and poultry by other agencies when the department has undertaken to do so; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 589.19, F.S.; naming a state forest; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the "Humane Slaughter Act"; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; providing effective dates.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

Amendment 1 (553676)—On page 5, delete line 12 and insert: *department, and those private or public entities providing at no cost, or de minimus cost,*

Amendment 2 (161398)—On page 5, lines 14-18, delete those lines and insert: *be held liable for civil damages resulting from use or possession of such items. Private or public entities that donate fire/rescue equipment, vehicles, or supplies directly to state, county, or local governmental entities having fire/rescue responsibilities shall not be held liable for civil damages*

Amendment 3 (722182)(with title amendment)—On page 13, delete line 27 and insert: *repealed. This section shall take effect December 31, 2002.*

And the title is amended as follows:

On page 2, line 19, after the semicolon (;) insert: *providing an effective date;*

Amendment 4 (593834)(with title amendment)—On page 16, lines 25-28, delete those lines

And the title is amended as follows:

On page 2, lines 27 and 28, delete those lines and insert: *protection;* amending s.

Amendment 5 (124602)—On page 17, lines 22-28, delete those lines and insert:

570.249 Agricultural Economic Development Program disaster loans *and grants and aid.*—

(2) ELIGIBLE CROPS.—Crops eligible for the emergency loan program include:

(d) Specialty crops, such as *seafood and aquaculture, including, but not limited to, the products of shellfish cultivation and harvesting, ornamental fish farming, and commercial fishing;*

Amendment 6 (530086)(with title amendment)—On page 33, line 28 through page 34, line 9, delete those lines.

And the title is amended as follows:

On page 3, lines 21-25, delete those lines and insert: *relating to plant industry;* amending s. 585.145, F.S.; prescribing

Amendment 7 (980394)(with title amendment)—On page 43, between lines 24 and 25, insert:

Section 45. Effective October 1, 2001, section 604.60, Florida Statutes, is created to read:

604.60 *Damage or destruction of agricultural crops; civil action.*—

(1) *Any private, public, or commercial agricultural grower or producer who grows or produces any agricultural product, as defined in s. 468.382(7), for personal, research, or commercial purposes or for testing or research purposes in a product development program conducted in conjunction or coordination with a private research facility, a university, or any federal, state, or local government agency who suffers damages as a result of another person's willful and knowing damage or destruction of any such agricultural product has a cause of action for damages equal to double the amount of the value of the product damaged or destroyed, including the cost of any experimental product replication, and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages. In awarding damages under this section, the courts shall consider the market value of the product prior to damage or destruction, and production, research, testing, replacement, and product development costs directly related to the product that has been damaged or destroyed as part of the value of the product. The prevailing party in any action brought pursuant to this section is entitled to an award of reasonable attorney's fees and court costs.*

Section 46. Effective October 1, 2001, section 810.09, Florida Statutes, is amended to read:

810.09 *Trespass on property other than structure or conveyance.*—

(1)(a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011; or

2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass,

commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term “unenclosed curtilage” means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he or she is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and that the person to be taken into custody and detained has committed or is committing such violation. In the event a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention in compliance with the requirements of this paragraph does not result in criminal or civil liability for false arrest, false imprisonment, or unlawful detention.

(d) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed is a construction site that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(e) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: “THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(f) *The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”*

(g)(~~f~~) Any person who in taking or attempting to take any animal described in s. 372.001(3) or (4), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term “potentially lethal projectile” includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties.

(3) As used in this section, the term “authorized person” or “person authorized” means any owner, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner, or his or her agent, to communicate an order to leave the property in the case of a threat to public safety or welfare.

Section 47. Effective October 1, 2001, for the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 260.0125, Florida Statutes, is reenacted to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(5)

(b) Such notices must comply with s. 810.011(5) and shall constitute a warning to unauthorized persons to remain off the private property and not to depart from the designated greenway or trail. Any person who commits such an unauthorized entry commits a trespass as provided in s. 810.09.

Section 48. Effective October 1, 2001, for the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 810.011, Florida Statutes, is reenacted to read:

810.011 Definitions.—As used in this chapter:

(5)

(b) It shall not be necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to trespass on enclosed lands.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 16, after the semicolon (;) insert: creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney’s fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto;

Senator Bronson moved the following amendment which was adopted:

Amendment 8 (254956)(with title amendment)—On page 43, between lines 26 and 27, insert:

Section 46. Section 373.621, Florida Statutes, is created to read:

373.621 Water conservation.—The Legislature recognizes the significant value of water conservation in the protection and efficient use of water resources. Accordingly, consideration in the administration of s. 373.223, s. 373.233 and s. 373.236 shall be given to applicants who implement water conservation practices pursuant to s. 570.085 or other applicable water conservation measures as determined by the department or a water management district.

And the title is amended as follows:

On page 4, line 21, following the semicolon (;) insert: creating s. 373.621, F.S.; providing consideration for certain applicants who implement water conservation practices;

Senator Geller moved the following amendment which was adopted:

Amendment 9 (671496)(with title amendment)—On page 43, between lines 26 and 27, insert:

Section 46. Section 601.48, Florida Statutes, is amended to read:

601.48 Grading processed citrus products.—

~~(1) All processed citrus products for which grade standards may be established, if sold, shipped, or offered for sale or shipment, except as provided in s. 601.50, shall be inspected for grade in a registered processing plant, and shall be graded according to standards established by the Department of Citrus, and the grade of such processed citrus products shall be designated on the immediate container thereof in such manner as the Department of Citrus may by rule prescribe.~~

(1)(2) If such processed citrus products meet the requirements of the two highest grades as established by the Department of Citrus or, at the option of the processor, the two highest grades established by the United States Department of Agriculture, the processor shall have the privilege, in lieu of the grade declaration requirements of subsection (1), of using labels, brands, or trademarks properly registered with the Department of Citrus, as provided in subsection (3), to represent state or U.S. grades.

(2)(3) In accordance with such rules as the Department of Citrus may prescribe, licensed citrus fruit dealers in this state shall be entitled to register labels, brands, or trademarks for grade identification purposes. The department shall maintain a record of all labels, brands, and trademarks registered for grade identification purposes, which record may be purged as necessary.

(3)(4) The grade labeling requirements of this section shall not apply to intrastate shipments of processed citrus products between licensed citrus fruit dealers who are operators of processing plants duly registered under s. 601.40.

Section 47. *The Florida Department of Citrus, or its successor, may collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation and, its related not-for-profit corporations, located in this state which receives payments or dues from its members. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending section 601.48, F.S.; eliminating provisions relating to inspection of processed citrus products for grade and subsequent grading and designation thereof; authorizing the Florida Department of Citrus or its successor, to collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation;

Senator Bronson moved the following amendment which was adopted:

Amendment 10 (733446)(with title amendment)—On page 43, between lines 26 and 27, insert:

Section 46. Paragraph (c) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board. *Effective July 1, 2001, Agriscience Foundations I, the core course in secondary Agriscience and Natural Resources programs, counts as one of the science credits.*

And the title is amended as follows:

On page 4, line 21, following the semicolon (;) insert: amending s. 232.246, F.S.; authorizing Agriscience Foundations I to count as a science credit; providing an effective date;

Senator Geller moved the following amendment which was adopted:

Amendment 11 (762582)(with title amendment)—On page 43, between lines 26 and 27, insert:

Section 46. *The following councils and authorities, created pursuant to section 570.0705, Florida Statutes, and chapter 90-487, Laws of Florida, are abolished:*

(1) *Agriculture and Livestock Fair Council.*

(2) *Florida City State Farmers Market Advisory Committee.*

(3) *Fort Myers State Farmers Market Advisory Council.*

(4) *Fort Pierce State Farmers Market Advisory Council.*

(5) *Gadsden County State Farmers Market Advisory Council.*

(6) *Immokalee State Farmers Market Advisory Council.*

(7) *Nitrate Bill Best Management Practices Advisory Group.*

(8) *Palatka State Farmers Market Advisory Council.*

(9) *Plant City State Farmers Market Advisory Council.*

(10) *Pompano Beach Farmers Market Authority.*

(11) *Racing Quarter Horse Advisory Council.*

(12) *Sanford State Farmers Market Advisory Council.*

(13) *Seed Potato Advisory Council.*

(14) *Starke State Farmers Market Advisory Council.*

(15) *Suwanee Valley State Farmers Market Advisory Council.*

(16) *Trenton State Farmers Market Advisory Council.*

(17) *Tropical Soda Apple Task Force.*

(18) *Wauchula State Farmers Market Advisory Council.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, following the semicolon (;) insert: abolishing specified authorities and councils advisory to the department;

Senator Bronson moved the following amendment which was adopted:

Amendment 12 (925018)(with title amendment)—On page 43, between lines 26 and 27, insert:

Section 46. Section 570.085, Florida Statutes, is created to read:

570.085 *Department of Agriculture and Consumer Services; agricultural water conservation.—The department shall establish an agricultural water conservation program that includes the following:*

(1) *A cost share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations for water conservation as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(d).*

(2) *The development and implementation of voluntary interim measures or best management practices, adopted by rule, which provide for increased efficiencies in the use and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, the department shall consult with the Department of Environmental Protection and the water management districts. Such rules may also include a system to assure the implementation of the practices, including recordkeeping requirements. As new information regarding efficient agricultural water use and management becomes available, the department shall reevaluate and revise as needed, the interim measures or best management practices. The interim measures or best management practices may include irrigation retrofit, implementation of mobile irrigation laboratory evaluations and recommendations, water resource augmentation, and integrated water management systems for drought management and flood control and should, to the maximum extent practicable, be designed to qualify for regulatory incentives and other incentives, as determined by the agency having applicable statutory authority.*

(3) *Provision of assistance to the water management districts in the development and implementation of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, following the semicolon (;) insert: creating s. 570.085, F.S.; creating an agricultural water conservation program within the department;

THE PRESIDENT PRESIDING

MOTION

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

Senator Mitchell moved the following amendment which was adopted:

Amendment 13 (370734)(with title amendment)—On page 4, line 24, insert:

Section 1. Subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government ~~the employer or an agency of state government with firefighting responsibilities~~. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires or direct supervision of firefighting units or aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services, or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in

compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).
10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).
21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to the state government; amending s. 121.0515, F.S., relating to special risk membership; revising criteria for firefighters; amending s. 120.80, F.S.; providing

Senator Geller moved the following amendments which were adopted:

Amendment 14 (053230)(with title amendment)—On page 43, between lines 26 and 27, insert:

Section 46. *Official citrus archive.*—*The Florida Citrus Archives, dedicated to Thomas B. Mack and located at Florida Southern College in Lakeland, are designated as the official citrus archive of Florida.*

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: designating the official citrus archive of Florida;

Amendment 15 (555262)(with title amendment)—On page 43, between lines 26 and 27, insert:

Section 46. *If any clause, section, or provision of this act shall be declared unconstitutional or invalid for any reason, it shall be eliminated from this act, and the remaining portion of the act shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.*

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: providing for severability;

Amendment 16 (261464)—On page 16, delete line 11 and insert: *has occurred, the department with the coordination of the Department of Legal Affairs and any state attorney, if the violation has occurred or is occurring within her or his judicial circuit, shall have the authority to bring*

Senator Geller moved the following amendment:

Amendment 17 (563444)—On page 10, delete line 16 and insert: determined by department rule, which may not exceed \$750 and

Senator King moved the following substitute amendment which was adopted:

Amendment 18 (450034)—On page 10, delete line 16 and insert: determined by department rule, which may not exceed \$500 and

Senator Mitchell moved the following amendment which was adopted:

Amendment 19 (863600)(with title amendment)—On page 5, between lines 19 and 20, insert:

Section 3. Effective January 1, 2002, paragraph (c) of subsection (6) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(6)

(c)I. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

2. *Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the first semicolon (;) insert: amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value;

Pursuant to Rule 4.19, **CS for SB 1922** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 408—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with a complete defense in certain actions for certain law enforcement assistance activities; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (814292)—On page 1, line 23, after “actions.” insert: *However, this provision does not create a duty of care where none existed prior to the enactment of this section.*

Pursuant to Rule 4.19, **CS for SB 408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 482—A bill to be entitled An act relating to statutory accounting principles; creating s. 625.011, F.S.; defining the terms “statutory accounting principles” and “surplus notes”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining financial condition of an insurer; amending s. 625.041, F.S.; revising what constitutes a liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in valuation of real property; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; providing for what constitutes an asset or liability in determining the financial condition of a health maintenance organization; providing a retroactive effective date.

—was read the second time by title.

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of **SB 482**, returning House Message on **CS for SB 1118**, motions and announcements.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Pruitt:

Amendment 1 (195056)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (14) of section 624.610, Florida Statutes, is amended to read:

624.610 Reinsurance.—

(14) The department may adopt rules implementing the provisions of this section. Rules are authorized to protect the interests of insureds, claimants, ceding insurers, assuming insurers, and the public. These rules shall be in substantial compliance with:

(a) The National Association of Insurance Commissioners model regulations relating to credit for reinsurance;

(b) Version 2001 ~~1999~~ of the National Association of Insurance Commissioners Accounting Practices and Procedures Manual; and

(c) The National Association of Insurance Commissioners model regulation for Credit for Reinsurance and Life and Health Reinsurance Agreements.

The department may further adopt rules to provide for transition from existing requirements for the approval of reinsurers to the accreditation of reinsurers pursuant to this section.

Section 2. Section 625.011, Florida Statutes, is created to read:

625.011 *Definitions.—As used in this chapter, the term “statutory accounting principles” means accounting principles as defined in the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001.*

Section 3. Subsections (1) and (11) of section 625.012, Florida Statutes, are amended, present subsection (12) of that section is redesignated as subsection (16), and new subsections (12), (13), (14), and (15) are added to that section to read:

625.012 “Assets” defined.—In any determination of the financial condition of an insurer, there shall be allowed as “assets” only such assets as are owned by the insurer and which consist of:

(1) Cash or cash equivalents, in the possession of the insurer, or in transit under its control, and including the true balance of any deposit in a solvent bank, savings and loan association, or trust company. *Cash equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.*

(11) Electronic and mechanical machines, including computer-operating software equipment and system software constituting a data processing and accounting system, if the cost of which such system is at least \$25,000, which cost shall be amortized in full over a period not to exceed 3 7 calendar years. *The aggregate amount admitted under this subsection shall be limited to 3 percent of the insurer’s capital and surplus, adjusted to exclude any electronic data processing equipment and operating software, net deferred tax assets, and net positive goodwill, as reported on the insurer’s most recently filed annual statement.*

(12) *Goodwill arising from acquisitions and mergers occurring after January 1, 2001.*

(13) *Loans or advances by an insurer to its parent or principal owner if approved by the department.*

(14) *Current income tax recoverables.*

(15) *Capitalized interest.*

(16)(12) Other assets, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by it.

Section 4. Section 625.031, Florida Statutes, is amended to read:

625.031 Assets not allowed.—In addition to assets impliedly excluded by the provisions of s. 625.012, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:

(1) ~~Good will~~, Trade names, *patents, agreements not to compete*, and other like intangible assets.

(2) Advances (other than policy loans) to officers *and*, directors, ~~and controlling stockholders~~, whether secured or not, and advances to employees, agents, and other persons on personal security only.

(3) Stock of such insurer, owned by it, or any material equity therein or loans secured thereby, or any material proportionate interest in such stock acquired or held through the ownership by such insurer of an interest in another firm, corporation, or business unit.

(4) Furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature, and supplies, other than data processing and accounting systems authorized under s. 625.012(11), except in the case of title insurers such materials and plants as the insurer is expressly authorized to invest in under s. 625.330 and except, in the case of any insurer, such personal property as the insurer is permitted to hold pursuant to part II of this chapter, or which is acquired through foreclosure of chattel mortgages acquired pursuant to s. 625.329, or which is reasonably necessary for the maintenance and operation of real estate lawfully acquired and held by the insurer other than real estate used by it for home office, branch office, and similar purposes.

(5) The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the insurer exceeds the aggregate value thereof as determined under this code.

(6) Bonds, notes, or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default.

(7) Prepaid and deferred expenses.

~~(8) Federal income tax refunds when a refund is not assured.~~

Section 5. Paragraph (d) of subsection (2) of section 625.041, Florida Statutes, is amended to read:

625.041 Liabilities, in general.—In any determination of the financial condition of an insurer, liabilities to be charged against its assets shall include:

(2) With reference to life and health insurance and annuity contracts:

(d) Any additional reserves *that which* may be required by the department consistent with practice formulated or approved by the National Association of Insurance Commissioners or its successor organization, on account of such insurance, *including contract and premium deficiency reserves.*

Section 6. Subsection (2) of section 625.141, Florida Statutes, is amended to read:

625.141 Valuation of bonds.—

(2) The department shall have full discretion in determining the method of calculating values according to the rules set forth in this section, but no such method or valuation shall be inconsistent with the method formulated or approved by the National Association of Insurance Commissioners or its successor organization and set forth in the latest edition of its publication “Valuation of Securities”; provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 2001 ~~1988~~ edition of such publication. *Amortization of bond premium or discount must be calculated using the scientific (constant yield) interest method taking into consideration specified interest and principal provisions over the life of the bond. Bonds containing call provisions shall be amortized to the call or maturity value or date that produces the lowest asset value.*

Section 7. Section 625.161, Florida Statutes, is amended to read:

625.161 Valuation of property.—

(1) *Real property owned by an insurer which is reported in financial statements filed with the department shall be valued at the lower of depreciated cost or fair market value.*

~~(2)(1)~~ Real property acquired pursuant to a mortgage loan or contract for sale, in the absence of a recent appraisal deemed by the department to be reliable, shall not be valued at an amount greater than the unpaid principal and accrued interest of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property.

~~(3)(2)~~ Other real property held by an insurer shall not be valued at an amount in excess of fair value as determined by recent appraisal. If the valuation of *real property* is based on an appraisal more than 5 ~~3~~ years old, the department may, at its discretion, call for and require a new appraisal in order to determine fair *market* value.

~~(4)(3)~~ Personal property acquired pursuant to chattel mortgages made in accordance with s. 625.329 shall not be valued at an amount greater than the unpaid balance of principal and accrued interest on the defaulted loan at the date of acquisition, together with taxes and expenses incurred in connection with such acquisition, or the fair value of such property, whichever amount is the lesser.

~~(5)(4)~~ In carrying out its responsibilities under this section, in the event that the department and the insurer do not agree on the value of real or personal property of such insurer, the department may retain the services of a qualified real or personal property appraiser. In the event it is subsequently determined that the insurer has overvalued assets, the department shall be reimbursed for the costs of the services of any such appraiser incurred with respect to its responsibilities under this section regarding an insurer by said insurer and any reimbursement shall be deposited in the Insurance Commissioner’s Regulatory Trust Fund.

~~(6)~~ *Any insurer that reported real estate as of December 31, 2000, with a value in excess of that allowed by subsection (1) shall comply with the requirements of that subsection beginning January 1, 2001.*

Section 8. Section 625.322, Florida Statutes, is amended to read:

625.322 Collateral loans.—An insurer may invest in loans with a maturity not in excess of 12 years from the date thereof which are secured by the pledge of *assets permitted by part I of this chapter securities eligible for investment under this chapter or by the pledge or assignment of life insurance policies issued by other insurers authorized to transact insurance in this state. On the date made, no such loan shall exceed in amount 80 percent of the market value of the collateral pledged, except that loans upon pledge of United States Government bonds and loans upon the pledge or assignment of life insurance policies shall not exceed 95 percent of the market value of the bonds or the cash surrender value of the policies pledged.* Loans made pursuant to this section shall not be *admitted as an asset when it is considered probable that any portion of the amounts due under the contractual terms of the loan will not be collected renewable beyond a period of 12 years from the date of the loan.* *Collateral loans reported in financial statements filed with the department shall not exceed the value of the collateral held by the company.*

Section 9. Subsections (16), (17), and (20) of section 641.19, Florida Statutes, are amended to read:

641.19 Definitions.—As used in this part, the term:

(16) “Reporting period” means the annual *calendar year* accounting period or any part thereof ~~or the fiscal year of the health maintenance organization.~~

(17) “Statutory accounting principles” means *accounting principles as defined in the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001 generally accepted accounting principles, except as modified by this part.*

(20) “Surplus notes” means ~~debt which has been guaranteed by the United States Government or its agencies, or debt which has been subordinated to all claims of subscribers and general creditors of the organization.~~

Section 10. Subsections (1), (2), and (3) of section 641.35, Florida Statutes, are amended to read:

641.35 Assets, liabilities, and investments.—

(1) ASSETS.—In any determination of the financial condition of a health maintenance organization, there shall be allowed as “assets” only those assets that are owned by the health maintenance organization and ~~that which assets~~ consist of:

(a) Cash *or cash equivalents* in the possession of the health maintenance organization, or in transit under its control, including the true balance of any deposit in a solvent bank, savings and loan association, or trust company which is domiciled in the United States. *Cash equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.*

(b) Investments, securities, properties, and loans acquired or held in accordance with this part, and in connection therewith the following items:

1. Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.
2. Declared and unpaid dividends on stock and shares, unless the amount of the dividends has otherwise been allowed as an asset.
3. Interest due or accrued upon a collateral loan which is not in default in an amount not to exceed 1 year’s interest thereon.
4. Interest due or accrued on deposits or certificates of deposit in solvent banks, savings and loan associations, and trust companies domiciled in the United States, and interest due or accrued on other assets, if such interest is in the judgment of the department a collectible asset.
5. Interest due or accrued on current mortgage loans, in an amount not exceeding in any event the amount, if any, of the excess of the value

of the property less delinquent taxes thereon over the unpaid principal; but in no event shall interest accrued for a period in excess of 90 days be allowed as an asset.

~~6.—Rent due or accrued on real property if such rent is not in arrears for more than 3 months. However, in no event shall rent accrued for a period in excess of 90 days be allowed as an asset.~~

~~7.—The unaccrued portion of taxes paid prior to the due date on real property.~~

(c) Premiums in the course of collection, not more than 3 months past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by any governmental body in the United States or by any of their instrumentalities.

(d) The full amount of reinsurance recoverable from a solvent reinsurer, which reinsurance is authorized under s. 624.610.

~~(e) Furniture, fixtures, furnishings, vehicles, medical libraries, and equipment, if the original cost of each item is at least \$200, which cost shall be amortized in full over a period not to exceed 5 calendar years, unless otherwise approved by the department.~~

~~(e)(f)~~ Pharmaceutical and medical supply inventories.

~~(f)~~ Goodwill created by acquisitions and mergers occurring on or after January 1, 2001.

~~(g)~~ Loans or advances by a health maintenance organization to its parent or principal owner if approved by the department.

~~(g)~~ The liquidation value of prepaid expenses.

(h) Other assets, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by it.

The department, upon determining that a health maintenance organization’s asset has not been evaluated according to applicable law or that it does not qualify as an asset, shall require the health maintenance organization to properly reevaluate the asset or replace the asset with an asset suitable to the department within 30 days of receipt of written notification by the department of this determination, if the removal of the asset from the organization’s assets would impair the organization’s solvency.

(2) ASSETS NOT ALLOWED.—In addition to assets impliedly excluded by the provisions of subsection (1), the following assets expressly shall not be allowed as assets in any determination of the financial condition of a health maintenance organization:

(a) ~~Goodwill~~, Subscriber lists, patents, trade names, agreements not to compete, and other like intangible assets.

(b) Any note or account receivable from or advances to officers, directors, or controlling stockholders, whether secured or not, and advances to employees, agents, or other persons on personal security only, *other than those transactions authorized under paragraph (1)(g).*

(c) Stock of the health maintenance organization owned by it directly or owned by it through any entity in which the organization owns or controls, directly or indirectly, more than 25 percent of the ownership interest.

(d) Leasehold improvements, nonmedical libraries, stationery, literature, and nonmedical supply inventories, except that leasehold improvements made prior to October 1, 1985, shall be allowed as an asset and shall be amortized over the shortest of the following periods:

1. The life of the lease.
2. The useful life of the improvements.
3. The 3-year period following October 1, 1985.

~~(e) Furniture, fixtures, furnishings, vehicles, medical libraries, and equipment, other than those items authorized under paragraph (1)(e).~~

(f) Notes or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default and beyond the express period specified in the instrument for curing the default.

- (g) Bonds in default for more than 60 days.
- (h) ~~Deferred costs other than the liquidation value of Prepaid and deferred expenses.~~
- (i) Any note, account receivable, advance, or other evidence of indebtedness, or investment in:
1. The parent of the health maintenance organization;
 2. Any entity directly or indirectly controlled by the health maintenance organization parent; or
 3. An affiliate of the parent or the health maintenance organization, except as allowed in subsections (1), (11), and (12). The department may, however, allow all or a portion of such asset, at values to be determined by the department, if deemed by the department to be available for the payment of losses and claims.

(3) **LIABILITIES.**—In any determination of the financial condition of a health maintenance organization, liabilities to be charged against its assets shall include:

(a) The amount, estimated consistently with the provisions of this part, necessary to pay all of its unpaid losses and claims incurred for or on behalf of a subscriber, on or prior to the end of the reporting period, whether reported or unreported, *including contract and premium deficiency reserves.*

(b) The amount equal to the unearned portions of the gross premiums charged on health maintenance contracts in force.

(c) Taxes, expenses, and other obligations due or accrued at the date of the statement.

The department, upon determining that a health maintenance organization has failed to report liabilities that should have been reported, shall require a corrected report which reflects the proper liabilities to be submitted by the organization to the department within 10 working days of receipt of written notification.

Section 11. *Any quarterly or annual statement that is required to be filed after the effective date of this act shall be prepared in accordance with the provisions of this act.*

Section 12. This act shall take effect upon becoming a law and shall apply retroactively to January 1, 2001, except that sections 9 and 10 shall take effect January 1, 2003.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to statutory accounting principles; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term “statutory accounting principles”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; providing multiple effective dates, including a retroactive effective date.

Senator Pruitt moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (064434)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 9. Section 641.183, Florida Statutes, is created to read:

641.183 Statutory accounting procedures; transition provisions.—All health maintenance organizations, authorized to do business under this

chapter on January 1, 2001, shall elect a transition method for compliance with statutory accounting principles as follows:

(1) *Report assets acquired prior to June 30, 2001 in accordance with s. 641.35, Florida Statutes (2000), through December 31, 2005. Assets acquired on or after June 30, 2001 shall be accounted for in accordance with the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001. A health maintenance organization electing to report assets pursuant to this subsection shall maintain complete and detailed records reflecting such accounting treatment; or*

(2) *Report all assets in accordance with the NAIC Accounting Practices and Procedures Manual effective January 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 17, after the semicolon (;) insert: creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles;

Amendment 1B (110970)(with title amendment)—On page 13, lines 23 and 24, delete those lines and insert: law and shall apply retroactively to January 1, 2001.

And the title is amended as follows:

On page 14, delete line 26 and insert: providing a

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 482** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for CS for SB 1118.

The Speaker has appointed the following Representatives to the Conference Committee: Representative Byrd, Chair; Representatives Rubio, Goodlette, and Smith.

John B. Phelps, Clerk

CS for SB 1118—A bill to be entitled An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; providing for the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on overvotes and undervotes following the general election; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33,

101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, 102.012(7), F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; requiring the acceptance of late-filed election returns in certain circumstances; increasing the fine for filing late-filed election returns; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; amending s. 102.168, F.S.; revising the grounds for an election contest; creating s. 102.135, F.S.; prohibiting a member of the Elections Canvassing Commission or a member of the county canvassing board from rendering a post-election decision that may affect the outcome of any race in which the member publicly endorsed or solicited contributions; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items in order to qualify for election; amending s. 105.035, F.S.; providing alternative procedures for candidates for supervisor of elections to qualify for election; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections are to be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; repealing s. 100.091, F.S., to eliminate the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S., relating to qualifying for nomination or election to

office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.168, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S.; revising references, to conform to the elimination of the second primary election; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 106.141, F.S.; increasing the amount that may be transferred to an office account; amending s. 106.15, F.S.; expanding prohibition against candidates using state employees' services during working hours to include all government employees; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, F.S., to conform; providing an appropriation for the design of a statewide voter registration database; providing requirements for the database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing an appropriation for voter education and pollworker training; providing for the appropriation from the General Appropriations Act to be used to implement the provisions of the act; providing for study of elections process in multiple time zones; providing effective dates.

House Amendment 1 (845345)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsections (11) through (20) and (22) through (30) of section 97.021, Florida Statutes, are renumbered as subsections (12) through (21) and (24) through (32), respectively, present subsection (21) is renumbered as subsection (22) and amended, and new subsections (11) and (23) are added to said section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Error in the vote tabulation" means the failure of a vote tabulation system to count a vote for a candidate when the voter's intent is clearly ascertainable.

(2)(21) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary election is a nomination or elimination election; the second primary is a nominating election only.

(23) "Provisional ballot" means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:

(a) The voter's name does not appear on the precinct register and verification of the voter's eligibility cannot be determined.

(b) There is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot.

Section 2. Section 100.061, Florida Statutes, is amended to read:

100.061 First Primary election.—In each year in which a general election is held, a first primary election for nomination of candidates of political parties shall be held on the second Tuesday in September 9 weeks prior to the general election. The Each candidate receiving the highest number a majority of the votes cast in each contest in the first primary election shall be declared nominated for such office. If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall receive the nomination. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.

Section 3. Sections 100.091 and 100.096, Florida Statutes, are repealed.

Section 4. Section 10.1008, Florida Statutes, is amended to read:

10.1008 Applicability.—This joint resolution applies with respect to the qualification, nomination, and election of members of the Legislature in the ~~primary primaries~~ and general ~~elections~~ election to be held in 1992 and thereafter.

Section 5. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, voter registration and party changes must be accepted but only for the purpose of subsequent elections. ~~However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.~~

Section 6. Subsection (3) of section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. ~~However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.~~

Section 7. Subsection (3) of section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, ~~subject to the issuance restriction in s. 97.071(3).~~

Section 8. Subsection (1) of section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from registration books; restrictions on re-registering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the registration books between the book-closing date of the ~~first~~ primary election and the date of the ~~subsequent general election~~ ~~second primary~~ election may not register in a different political party ~~during the period until after the date of the second primary election and before the date of the subsequent general election.~~

Section 9. Subsections (1), (2), and (8) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the ~~first~~ primary election, but not later than noon of the 116th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the ~~first~~ primary election or special district election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election or special district election. ~~When~~ ~~However,~~ if a special district election is held at the same time as the ~~second primary~~ or general election, qualifying shall ~~also~~ be the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(8) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the ~~first~~ primary election, but not later than noon of the 53rd day prior to the ~~first~~ primary election.

Section 10. Subsections (1), (2), and (4) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the 9th ~~6th~~ day following the ~~second~~ primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the 9th ~~6th~~ day following the ~~second~~ primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

(4) In order to have the name of the candidate for Lieutenant Governor printed on the ~~first or second~~ primary election ballot, a candidate for Governor participating in the primary must designate the candidate for Lieutenant Governor, and the designated candidate must qualify no later than the end of the qualifying period specified in s. 99.061. If the candidate for Lieutenant Governor has not been designated and has not qualified by the end of the qualifying period specified in s. 99.061, the phrase "Not Yet Designated" must be included in lieu of the candidate's name on the primary election ~~ballot ballots and on advance absentee ballots for the general election.~~

Section 11. Subsection (1) of section 99.095, Florida Statutes, is amended to read:

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office may qualify to have his or her name placed on the ballot for the ~~first~~ primary election by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee or party assessment required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought.

If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his or her oath for which group or district office he or she is running. The oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the first primary election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until the candidate has filed the oath required in this section. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which the person is running, the signatures obtained on such petition will not be counted.

Section 12. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary election in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the first primary election.

Section 13. Subsection (2) of section 100.071, Florida Statutes, is amended to read:

100.071 Grouping of candidates on primary election ballot ballots.—

(2) Each nominee of a political party chosen in the primary election primaries shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

Section 14. Section 100.081, Florida Statutes, is amended to read:

100.081 ~~Conducting primary elections~~; Nomination of county commissioners at primary election.—The primary election elections shall provide for the nomination of county commissioners by the qualified electors of such county at the time and place set for voting on other county officers.

Section 15. Paragraph (c) of subsection (1), subsection (3), paragraph (a) of subsection (4), and subsection (5) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(1)

(c) If such a vacancy occurs prior to the first primary election but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the first and second primary election elections, the Governor may call a special primary election, and, if necessary, a second special primary election, to select party nominees for the unexpired portion of such term.

(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4), the Governor, after consultation with the Secretary of State, shall fix the date of a special first primary election, ~~a special second primary election~~, and a special election. Nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in the special primary election elections to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for the any special primary election and for the special election to coincide with the dates of the first and second primary election and the general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special first primary election.

(b) The filing of campaign expense statements by candidates in such special primary election elections or special election primaries and by committees making contributions or expenditures to influence the results of such special primary election primaries or special election elections shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The dates for a candidate to qualify by the alternative method in such special primary election or special election shall be fixed by the Department of State. In fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations. Any candidate seeking to qualify by the alternative method in a special primary election shall obtain 25 percent of the signatures required by s. 99.095, s. 99.0955, or s. 99.096, as applicable.

(d) The qualifying fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(e) Each county canvassing board shall make as speedy a return of the results result of such special primary election elections and special election primaries as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in a special primary election primaries shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that

office. Each county canvassing board shall make as speedy a return of the results of such *special primary election* primaries as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of a special primary *election* elections and a special *election* elections resulting from court order or other unpredictable circumstances, the Department of State shall have the authority to provide for the conduct of orderly elections.

Section 16. Subsection (2) of section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office or nomination.—

(2) The Department of State shall prepare a notice stating what offices and vacancies are to be filled in the special election, the ~~dates~~ date set for the ~~each~~ special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the alternative method, and the dates fixed for filing campaign expense statements.

Section 17. Subsection (1) of section 101.251, Florida Statutes, is amended to read:

101.251 Information which supervisor of elections must print on ballots.—

(1) The supervisor of elections of each county shall print, on the general election ballots to be used in such county, the names of candidates nominated by primary election or special primary *election* elections or selected by the appropriate executive committee of any political party.

Section 18. Subsection (2) of section 101.252, Florida Statutes, is amended to read:

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his or her name printed on the ~~first~~ primary *election* ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the ~~first~~ primary *election* ballot, and such candidate shall be declared elected to the state or county executive committee.

Section 19. Paragraph (a) of subsection (4) and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the ~~first~~ primary election *and not fewer than 45 days before the general election*, mail an absentee ballot. ~~Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for~~

~~the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.~~

(7)(a) For the purposes of this section, “absent qualified elector overseas” means:

(a)1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

(b)2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

(c)3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia, who are qualified and registered as provided by law.

(8)(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

~~(e) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.~~

Section 20. Subsection (3) and paragraph (b) of subsection (4) of section 103.021, Florida Statutes, are amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(3) Candidates for President and Vice President with no party affiliation may have their names printed on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the ~~first~~ primary *election*, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as party candidates.

(4)

(b) A minor party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisors of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the ~~first~~ primary *election*, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State, which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was

circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 21. Section 103.022, Florida Statutes, is amended to read:

103.022 Write-in candidates for President and Vice President.—Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the ~~first~~ primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot.

Section 22. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the ~~first~~ primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 57th day, or later than noon of the 53rd day, preceding the ~~first~~ primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 23. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. Candidates shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the ~~first~~ primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the alternative method, as set forth in s. 105.035, if the person has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

Section 24. Subsection (1) and paragraph (b) of subsection (2) of section 105.041, Florida Statutes, are amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for judicial office and candidates for the office of school board member which appear on the ballot at the ~~first~~ primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to judicial office and candidates for the office of school board

member which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(2) LISTING OF CANDIDATES.—

(b)1. The names of candidates for the office of circuit judge shall be listed on the ~~first~~ primary election ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.

2. Candidates who have secured a position on the general election ballot, after having survived elimination at the ~~first~~ primary election, shall have their names listed in the same order as on the ~~first~~ primary election ballot, notwithstanding the elimination of any intervening names as a result of the ~~first~~ primary election.

Section 25. Paragraph (b) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the ~~first~~ primary election. If any candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

Section 26. Paragraphs (a) and (b) of subsection (1) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the ~~first~~ primary election and on the 18th and 4th days immediately preceding the ~~second primary~~ and general election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the ~~first~~ primary and general elections, ~~and on the 4th, 11th, 18th, and 25th days prior to the second primary.~~

Section 27. Subsection (1) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) Except for political parties, no person, political committee, or committee of continuous existence may, in any election, make contributions in excess of \$1,000 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, an emancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the ~~first primary election, second primary,~~ and the general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election. ~~With respect to candidates in a circuit holding an election for circuit judge or in a county holding an election for county court judge, there are only two elections, which are the first primary election and general election.~~

Section 28. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding both the ~~first primary election, the second primary election,~~ and the general election. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

Section 29. Section 98.0977, Florida Statutes, is created to read:

98.0977 Statewide voter registration database.—

(1) *The department shall develop a statewide voter registration database, which shall contain voter registration information from every supervisor of elections in this state and shall be accessible through an Internet web site. Accordingly, the department may contract for the analysis, design, development, operation, and maintenance of a statewide, on-line voter registration database and associated Internet web site. The database system adopted must provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:*

- (a) *The voter is deceased;*
- (b) *The voter has been convicted of a felony and has not had his or her civil rights restored; or*
- (c) *The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.*

The database shall also allow for duplicate voter registrations to be identified.

(2) *In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, and the Office of Vital Statistics. If the supervisor of elections finds information that suggests that a voter is ineligible to register to vote, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to register to vote and shall request information from the voter on forms provided by the supervisor of elections in order to make a final determination on the voter's eligibility. After reviewing the information requested by the supervisor of elections and provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to register to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she will be removed from the voter registration rolls.*

(3) *To the maximum extent feasible, state and local governmental agencies shall facilitate provision of information and access to data to the department and the supervisors of elections in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.*

(4) *The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representatives beginning July 1, 2001, and continuing until the database is fully implemented.*

(5) *The duties of the supervisors of elections under this section shall be considered part of their regular registration list maintenance duties under this chapter, and any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).*

Section 30. (1) *The statewide voter registration database, created pursuant to s. 98.0977, Florida Statutes, by this act, shall be operational by June 1, 2002.*

(2) *Funding for the analysis, design, development, operation, and maintenance of the statewide voter registration database pursuant to s. 98.0977(1), Florida Statutes, shall be as provided for in the 2001-2002 General Appropriations Act.*

Section 31. Section 98.0979, Florida Statutes, is created to read:

98.0979 Statewide voter registration database open to inspection; copies.—

(1)(a) *The voter registration information of the state constitutes public records. Any citizen shall be allowed to examine the voter registration records, but may not make any copies or extract therefrom except as provided by this section.*

(b) *Within 15 days after a request for voter registration information, the division or supervisor of elections shall furnish any requested information, excluding only a voter's signature, social security number, and such other information that is by statute specifically made confidential or is exempt from public records requirements.*

(c) *Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.*

(2) *The information provided by the division or supervisor of elections pursuant to this section shall be furnished only to:*

- (a) *Municipalities;*
- (b) *Other governmental agencies;*
- (c) *Political candidates, for the purpose of furthering their candidacies;*

(d) Registered political committees, certified committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(e) Incumbent officeholders, for the purpose of reporting to their constituents.

(3) Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

(4) Any person who acquires a list of registered voters from the division or supervisor of elections shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear (or affirm) that I am a person authorized by s. 98.0979, Florida Statutes, to acquire information on the registered voters of Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

(Signature of person acquiring list)

Sworn and subscribed before me this day of, (year) (Name of person providing list)

Section 32. Section 101.048, Florida Statutes, is created to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(2)(a) The county canvassing board shall examine each provisional ballot to determine if the person voting that ballot was entitled to vote in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and the envelope marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF

I do solemnly swear (or affirm) that my name is ; that my date of birth is ; that I am registered to vote and at the time I registered I resided at , in the municipality of , in County, Florida; that I am a qualified voter of the county and have not voted in this election.

(Signature of Voter)
(Current Address)

Sworn to and subscribed before me this day of, (year) (Clerk or Inspector of Election)

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 33. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter) , swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of , in County, Florida, and I was registered to vote in the precinct of County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of , in County, Florida, and am therefore eligible to vote in the precinct of County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter) , swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct as follows:

Name
Address
Municipality
County
Florida, Zip
My present name and address of legal residence are as follows:
Name
Address
Municipality
County
Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and when the elector cannot present a valid registration identification card, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has

been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 34. Subsections (1), (2), and (8) of section 101.5614, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, *provisional ballots*, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, *provisional*, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes *and votes from provisional ballots*, shall constitute the official return of the election. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(9) *Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 35. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m. on the fourth day before the election ~~upon the opening of the polls on election day~~. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result ~~or tabulation of absentee ballots~~ shall be ~~released~~ *made* until after the closing ~~close~~ of the polls on election day. *Any supervisor of elections, deputy*

supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 36. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may *vote a provisional ballot as provided in s. 101.048* ~~execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct.~~

Section 37. Subsection (1) of section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. *The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet as determined by the Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission.* The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each office. In the event that *the Governor is recused, or any other member of the commission cannot serve, the Governor shall fill the vacancy following the same procedure for appointment to the commission. If no other Cabinet members are available to serve, the Governor shall choose a registered voter to replace the member* ~~any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

Section 38. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; ~~penalties.~~—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results.

(2) Returns must be filed by 5 p.m. on the 7th day following the ~~first~~ *primary election and by 5 p.m. on the 11th day following the* ~~and~~ *general election and by 3 p.m. on the 3rd day following the second primary.*

(3) If the returns are not received by the department by the time specified, such returns ~~shall~~ *may* be ignored and the results on file at that time ~~shall~~ *may* be certified by the department.

(4) *If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.*

~~(2) The department shall fine each board member \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.~~

~~(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.~~

Section 39. Subsection (4) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(4)(a) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, ~~each county canvassing the board responsible for certifying the results of the vote on such race or measure shall order a machine recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a machine recount shall recount the ballots with the vote tabulation system. On optical scan machines, a machine recount shall mean actually processing each ballot through the vote tabulation system examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.~~

(b) ~~If, after conducting a machine recount under paragraph (a), the returns for any office reflect that a candidate was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, each county canvassing board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the votes cast with respect to such office or measure that were not counted by an otherwise properly functioning vote tabulation system. Manual recounts shall be conducted by the county canvassing boards using the procedures described in s. 102.166. Upon completion of its manual recount, each county canvassing board shall certify the returns for the applicable office or measure.~~

Section 40. Section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure.—

(1)(a) Any candidate for nomination or election to a federal, state, or multicounty district office, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the Elections Canvassing Commission ~~appropriate canvassing board~~ a sworn, written protest.

(b)(2) Such protest shall be filed with the Elections Canvassing Commission ~~canvassing board~~ prior to the time the Elections Canvassing Commission ~~canvassing board~~ certifies the results for the office being protested or within 72 hours ~~5 days~~ after the closing of the polls in that election ~~midnight of the date the election is held, whichever occurs later.~~

(3) ~~Before canvassing the returns of the election, the canvassing board shall:~~

(a) ~~When paper ballots are used, examine the tabulation of the paper ballots cast.~~

(b) ~~When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.~~

(c) Upon receipt of a sworn, written protest, the Elections Canvassing Commission shall direct each county canvassing board within the geographic jurisdiction of the office or ballot measure to ~~When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy that which could affect the outcome of an election, the Elections Canvassing Commission may direct each county canvassing board to may~~ recount the ballots on the automatic tabulating equipment.

(d)1.(4)(a) Upon completion of a machine recount ordered by the Elections Canvassing Commission pursuant to paragraph (c), any candidate for federal, state, or multicounty district office whose name appeared on the ballot or, any political committee that supports or opposes a state-wide or multicounty ~~an issue that which~~ appeared on the ballot, ~~or any political party whose candidates' names appeared on the ballot~~ may file a written request with the Elections Canvassing Commission ~~county canvassing board~~ for a manual recount of the votes cast with respect to such office or measure that were not counted by an otherwise properly functioning vote tabulation system. The written request shall contain a statement of the reason the manual recount is being requested.

2.(b) Such request must be filed with the Elections Canvassing Commission ~~canvassing board~~ prior to the time the ~~canvassing board~~ certifies the results for the office being protested or within 72 hours after completion of the machine recount ordered by the Elections Canvassing Commission pursuant to paragraph (c) ~~midnight of the date the election was held, whichever occurs later.~~

3.(e) Based on its evaluation of the validity of the reasons stated in the written request, the Elections Canvassing Commission ~~county canvassing board~~ may authorize a manual recount of those ballots not counted by the voting equipment during the machine recount. If a manual recount is authorized, the Elections Canvassing Commission shall direct each county canvassing board within the geographic jurisdiction of the office or ballot measure to manually recount all ballots not previously counted by an otherwise properly functioning vote tabulation system, using standards for determining voter intent developed and published by the Division of Elections. If a manual recount is authorized, the Elections Canvassing Commission ~~county canvassing board~~ shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(d) ~~The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.~~

(5) ~~If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:~~

(a) ~~Correct the error and recount the remaining precincts with the vote tabulation system;~~

(b) ~~Request the Department of State to verify the tabulation software; or~~

(c) ~~Manually recount all ballots.~~

(2)(a) Any candidate for nomination or election to a county office, municipal office, or district office not covered by paragraph (1)(a), or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate county canvassing board a sworn, written protest.

(b) Such protest shall be filed with the county canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after the closing of the polls in that election, whichever occurs later.

(c) Upon receipt of a sworn, written protest, the county canvassing board shall:

1. When paper ballots are used, examine the tabulation of the paper ballots cast.

2. When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.

3. When electronic or electromechanical equipment is used, examine precinct records and election returns. If there is a clerical error, such error

shall be corrected by the county canvassing board. If there is a discrepancy that could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.

(d)1. Upon completion of a machine recount ordered by a county canvassing board pursuant to subparagraph (c)3., any candidate not covered by paragraph (1)(d) whose name appeared on the ballot or any political committee that supports or opposes an issue not covered by paragraph (1)(d) which appeared on the ballot may file a written request with the county canvassing board for a manual recount of the votes cast with respect to such office or measure that were not counted by an otherwise properly functioning vote tabulation system. The written request shall contain a statement of the reason the manual recount is being requested.

2. Such request must be filed with the canvassing board within 72 hours after the completion of the machine recount ordered pursuant to subparagraph (c)3.

3. Based on its evaluation of the validity of the reasons stated in the written request, the county canvassing board may authorize a manual recount of those ballots not counted by the voting equipment during the machine recount. If a manual recount is authorized, the county canvassing board shall manually recount all ballots not previously counted by an otherwise properly functioning vote tabulation system, using standards for determining voter intent developed and published by the Division of Elections. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(3)(6) Any manual recount shall be open to the public.

(4)(7) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine a voter's intent in casting a ballot, using the standards for determining voter intent developed and published by the Division of Elections, the ballot shall be presented to the county canvassing board for it to determine the voter's intent. If the county canvassing board is unable to determine a voter's intent in casting a ballot using the standards for determining voter intent developed and published by the Division of Elections, the ballot shall not be counted in the official canvass.

(5)(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.

(6)(9) When the Department of State verifies such software, the department shall:

(a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and

(b) Check the election parameters.

(7)(10) The Department of State shall respond to the county canvassing board within 3 working days.

Section 41. Section 102.167, Florida Statutes, is amended to read:

102.167 Form of protest of election returns.—

(1) The form of the "Protest of Election Returns to the Elections Canvassing Commission" shall be as follows:

PROTEST OF ELECTION RETURNS TO THE ELECTIONS CANVASSING COMMISSION

..., Florida
..., (year)

As provided in Section 102.166(1), Florida Statutes, I, ... of ... County, Florida, believe the election returns from ... in the ... election (year) are erroneous.

I hereby protest the canvass of such returns by the Elections Canvassing Commission, and request that said returns be investigated, examined, checked, and corrected by the Elections Canvassing Commission. The basis for this protest is

...
...
...
...
...

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

(Signature of person protesting election returns)

(2) The form of the "Protest of Election Returns to Canvassing Board" shall be as follows:

PROTEST OF ELECTION RETURNS TO CANVASSING BOARD

..., Florida
..., (year)

As provided in Section 102.166(2)(1), Florida Statutes, I, ... of ... County, Florida, believe the election returns from Precinct No. ... in the ... election (year) are erroneous.

I hereby protest the canvass of such returns by the ... Canvassing Board, and request that said returns be investigated, examined, checked, and corrected by said Canvassing Board. The basis for this protest is

...
...
...
...
...

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

(Signature of person protesting election returns)

Section 42. Section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto and the result on any question submitted by referendum may be contested in the circuit court or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of that particular election following a protest pursuant to s. 102.166(1), whichever occurs later.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

~~(e) Any other cause or allegation which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or election board.~~

(4) The canvassing board or the *Elections Canvassing Commission* election board shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate ~~or, qualified elector, or taxpayer~~ presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding ~~primary or other~~ election.

~~(8) The circuit judge to whom the contest is presented may fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.~~

Section 43. Subsection (5) is added to section 99.096, Florida Statutes, to read:

99.096 Minor party candidates; names on ballot.—

(5) *Notwithstanding any other provision of this section, a minor political party's entire slate of candidates shall be automatically granted ballot access at the general election that immediately follows a statewide or federal election at which any candidate of the minor political party received at least 1 percent of the votes cast statewide, and shall be exempt from the qualifying fee provisions under subsection (2) and the provisions for qualifying by the alternative method under subsection (3), if otherwise qualified for the office sought.*

Section 44. Section 106.31, Florida Statutes, is amended to read:

106.31 Legislative intent.—The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misperception of government officials unduly influenced by those special interests to the detriment of the public interest. *Furthermore, it is the intent of the Legislature that the purpose of public campaign financing is to make candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups.* The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the mis-

perception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so *and to protect the effective competition by a candidate who uses public funding.*

Section 45. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate ~~may shall~~ not be an unopposed candidate as defined in s. 106.011(15) and ~~must shall~~:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)(a) Raise contributions as follows:

1.(a) One hundred fifty thousand dollars for a candidate for Governor.

2.(b) One hundred thousand dollars for a candidate for Cabinet office.

(b) *The following may not be used to meet the threshold amounts in paragraph (a):*

1. *Loans or contributions from the candidate's personal funds;*

2. *Contributions from national, state, and county executive committees of a political party; or*

3. *Contributions from individuals who at the time of contributing are not state residents. For purposes of this subparagraph, any person validly registered to vote in this state shall be considered a state resident.*

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$25,000 in the aggregate, ~~which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).~~

(4) Submit to a postelection audit of the campaign account by the division.

Section 46. Subsection (2) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(2)(a) Each candidate who has been certified to receive contributions from the Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of \$250 or less from an individual, made after September 1 of the calendar year prior to the election. *Any contribution that is a loan, is an in-kind contribution, is received from a political committee or committee of continuous existence, or is received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.* Aggregate contributions from an individual in excess of \$250 will be matched only up to \$250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole

proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

Section 47. *Effective June 1, 2002, section 98.0975, Florida Statutes, is repealed.*

Section 48. Section 98.255, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.255, F.S., for present text.)

98.255 *Voter-education programs.—*

(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:

- (a) Voter registration;*
- (b) Balloting procedures, absentee and polling place;*
- (c) Voter rights and responsibilities;*
- (d) Distribution of sample ballots; and*
- (e) Public service announcements.*

(2) Each supervisor of elections shall implement the minimum voter-education standards and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.

(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.

(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.

Section 49. Section 102.014, Florida Statutes, is created to read:

102.014 *Pollworker recruitment and training.—*

(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

(a) Each clerk shall receive four hours of training biannually when not in a general election year, and two hours of training quarterly in each general election year;

(b) Each inspector shall receive at least two hours of training biannually when not in a general election year, and one hour of training quarterly in each general election year.

(c) No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training.

(d) No inspector shall work at the polls unless he or she has had a minimum of three hours of training.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) Regulations governing solicitation by individuals and groups at the polling place;

(b) Procedures to be followed with respect to voters whose names are not on the precinct register;

(c) Proper operation of the voting system;

(d) Ballot handling procedures;

(e) Procedures governing spoiled ballots;

(f) Procedures to be followed after the polls close;

(g) Rights of voters at the polls;

(h) Procedures for handling emergency situations;

(i) Procedures for dealing with irate voters;

(j) The handling and processing of provisional ballots; and

(k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 50. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 51. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. 102.014 ~~102.012(8)~~.

Section 52. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than

two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. *The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).*

(2) *The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:*

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. *Vote and have his or her vote accurately counted.*
2. *Cast a vote if he or she is in line when the polls are closing.*
3. *Ask for and receive assistance in voting.*
4. *Up to two replacement ballots if he or she has voted in error.*
5. *An explanation if his or her registration is in question.*
6. *Cast a provisional ballot if his or her registration is in question.*
7. *Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.*
8. *Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.*
9. *Vote free from coercion or intimidation by elections officers or any other person.*
10. *Vote on a voting system that is in working condition and that will allow votes to be accurately cast.*

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. *Study and know candidates and issues.*
2. *Keep his or her voter address current.*
3. *Know his or her precinct and its hours of operation.*
4. *Bring proper identification to the polling station.*
5. *Know how to operate voting equipment properly.*
6. *Treat precinct workers with courtesy.*
7. *Respect the privacy of other voters.*
8. *Report problems or violations of election law.*
9. *Ask questions when confused.*
10. *Check his or her completed ballot for accuracy.*

(3) *Nothing in this section shall give rise to a legal cause of action.*

(4)(2) In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

Section 53. Effective September 2, 2002, paragraph (b) of subsection (1) and subsections (2), (31), and (32) of section 97.021, Florida Statutes, as amended by this act, are amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

- (1) "Absent elector" means any registered and qualified voter who:
 - (b) Is an inspector, a poll worker, a deputy voting system machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.
- (2) "Ballot" or "official ballot" when used in reference to:

(a) "~~Voting machines,~~" ~~except when reference is made to write in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.~~

(a)(b) "Paper ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(b)(e) "Electronic or electromechanical devices" means a ballot which is voted by the process of ~~electronically designating punching~~ or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(31) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, ~~be it a paper ballot, a voting machine ballot, or a ballot cast~~ for tabulation by an electronic or electromechanical device.

(32) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical,~~ electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, ~~tabulating cards,~~ printouts, and other software necessary for the system's operation.

Section 54. Effective September 2, 2002, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. ~~The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.~~

Section 55. Effective September 2, 2002, paragraph (a) of subsection (1) of section 100.071, Florida Statutes, as amended by this act, is amended to read:

100.071 Grouping of candidates on primary election ballot.—

(1)(a) Where two or more similar offices are to be filled in the same election, the names of candidates shall be placed or printed upon the ballot ~~or voting machine~~ in groups or districts; that is, if two or more members of the Legislature or two or more members of a governing board are to be elected from the same geographical area, then the candidates' names shall be placed or printed on the ballot ~~or voting machines~~ in groups or districts, as the case may be.

Section 56. Effective September 2, 2002, subsection (3) of section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(3) **BALLOTS.**—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: “Shall . . . be removed from the office of . . . by recall?” Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

“ (name of person) should be removed from office.”

“ (name of person) should not be removed from office.”

Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines or electronic or electromechanical equipment may be used.

Section 57. Section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for *ballots* general election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:

(1) *Paper ballots* The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) Across the top of the ballot shall be printed “Official Ballot, General Election,” beneath which shall be printed the county, the precinct number, and the date of the election. The precinct number, however, shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, “General Election, Official Ballot,” and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed “Signature of Voter.” On the right side shall be “Initials of Issuing Official,” above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with “No. 1.” However, a second stub shall not be required for absentee ballots.

(2)(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: “To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose.” The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading “Electors for President and Vice President” and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading “Congressional” and thereunder the offices of United States Senator and Representative in Congress; then the heading “State” and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading “Legislative” and thereunder the offices of state senator and state representative; then the heading “County” and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners; and such other county and district offices as are involved in the general election, in the order fixed by the Department of State, followed, in the year of their election, by “Party Offices,” and thereunder the offices of state and county party executive committee members. When a write-in candidate has qualified for any office, a subheading “Write-in Candidate for (name of office)” shall be provided followed by a blank space in which to write the name of the candidate. With respect to write-in candidates, if

two or more candidates are seeking election to one office, only one blank space shall be provided.

(b) Immediately following the name of each office on the ballot shall be printed, “Vote for One.” When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, “Vote for One,” and the names of the candidates in the respective groups or districts shall be arranged thereunder.

(c) If in any election all the offices as set forth in paragraph (a) are not involved, those offices to be filled shall be arranged on the ballot in the order named.

(3)(a)(4) The names of the candidates of the party which received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office on the general election ballot, together with an appropriate abbreviation of party name; the names of the candidates of the party which received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.

(b)(5) Minor political party candidates and candidates with no party affiliation shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(4)(a) The name of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.

(b) When two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word “incumbent” shall appear next to the incumbent’s name.

(5) The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.

(6) The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

(7)(6) Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8)(a) The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms which include, without limitation:

1. Clear and unambiguous ballot instructions and directions;
2. Individual race layout; and
3. Overall ballot layout.

(b) The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.

(7) The same requirement as to the type, size, and kind of printing of official ballots in primary elections as provided in s. 101.141(5) shall govern the printing of official ballots in general elections.

(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general

election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used for the general election.

~~(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.~~

Section 58. Effective September 2, 2002, section 101.21, Florida Statutes, is amended to read:

101.21 Official ballots; number; printing; payment.—

~~(1) In any county in which voting machines are not used, The supervisor of elections shall determine the actual number of ballots to be printed for an election. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.~~

~~(2) In any county in which voting machines are used, one set of official ballots shall be provided for each machine plus a number of sets equal to 5 percent of the total number of machines; one set shall be inserted or placed in or upon each machine, and the remainder of the sets shall be retained in the custody of the supervisor, unless it shall become necessary during the election to make use of same upon or in the machines.~~

Section 59. Effective September 2, 2002, section 101.24, Florida Statutes, is amended to read:

101.24 Ballot boxes and ballots.—The supervisor of elections, ~~except where voting machines are used,~~ shall prepare for each polling place one ballot box of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the clerk or inspector of election of the precinct in which it is to be used. The clerk or inspector shall be placed under oath or affirmation to perform his or her duties faithfully and without favor or prejudice to any political party.

Section 60. Effective September 2, 2002, subsection (2) of section 101.292, Florida Statutes, is amended to read:

101.292 Definitions; ss. 101.292-101.295.—As used in ss. 101.292-101.295, the following terms shall have the following meanings:

~~(2) "Voting equipment" means new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017. The term "voting equipment" also includes electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017.~~

Section 61. Effective September 2, 2002, section 101.34, Florida Statutes, is amended to read:

101.34 Custody of voting ~~system machines.~~—The supervisor of elections shall be the custodian of the voting ~~system machines~~ in the county ~~using them,~~ and he or she shall appoint deputies necessary to prepare and supervise the ~~voting system machines~~ prior to and during elections. The compensation for such deputies shall be paid by the supervisor of elections.

Section 62. Effective September 2, 2002, section 101.341, Florida Statutes, is amended to read:

101.341 Prohibited activities by voting ~~system machine~~ custodians and deputy custodians.—

(1) No voting ~~system machine~~ custodian or deputy custodian or other employee of the supervisor of elections, which employee's duties are primarily involved with the preparation, maintenance, or repair of voting equipment, shall accept employment or any form of consideration

from any person or business entity involved in the purchase, repair, or sale of voting equipment unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) Any person violating the provisions of this section ~~commits is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.~~ Such person shall also be subject to immediate discharge from his or her position.

Section 63. Effective September 2, 2002, section 101.43, Florida Statutes, is amended to read:

101.43 Substitute ballot.—~~When voting machines are used and the required official ballots for a precinct are not delivered in time to be used on election day, or after delivery, are lost, destroyed or stolen, the clerk or other officials whose duty it is to provide ballots for use at such election, in lieu of the official ballots, shall have substitute ballots prepared, conforming as nearly as possible to the official ballots, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.~~

Section 64. Section 101.49, Florida Statutes, is amended to read:

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the ~~signatures signature, doubts shall doubt~~ that the ~~signature handwriting affixed to a signature identification slip~~ of any elector who presents himself or herself at the polls to vote is the same as the signature of the elector affixed in the registration book, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF

I do solemnly swear (or affirm) that my name is ; that I am years old; that I was born in the State of ; that I am registered to vote, and at the time I registered I resided on Street, in the municipality of , County of , State of Florida; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

(Signature of voter)

Sworn to and subscribed before me this day of , A. D. _____
(year).

(Clerk or inspector of election)

Precinct No.
County of

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be ~~permitted~~ ~~admitted to the voting machine~~ to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.

Section 65. Effective September 2, 2002, subsections (4), (5), and (8) of section 101.5603, Florida Statutes, are amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(4) "Electronic or electromechanical voting system" means a system of casting votes by use of voting devices or marking devices and counting ballots by employing automatic tabulating equipment or data processing equipment, *and the term includes touchscreen systems.*

(5) "Marking device" means ~~either an approved apparatus used for the piercing of ballots by the voter or any approved device for marking a ballot with ink or other substance or by touching a screen~~ which will enable the ballot to be tabulated by means of automatic tabulating equipment.

(8) "Voting device" means ~~either an apparatus in which ballots are inserted and used in connection with a marking device for the piercing~~

of ballots by the voter or an apparatus by which votes are registered electronically.

Section 66. Effective September 2, 2002, section 101.5604, Florida Statutes, is amended to read:

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. *Any electronic or electromechanical voting system used by the county must be a precinct tabulation voting system. Any such board may contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.*

Section 67. Effective September 2, 2002, subsections (3) and (10) of section 101.5606, Florida Statutes, are amended, and subsections (13) and (14) are added to said section, to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(3)(a) The automatic tabulating equipment will be set to reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.

(b) *The automatic tabulating equipment will be set to reject a ballot which the tabulating equipment reads as a ballot with no votes cast.*

(10) It is capable of automatically producing precinct totals in printed and electronic format for use in producing countywide totals, ~~marked, or punched form, or a combination thereof.~~

(13) *It is a precinct count tabulation system.*

(14) *It does not use a punch card ballot.*

Section 68. Section 101.56062, Florida Statutes, is created to read:

101.56062 Voting system loan program; use; rule.—

(1) *The purpose of this section is to provide assistance to counties to purchase voting systems necessary to conduct elections.*

(2) *The department is authorized to make and administer loans to eligible counties for the purpose of purchasing voting systems and ancillary equipment needed to record and tabulate a vote in each precinct for any election held by the county supervisor of elections.*

(3) *The term of loans made pursuant to this section shall be interest free and not exceed 10 years.*

(4) *The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. Such rules shall set forth, a median price range which the cost of voting systems shall not exceed for the purpose of procuring loans under this section, and a priority system for loans based on need. The department shall consider the cost of similar voting systems within the state in determining the median price range. The priority system shall give special consideration to the following:*

- (a) *The county millage rate;*
- (b) *Growth in the county's tax base over the last 3 years;*
- (c) *The financial health of the county;*
- (d) *The financial ability of the county to repay the loan;*
- (e) *The median household income of the county population;*

(f) *Poverty rate estimates;*

(g) *Per capita income level; and*

(h) *Any other reliably documented measures of disadvantage status.*

(5)(a) *If a county defaults under the terms of its loan agreement, the department shall so certify to the Comptroller, who shall forward the amount delinquent to the department from any unobligated funds due to the county under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan, including accelerating loan repayments.*

(b) *The department may impose a penalty for delinquent loan payments in the amount of 5 percent of the amount due, in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.*

(6) *The department is authorized to terminate or rescind a financial assistance agreement when the county fails to comply with the terms and conditions of the agreement.*

(7) *A county that has secured a loan pursuant to this section and meets any of the conditions set forth in s. 218.503(1)(a)-(d) may petition the Governor for suspension of payment of the loan principle and, if applicable, unpaid penalties. The Governor is authorized to suspend any payment of a loan secured pursuant to this section, including any unpaid penalties, for any county that has fulfilled the requirements of this subsection.*

Section 69. Paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(1), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 70. Paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. *If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.*

Section 71. Section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) *All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.*

(2)(1) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment

publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of such public the preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the public preelection test pretest. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties,

and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each device tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.

(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.

Section 72. Effective September 2, 2002, subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, as amended by this act, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, provisional, and defective ballots in the container or containers provided for this purpose, which

shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(2)(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by The Department of State, which rules shall, in accordance with s. 101.015, adopt rules that provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a precinct and at a central or regional location.

(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.

(3)(b) The results of if ballots are tabulated at precinct regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

Section 73. Effective September 2, 2002, section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit, upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of the voting system and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the election equipment machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 74. Effective September 2, 2002, subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , am a qualified and registered voter of . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an

election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting system machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.
7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

(Voter's Signature)

(Last four digits of voter's social security number)

Note: Your Signature Must Be Witnessed By Either:

- a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this . . . day of . . . , (year), by (name of person making statement). My commission expires this . . . day of . . . , (year).

(Signature of Official)

(Print, Type, or Stamp Name)

(State or Country of Commission)

Personally Known OR Produced Identification

Type of Identification Produced

OR

- b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

(Signature of Witness)

(Printed Name of Witness)

(Voter I.D. Number of Witness and County of Registration)

(Address)

(City/State)

Section 75. Effective September 2, 2002, subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, including voting machines where used, the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other

in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 76. Effective September 2, 2002, subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and the voting devices of the voting system used in the county machines are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 77. Effective September 2, 2002, subsections (4) and (7) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)(a) The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

(7) For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.

Section 78. Effective September 2, 2002, subsection (3) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(3) The canvass, except the canvass of absentee electors' returns, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

Section 79. Subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

~~(9) The presidential preference primary ballot shall be in substantially the following form:~~

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

No. Party
.... COUNTY, FLORIDA
Precinct No.
..... (Date)
..... (Signature of Voter) (Initials of Issuing Official)

Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

No. Party
.... COUNTY, FLORIDA
Precinct No.
..... (Date)
..... (Initials of Issuing Official)

Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

..... Party
.... COUNTY, FLORIDA
Precinct No.
..... (Date)

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote,
For President

..... (Name of Candidate)
..... (Name of Candidate)
or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.
..... (Name of Delegate) (Name of Candidate)

Section 80. Effective September 2, 2002, section 104.30, Florida Statutes, is amended to read:

104.30 Voting systems machine; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system or component machine or key thereof commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment machine with the intention of interfering with the election process or the results thereof commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 81. Effective September 2, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in said election, said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.

Section 82. Sections 101.141, 101.181, 101.191, and 101.5609, Florida Statutes, are repealed.

Section 83. Effective September 2, 2002, sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39,

101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.

Section 84. *The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting system has made toward the implementation of such system. This section shall take effect July 1, 2001.*

Section 85. *Funding for the implementation of this act shall be as provided for in the 2001-2002 General Appropriations Act. This section shall take effect July 1, 2001.*

Section 86. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 87. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows: remove from the title of the bill: everything before the enacting clause and insert in lieu thereof: A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "error in the vote tabulation" and "provisional ballot"; revising the definition of "primary election"; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.251, 101.252, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing

the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; amending s. 98.255, F.S.; providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), F.S., relating to pollworker training; amending s. 102.021, F.S., revising a cross reference, to conform; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the terms and conditions of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.141, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing severability; providing effective dates.

On motion by Senator Posey, the Senate refused to concur in the House amendment.

CONFEREES APPOINTED

The President appointed the following conferees on **CS for SB 1118**: Senator Posey, Chairman; Senators Smith, Carlton, Sebesta,

The action of the Senate was certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 804, CS for SB 904, SB 1380, SB 1458 and CS for SB 1734** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 442, CS for CS for SB 1612, CS for SB 1670, CS for SB 1816, CS for SB 1896, CS for SB 1920, SB 1926 and CS for SB 2044** were withdrawn from the Committees on Appropriations Subcommittee on General Government and Appropriations; **SB 1544 and CS for CS for SB 2066** were withdrawn from the Committee on Finance and Taxation; **CS for CS for SB 1312, CS for CS for SB's 1960 and 1760 and SB 2216** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 1466 and SB 1980** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 1976** was withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 1188** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 978** was withdrawn from the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Lee, by two-thirds vote **SB 636** which has been reported favorably by the Appropriations Subcommittee on Education with amendments, was withdrawn from the Committee on Appropriations and the amendments recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

RECESS

On motion by Senator Lee, the Senate recessed at 12:02 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:21 p.m. A quorum present—38:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Jones	Peaden	Wasserman Schultz
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 710—A bill to be entitled An act relating to state government; creating the “Florida Customer Service Standards Act”; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

—was read the second time by title.

On motion by Senator Crist, further consideration of **CS for CS for SB 710** was deferred.

On motion by Senator Klein—

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendments which were adopted:

Amendment 1 (951068)—On page 4, between lines 25 and 26, insert: *A judicial determination that the principal lacks the capacity to manage property pursuant to chapter 744 is not required prior to the determination by the physician and the execution of the affidavit.*

Amendment 2 (952930)—On page 4, line 25, after “medicine” insert: *pursuant to chapters 458 and 459*

Amendment 3 (522422)—On page 6, lines 12 and 13, delete those lines and insert: *result of making such determination, unless it is shown by a preponderance of*

Pursuant to Rule 4.19, **CS for SB 886** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1026—A bill to be entitled An act relating to public records exemptions; amending s. 626.921, F.S.; abrogating the repeal of an exemption from public-records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; expanding the exemption to apply to certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; specifying that the exemption applies to information specific to a particular policy or policyholder; providing for future repeal and legislative review; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1026** to **HB 405**.

Pending further consideration of **CS for SB 1026** as amended, on motion by Senator Latvala, by two-thirds vote **HB 405** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Latvala—

HB 405—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1026** as amended and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (102500)—On page 2, line 11 through page 3, line 2, delete those lines and insert:

(b) Information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the

disclosure of the information would reveal information specific to a particular policy or policyholder. This exemption does not prevent the disclosure of any information by the Florida Surplus Lines Service Office to the department, but the exemption applies to records obtained by the department from the Florida Surplus Lines Service Office. The exemption does not apply to any proceeding instituted by the department against an agent or insurer. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that certain records of the Department of Insurance and the Florida Surplus Lines Service Office be held confidential and exempt. The disclosure of surplus lines policy information submitted to the Department of Insurance or to the Florida Surplus Lines Service Office, to the extent that such information reveals information specific to a particular policy or policyholder, would be harmful to insurers or agents due to the economic value of such information if revealed to competitors. Such information may also reveal economic information about the policyholder that would be harmful as an invasion of privacy of the policyholder. Accordingly, it is a public necessity that such information be held confidential and exempt.

Pursuant to Rule 4.19, **HB 405** as amended was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 710—A bill to be entitled An act relating to state government; creating the “Florida Customer Service Standards Act”; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for CS for SB 710** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 770—A bill to be entitled An act relating to workers’ compensation; amending s. 440.092, F.S.; revising provisions relating to special requirements for compensability under the Workers’ Compensation Law; providing that, in specified circumstances, certain law enforcement officers, when they are in an official law enforcement vehicle, are considered to be acting in the course of their employment; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Crist and adopted:

Amendment 1 (835184)—On page 1, line 29, delete “or unmarked”

Amendment 2 (844680)—On page 1, delete line 30 and insert: *presumed to be, unless otherwise rebutted, engaged in a special errand or mission for*

Senator Crist moved the following amendment which was adopted:

Amendment 3 (464808)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 440.092, Florida Statutes, is amended to read:

440.092 Special requirements for compensability; deviation from employment; subsequent intervening accidents.—

(2) GOING OR COMING.—An injury suffered while going to or coming from work is not an injury arising out of and in the course of employment whether or not the employer provided transportation if such

means of transportation was available for the exclusive personal use by the employee, unless the employee was engaged in a special errand or mission for the employer. For the purposes of this subsection and notwithstanding any other provisions of law to the contrary, an injury to a law enforcement officer as defined in Section 943.10(1), Florida Statutes, during the officer’s work period or while going to or coming from work in an official law enforcement vehicle, shall be presumed to be an injury arising out of and in the course of employment unless the injury occurred during a distinct deviation for a non-essential personal errand. If, however, the employer’s policy or the collective bargaining agreement that applies to the officer permits such deviations for non-essential errands, the injury shall be presumed to arise out of and in the course of employment.

Section 2. It is hereby declared by the Legislature that law enforcement officers perform state and municipal functions, that it is their duty to protect life and property at their own risk and peril, and that their activities are vital to the public safety. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide workers’ compensation coverage to law enforcement officers during work periods and while going to and coming from work in an official law enforcement vehicle. Pursuant to Section 18, Article VII of the State Constitution, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to workers’ compensation; amending s. 440.092, F.S.; characterizing certain activities of certain officers as arising out of and in the course of employment for compensability purposes; providing a declaration of important state interest; providing an effective date.

Pursuant to Rule 4.19, **SB 770** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Lee, by two-thirds vote **CS for SB 118, CS for SB’s 182, 328 and 970, CS for CS for SB 306, CS for SB 322, CS for SB 658, CS for CS for SB 668, SB 698, SB 818, CS for SB 840, CS for SB 890, CS for SB 894, CS for SB 962, SB 1020, SB 1170, CS for SB 1172, SB 1194, SB 1324, SB 1344, CS for SB 1366, SB 1422, CS for SB 1638, CS for SB 1642, CS for CS for SB 1672, CS for SB 1684, CS for SB 2088, HB 47, HB 385, HB 695 and HB 1935** which passed April 27 were ordered immediately certified to the House.

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Tuesday, May 1.

SPECIAL ORDER CALENDAR, continued

Consideration of **SB 958** was deferred.

On motion by Senator Holzendorf—

SB 1220—A bill to be entitled An act relating to insurance; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 1 (133104)—On page 2, delete line 22 and insert:

(4) This section is repealed effective *December 31, ~~July 1~~ 2010*

Pursuant to Rule 4.19, **SB 1220** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BRONSON PRESIDING

On motion by Senator Posey—

SB 1428—A bill to be entitled An act relating to the State Group Insurance Program; amending ss. 110.123, 287.022, F.S.; prohibiting limitations by the state on competition for an insurance product or plan on the basis of the compensation arrangement used by the insurer or organization; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment which was adopted:

Amendment 1 (902368)—On page 4, line 2 and on page 11, line 19, delete “may” and insert: shall

Pursuant to Rule 4.19, SB 1428 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 1142—A bill to be entitled An act relating to the emergency telephone system; amending ss. 365.171, 365.172, 365.174, F.S.; transferring state control over the Florida Emergency Telephone Act and the Wireless Emergency Communications Act from the Department of Management Services to the Office of State Technology; conforming statutory references; amending s. 365.173, F.S.; authorizing the State Treasurer to invest moneys in the Wireless Emergency Telephone System Fund; removing requirements that funds be held in escrow; revising the date for submission of the legislative budget request; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment:

Amendment 1 (262000)(with title amendment)—On page 7, lines 24-29, delete those lines and insert: techniques used in taking and transferring “911” calls; and expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the “911” call-taking and transferring function; and, in a county defined in s. 125.011(1), such expenses related to a nonemergency “311” system, or similar nonemergency system, which improves the overall efficiency of an existing “911” system or reduces “911” emergency response time for a 2-year pilot project that ends June 30, 2003.

And the title is amended as follows:

On page 1, line 9, after the first semicolon (;) insert: providing for the “911” fee to be used by certain counties to fund a pilot project for a nonemergency system;

On motion by Senator Constantine, further consideration of SB 1142 with pending Amendment 1 was deferred.

On motion by Senator Burt—

SB 1444—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (931042)—On page 1, line 19 through page 3, line 11, delete those lines and insert:

- (2) Second 15 13
(3) Third 6
(4) Fourth 31 30

- (5) Fifth 23 22
(6) Sixth 40 39
(7) Seventh 23 22
(8) Eighth 11
(9) Ninth 36 35
(10) Tenth 20 19
(11) Eleventh 72 71
(12) Twelfth 18
(13) Thirteenth 36 35
(14) Fourteenth 9
(15) Fifteenth 33 32
(16) Sixteenth 4
(17) Seventeenth 50 49
(18) Eighteenth 23 22
(19) Nineteenth 15
(20) Twentieth 22 21

Section 1. Section 34.022, Florida Statutes, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

Table with 2 columns: COUNTY and TOTAL. Lists counties from Alachua to Glades with corresponding judge counts.

(23) Gulf 1
 (24) Hamilton 1
 (25) Hardee 1
 (26) Hendry 1
 (27) Hernando 1
 (28) Highlands 1
 (29) Hillsborough 15 14

Pursuant to Rule 4.19, **SB 1444** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

SB 1820—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; defining the terms “instant bingo” and “package”; providing rules for the operation of instant bingo games; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1820** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

SB 1916—A bill to be entitled An act relating to recreational activities at facilities for elderly or disabled adults; authorizing bingo games for residents or clients of certain facilities for the elderly or disabled, and their guests; providing conditions; providing for use of proceeds; providing exemption from local regulation and fees; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Sebesta and adopted:

Amendment 1 (933894)—On page 1, delete line 25 and insert: *Prizes may only be claimed by residents or clients of these facilities, or by guests who are residents or clients of other similarly licensed or authorized facilities. Any net*

Pursuant to Rule 4.19, **SB 1916** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 1836—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1836** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 2142—A bill to be entitled An act relating to solid waste collection; amending s. 165.061, F.S.; providing requirements for the plan for incorporation of a new municipality relating to contracts for

solid waste collection; amending s. 403.707, F.S.; amending provisions relating to permitting solid waste management facilities; providing requirements for scales used by and records that must be kept by materials recovery facilities and facilities at which construction and demolition debris is processed; providing for applicability; providing for rulemaking; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2142** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University’s College of Nursing the “Louis and Anne Green Alzheimer’s Research Center”; designating the Florida Atlantic University Dania Beach Campus facility the “Kenneth C. Jenne Building”; designating the observatory at Florida Gulf Coast University the “Evelyn L. Egan Astronomical Observatory”; designating the student and educational center at Florida Gulf Coast University the “Sugden Welcome Center”; designating the building at the Women’s Soccer and Softball Complex at Florida State University the “Mary Ann Stiles and Barry Smith Team Building”; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the “Kasha Laboratory”; designating the University of Central Florida’s School of Hospitality Management the “Rosen School of Hospitality Management” and the facility that houses said school “Rosen Hall”; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the “William W. and Nadine M. McGuire Hall”; designating the new alumni center at the University of Florida the “Emerson Alumni Hall”; designating the new accounting building at the University of Florida’s Warrington School of Business the “Gary R. Gerson Hall”; designating the women’s gymnasium at the University of Florida the “Kathryn Chicone Ustler Hall”; designating the marine science complex at the University of South Florida’s St. Petersburg Campus as the “C.W. ‘Bill’ Young Marine Science Complex”; designating the science research building at Florida Agricultural and Mechanical University as the “Frederick S. Humphries Science and Research Center”; authorizing the erection of suitable markers; providing an effective date.

—was read the second time by title.

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

Amendment 1 (271150)(with title amendment)—On page 3, line 5, before “Rosen” insert: *Harris*

And the title is amended as follows:

On page 1, line 23, before “Rosen” insert: *Harris*

Senator Sebesta moved the following amendment which was adopted:

Amendment 2 (485012)(with title amendment)—On page 3, between lines 26 and 27 insert:

Section 14. *The new honors college building at the University of Central Florida is designated as the “Burnett Honors College.”*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, after the semicolon (;) insert: *designating the new honors college building at the University of Central Florida as the “Burnett Honors College”;*

Senator Campbell moved the following amendment which was adopted:

Amendment 3 (073700)(with title amendment)—On page 3, between lines 29 and 30, insert:

Section 15. *The Law School Building at Florida International University is designated the “Rafael Diaz-Balart Building.”*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, following the semicolon (;) insert: naming the law school at Florida International University the “Rafael Diaz-Balart Building”;

Senator Sebesta moved the following amendment which was adopted:

Amendment 4 (521116)(with title amendment)—On page 3, line 8, delete “Rosen” and insert: “Harris Rosen”

And the title is amended as follows:

On page 1, line 23, delete “Rosen” and insert: “Harris Rosen”

Pursuant to Rule 4.19, **CS for SB 2054** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

CS for SB 2220—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment which was adopted:

Amendment 1 (852944)—On page 2, lines 4 and 5, delete those lines, and insert:

(b) “Data processing software” means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

Pursuant to Rule 4.19, **CS for SB 2220** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1142—A bill to be entitled An act relating to the emergency telephone system; amending ss. 365.171, 365.172, 365.174, F.S.; transferring state control over the Florida Emergency Telephone Act and the Wireless Emergency Communications Act from the Department of Management Services to the Office of State Technology; conforming statutory references; amending s. 365.173, F.S.; authorizing the State Treasurer to invest moneys in the Wireless Emergency Telephone System Fund; removing requirements that funds be held in escrow; revising the date for submission of the legislative budget request; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (262000)** by Senator Silver was adopted.

Pursuant to Rule 4.19, **SB 1142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for CS for SB 1878—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services

Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of the tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer’s place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; requiring adjustment of the tax rate if revenues received for a specified period exceed a specified threshold; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming provisions; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer’s duty to update a database and to the amount of dealer’s credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting provisions relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer’s credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; providing that certain persons or entities may provide evidence to the department regarding failure to report taxable sales and providing authority of the department with respect thereto; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing requirements with respect to implementation of ch. 202, F.S., and ch. 2000-260, Laws of Florida, and transition from the previous tax structure; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; conforming provisions; amending s. 212.054, F.S.; clarifying that a discretionary sales surtax applies

to transactions taxed under ch. 202, F.S.; amending s. 212.20, F.S.; removing provisions relating to deposit of certain proceeds under ch. 212, F.S., in the Mail Order Sales Tax Clearing Trust Fund; amending ss. 11.45, 218.65, and 288.1169, F.S.; correcting references; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund as the Communications Services Tax Clearing Trust Fund; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; prescribing regulations governing the amounts that may be imposed by municipalities and counties against certain persons or entities in connection with the placement or maintenance of communications facilities in municipal or county roads or rights-of-way; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under that section; providing relationship of provisions relating to regulation of placement or maintenance of communications facilities in public roads or rights-of-way by counties or municipalities to zoning or land use authority; providing status of registration under such provisions; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; providing for severability; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunications services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

—was read the second time by title.

Senator Horne offered the following amendments which were moved by Senator Carlton and adopted:

Amendment 1 (550688)—On page 129, line 22 and on page 141, line 2, after “mile” insert: , payable annually,

Amendment 2 (533720)—On page 130, between lines 4 and 5 and on page 141, between lines 14 and 15, insert:

For purposes of this subsection, the term communications facility shall not include communications facilities owned, operated or used by electric utilities or regional transmission organizations exclusively for internal communications purposes. Except as specifically provided herein, municipalities and counties retain all existing authority, if any, to collect fees relating to public roads and rights-of-way from electric utilities or regional transmission organizations, and nothing in this subsection shall alter this authority.

Pursuant to Rule 4.19, **CS for CS for SB 1878** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 1540—A bill to be entitled An act relating to trust funds; creating s. 202.193, F.S.; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of fund balances; providing that the trust fund is exempt from constitutional termination; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1540** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees’ sick leave by their family members who also are district employees; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Wasserman Schultz:

Amendment 1 (624750)(with title amendment)—On page 1, line 19, after the period (.) insert: *In developing the policy, the district school board must provide that the recipient may not use the donated sick leave until all of his or her sick leave has been depleted, including sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave under this paragraph shall have no terminal value as provided in s. 231.40(3).*

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: providing for use of donated sick leave and restrictions;

The Committee on Governmental Oversight and Productivity recommended the following amendment to **Amendment 1** which was moved by Senator Wasserman Schultz and adopted:

Amendment 1A (301292)—On page 1, line 20, delete “including” and insert: *excluding*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 638** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (333990)—On page 4, lines 26 and 27, delete those lines.

Pursuant to Rule 4.19, **CS for CS for SB 1038** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, by two-thirds vote **HB 397** was withdrawn from the Committees on Transportation; and Rules and Calendar.

On motion by Senator Sebesta—

HB 397—A bill to be entitled An act relating to a public records exemption for certain information relating to prepayment of electronic toll facility charges; amending s. 338.155, F.S., which provides an exemption from public records requirements for personal identifying information given to the Department of Transportation, a county, or an expressway authority for the purpose of prepaying electronic toll facility charges by check, credit card, or charge card; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying a cross reference; providing an effective date.

—a companion measure, was substituted for **SB 1060** and read the second time by title.

Pursuant to Rule 4.19, **HB 397** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the “Access to Medical Treatment Act”; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual’s legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1128** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1296** was deferred.

On motion by Senator Wasserman Schultz—

CS for SB’s 1254 and 1954—A bill to be entitled An act relating to school facilities; amending s. 230.23, F.S.; providing an example of a school-within-a-school; amending s. 235.2157, F.S.; modifying small-school student-population limits; providing for exceptions to the small-schools requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB’s 1254 and 1954** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.;

providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1872** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

SB 1420—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers’ reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1420** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for CS for SB 1376—A bill to be entitled An act relating to mining; amending s. 378.035, F.S.; reserving certain funds in the Non-mandatory Land Reclamation Trust Fund for use by the Department of Environmental Protection for reclaiming lands; authorizing the department to use funds from the trust fund for the purpose of closing certain abandoned phosphogypsum stack systems; limiting the period of operation of the program; requiring the Bureau of Mine Reclamation to review the sufficiency of the trust fund to support certain objectives and make reports; amending s. 378.601, F.S.; deleting provisions exempting certain mining operations from review as developments of regional impact; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to take action to abate or reduce any imminent hazard caused by a phosphogypsum stack system; requiring the department to recover moneys from the owner or operator of the system; providing for attorney’s fees and costs; authorizing the department to impose a lien for the recovery of such moneys; imposing certain fees upon an owner or operator who has not demonstrated financial responsibility; providing for the refund of the fee upon closure of the phosphogypsum stack; authorizing the department to expend moneys from the Nonmandatory Land Reclamation Trust Fund to close abandoned phosphogypsum stack systems; providing for a lien for the recovery of such moneys; amending s. 403.4155, F.S.; requiring the department to review certain rules and determine the adequacy of the rules; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (490666)(with title amendment)—On page 13, between lines 12 and 13, insert:

Section 5. *There is hereby appropriated \$16 million from the Non-mandatory Land Reclamation Trust Fund to the Department of Environmental Protection for fiscal year 2001-2002 to carry out the purposes authorized in section 378.035, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: providing an appropriation;

Pursuant to Rule 4.19, **CS for CS for SB 1376** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 193.461, F.S.; adding boarding of livestock to the list of agricultural purposes; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendments which were adopted:

Amendment 1 (942040)—On page 9, lines 1-5, delete those lines and insert: to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter approved special assessments for debt service if collected utilizing the ad valorem method.~~

Amendment 2 (340420)—On page 13, line 15, delete "(12)" and insert: (11) (12)

Amendment 3 (570850)(with title amendment)—On page 18, lines 1-11, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 26-28, delete those lines and insert: for an additional tax notice; creating the

Amendment 4 (351176)(with title amendment)—On page 18, between lines 11 and 12, insert:

Section 8. Paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection

are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069(11) ~~s. 200.069(12)~~).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: amending s. 192.0105, F.S.; conforming a cross-reference;

Amendment 5 (690812)(with title amendment)—On page 18, between lines 11 and 12, insert:

Section 8. Section 197.212, Florida Statutes, is amended to read:

197.212 Minimum tax bill.—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than *an amount up to \$25 \$5*. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than *an amount up to \$25 \$5*. The minimum tax bill so established may not exceed *an amount up to \$25 \$5*.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: amending s. 197.212, F.S.; increasing the allowable minimum property tax;

Amendment 6 (430130)(with title amendment)—On page 18, between lines 28 and 29, insert:

Section 9. (1) *There is created an advisory committee on airport and seaport property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and shall submit a written report on this issue to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001. The committee shall receive \$100,000 from the General Revenue Fund for this purpose and shall expire upon completion of the report.*

(2) *This section shall take effect upon becoming a law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 1, after the semicolon (;) insert: creating an advisory committee on airport and seaport property taxation; providing purposes and membership; requiring a report; providing an appropriation;

Senators Saunders and Carlton offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 7 (743206)(with title amendment)—On page 18, between lines 28 and 29, insert:

Section 9. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit pursuant to chapter 617 or a Florida limited partnership, the sole general partner of which is a corporation not for profit pursuant to chapter 617, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), units or apartments in homes for the aged shall be exempt only to the extent that residency in the existing unit or apartment of the applicant home is reserved for or restricted to or the unit or apartment is occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects ~~that which~~ are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and ~~that which~~ are subject to the income limitations established by that department ~~are shall be~~ exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is hereby declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the re-

maining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of a such property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each ~~corporation home~~ applying for an exemption under paragraph (a) of this subsection or paragraph (4)(a) must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under ~~either of those paragraphs that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 1, after the semicolon (;) insert: amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section;

Pursuant to Rule 4.19, CS for SB 1576 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 1662—A bill to be entitled An act relating to Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; authorizing a line item on utility sewer rates to cover wastewater residual treatment and disposal in certain counties; providing exemption from requirements of the Public Service Commission; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendments which were adopted:

Amendment 1 (705540)—On page 7, line 12, following the period (.) insert: *The fee shall be calculated to be no higher than that necessary to recover the facility's prudent cost of providing the service. Upon request by an affected County Commission, the Florida Public Service Commission will provide assistance in establishing the fee.*

Amendment 2 (852308)(with title amendment)—On page 7, between lines 26 and 27, insert:

c. No less frequently than once every 3 years, the Florida Public Service Commission or the County Commission through the services of an independent auditor shall perform a financial audit of all facilities receiving compensation from an environmental protection disposal fee. The Florida Public Service Commission or the County Commission through the services of an independent auditor shall also perform an audit of the methodology used in establishing the environmental protection disposal fee. The Florida Public Service Commission or the County Commission shall, within 120 days after completion of an audit, file the audit report with the President of the Senate and the Speaker of the House of Representatives and shall provide copies to the County Commissions of the counties set forth in sub-subparagraph b. The books and records of any facilities receiving compensation from an environmental protection disposal fee shall be open to the Florida Public Service Commission and the Auditor General for review upon request.

And the title is amended as follows:

On page 1, line 8, following the semicolon (;) insert: providing for audits;

Pursuant to Rule 4.19, **CS for SB 1662** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

SB 1632—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing that the tax imposed under this section applies to certificates of title issued in a judicial sale of real property pursuant to a court order or final judgment issued in a foreclosure proceeding; providing the method for computing the tax; providing that this act is to clarify, not change, the law; providing for retroactive applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1632** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1744—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding

effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice to Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1744** to **HB 601**.

Pending further consideration of **CS for SB 1744** as amended, on motion by Senator Burt, by two-thirds vote **HB 601** was withdrawn from the Committees on Judiciary; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 601—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; providing an exemption for fraudulent conveyances; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice to Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; amending s. 713.901, F.S., the Florida Uniform Federal Lien Registration Act; providing procedures for filing documentation relating to federal liens; providing an effective date.

—a companion measure, was substituted for **CS for SB 1744** as amended and by two-thirds vote read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (710238)—On page 10, lines 19-28, delete those lines and insert:

lien as the equities may require. This subsection shall not apply to:

(a) *A transfer to a relative or an insider of the judgment debtor, as such are defined at s. 726.102:*

(b) *A fraudulent transfer, as defined by either s. 726.105, or by U.S.C. 548;*

(c) *A fraudulent asset conversion as defined by s. 222.30; or*

(d) *Twenty-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$10,000;*

(e) *Fifty percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$20,000;*

(f) *Seventy-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$25,000;*

(g) *Any transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$30,000.*

Pursuant to Rule 4.19, **HB 601** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 1726—A bill to be entitled An act relating to public records; providing for release of such information under certain circumstances; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1726** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, by two-thirds vote **HB 395** was withdrawn from the Committees on Transportation; and Rules and Calendar.

On motion by Senator Sebesta—

HB 395—A bill to be entitled An act relating to public records exemptions for specified information relating to airports; amending s. 331.22, F.S., which provides exemptions from public records requirements for airport security plans of an aviation authority or county or municipal aviation department and for other material that depicts critical airport operating facilities; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 1062** and read the second time by title.

Pursuant to Rule 4.19, **HB 395** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, consideration of **CS for CS for SB's 336 and 190** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Campbell—

SB 54—A bill to be entitled An act relating to the City of Coral Springs; providing for the relief of Helene Rippe; authorizing and directing the City of Coral Springs to compensate her for personal injuries she suffered due to the negligence of the city; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 1 (825438)—On page 2, line 10, delete “\$30,000” and insert: *\$15,000*

Pursuant to Rule 4.19, **SB 54** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 66** was deferred.

On motion by Senator Jones—

SB 30—A bill to be entitled An act relating to the Monroe County School District; providing for the relief of Joshua England, a minor, by and through his natural and custodial parent and next best friend, Zerhade Jackson; authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due to the negligence of school board employees; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Jones and adopted:

Amendment 1 (341608)—On page 2, line 7, delete “May” and insert: *March*

Amendment 2 (920476)(with title amendment)—On page 2, line 21 through page 3, line 3, delete those lines and insert:

Section 2. (1) The District School Board of Monroe County is authorized and directed to compensate Joshua England, a minor, for injuries and damages he sustained as the result of the negligence of employees of the school district, in the amount of \$2.5 million. This amount shall be paid as follows:

(a) The sum of \$1.5 million, less sums due for attorney’s fees and costs, and any outstanding medical liens, shall be placed in a Special Needs Trust for the benefit of Joshua England on July 1, 2001; and

(b) The sum of \$200,000 shall be placed in the Special Needs Trust for the benefit of Joshua England on July 1, 2002, and on each July 1 occurring for 4 years thereafter, until an additional cumulative sum of \$1 million is paid to the Special Needs Trust.

(2) If Joshua England dies prior to payment of any sums required in paragraph (1)(b), any unpaid sums due at the time of his death are forfeited on a pro-rated basis for the year of death, and thereafter, the District School Board of Monroe County is not obligated to make any additional payments.

(3) Any funds remaining in the Special Needs Trust at the time of Joshua England’s death, after the payment of any outstanding Medicaid liens, shall revert to the District School Board of Monroe County.

(4) At least one trustee of the Special Needs Trust established for the benefit of Joshua England must possess financial and trust management experience, and may not be a relative of Joshua England. The term “relative” as used in this subsection means a parent, grandparent, sibling, cousin, aunt, uncle, niece or nephew, whether related by whole or half blood, by affinity, or by adoption.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 4-11, delete those lines and insert: *England, a minor, authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due to the negligence of school board employees; providing for the use of such funds; providing for forfeiture and reversion of the funds; providing for trustee qualifications; providing an effective date.*

Pursuant to Rule 4.19, **SB 30** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 26—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and

directing the City of West Palm Beach to compensate Ms. Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 26** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 58—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek as the widow of Wieslaw Skowronek and as personal representative of the Estate of Wieslaw Skowronek and for the relief of Anna Marie, Victor, and Hubert Alexander Skowronek, the minor children of Wieslaw Skowronek, for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 1 (641462)—On page 2, lines 5-11, delete those lines and insert:

Section 2. (1) *The City of Clearwater is authorized and directed to compensate Eva Skowronek, as the widow of Wieslaw Skowronek, and their three children for the death of Wieslaw Skowronek due to the negligence of a city employee, in the following amounts:*

(a) *\$100,000 to Eva Skowronek, as the widow of Wieslaw Skowronek;*

(b) *\$33,333.33 to Anna Marie Skowronek, age 19, as the child of Wieslaw Skowronek;*

(c) *\$33,333.33 to Victor Skowronek, as the minor child of Wieslaw Skowronek, to be placed in his guardianship account;*

(d) *\$33,333.33 to Hubert Skowronek, as the minor child of Wieslaw Skowronek, to be placed in his guardianship account.*

(2) *Amounts paid for attorney's fees and costs, as limited in accordance with s. 768.28, shall be payable on a pro rata basis from each of the claimants.*

Pursuant to Rule 4.19, **SB 58** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

SB 10—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea, for injuries and damages sustained by Ms. Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing for a reversionary interest to the Orange County Sheriff's Office; providing legislative intent with respect to expenditures; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 10** was placed on the calendar of Bills on Third Reading.

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

SB 106—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened

with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney's fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents' visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent's right to adopt; amending s. 61.13, F.S.; providing for great-grandparents' visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **SB 106** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 274—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 1999 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 special session, the 2000 regular session, and the 2001 regular session are not repealed by this adoption act.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 274** to **HB 657**.

Pending further consideration of **SB 274** as amended, on motion by Senator Lee, by two-thirds vote **HB 657** was withdrawn from the Committee on Rules and Calendar.

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

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

—a companion measure, was substituted for **SB 274** as amended and read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (773500)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2001 ~~1999~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 1999 ~~1997~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 1999 ~~1997~~ enacted in additional reviser's bill or bills by the 2001 ~~1999~~ Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2001 ~~1999~~" and shall take effect immediately upon publication. Said statutes may be cited as "Florida Statutes 2001 ~~1999~~," "Florida Statutes," or "F.S. 2001 ~~1999~~."

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the regular 1999 1997 legislative session, and every part of such statute, not included in Florida Statutes 2001 1999, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the January 2000 November 1997 special session, the 2000 1998 regular session, and the 2001 1999 regular session are not repealed by the adoption and enactment of the Florida Statutes 2001 1999 by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2001 1999, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. *The Division of Statutory Revision is requested to prepare for introduction at the 2002 Regular Session of the Legislature an adoption act that adopts the public statutes of 2000.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 1999 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 Special Session, the 2000 Regular Session, and the 2001 Regular Session are not repealed by this adoption act; requesting the Division of Statutory Revision to prepare an adoption act for introduction at the 2002 Regular Session.

WHEREAS, the Legislature intends to begin annually adopting the Florida Statutes of 2 years preceding the year in which the adoption act is enacted, NOW, THEREFORE,

Pursuant to Rule 4.19, **HB 657** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 1296—A bill to be entitled An act relating to land acquisition and management; amending s. 73.015, F.S.; clarifying the time-frame for providing specific information to fee owners; requiring agencies to provide specified portions of statute to fee owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, the Board of Trustees of the Internal Improvement Trust Fund, and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by landowners wanting a release of a reservation; amending s. 373.056, F.S.; authorizing water management districts to grant utility easements on district-owned lands in order to provide utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification prior to executing lease agreements; amending s. 373.096, F.S.; authorizing water management districts to abandon easements, reservations, and right-of-way interests that are no longer needed; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing the disclosure of title information, appraisal information, offers, and counteroffers to third parties working on the district's behalf; amending s. 373.1401, F.S.; authorizing water management districts to contract with private entities for management, improvement, or maintenance of land held by the district; amending s. 374.984, F.S.; authorizing the Board of Commissioners of the Florida Inland Navigation District to contract for certain services; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

Amendment 1 (062026)—On page 2, delete line 23 and insert:

(a) *No later than the time the initial written or oral offer of compensation for* ~~At the~~

Amendment 2 (270650)—On page 4, line 10, delete “such” and insert: such

Amendment 3 (874008)—On page 4, line 23, after “any” insert: *governmental entity or*

Amendment 4 (392382)(with title amendment)—On page 6, line 31 and on page 7, lines 3 and 4, delete “or title information”

And the title is amended as follows:

On page 1, line 29, delete “title information,”

Amendment 5 (282244)(with title amendment)—On page 6, line 25, delete “Title information,” and insert: ~~Title information,~~

And the title is amended as follows:

On page 1, line 29, delete “title information,”

Amendment 6 (284912)(with title amendment)—On page 7, line 18, delete “title information,”

And the title is amended as follows:

On page 1, line 29, delete “title information,”

Pursuant to Rule 4.19, **CS for SB 1296** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Lee, the Senate recessed at 2:59 p.m. to reconvene at 4:00 p.m.

CALL TO ORDER

The Senate was called to order by the President at 4:09 p.m. A quorum present—37:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Wasserman Schultz
Clary	Jones	Peaden	Webster
Constantine	King	Posey	
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

MOTIONS

On motion by Senator Lee, by two-thirds vote **CS for SB 466** was placed on the Special Order Calendar for Tuesday, May 1.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for HB 415** was withdrawn from the Committee on Children and Families; **HB 21** was withdrawn from the Committee on Commerce and Economic Opportunities; **SB 330** was withdrawn from the Committee on Appropriations; **CS for SB 436, SB 1948, SB 2114, CS for CS for SB 2066, CS for CS for SB 2056, SB 1382, CS for CS for SB 1276, CS for SB 1246, CS for SB 1232, CS for SB 1100, CS for CS for CS for SB 1068 and SB 1022** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 872 and CS for SB 874** were withdrawn from the Committees on Appropriations

Subcommittee on General Government; Appropriations; and Rules and Calendar; **CS for SB 2210**, **SB 1616** and **SB 1408** were withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; and **CS for SB 1914**, **CS for CS for SB 1814**, **SB 1634**, **SB 1146**, **CS for SB 846**, **CS for SB 678** and **CS for SB 524** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 170** which has been reported favorably by the Appropriations Subcommittee on General Government with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **HB 1737** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs and referred to the Committee on Appropriations; **HB 1745** was withdrawn from the Committees on Regulated Industries; and Comprehensive Planning, Local and Military Affairs; and referred to the Committee on Appropriations; **HB 1743** was withdrawn from the Committee on Criminal Justice and referred to the Committee on Appropriations; **HB 1707** was withdrawn from the Committee on Governmental Oversight and Productivity and referred to the Committee on Appropriations; **HB 1711**, **HB 1719** and **HB 1821** were withdrawn from the Committees on Governmental Oversight and Productivity; and Appropriations Subcommittee on General Government; **HB 1717** was withdrawn from the Committees on Agriculture and Consumer Services; and Governmental Oversight and Productivity; and referred to the Committee on Appropriations; and **CS for SB 792** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar; and referred to the Committee on Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committee on Appropriations was granted permission to meet May 1 from 8:00 a.m. until 9:00 a.m. to consider **HB 1737**, **HB 1745**, **HB 1743**, **HB 1707**, **HB 1711**, **HB 1719**, **HB 1717**, **HB 1821** and **CS for SB 792**.

On motion by Senator Posey, the rules were waived and the Committee on Ethics and Elections was granted permission to meet May 1 from 12:15 p.m. until 12:45 p.m.

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day 15 minutes after recess until completion.

MOTIONS

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, May 1.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 1, 2001: **CS for SB 1978**, **CS for CS for SB 2214**, **SB 1148**, **SB 136**, **CS for CS for SB 268**, **CS for CS for SB 1196**, **CS for SB 1628**, **SB 1650**, **CS for SB 1724**, **CS for SB 1848**, **CS for SB 1568**, **CS for CS for SB 1346**, **CS for SB 1256**, **CS for CS for SB 2156**, **CS for CS for SB 1178**, **CS for CS for SB 2146**, **CS for SB 2024**, **CS for SB 1530**, **SB 1766**, **CS for CS for SB 1880**, **CS for SB 1640**, **CS for CS for SB 2008**, **CS for CS for SB 2120**, **CS for SB 2174**, **CS for CS for SB 784**, **CS for SB 834**, **CS for SB 1268**, **CS for SB 260**, **SB 968**, **CS for CS for SB 2058**, **SB 1394**

Respectfully submitted,
Tom Lee, Chairman

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Saunders—

SB 2376—A bill to be entitled An act relating to Collier County; amending ch. 67-1246, Laws of Florida; amending the scope of the act to authorize a county hearing examiner program; amending definitions; amending the functions, powers, and duties of the planning commissions; amending provisions relating to supplementing and amending the zoning ordinance; amending the powers and duties of the board of zoning appeals; amending provisions relating to appeal from a decision of an administrative official; providing the procedure for establishing a county hearing examiner program; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2378—2380—Not referenced.

By Senator Dawson—

SB 2382—A bill to be entitled An act relating to Broward County; providing for codification of special laws regarding special districts pursuant to section 189.429, F.S., relating to the Sunshine Water Control District; a special district in Broward County; providing legislative intent; amending, repealing, codifying, and reenacting the special act related to the district; declaring the District to be an independent special district; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Agriculture and Consumer Services; and Senators Geller and Dawson—

CS for CS for SB 170—A bill to be entitled An act relating to citrus canker compensation; requiring the Department of Agriculture and Consumer Services to administer a residential citrus canker compensation program; providing for sources of funds; providing for homeowners to receive compensation for citrus trees removed on or after a specified date as part of a citrus canker eradication program; providing eligibility criteria for receiving compensation; specifying the amount of compensation provided under the program, subject to availability of funds; requiring that the department notify homeowners of the program and develop a dispute-resolution process; providing an effective date.

By the Committees on Appropriations; Finance and Taxation; Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Carlton—

CS for CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for

adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; creating s. 163.3198, F.S.; requiring the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; providing for appointment of a technical advisory committee to advise the agency; requiring a report to the Governor and the Legislature; providing an appropriation; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; revising provisions governing developments of regional impact; providing for designation of a lead regional planning council; exempting certain marinas from Development of Regional Impact review; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; providing that the act does not abridge or modify certain rights, duties, or obligations pursuant to development orders or agreements; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; imposing prerequisites on the ability of certain multi-county airport authorities to amend their development-of-regional-impact development orders or commence development under such development orders; providing effective dates.

By the Committees on Appropriations; Governmental Oversight and Productivity; and Senators Pruitt, Crist and Posey—

CS for CS for SB 478—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term “public school member” for purposes of the system; amending s. 121.091, F.S.; providing retirement benefits payable to public school members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

By the Committee on Appropriations; and Senator Mitchell—

CS for SB 682—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

By the Committee on Appropriations; and Senator Cowin—

CS for SB 1002—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32, 741.325, F.S.; revising references to conform to the transfer of the office; transferring, renumbering, and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; amending s. 944.023, F.S.; removing reference to pretrial intervention from the correctional master plan; amending s. 944.026, F.S.; removing reference to pretrial intervention programs as community-based programs; amending s. 948.03, F.S.; removing offenders under pretrial intervention from state employee status pursuant to chapter 440, F.S., when participating in a work program; amending s. 948.08, F.S.; deleting the Department of Corrections' responsibilities and authority regarding pretrial intervention and providing for the counties to supervise pretrial intervention offenders; amending s. 948.09, F.S.; removing reference to pretrial intervention with respect to cost of supervision and rehabilitation; providing an effective date.

By the Committees on Appropriations; Commerce and Economic Opportunities; and Senator King—

CS for CS for SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Appropriations; and Senator King—

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Appropriations; and Senator Horne—

CS for SB 1780—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative findings and intent; defining terms; providing for school district assessment;

directing the Legislature to designate the school districts to receive a fully funded best financial management audit and education outcome assessment; providing for public hearings and reports; providing for a "Seal of Best Financial Management" for school districts using best financial management practices; requiring the Department of Education to conduct an annual assurance review of specified school districts; providing for enforcement and appeal; providing rulemaking authority; amending ss. 11.51, 230.23027, 233.43, 235.2197, F.S.; conforming cross-references; repealing s. 11.515, F.S., which provides for school district performance reviews; repealing s. 230.2302, F.S., which provides for performance reviews; providing a process for the creation of land acquisition and facilities advisory boards; providing board duties and responsibilities; providing for board dissolution; repealing s. 230.23026, F.S., which provides for the Florida School District Review Trust Fund; providing an effective date.

By the Committee on Appropriations; and Senator Mitchell—

CS for SB 1812—A bill to be entitled An act relating to trust funds; amending s. 282.20, F.S.; creating s. 282.23, F.S.; creating the Technology Enterprise Trust Fund within the Department of Management Services; providing for sources of funds and purposes; providing for creation of a reserve account; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Appropriations; and Senator Mitchell—

CS for SB 1968—A bill to be entitled An act relating to the State Law Enforcement Radio Operating Trust Fund; amending s. 282.1095, F.S.; creating the State Law Enforcement Operating Trust Fund; providing for its purposes; transferring a current trust fund balance; providing for review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Appropriations; and Senators Sullivan, Crist, Miller, Dyer, Wasserman Schultz and Klein—

CS for SB 2172—A bill to be entitled An act relating to state universities; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

By the Committees on Appropriations; Banking and Insurance; and Senator Clary—

CS for CS for SB 2224—A bill to be entitled An act relating to the Department of Labor and Employment Security; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; providing for certain employees of the division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; transferring various functions, powers, duties, personnel, and assets relating to the Unemployment Appeals Commission to the Agency for Workforce Innovation; transferring various functions, powers, duties, personnel, and assets relating to the Public Employee Relations Commission to the Department of Management Services; transferring the Office of Information Services and related resources of the Department of Labor and Employment Security

to the State Technology Office; providing for substitution of a successor agency as a party to judicial and administrative proceedings; transferring the administration of child labor laws to the Department of Business and Professional Regulation; transferring certain functions of the Office of the Secretary, the Office of Administrative Services, and the Office of General Counsel of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; transferring other workplace regulation functions to the Department of Business and Professional Regulation; providing for the continuation of contracts and agreements; making appropriations; amending s. 20.13, F.S.; creating the Division of Workers' Compensation in the Department of Insurance; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.205, 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.25, 440.271, 440.345, 440.35, 440.381, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.012, 450.191, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.4416, F.S.; transferring the Workers' Compensation Oversight Board from the Department of Labor and Employment Security to the Department of Insurance; revising the membership and appointment of board members; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; repealing s. 20.171, F.S.; abolishing the Department of Labor and Employment Security; providing severability; providing legislative intent; providing effective dates.

By the Committee on Appropriations; and Senators Burt and Rossin—

CS for SJR 2236—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 115, CS for HB 479, HB 585, HB 629, CS for CS for HB 681, HB 763, HB 775, HB 777, HB 799, HB 845, HB 851, HB 855, HB 859, HB 879, HB 885, HB 887, HB 897, HB 901, HB 905, HB 911, HB 937, HB 939, HB 943, HB 1037, HB 1815, HB 1851, HB 1859, HB 1903; has passed as amended HB 601, HB 847, HB 849, HB 857, HB 903, HB 919, HB 927, HB 945, HB 975, CS for HB 987, HB 1041, HB 1115, HB 1157, HB 1183, HB 1419, HB 1565, HB 1855, HB 1857, HB 1897, HB 1899; has adopted HM 1161 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Sorensen—

HB 115—A bill to be entitled An act relating to the City of Marathon, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Local Government and Veterans Affairs; and Representative Kendrick and others—

CS for HB 479—A bill to be entitled An act relating to the Rainbow Lakes Estates Municipal Service District, an independent special district of the State of Florida in Marion and Levy Counties; codifying the district's charter, chapter 69-1298, Laws of Florida, as amended, pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Rainbow Lakes Estates Municipal Service District as a single act; repealing all prior special acts related to the Rainbow Lakes Estates Municipal Service District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrell—

HB 585—A bill to be entitled An act relating to Martin County; amending sections 1, 2, 3, and 4 of chapter 65-1906, Laws of Florida, as amended; revising authority of the Board of County Commissioners to levy a tax for indigent health care; revising the name of the fund into which the tax is paid; revising the uses of the fund; revising requirements relating to disbursements from the fund and unexpended balances in the fund; revising the name of the review board and the hospital board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Argenziano—

HB 629—A bill to be entitled An act relating to Citrus County; specifying rights of certain employees and appointees of the Citrus County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for career appeals boards; providing for appeals procedures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Council for Competitive Commerce, the Committee on State Administration and Representative Waters and others—

CS for CS for HB 681—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner's office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the

Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing an appropriation; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Sorensen—

HB 763—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; authorizing the board to sell tangible personal property related to its utility services under certain circumstances; providing for salaries of board members to be set by resolution; authorizing the board to extend beyond the limits of Monroe County any public utilities under its jurisdiction under certain circumstances; providing for issuance of refunding revenue bonds by the board; authorizing the board to issue commercial paper notes and variable rate bonds and enter into interest rate swap transactions; revising notice provisions relating to sale of bonds; providing for sale of bonds at competitive or negotiated sale rather than public sale; revising eligibility requirements for a special utility rate; authorizing the board to make expenditures for advertising the utility system; authorizing the board to expend funds for emergency purchases; changing a time period for delivery of annual audits to the City Commission of the City of Key West; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Goodlette—

HB 775—A bill to be entitled An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hart and others—

HB 777—A bill to be entitled An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain

circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver's license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 799—A bill to be entitled An act relating to the Barron Water Control District, an independent special district in Glades County and Hendry County, codifying the District's charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting the special laws relating to the Barron Water Control District as a single act; declaring the status of the District; providing for the corporate life of the District and the term of office of the supervisors of the District; repealing chapters 84-436 and 2000-416, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ritter—

HB 845—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Murman and others—

HB 851—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending subsection (10) of section 5, relating to facilitating an employee advisory committee, subsection (2) of section 6, relating to an employee advisory committee, subsection (3) of section 7, relating to reimbursement for services to indigents, and section 9, relating to parking and office facilities of chapter 96-449, Laws of Florida; providing that those subsections and section are applicable only when a hospital is operated by the hospital authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Argenziano—

HB 855—A bill to be entitled An act relating to Citrus County; amending chapter 99-442, Laws of Florida, the charter of the Citrus County

Hospital Board; reducing the time a member may hold office on the board; revising borrowing authority of the board; revising provisions relating to indebtedness of the board; revising a provision relating to outstanding bonds payable from ad valorem taxes; repealing an obsolete provision; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harper—

HB 859—A bill to be entitled An act relating to Gladeview Water Control District, an independent special tax district in Palm Beach County; providing legislative intent; codifying, reenacting, amending, and repealing special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Atwater—

HB 879—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; providing for codification of special laws relating to the South Indian River Water Control District; amending, codifying, reenacting, and repealing all prior special acts; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Murman and others—

HB 885—A bill to be entitled An act relating to Hillsborough County; amending chapter 98-499, Laws of Florida, relating to liens authorized by ordinance in favor of hospitals providing medical care, treatment, or maintenance to a patient, and in favor of the County when it pays for medical care, treatment, or maintenance of a patient; providing definitions; providing optional and mandatory components, both substantive and procedural, of any such implementing ordinance including establishing limitations on lien amounts, and providing for the treatment of other claims, noneconomic damages, and attorney's fees; requiring the ordinance to provide identical procedural remedies to hospitals and the County; providing for an offset for the cost of an insurance policy resulting in payment of any part of the lien amount; barring a lienholder or the lienholder's legal representative from additional compensation from the patient and others in relation to the charges covered by a lien; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Melvin and others—

HB 887—A bill to be entitled An act relating to Okaloosa County; amending chapter 99-478, Laws of Florida, relating to the Ocean City-Wright Fire Control District; providing for the annexation of certain unincorporated areas of Okaloosa County into the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wiles and others—

HB 897—A bill to be entitled An act relating to Clay County; providing for codification of special acts pursuant to s. 189.429, F.S., relating to the Clay County Development Authority, an independent special district; providing legislative intent; codifying, reenacting, and amending chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida; providing for minimum charter requirements; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after effective date of act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Davis and others—

HB 901—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapters 89-439 and 91-362, Laws of Florida, relating to the Council of the City of Jacksonville and the City of Jacksonville Environmental Protection Board, notwithstanding the board's scheduled expiration on October 1, 2001; providing for the use of procedures under chapter 120, Florida Statutes, including the hiring of administrative law judges, for proceedings involving air or water pollution in which the board seeks to impose a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ritter—

HB 905—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Murman and others—

HB 911—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising certain death benefits; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Miller and others—

HB 937—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 4 of chapter 15425, Laws of Florida, 1931, as amended; providing for clarification of the qualifications for a candidate for election to or appointment to fill a vacancy on the city council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Miller and others—

HB 939—A bill to be entitled An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 943—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bennett and others—

HB 1037—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; specifying that the rates provided in the schedule of non-ad valorem assessments are caps on the rates that may be levied without legislative approval; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Miller and others—

HB 1815—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of "disciplinary action"; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bennett—

HB 1851—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Goodlette—

HB 1859—A bill to be entitled An act relating to Collier County; amending ch. 67-1246, Laws of Florida; amending the scope of the act to authorize a county hearing examiner program; amending definitions; amending the functions, powers, and duties of the planning commissions; amending provisions relating to supplementing and amending the

zoning ordinance; amending the powers and duties of the board of zoning appeals; amending provisions relating to appeal from a decision of an administrative official; providing the procedure for establishing a county hearing examiner program; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Melvin—

HB 1903—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Pickens and others—

HB 601—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; providing an exemption for fraudulent conveyances; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a “Notice to Defendant”; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; amending s. 713.901, F.S., the Florida Uniform Federal Lien Registration Act; providing procedures for filing documentation relating to federal liens; providing an effective date.

—was referred to the Committees on Judiciary; Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Kendrick—

HB 847—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; providing for codification of special laws relating to the Dog Island Conservation District; providing legislative intent; codifying and reenacting chapters 75-374, 79-461, and 84-430, Laws of Florida; providing for the repeal of all prior special acts related to the Dog Island Conservation District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crow—

HB 849—A bill to be entitled An act relating to Pinellas County; amending chapter 80-585, Laws of Florida, as amended; increasing the number of members of the Emergency Medical Services Authority required for a quorum from three to four; correcting terminology; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harper—

HB 857—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Highland Glades Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying and reenacting special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 8885 (1921) and 89-466, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Davis and others—

HB 903—A bill to be entitled An act relating to the Consolidated City of Jacksonville; creating and establishing separate airport and seaport authorities; providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure; providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees; establishing the separate authorities as county authorities; providing for participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer of assets and liabilities from the Jacksonville Port Authority to the separate seaport and airport authorities and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing certain existing local laws relative to the creation and operation of the Jacksonville Port Authority; providing for conforming amendments to sections 18.07 and 24.04, of chapter 92-341, Laws of Florida, being the Charter of the City of Jacksonville, to replace references to the Jacksonville Port Authority with references to the Jacksonville Seaport Authority and the Jacksonville Airport Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Miller and others—

HB 919—A bill to be entitled An act relating to Escambia County; codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Waters—

HB 927—A bill to be entitled An act relating to Pinellas Park Water Management District, Pinellas County; providing for codification of special laws relating to Pinellas Park Water Management District pursuant to s. 189.429, F.S.; providing legislative intent; amending, repealing, codifying, and reenacting special acts relating to the district; providing a title; providing definitions; providing for creation of the Pinellas Park Water Management District Authority and amendment of its charter; providing for a governing body for the authority; providing for reimbursement of expenses pursuant to s. 112.061, F.S.; providing duties and powers; providing for a budget; providing boundaries of the authority; providing for elections and referenda; providing for amendment of authority boundaries; providing tax exemptions; providing construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Machek—

HB 945—A bill to be entitled An act relating to the Solid Waste Authority of Palm Beach County, a dependent special district in Palm Beach County; codifying the Authority's charter, chapter 75-473, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Solid Waste Authority of Palm Beach County as a single act; providing a short title; providing declaration of legislative intent; providing for application to incorporated and unincorporated areas; providing definitions; providing purposes and powers; providing exemption from taxation; providing prohibition, permits, and penalty; providing enforcement; providing injunctive relief; providing judicial review; providing severability; repealing all prior special acts related to the Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 975—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending s. 8, ch. 67-2070, Laws of Florida, as amended; increasing the threshold for requiring bids for the purchase of property and services; amending s. 3, ch. 67-2070, Laws of Florida, as amended; including additional property under the jurisdiction of the authority; amending s. 4, ch. 67-2070, Laws of Florida, as amended; providing that an affirmative vote of a majority of the members present at a meeting where there is a quorum shall be necessary for any action by the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Tourism; and Representative Rubio and others—

CS for HB 987—A bill to be entitled An act relating to grants administered by the Division of Cultural Affairs; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; amending s. 265.286, F.S.; expanding eligibility criteria for the challenge grant program; providing match requirements; prohibiting participation by any programs oper-

ated in state-owned cultural facilities not affiliated with the State University System; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Green—

HB 1041—A bill to be entitled An act relating to the Fort Myers Beach Mosquito Control District, Lee County; providing legislative intent; providing for codification of the special acts relating to the District pursuant to s. 189.429, F.S.; codifying, reenacting, and amending all prior special acts relating to the District; codifying the several county resolutions relating to the District; providing a District charter; repealing all prior special acts relating to the District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Needelman—

HB 1115—A bill to be entitled An act relating to Brevard County; providing for codification of existing special laws relating to the creation, powers, and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, as provided in chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, except as amended by this act; providing legislative purpose; amending definitions of "District," "general obligation bonds," and "revenue bonds"; amending scope of revenue sources allowed to be bonded; clarifying provisions relating to liens, collection, and foreclosure to include special assessments and stormwater management user fees; amending liability of District where lands are made available to public for outdoor recreational purposes, as defined therein; providing editorial revisions; establishing obstruction or impeding of a drainage canal or watercourse as a criminal offense; providing for civil damages for obstruction and impeding drainage canal or watercourse; amending, codifying, reenacting, and repealing chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida; re-creating the District and re-creating and reenacting the charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Miller and others—

HB 1157—A bill to be entitled An act relating to the Department of State; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation; amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.809, F.S.; revising membership of the Florida Intergovernmental Relations Foundation; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Paul—

HB 1183—A bill to be entitled An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments; providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Tourism; and Representative Trovillion and others—

HB 1419—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016, and 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; correcting a cross reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross references; amending s. 267.062, F.S.; correcting a cross reference; amending s. 267.072, F.S., relating to Museum of Florida History programs; renumbering provisions relating to historical museum grants as s. 267.0619, F.S.; revising provisions with respect to grant application review; renumbering provisions relating to the Great Floridians program as s. 267.073, F.S.; correcting a cross reference; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s.

267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; amending and renumbering s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901 and 872.05, F.S.; correcting cross references; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Hogan—

HB 1565—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Detert—

HB 1855—A bill to be entitled An act relating to the Holiday Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Clarke—

HB 1857—A bill to be entitled An act relating to Tri-Par Estates Park and Recreation District, Sarasota County; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Melvin and others—

HB 1897—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort

Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing that this act does not abrogate current obligations and liabilities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Baxley—

HB 1899—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than “no-wake” speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

HM 1161—A memorial to the Federal Emergency Management Agency, urging the agency to adopt a policy towards the Florida Keys that is consistent with Florida law and its own policy.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 224, SB 540, SB 698, SB 814, CS for SB 1306 and CS for SB 1610.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-SPONSORS

Senators Crist—SB 674, CS for SB 1118, SB 1850, SB 1852; Jones—CS for SB 1118; Villalobos—SB 856

VOTES RECORDED

Senator Clary was recorded as voting “yea” on the following bill which was considered April 27: **CS for CS for SB 2092**.

Senator Dawson was recorded as voting “yea” on the following bills which were considered April 27: **SB 1200, CS for SB 1118, CS for CS for SB 306, SB 1324, SB 1020, SB 1986, SB 1422, SB 1194, CS for SB 118, CS for SB 840, CS for SB 2118, CS for SB 890, CS for SB 658, SB 1170, CS for SB 894, CS for CS for SB 1282, CS for SB 2034, CS for SB 2088, HB 1935, CS for SB 1852, CS for SB 1850, CS for SB 84, CS for SB 322, SB 698, CS for SB 350, HB 47, SB 1344, CS for SB 1366, SB 818, CS for SB 1226, SB 2308, SB 1132-Reconsideration, CS for CS for SB 668, CS for SB 2092, CS for SB 1642 and CS for SB 1306**; and was recorded as voting “nay” on the following bills which were considered April 27: **HB 385 and CS for SB 962**.

Senator Dyer was recorded as voting “yea” on the following bill which was considered April 27: **SB 1986**.

Senator Holzendorf was recorded as voting “yea” on the following bill which was considered April 27: **CS for SB 962**.

Senator Jones was recorded as voting “yea” on the following bills which were considered April 27: **CS for SB 1306, CS for SB 1642, CS for CS for SB 2092, CS for CS for SB 668, SB 2308, CS for SB 1226, CS for SB 962, SB 818, CS for SB 1366, SB 1344, HB 47, CS for SB 350, HB 385, SB 698, CS for SB 322, CS for SB 84, CS for SB 1850, CS for SB 1852, HB 1935, CS for SB 2088, CS for SB 2034, CS for CS for SB 1282, SB 1170, CS for SB 658, CS for SB 890, CS for SB 2118, CS for SB 840, CS for SB 118, SB 1194, SB 1986, SB 1020, SB 1324, CS for CS for SB 306, HB 695, CS for SB 1118, SB 1200, SB 1422 and SB 1132-Reconsideration**; and was recorded as voting “nay” on the following bill which was considered April 27: **CS for SB 894**.

Senator Laurent was recorded as voting “yea” on the following bill which was considered April 27: **CS for SB 894**.

Senator Lawson was recorded as voting “yea” on the following bills which were considered April 27: **CS for SB 1306, CS for SB 1642, CS for CS for SB 2092, CS for CS for SB 668, SB 2308, CS for SB 1226, CS for SB 962, SB 818, CS for SB 1366, SB 1344, HB 47, CS for SB 350, HB 385, SB 698, CS for SB 322, CS for SB 84, CS for SB 1850, CS for SB 1852, HB 1935, CS for SB 2088, CS for SB 2034, CS for CS for SB 1282, CS for SB 894, SB 1170, CS for SB 658, CS for SB 890, CS for SB 2118, CS for SB 840, CS for SB 118, SB 1194, SB 1986, SB 1020, SB 1324, CS for CS for SB 306, HB 695, CS for SB 1118, SB 1200, SB 1422 and SB 1132-Reconsideration**.

Senator Miller was recorded as voting “yea” on the following bills which were considered April 27: **SB 1200, HB 695, CS for CS for SB 306, SB 1324, SB 1020, SB 1986, SB 1422, SB 1194, CS for SB 118, CS for SB 840, CS for SB 2118, CS for SB 890, CS for SB 658, SB 1170, CS for SB 894, CS for CS for SB 1282, CS for SB 2034, CS for SB 2088, HB 1935, CS for SB 1852, CS for SB 1850, CS for SB 84, CS for SB 322, SB 698, HB 385, CS for SB 350, HB 47, SB 1344, CS for SB 1366, SB 818, CS for SB 962, CS for SB 1226, SB 2308, SB 1132-Reconsideration, CS for CS for SB 668, CS for SB 2092, CS for SB 1642 and CS for SB 1306**; and was recorded as voting “nay” on the following bill which was considered April 27: **CS for SB 1118**.

Senator Mitchell was recorded as voting “yea” on the following bills which were considered April 27: **CS for SB 894 and CS for SB 1306**.

Senator Sanderson was recorded as voting “yea” on the following bill which was considered April 27: **CS for CS for SB 668**.

Senator Webster was recorded as voting “yea” on the following bill which was considered April 27: **SB 698**.

RECESS

On motion by Senator Lee, the Senate recessed at 4:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, May 1.

SENATE PAGES

April 30-May 4

Adrian Abner, Blountstown; Marissa Barber, Port St. Lucie; Shannon Blizzard, Tallahassee; Gareth Cales, Tallahassee; Elizabeth Crew, Monticello; Emily Holder, Orange Park; Katie Holder, Orange Park; Brad Knight, Tallahassee; Lauren Macdonald, Winter Garden; Kerry Myers, Shalimer; Joshua Pritchard, Orlando; Kendra Rich, Ocala; Katherine Smallwood, Tallahassee; Elizabeth Smokay, Orlando; Douglas Thornton, Tallahassee; Lauren Thornton, Tallahassee; Kristen Turnage, Middleburg; Jordan Webster, Orlando; Ashley Wilson, Plantation; Charles Whittington, Indialantic



Journal of the Senate

Number 23—Regular Session

Tuesday, May 1, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Conferees periodically for the purpose of working on the appropriations bills: Senator Horne, Chairman; Senators Rossin, Sullivan, Dyer, Garcia, Holzendorf, Latvala, Miller, Webster, Clary, Jones, King, Laurent, Lawson, Silver, Mitchell, Peaden, Sanderson, Saunders, Cowin, Burt, Dawson, Meek and Villalobos; Conferees periodically for the purpose of working on CS for SB 1118 relating to elections: Senator Posey, Chairman; Senators Carlton, Sebesta and Smith

PRAYER

The following prayer was offered by Dr. James Wise, Pastor, Mt. Pleasant Baptist Church, Miami:

O God, the source of all of our being, we thank thee for the bright beauty of early morning and for the swift and awesome gift of life; for its opportunities and obligations; for its light moments and for its solemn time. We thank thee for every gift which gives grace and gladness to our days. We recognize that we are not worthy to be called thy children and yet thou, through Him, has given us that great and rich privilege. Grant that we may ever be mindful of our unworthiness and ever seek to be worthy always recognizing that we are protected by your grace and mercy. We thank thee for the State of Florida, for all of its long and grand history, and for those who come this way to help make it a community of love and togetherness.

We pray thee that we may hold our State in high esteem because thou hast been our guide in the past. Inspire all of our people to hold sacred this glorious heritage. Keep us from strife and may we live together in unity.

Bless, we pray thee for our Governor. Give him wisdom and strength. Be with all of our Senators, and those in power and help them to be concerned about the things that enhance the lives of those they represent.

We pray a special prayer today for those who might be ill, Aileen Pruitt, wife of Senator Ken Pruitt, LéJean Miller, daughter of Senator Les Miller. And then help us to seek to do your will. It is in thy name we pray. Amen.

PLEDGE

Senate Pages Joshua Pritchard of Orlando, Elizabeth Crew of Monticello and Kerry Myers of Shalimar, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Whit Curry of Gainesville, sponsored by Senator Mitchell, as doctor of the day. Dr. Curry specializes in Family Practice.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 256** and **CS for SB 348** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 386** was withdrawn from the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 402** and **SB 696** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 1410** was withdrawn from the Committee on Rules and Calendar; **CS for SB 1772** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 2096** was withdrawn from the Committee on Governmental Oversight and Productivity; and **SB 2374** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 238.

John B. Phelps, Clerk

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury’s recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Mitchell, the Senate reconsidered the vote by which **CS for SB 238** as amended passed March 29.

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

Amendment 1 (084010)—In title, on page 1, line 13, delete “unless” and insert: if

On motion by Senator Mitchell, **CS for SB 238** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Bronson	Crist	Laurent	Rossin
Brown-Waite	Dawson	Lee	Saunders
Burt	Dyer	Meek	Sebesta
Campbell	Garcia	Miller	Smith
Carlton	Geller	Mitchell	Sullivan
Clary	King	Peaden	Villalobos
Constantine	Klein	Posey	Wasserman Schultz
Cowin	Latvala	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Jones, Lawson, Sanderson

BILLS ON THIRD READING

Consideration of **CS for SB 1704** was deferred.

CS for CS for SB’s 1970 and 164—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; authorizing representatives of the division to enter and inspect any place of firefighter employment; providing criminal penalties for refusal to allow inspection; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in firefighter places of employment and establish standards for construction, repair, and maintenance, and related rules; requiring the division to inspect firefighter employers; requiring firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of this act; providing exemptions; providing for the source of funding of the division; specifying firefighter employees’ rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; providing an effective date.

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

An amendment was considered and adopted by two-thirds vote to conform **CS for CS for SB’s 1970 and 164** to **CS for CS for HB 681**.

Pending further consideration of **CS for CS for SB’s 1970 and 164** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 681** was withdrawn from the Committees on Governmental Oversight and Productivity; Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for CS for HB 681—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner’s office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB’s 1970 and 164** as amended and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (594984)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective January 7, 2003, section 17.001, Florida Statutes, is created to read:

17.001 Financial Officer.—As provided in s. 4(c), Art. IV of the State Constitution, the Chief Financial Officer is the chief fiscal officer of the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities.

Section 2. Effective January 7, 2003, section 20.121, Florida Statutes, is created to read:

20.121 Department of Financial Services.—There is created a Department of Financial Services.

(1) *The head of the Department of Financial Services is the Chief Financial Officer.*

(2) *The Department of Financial Services shall consist of the following divisions:*

(a) *Division of Treasury.*

(b) *Division of Consumer Services.*

(c) *Division of Insurance Rates and Forms. This division shall have all powers and duties as provided by law to the Department of Financial Services related to approval of insurance rates and forms.*

(d) *Division of Insurer Services. This division shall have all powers and duties as provided by law to the Department of Financial Services related to insurance except those related to approval of insurance rates and forms.*

(e) *Division of Financial Institutions which shall consist of the following bureaus:*

1. *Bureau of Banking; and*
 2. *Bureau of Credit Unions.*
- (f) *Division of Risk Management.*
- (g) *Division of State Fire Marshal.*
- (h) *Division of Insurance Fraud.*
- (i) *Division of Rehabilitation and Liquidation.*
- (j) *Division of Securities.*
- (k) *Division of Information Systems.*
- (l) *Division of Legal Services.*
- (m) *Division of Financial Investigations.*
- (n) *Division of Accounting and Auditing.*
- (o) *Division of Workers Compensation.*
- (p) *Division of Insurance Agent and Agency Services.*
- (q) *Division of Administration.*

(3) *The Division of Financial Institutions, the Division of Securities, and the Division of Insurance Rates and Forms shall each be headed by a "Director." The Directors of these divisions shall act as agency head for purposes of chapter 120, and shall be responsible for final agency action with regard to the implementation and enforcement of statutes and rules under the regulatory authority delegated to their division. The Director of the Division of Financial Institutions, the Director of the Division of Securities, and the Director of the Division of Insurance Rates and Forms shall each be appointed by the Chief Financial Officer, subject to confirmation by the trustees of the State Board of Administration, and shall serve at the pleasure of the trustees of the State Board of Administration.*

(4) *The Division of Financial Investigations shall function as a criminal justice agency within the meaning of ss. 943.045(10)(e).*

(5)(a) *The Division of Treasury, in addition to other matters that may be assigned to or located within said division, shall administer the Government Employees Deferred Compensation Plan established under ss. 112.215 for state employees.*

(b) *To carry out the purpose of paragraph (a), a Section of Government Employee Deferred Compensation is created within the Division of Treasury.*

Section 3. Section 627.0623, Florida Statutes, is amended to read:

627.0623 Restrictions on expenditures and solicitations of insurers and affiliates.—

(1) As used in this section:

(a) "Insurer" means any entity holding a certificate of authority under chapter 624, chapter 628, chapter 629, chapter 632, or chapter 641.

(b) "Affiliate" means any insurance holding company required to be registered under s. 628.801 or any subsidiary of such holding company.

(2) No insurer, affiliate, or officer of an insurer or affiliate, and no political committee or committee of continuous existence representing the interests of such insurer, affiliate, or officer shall make a contribution in excess of \$100, for any election, to or on behalf of the Treasurer or Chief Financial Officer ~~Treasurer~~. The provisions of this subsection shall not prevent any candidate or members of that candidate's family from contributing to that candidate's campaign as otherwise permitted by law.

(3) The Treasurer or Chief Financial Officer or a candidate for the office of Chief Financial Officer ~~Treasurer~~ may not accept a campaign

contribution in excess of \$100 from any insurer, affiliate, or officer of an insurer or affiliate, or any political committee or committee of continuous existence that represents such insurer, affiliate, or officer.

(4) No employee of the department or the Department of Financial Services may solicit a campaign contribution for the Treasurer or Chief Financial Officer or any candidate for the office of Chief Financial Officer ~~Treasurer~~ from any insurer, affiliate, or officer of an insurer or affiliate, or any political committee or committee of continuous existence that represents such insurer, affiliate, or officer. For purposes of this section, "employee of the department" means any person employed in the Department of Insurance, or the Treasurer's office, the Department of Financial Services, or the Office of the Chief Financial Officer, holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Selected Exempt Service as defined in s. 110.602; any person having authority over insurance policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(5) The Department of Insurance and the Department of Financial Services shall make available by electronic means a list of persons whose names are filed with such ~~the~~ department and who are insurers, affiliates, or officers subject to this section. ~~Either~~ The department may charge a fee for the furnishing of a list under this subsection in an amount to cover the cost of preparing the list.

(6) Any person who commits a knowing and willful violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Section 655.019, Florida Statutes, is amended to read:

655.019 Campaign contributions; limitations.—

(1) Notwithstanding the limits provided in s. 106.08, no financial institution which is licensed or otherwise authorized to do business pursuant to chapters 655-665, nor an officer, executive officer, affiliate, subsidiary or service corporation of a financial institution that is licensed or otherwise authorized to do business pursuant to chapters 655-665, and no political committee or committee of continuous existence representing the interests of such financial institution shall make a contribution in excess of \$100, for any election, to or on behalf of the Comptroller or Chief Financial Officer or any candidate for the office of Chief Financial Officer ~~Comptroller~~. The provisions of this subsection shall not prevent any candidate or members of that candidate's immediate family from contributing to that candidate's campaign as otherwise permitted by law.

(2) The Comptroller, Chief Financial Officer, or candidate for the office of Chief Financial Officer ~~Comptroller~~ may not accept a campaign contribution in excess of \$100 from any financial institution which is licensed or otherwise authorized to do business pursuant to chapters 655-665, or an officer, executive officer, affiliate, subsidiary or service corporation of such financial institution, or any political committee or committee of continuous existence that represents that financial institution.

(3) No employee of the department or of the Department of Financial Services may solicit a campaign contribution for the Comptroller or Chief Financial Officer or any candidate for the office of the Chief Financial Officer ~~Comptroller~~ from any person who is licensed or otherwise authorized to do business by the department or the Department of Financial Services or who has an application pending for licensure or other authorization to do business pending with the department or the Department of Financial Services, or any director, officer, employee, agent, retained legal counsel, lobbyist, or partner or affiliate of that person or any political committee or committee of continuous existence that represents that person. For purposes of this section, "employee of the department" means any person employed in the department, Department of Financial Services, or the Comptroller's office, or the Office of the Chief Financial Officer, holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Selected Exempt Service as defined in s. 110.602; any person having authority over institution policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(4) Any person who knowingly and willfully commits a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. *This act shall not affect the validity of any judicial or administrative action involving the Department of Banking and Finance or the Department of Insurance pending on January 7, 2003, and the Department of Financial Services shall be substituted as a party in interest in any such action. However, if the action involves the constitutional functions of the Comptroller or Treasurer, the Chief Financial Officer shall instead be substituted as a party in interest.*

Section 6. *Effective January 7, 2003, the Department of Banking and Finance and the Department of Insurance are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Financial Services.*

Section 7. *Sections 20.12 and 20.13, Florida Statutes, are repealed. This section takes effect January 7, 2003.*

Section 8. *By January 31, 2002, the Division of Statutory Revision of the Office of Legislative Services shall prepare and submit to the President of the Senate and the Speaker of the House of Representatives substantive legislation to conform the Florida Statutes to the provisions of this act. The legislation shall not be drafted as a reviser's bill. The draft shall include provisions:*

(1) *Changing the term "Comptroller" or "Treasurer" to "Chief Financial Officer" with respect to functions of the Chief Financial Officer where appropriate;*

(2) *Changing references to the "Department of Banking and Finance" or the "Department of Insurance" to the "Department of Financial Services" where appropriate; and*

(3) *Otherwise conforming the statutes to the abolition of the offices of Comptroller and Treasurer, the creation of the Office of the Chief Financial Officer, the abolition of the Department of Banking and Finance and the Department of Insurance, and the creation of the Department of Financial Services.*

Section 9. (1) *The Financial Services Transition Task Force is established. The task force shall be composed of:*

- (a) *One consumer representative appointed by the Governor;*
- (b) *Two members appointed by the President of the Senate;*
- (c) *Two members appointed by the Speaker of the House of Representatives;*
- (d) *Two members appointed by the Comptroller; and*
- (e) *Two members appointed by the Insurance Commissioner and Treasurer.*

(2) *The organizational meeting of the task force must be held by August 1, 2001. The members of the task force shall elect a chair by majority vote. Members of the task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in section 112.061, Florida Statutes.*

(3) *The purpose of the task force is to review the Florida Statutes and state rules and:*

- (a) *Recommend amendments to statutes and rules made necessary by the changes made by this act.*
- (b) *Identify any organizational problems involving, without limitation, communication among divisions, technical assistance, and other services and recommend solutions to the identified problems.*
- (c) *Identify any issues related to technology, including the coordination or incompatibility of technology systems, and suggest solutions to the identified problems.*
- (d) *Recommend methods to improve departmental accountability, including, but not limited to, modification of performance measures.*
- (4) *The task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance with respect to any matter within their knowledge or control.*

(5) *The task force shall submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2002.*

(6) *The task force terminates upon submission of its final report.*

Section 10. Except as otherwise provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything after the enacting clause and insert: A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the divisions of the department; specifying division directors who shall act as agency head for purposes of chapter 120; establishing the manner of appointment and confirmation; amending s. 627.0623, F.S.; limiting campaign contributions from certain persons to or on behalf of the Treasurer or Chief Financial Officer; providing a criminal penalty for a violation; amending s. 655.019, F.S.; limiting campaign contributions from certain persons to or on behalf of the Comptroller or Chief Financial Officer; providing a criminal penalty for a violation; providing that this act shall not affect the validity of certain judicial and administrative actions; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; providing an effective date.

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 681** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

On motion by Senator Pruitt, consideration of **CS for CS for SB 2108** was deferred.

CS for SB 660—A bill to be entitled An act relating to the Money Transmitters' Code; amending s. 560.119, F.S.; eliminating examination fees; shifting the deposit of funds from one trust fund to another; amending s. 560.204, F.S.; providing that a person registered under part II of ch. 560, F.S., is exempt from the registration fee required to engage in activities under part III of ch. 560, F.S.; amending s. 560.205, F.S.; providing for application fees; amending s. 560.206, F.S.; providing for an extended registration period; amending s. 560.207, F.S.; revising renewal dates and fees; amending s. 560.208, F.S.; providing for notice of branch location openings and closings; providing fees for branch locations and authorized vendors; amending s. 560.307, F.S.; providing fees and notice of openings and closings of branch locations or authorized vendors; amending s. 560.308, F.S.; revising renewal dates and fees; repealing s. 560.118(1)(d) and (e), F.S., which provides for examination costs; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 660** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Laurent	Saunders
Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Meek	Sullivan
Campbell	Geller	Miller	Villalobos
Carlton	Holzendorf	Mitchell	Wasserman Schultz
Clary	Jones	Peaden	Webster
Constantine	King	Posey	
Cowin	Klein	Pruitt	
Crist	Latvala	Sanderson	

Nays—None

SENATOR DYER PRESIDING

CS for CS for SB 366—A bill to be entitled An act relating to DNA evidence; creating s. 925.11, F.S.; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty may petition the trial court to order an examination of DNA evidence; providing guidelines for seeking postsentencing DNA testing; requiring that the court make certain findings; providing for preservation of evidence for which testing of DNA may be requested; providing for right to appeal; creating s. 943.3251, F.S.; prescribing duties of the Department of Law Enforcement with respect to postsentencing DNA testing; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data bank's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

—as amended April 30 was read the third time by title.

On motion by Senator Villalobos, **CS for CS for SB 366** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Carlton

CS for CS for SB 144—A bill to be entitled An act relating to computer crimes; amending s. 827.071, F.S.; revising the definition of "sexual conduct"; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the "Computer Pornography and Child Exploitation Act of 1986" to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.; providing severability; amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., relating to definitions; amending s. 815.06, F.S.; creating offenses against computer equipment or supplies, computers, computer system,

and computer networks; providing penalties; amending s. 16.56, F.S., adding violations of computer and computer-related crimes under chapter 815, F.S., expanding prosecutorial jurisdiction of the Office of Statewide Prosecution; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under chapter 815, F.S.; providing effective dates.

—as amended April 30 was read the third time by title.

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

Amendment 1 (220414)—On page 11, lines 1-15, delete those lines and insert:

(a) "Known by the defendant to be a minor" means that the defendant had actual knowledge or believed that the recipient of the communication was a minor.

(b) "Transmit" means to send to a specific individual known by the defendant to be a minor via electronic mail.

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or believed that he or she was transmitting

Amendment 2 (675640)(with title amendment)—On page 5, line 6, insert:

Section 1. Effective October 1, 2001, section 784.048, Florida Statutes, is amended to read:

784.048 Stalking; definitions; penalties.—

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

(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." Such constitutionally protected activity includes picketing or other organized protests.

(c) "Credible threat" means a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause bodily injury to, a person.

(d) "Cyberstalk" means to communicate words, images, or language by or through the use of electronic mail or electronic communication, which communication is directed at a specific person, causes substantial emotional distress in such person, and does not serve a legitimate purpose.

(2) Any person who willfully, maliciously, and repeatedly follows, or harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who willfully, maliciously, and repeatedly follows, or harasses, or cyberstalks another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person or the person's child, sibling, spouse, or dependent, commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who, after an injunction for protection against repeat violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed

prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, or harasses, or *cyberstalks* another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who willfully, maliciously, and repeatedly follows, or harasses, or *cyberstalks* a minor under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 784.048, F.S.; defining the term "cyberstalk" to mean communication by means of electronic mail or electronic communication which causes substantial emotional distress and does not serve a legitimate purpose; including within the offenses of stalking and aggravated stalking the willful, malicious, and repeated cyberstalking of another person; providing penalties; revising the elements of the offense of aggravated stalking to include placing a person in fear of death or bodily injury of the person or the person's child, sibling, spouse, or dependent;

On motion by Senator Geller, **CS for CS for SB 144** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing penalties for an assault or battery upon specified facility staff; creating s. 784.078, F.S.; defining the terms "facility" and "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any incarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; amending s. 806.13, F.S.; providing a penalty for damaging specified detention or commitment facilities; providing an effective date.

—was read the third time by title.

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

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

On motion by Senator Bronson, consideration of **CS for SB's 1864 and 2086** was deferred.

CS for SB 1932—A bill to be entitled An act relating to controlled substances; authorizing the creation of a pilot program in Orange County to intercept illegal drug shipments through package delivery services; amending ss. 823.10, 823.01, F.S.; providing that a person who willfully keeps or maintains or aids or abets another in keeping or maintaining certain types of places where controlled substances are unlawfully used, kept, sold, or delivered commits the offense of keeping or maintaining a public nuisance; providing a penalty; amending s. 877.111, F.S., relating to inhalation, ingestion, sale, purchase, or transfer of certain harmful chemical substances; providing exceptions to applications of offenses relating to unlawful distribution, sale, purchase, transfer, or possession of nitrous oxide; amending s. 893.03, F.S., relating to controlled substance standards and schedules; adding 4-methoxymethamphetamine, 1, 4-Butanediol, Gamma-butyrolactone (GBL), Gamma-hydroxybutyric acid (GBH), methaqualone, and mecloqualone to Schedule I; deleting 1, 4-Butanediol and Gamma-hydroxybutyric acid from Schedule II; adding drug products containing Gamma-hydroxybutyric acid which are approved under the Federal Food, Drug, and Cosmetic Act to Schedule III; amending s. 893.033, F.S., relating to listed chemicals; adding chloroephedrine and chloropseudoephedrine to the list of precursor chemicals; amending s. 893.135, F.S., relating to drug trafficking; creating offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD); providing penalties; amending scheduling references for trafficking in Gamma-hydroxybutyric acid (GHB) and 1, 4-Butanediol; providing effective dates.

—as amended April 30 was read the third time by title.

On motion by Senator Laurent, **CS for SB 1932** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for SB's 1864 and 2086—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming

a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Bronson, **CS for SB's 1864 and 2086** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Bronson, the Senate reconsidered the vote by which **CS for SB's 1864 and 2086** as amended passed this day.

Pending further consideration of **CS for CS for SB's 1864 and 2086** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 1425** was withdrawn from the Committee on Criminal Justice.

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

CS for HB 1425—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or

termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1864 and 2086** as amended and by two-thirds vote read the second time by title. On motion by Senator Bronson, by two-thirds vote **CS for HB 1425** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Consideration of **CS for SB 1956** was deferred.

SB 106—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney's fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents' visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent's right to adopt; amending s. 61.13, F.S.; providing for great-grandparents' visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, further consideration of **SB 106** was deferred.

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

—as amended April 30 was read the third time by title.

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

Amendment 1 (240792)—On page 6, line 3, delete “*subsection*” and insert: *section*

On motion by Senator Carlton, **CS for CS for SB 374** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Diaz de la Portilla	Laurent	Saunders
Burt	Dyer	Lawson	Sebesta
Campbell	Garcia	Meek	Silver
Carlton	Geller	Miller	Smith
Clary	Holzendorf	Mitchell	Sullivan
Constantine	Jones	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Lee, Peaden

CS for SB 1956—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; amending s. 320.699, revising provisions relating to administrative hearings; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement that prohibits disclosure of its terms is void; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney’s fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1956** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Clary	Diaz de la Portilla	Jones
Brown-Waite	Constantine	Dyer	King
Burt	Cowin	Garcia	Klein
Campbell	Crist	Geller	Latvala
Carlton	Dawson	Holzendorf	Laurent

Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster
Miller	Rossin	Smith	
Mitchell	Sanderson	Sullivan	

Nays—None

RECONSIDERATION OF BILL

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

CS for CS for SB 144—A bill to be entitled An act relating to computer crimes; amending s. 827.071, F.S.; revising the definition of “sexual conduct”; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the “Computer Pornography and Child Exploitation Act of 1986” to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.; providing severability; amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., relating to definitions; amending s. 815.06, F.S.; creating offenses against computer equipment or supplies, computers, computer system, and computer networks; providing penalties; amending s. 16.56, F.S., adding violations of computer and computer-related crimes under chapter 815, F.S., expanding prosecutorial jurisdiction of the Office of Statewide Prosecution; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under chapter 815, F.S.; providing effective dates.

—as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was withdrawn.

On motion by Senator Geller, **CS for CS for SB 144** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	
Dawson	Lawson	Saunders	

Nays—None

On motion by Senator Villalobos, by two-thirds vote **HB 947** was withdrawn from the Committee on Judiciary.

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

HB 947—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing exemption from liability and discipline for health care practitioners complying in good faith; providing an effective date.

—a companion measure, was substituted for **CS for SB 1084** and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **HB 947** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Brown-Waite

Consideration of **CS for SB 1558** was deferred.

THE PRESIDENT PRESIDING

SB 414—A bill to be entitled An act relating to public records; amending s. 408.185, F.S.; abrogating the repeal of provisions relating to confidential information submitted to the Office of the Attorney General for review of antitrust issues; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 414** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Saunders, the Senate reconsidered the vote by which **SB 414** passed this day.

Pending further consideration of **SB 414**, on motion by Senator Saunders, by two-thirds vote **HB 401** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

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

HB 401—A bill to be entitled An act relating to a public records exemption for certain information submitted to the Office of the Attorney General by members of the health care community; amending s. 408.185, F.S., which provides an exemption from public records requirements for certain documents, contracts, and proprietary confidential business information submitted by such entities in connection with a request for an antitrust no-action letter for a specified period; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 414** and read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 401** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

On motion by Senator Cowin, by two-thirds vote **HB 1673** was withdrawn from the Committee on Children and Families.

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

HB 1673—A bill to be entitled An act relating to acts of violence; providing a short title; amending s. 39.301, F.S.; requiring that staff who conduct child protective investigations receive training on removing a perpetrator of domestic violence from the home by use of injunction; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence that intentionally caused bodily harm to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic violence and other assault, battery, and stalking offenses; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; providing for the clerk of the court to retain a service charge; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers' intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; amending s. 741.281, F.S.; requiring the court to impose the batterers' intervention program as a condition of probation; providing for an exception; requiring that the batterers' intervention program be certified; providing an effective date.

—a companion measure, was substituted for **CS for SB 1778** as amended and by two-thirds vote read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1673** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Lawson	Sanderson
Bronson	Diaz de la Portilla	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Carlton	Jones	Mitchell	Smith
Clary	King	Peaden	Sullivan
Constantine	Klein	Posey	Villalobos
Cowin	Latvala	Pruitt	Wasserman Schultz
Crist	Laurent	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite

SENATOR COWIN PRESIDING

CS for SB 1652—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising membership and terms of the Governor’s Panel on Excellence in Long-Term Care; providing for selection of a panel chair; providing a definition; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Crist, **CS for SB 1652** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Cowin

CS for SJR 526—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

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

That the following amendment to Section 1 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

**ARTICLE VIII
LOCAL GOVERNMENT**

SECTION 1. Counties.—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer, *other than the supervisor of elections*, may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. *The supervisor of elections in each county, including counties referred to in section 6 of this article, shall be elected in a nonpartisan election.* When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) **NON-CHARTER GOVERNMENT.** Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) **CHARTER GOVERNMENT.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES; LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

**CONSTITUTIONAL AMENDMENT
ARTICLE VIII, SECTION 1**

SUPERVISORS OF ELECTIONS; NONPARTISAN ELECTION.— Proposing an amendment to the State Constitution under which the supervisors of elections in all counties of the state, including charter counties, would be elected on a nonpartisan basis.

—as amended April 30 was read the third time in full.

On motion by Senator Meek, **CS for SJR 526** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—25

Brown-Waite	Dyer	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Jones	Mitchell	Wasserman Schultz
Constantine	King	Peaden	
Dawson	Klein	Rossin	
Diaz de la Portilla	Lawson	Saunders	

Nays—13

Bronson	Garcia	Posey	Sullivan
Burt	Latvala	Pruitt	Villalobos
Cowin	Laurent	Sanderson	Webster
Crist			

Consideration of **HB 657** was deferred.

CS for SB 1468—A bill to be entitled An act relating to land acquisition and management; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; defining “conservation lands”; providing procedure for disposition of certain surplus conservation lands by the Board of Trustees of the Internal Improvement Trust Fund; revising procedure for evaluating and offering for sale of surplus lands; providing for disposition of proceeds from the sale of surplus nonconservation lands; amending ss. 253.111 and 253.115, F.S.; exempting Greenway lands from certain public notice and hearing requirements prior to sale, lease, exchange, or grant of easement; amending s. 253.82, F.S.; revising conditions under which certain lands titled to the board of trustees may be declared surplus lands; revising appraisal requirements; providing rule-making authority; creating s. 253.86, F.S.; providing for management and use of certain uplands; providing rulemaking authority of the Office of Coastal and Aquatic Managed Areas; providing for fees; providing a penalty; amending s. 259.035, F.S., correcting a cross reference; amending s. 259.0345, F.S.; repealing authority for certain members of the Legislature to be appointed as ad hoc nonvoting members to the Florida Forever Advisory Council; deleting obsolete provisions; amending s. 298.22, F.S.; authorizing boards of supervisors of water control districts to construct and manage resource-based recreational facilities; amending s. 369.255, F.S.; authorizing certain municipalities to create a funding mechanism for greenspace management and exotic plant control; providing intent of the Legislature to repay any Preservation 2000 funds redirected for other purposes; repealing subsection (8) of s. 259.101, F.S.; relating to the disposal and use of certain state owned lands; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1468** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebasta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

HB 399—A bill to be entitled An act relating to a public records exemption for certain information relating to emergency telephone number “911”; amending s. 365.171, F.S., which provides an exemption from public records requirements for information that reveals the name, address, telephone number, or personal information about, or other information that would identify, a person requesting emergency service or reporting an emergency; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; correcting a reference; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 399** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Carlton	Dawson	Geller
Brown-Waite	Clary	Diaz de la Portilla	Holzendorf
Burt	Constantine	Dyer	Jones
Campbell	Crist	Garcia	King

Klein	Miller	Sanderson	Villalobos
Latvala	Mitchell	Saunders	Wasserman Schultz
Laurent	Peaden	Sebasta	Webster
Lawson	Posey	Silver	
Lee	Pruitt	Smith	
Meek	Rossin	Sullivan	

Nays—None

Vote after roll call:

Yea—Cowin

MOTION

On motion by Senator Geller, the House was requested to return **CS for SB 2060**.

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term “additive product”; redefining the terms “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

—as amended April 30 was read the third time by title.

On motion by Senator Garcia, **SB 2240** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Jones	Peaden	Wasserman Schultz
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Sullivan

The Senate resumed consideration of—

SB 106—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney’s fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents’ visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent’s right to adopt; amending s. 61.13, F.S.; providing for great-grandparents’ visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—which was previously considered this day.

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

Amendment 1 (381408)—On page 2, line 23 through page 3, line 1, delete those lines and insert: *742.091; or*

(e) *A deceased parent of the minor has made a written*

THE PRESIDENT PRESIDING

On motion by Senator Campbell, **SB 106** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—19

Burt	Garcia	Lee	Rossin
Campbell	Geller	Miller	Saunders
Constantine	Jones	Mitchell	Villalobos
Cowin	Klein	Peaden	Webster
Crist	Latvala	Pruitt	

Nays—16

Mr. President	Brown-Waite	Dawson	Dyer
Bronson	Carlton	Diaz de la Portilla	Holzendorf

Laurent	Posey	Sebesta	Sullivan
Meek	Sanderson	Smith	Wasserman Schultz

Vote after roll call:

Nay—King

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

—as amended April 30 was read the third time by title.

On motion by Senator Lee, **HB 657** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Lawson	Sanderson
Brown-Waite	Dyer	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Clary	Holzendorf	Mitchell	Smith
Constantine	Jones	Peaden	Sullivan
Cowin	Klein	Posey	Villalobos
Crist	Latvala	Pruitt	Wasserman Schultz
Dawson	Laurent	Rossin	Webster

Nays—None

Vote after roll call:

Yea—King

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Burt, the rules were waived and the Committee on Judiciary was granted permission to meet this day from 5:30 p.m. until 6:30 p.m. to consider **CS for HB 415** and **SB 1832**.

On motion by Senator Carlton, the rules were waived and the Committee on Finance and Taxation was granted permission to meet this day from 4:30 p.m. until 5:30 p.m. to consider **SB 128**, **SB 1598**, **HB 21** and **SB 156**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 2**, **SB 430**, **SB 432**, **CS for CS for SB 460**, **CS for SB 1566**, **SB 1620**, **CS for CS for CS for SB 1758** and **SB 1868** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 876**, **CS for SB 978** and **CS for SB 986** were withdrawn from the Committee on Rules and Calendar; **CS for SB 1342** was withdrawn from the Committee on Appropriations; **CS for CS for SB 180**, **CS for SB 812** and **SB 1810** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for CS for SB 294** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 364** was withdrawn from the Committee on Governmental Oversight and Productivity; **SJR 434** was withdrawn from the Committee on Criminal Justice; **SJR 1176** was withdrawn from the Committee on Finance and Taxation; **SB 2046** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; and **CS for SB 2218** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

RECESS

On motion by Senator Lee, the Senate recessed at 12:00 noon to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:04 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

BILLS ON THIRD READING, continued

SENATOR SEBESTA PRESIDING

CS for SB 1922—A bill to be entitled An act relating to the state government; amending s. 121.0515, F.S., relating to special risk membership; revising criteria for firefighters; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; redefining the term “goat” to include certain additional farm equipment for purposes of the annual license tax imposed on trucks; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; providing an effective date; repealing ss. 536.20, 536.21, 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625, 550.2633, F.S.; conforming cross-references; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.031, F.S.; revising definitions; amending s. 580.051, F.S.; revising

label requirements for feed; amending s. 580.065, F.S.; revising feed laboratory procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; amending s. 580.112, F.S.; expanding prohibited acts; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 589.19, F.S.; naming a state forest; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the “Humane Slaughter Act”; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney’s fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; creating s. 373.621, F.S.; providing consideration for certain applicants who implement water conservation practices; amending section 601.48, F.S.; eliminating provisions relating to inspection of processed citrus products for grade and subsequent grading and designation thereof; authorizing the Florida Department of Citrus or its successor, to collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation; amending s. 232.246, F.S.; authorizing Agri-science Foundations I to count as a science credit; providing an effective date; abolishing specified authorities and councils advisory to the department; creating s. 570.085, F.S.; creating an agricultural water conservation program within the department; designating the official citrus archive of Florida; providing for severability; providing effective dates.

—as amended April 30 was read the third time by title.

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

Amendment 1 (472586)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 59. (1) *The Department of Agriculture and Consumer Services shall provide compensation to eligible homeowners whose citrus trees have been removed under a citrus canker eradication program. Funds to pay this compensation may be derived from both state and federal matching sources, and shall be specifically appropriated by law. Eligible homeowners shall be compensated subject to the availability of appropriated funds.*

(2) *To be eligible to receive compensation under the program, a homeowner must:*

(a) *Be the homeowner of record on the effective date of this act for residential property where one or more citrus trees have been removed as part of a citrus canker eradication program;*

(b) *Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and*

(c) *Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.*

(3) *The amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$100 per tree. If the homeowner’s property is eligible for a Shade Dade or a Shade Florida Card, the homeowner may not receive compensation under this*

section for the first citrus tree removed from the property as part of a citrus canker eradication program.

(4) The specification of a per-tree amount paid for the residential citrus canker compensation program does not limit the amount of any other compensation that may be paid by another entity or pursuant to court order for the removal of citrus trees as part of a citrus canker eradication program.

(5) Of the funds appropriated to the department under this section, the department may use up to \$500,000 to administer the residential citrus canker compensation program. Specifically, the department shall:

(a) Take reasonable steps to identify and notify owners of citrus trees removed as part of a citrus canker eradication program of the availability of the compensation program.

(b) Notify homeowners of the manner in which the owner may request funding.

(c) Develop a compensation request form and make it available to eligible homeowners.

(d) Develop a process to resolve disputes relating to compensation. The department's decision is final and is not subject to chapter 120, Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after "severability;" insert: requiring the Department of Agriculture and Consumer Services to administer a residential citrus canker compensation program; providing for sources of funds; providing for homeowners to receive compensation for citrus trees removed on or after a specified date as part of a citrus canker eradication program; providing eligibility criteria for receiving compensation; specifying the amount of compensation provided under the program, subject to availability of funds; requiring that the department notify homeowners of the program and develop a dispute-resolution process;

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

Amendment 2 (924058)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 3. *Short title.*—Sections 3 through 7 of this act may be cited as the "Rural and Family Lands Protection Act."

Section 4. *Definitions.*—As used in sections 5 and 6 of this act, the term "department" means the Department of Agriculture and Consumer Services.

Section 5. Section 570.70, Florida Statutes, is created to read:

570.70 *Legislative findings.*—The Legislature finds and declares that:

(1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural-resource protection.

(2) The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.

(3) The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.

(4) The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.

(5) The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.

Section 6. Section 570.71, Florida Statutes, is created to read:

570.71 *Conservation easements and agreements.*—

(1) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:

(a) Promotion and improvement of wildlife habitat;

(b) Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;

(c) Perpetuation of open space on lands with significant natural areas; or

(d) Protection of agricultural lands threatened by conversion to other uses.

(2) To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:

(a) Purchase conservation easements, as defined in s. 704.06.

(b) Purchase rural-lands-protection easements pursuant to this act.

(c) Fund resource conservation agreements pursuant to this act.

(d) Fund agricultural protection agreements pursuant to this act.

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:

(a) Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

(b) Subdivision of the property;

(c) Dumping or placing of trash, waste, or offensive materials; and

(d) Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.

(4) Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.

(5) Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit:

1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

2. Subdivision of the property;

3. Dumping or placing of trash, waste, or offensive materials; and

4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

(b) As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.

(6) Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.

(7) Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.

(8) Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.

(9) Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

(a) State funds;

(b) Federal funds;

(c) Other governmental entities;

(d) Nongovernmental organizations; or

(e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 7. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural and stewardship are through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the

local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually

agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

- a. Opportunity to accumulate transferable mitigation credits.
- b. Extended permit agreements.
- c. Opportunities for recreational leases and ecotourism.
- d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.
- e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a state-wide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to ~~shall~~ implement the provisions of this subsection by rule.

Section 8. Paragraph (e) of subsection (2) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(2)

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. ~~The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after the second semicolon (;) insert: creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report;

amending s. 163.3177, F.S.; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; amending s. 380.06, F.S., relating to developments of regional impact; deleting obsolete language;

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

Amendment 3 (392574)—In title, on page 1, delete line 2 and insert: An act relating to agriculture and consumer services;

Amendment 4 (035406)—On page 22, between lines 12 and 13, insert:

(38) To repair or build structures, from existing appropriations authority, notwithstanding chapters 216 and 255, not to exceed a cost of \$250,000 per structure. These structures must meet all applicable building codes.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was withdrawn.

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

Amendment 5 (970672)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 3. *Short title.*—Sections 3 through 7 of this act may be cited as the "Rural and Family Lands Protection Act."

Section 4. *Definitions.*—As used in sections 5 and 6 of this act, the term "department" means the Department of Agriculture and Consumer Services.

Section 5. Section 570.70, Florida Statutes, is created to read:

570.70 *Legislative findings.*—The Legislature finds and declares that:

(1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural-resource protection.

(2) The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.

(3) The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.

(4) The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.

(5) The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.

Section 6. Section 570.71, Florida Statutes, is created to read:

570.71 *Conservation easements and agreements.*—

(1) *The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:*

- (a) *Promotion and improvement of wildlife habitat;*
 - (b) *Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;*
 - (c) *Perpetuation of open space on lands with significant natural areas; or*
 - (d) *Protection of agricultural lands threatened by conversion to other uses.*
- (2) *To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:*
- (a) *Purchase conservation easements, as defined in s. 704.06.*
 - (b) *Purchase rural-lands-protection easements pursuant to this act.*
 - (c) *Fund resource conservation agreements pursuant to this act.*
 - (d) *Fund agricultural protection agreements pursuant to this act.*

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) *Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:*

- (a) *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);*
- (b) *Subdivision of the property;*
- (c) *Dumping or placing of trash, waste, or offensive materials; and*
- (d) *Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.*

(4) *Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.*

(5) *Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.*

(a) *For the length of the agreement, the landowner shall agree to prohibit:*

- 1. *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);*

2. *Subdivision of the property;*

3. *Dumping or placing of trash, waste, or offensive materials; and*

4. *Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.*

(b) *As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.*

(6) *Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.*

(7) *Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.*

(8) *Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.*

(9) *Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.*

(10) *The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.*

(11) *If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.*

(12) *The department is authorized to use funds from the following sources to implement this act:*

- (a) *State funds;*
- (b) *Federal funds;*
- (c) *Other governmental entities;*
- (d) *Nongovernmental organizations; or*
- (e) *Private individuals.*

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) *No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.*

(14) *The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.*

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 7. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural and stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total

amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

- a. Opportunity to accumulate transferable mitigation credits.
- b. Extended permit agreements.
- c. Opportunities for recreational leases and ecotourism.
- d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to ~~shall~~ implement the provisions of this subsection ~~by rule~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after the second semicolon (;) insert: creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; amending s. 163.3177, F.S.; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent;

On motion by Senator Geller, **CS for SB 1922** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

THE PRESIDENT PRESIDING

CS for SB 408—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with a complete defense in certain actions for certain law enforcement assistance activities; providing an effective date.

—as amended April 30 was read the third time by title.

Senator Campbell moved the following amendment:

Amendment 1 (252714)(with title amendment)—On page 1, between lines 25 and 26, insert:

Section 2. Section 408.087, Florida Statutes, is created to read:

408.087 Construction permits.—*For a period of 1 year after the effective date of this act, the Department of Environmental Protection shall*

not issue any air-pollution construction permit for any electric generating facility of more than 5 megawatts unless it is located on or immediately adjacent to a site previously used for power generation or a site permitted by the department, or the Public Service Commission has issued a determination of need for the facility. This section does not apply to any electric generating facility to be constructed by any electric utility as defined in s. 366.02.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: creating s. 408.087, F.S.; prohibiting the issuance of air-pollution construction permits for certain electric generating facilities except under certain circumstances;

POINT OF ORDER

Senator Sullivan raised a point of order that pursuant to Rule 7.1 **Amendment 1** was not germane to the bill.

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

On motion by Senator Smith, further consideration of **CS for SB 408** with pending point of order on **Amendment 1** was deferred.

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

SPECIAL ORDER CALENDAR

On motion by Senator Constantine, by unanimous consent—

CS for CS for SB's 336 and 190—An act relating to the Florida Building Code; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending ss. 553.36, 553.415, F.S.; defining the term “factory-built school shelter”; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; defining the term “specific needs” for purposes of selection from available codes; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; providing an effective date for the Florida Building Code; requiring that the Florida Building Commission appoint members to the commission’s Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to recommend procedures for engaging an engineer or architect to perform plans review and inspections; requiring recommendations for the role of local building officials in issuing building permits and certificates of occupancy; providing for appointment of members; providing for meetings and staff support by the Department of Community Affairs; requiring a report to the

Governor and the Legislature by a specified date; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing an appropriation; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Constantine moved the following amendment:

Amendment 1 (134464)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective upon this act becoming a law, subsection (1) of section 235.061, Florida Statutes, is amended to read:

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. “Long-term use” means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The rules shall require that, by ~~July 1, 2001~~, ~~July 1, 2001~~, relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. By July 1, 2000, the commissioner shall adopt standards for all relocatables intended for long-term use as classrooms. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

Section 2. Effective upon this act becoming a law, subsection (1) of section 235.212, Florida Statutes, is amended to read:

235.212 Low-energy use design; solar energy systems; swimming pool heaters.—

(1)(a) Passive design elements and low-energy usage features shall be included in the design and construction of new educational facilities. Operable glazing consisting of at least 5 percent of the floor area shall be placed in each classroom located on the perimeter of the building. *For a relocatable classroom facility, the area of operable glazing and the area of exterior doors, together, shall consist of at least 5 percent of the floor area.* Operable glazing is not required in community colleges, auxiliary facilities, music rooms, gyms, locker and shower rooms, special laboratories requiring special climate control, and large group instruction areas having a capacity of more than 100 persons.

(b) In the remodeling and renovation of educational facilities which have existing natural ventilation, adequate sources of natural ventilation shall be retained, or a combination of natural and low-energy usage mechanical equipment shall be provided that will permit the use of the facility without air-conditioning or heat when ambient conditions are moderate. However, the Commissioner of Education is authorized to waive this requirement when environmental conditions, particularly noise and pollution factors, preclude the effective use of natural ventilation.

Section 3. Effective July 1, 2001, subsection (1) of section 255.31, Florida Statutes, as amended by section 15 of chapter 2000-141, Laws of Florida, is amended to read:

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings are governed by

the Florida Building Code and the Florida Fire Prevention Code, which are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department; provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985; *the Governor's mansion and grounds thereof, as described in s. 272.18; and the Capitol Building and environs, being that part of the City of Tallahassee bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street,* the department may not conduct plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

Section 4. Subsection (10) is added to section 373.323, Florida Statutes, to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(10) *Water well contractors licensed under this section may install, repair, and modify pumps and tanks in accordance with the Florida Building Code, Plumbing; Section 612—Wells pumps and tanks used for private potable water systems. In addition, licensed water well contractors may install pumps, tanks, and water conditioning equipment for all water well systems.*

Section 5. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) ~~All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division, pursuant to s. 399.13. If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for a routine inspection.

(2) The division may ~~shall~~ employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 6. Effective upon this act becoming a law, subsection (3) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the Department of ~~Community Affairs Education~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the Department of ~~Community Affairs Education~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of ~~Community Affairs Education~~. ~~The Department of Education must allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution.~~ The Department of ~~Community Affairs Education~~ shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of ~~Community Affairs Education~~ shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects. ~~The Commissioner of Education is directed to appoint one electrical contractor and one certified alarm system contractor to the Building Construction Industry Advisory Committee.~~

Section 7. Effective upon this act becoming a law, present subsections (7) through (15) of section 553.36, Florida Statutes, are redesignated as subsections (8) through (16), respectively, and a new subsection (7) is added to that section, to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(7) *"Factory-built school shelter" means any site-assembled or factory-built school building that is designed to be portable, relocatable, demountable, or reconstructible and that complies with the provisions for enhanced hurricane protection areas, as required by the applicable code.*

Section 8. Effective upon this act becoming a law, section 553.415, Florida Statutes, is amended to read:

553.415 Factory-built school buildings.—

(1) It is the purpose of this section to provide an alternative procedure for the construction and installation of factory-built school buildings designed or intended for use as school buildings. As used in this section, the term "factory-built school building" means any building designed or intended for use as a school building, which is in whole or in part, manufactured at an offsite facility in compliance with the State Uniform Code for Public Educational Facilities and Department of Education rule, effective on January 5, 2000. After ~~January 1, 2002 July 1, 2001~~, the Uniform Code for Public Educational Facilities shall be incorporated into the Florida Building Code, including specific requirements for Public Educational Facilities and the Department of Education rule, effective on January 5, 2000. For the purpose of this section, factory-built school buildings include prefabricated educational facilities, factory-built educational facilities, and modular-built educational facilities, that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms or the components of an entire school; and do not fall under the provisions of ss. 320.822-320.862.

(2) A manufacturer of factory-built school buildings shall be subject to the certification and enforcement requirements in this part except as provided in this section.

(3) Within 90 days after the effective date of this section, the department shall adopt by emergency rule regulations to carry out the provisions of this section. Such rule shall ensure the safety of design, construction, accessibility, alterations, and inspections and shall also pre-

scribe procedures for the plans, specifications, and methods of construction to be submitted to the department for approval.

(4) A manufacturer of factory-built school buildings designed or intended for use as school buildings shall submit to the department for approval the manufacturer's plans, specifications, alterations, and methods of construction. The department is authorized to charge manufacturers a fee which reflects the actual expenses incurred for the review of such plans and specifications.

(5) The department, in accordance with the standards and procedures adopted pursuant to this section and as such standards and procedures may thereafter be modified, shall approve or reject such plans, specifications, and methods of construction. Approval shall not be given unless such plans, specifications, and methods of construction are in compliance with the State Uniform Building Code for Public Educational Facilities and department rule. After *January 1, 2002* ~~July 1, 2001~~, the Uniform Code for Public Educational facilities shall be incorporated into the Florida Building Code, including specific requirements for public educational facilities and department rule.

(6) The department may delegate its plans review authority to a state agency or public or private entity; however, the department shall ensure that any person conducting plans reviews is a certified plans examiner, pursuant to part XII of chapter 468.

(7) A standard plan approval may be obtained from the department for factory-built school buildings and such department-approved plans shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit for the structure itself. *The department, or its designated representative, shall determine if the plans qualify for purposes of a factory-built school shelter, as defined in s. 553.36.*

(8) Any amendment to the State Uniform Code for Public Educational Facilities, and after *January 1, 2002* ~~July 1, 2001~~, the Florida Building Code, shall become effective 180 days after the amendment is filed with the Secretary of State. Notwithstanding the 180-day delayed effective date, the manufacturer shall submit and obtain a revised approved plan within the 180 days. A revised plan submitted pursuant to this subsection shall be processed as a renewal or revision with appropriate fees. A plan submitted after the period of time provided shall be processed as a new application with appropriate fees.

(9) The school district or community college district for which any factory-built school building is constructed or altered *after July 1, 2001*, shall provide for periodic inspection of the proposed factory-built school building during each phase of construction or alteration. The inspector shall act under the direction of the governing board for employment purposes. *This subsection does not prevent a school district or community college district from purchasing or otherwise using a factory-built school building that has been inspected during all phases of construction or alteration conducted after July 1, 2002, by another school district or community college or by an approved inspection agency certified pursuant to s. 553.36(2). If a factory-built school building is constructed or altered for an entity other than a school district or community college district, such entity may employ at its election a school district, community college district, or such approved inspection agency to conduct such inspections. A school district or community college district so employed may charge such entity for services at reasonable rates comparable to those charged for similar services by approved inspection agencies.*

(10) The department shall, by rule, develop forms and reporting periods for the architect or structural engineer in charge of the supervision of the work of construction in the factory, the inspector on the work, and the manufacturer verifying that based upon personal knowledge, the work during the period covered by the report has been performed, and the materials used and installed, in every particular, in accordance with the approved plans and specifications, setting forth such detailed statements of facts as required by the department.

(11) The department shall develop a unique identification label to be affixed to all newly constructed factory-built school buildings and existing factory-built school buildings which have been brought into compliance with the standards for existing "satisfactory" buildings pursuant to chapter 5 of the Uniform Code for Public Educational Facilities, and after *January 1, 2002* ~~July 1, 2001~~, the Florida Building Code. The department may charge a fee for issuing such labels. Such labels, bearing the department's name and state seal, shall at a minimum, contain:

- (a) The name of the manufacturer.
 - (b) The standard plan approval number or alteration number.
 - (c) The date of manufacture or alteration.
 - (d) The serial or other identification number.
 - (e) The following designed-for loads: lbs. per square foot live load; lbs. per square foot floor live load; lbs. per square foot horizontal wind load; and lbs. per square foot wind uplift load.
 - (f) The designed-for flood zone usage.
 - (g) The designed-for wind zone usage.
 - (h) The designed-for enhanced hurricane protection zone usage: yes or no.
- (12) Such identification label shall be permanently affixed by the manufacturer in the case of newly constructed factory-built school buildings, or by the department or its designee in the case of an existing factory-built building altered to comply with provisions of s. 235.061.

(13) As of July 1, 2001, all ~~existing and~~ newly constructed factory-built school buildings shall bear a label pursuant to subsection (12). As of *July 1, 2002*, existing factory-built school buildings *and manufactured building used as classrooms and not bearing such label shall not be used as classrooms pursuant to s. 235.061.*

(14) Nothing in this section shall affect any requirement for compliance with firesafety criteria.

Section 9. Effective July 1, 2001, section 553.505, Florida Statutes, is amended to read:

553.505 Exceptions to applicability of the Americans with Disabilities Act.—Notwithstanding the Americans with Disabilities Act of 1990, private clubs are governed by ss. 553.501-553.513. Parking spaces, parking lots, and other parking facilities are governed by *s. 553.5041* ~~s. 316.1955~~, when that section provides increased accessibility.

Section 10. Effective July 1, 2001, section 553.507, Florida Statutes, is amended to read:

553.507 Exemptions.—Sections 553.501-553.513 ~~and s. 316.1955(4)~~ do not apply to any of the following:

- (1) Buildings, structures, or facilities that were either under construction or under contract for construction on October 1, 1997.
- (2) Buildings, structures, or facilities that were in existence on October 1, 1997, unless:
 - (a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;
 - (b) The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or
 - (c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

Section 11. Subsections (2) and (3), paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 553.73, Florida Statutes, as amended by section 40 of chapter 98-287, Laws of Florida, as amended by section 61 of chapter 98-419, Laws of Florida, as amended by sections 73, 74, and 75 of chapter 2000-141, Laws of Florida, and section 62 of chapter 2000-154, Laws of Florida, are amended, and present subsections (8), (9), and (10) of that section are redesignated as subsections (9), (10), and (11), respectively, to read:

553.73 State Minimum Building Codes.—

- (2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems,

existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. *Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23.* Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (5), and (6) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(3) The commission shall select from available national or international model building codes, or other available building codes and standards currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be specifically set forth in the Florida Building Code. *The Florida Building Commission may approve technical amendments to the code after the amendments have been subject to the following conditions:*

(a) *The proposed amendment has been published on the commission's website for a minimum of 45 days and all the associated documentation has been made available to any interested party before any consideration by any Technical Advisory Committee;*

(b) *In order for a Technical Advisory Committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the Technical Advisory Committee meeting and at least half of the regular members must be present in order to conduct a meeting;*

(c) *After Technical Advisory Committee consideration and a recommendation for approval of any proposed amendment, the proposal must be published on the commission's website for not less than 45 days before any consideration by the commission; and*

(d) *Any proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.*

The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)

(b) Local governments may, subject to the limitations of this section, adopt amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of such government and which provide for more stringent requirements than those specified in the Florida Building Code, not more than once every 6 months, provided:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the Florida Building Code for the protection of life and property.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

4. The enforcing agency shall make readily available, in a usable format, all amendments adopted pursuant to this section.

5. Any amendment to the Florida Building Code shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public.

6. Any amendment to the Florida Building Code adopted by a local government pursuant to this paragraph shall be effective only until the adoption by the commission of the new edition of the Florida Building Code every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (6)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment pursuant to the provisions of this paragraph.

7. Each county and municipality desiring to make local technical amendments to the Florida Building Code shall by interlocal agreement establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county pursuant to this paragraph, that is challenged by any substantially affected party for purposes of determining the amendment's compliance with this paragraph. If the compliance review board determines such amendment is not in compliance with this paragraph, the compliance review board shall notify such local government of the non-compliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission, *which shall conduct a hearing under chapter 120 and the uniform rules of procedure.* If the compliance review board determines such amendment to be in compliance with this paragraph, any substantially affected party may appeal such determination to the commission, *which shall conduct a hearing under chapter 120 and the uniform rules of procedure.* Actions of the commission are subject to judicial review pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

8. An amendment adopted under this paragraph shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

9. In addition to subparagraphs 7. and 8., the commission may review any amendments adopted pursuant to this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(5) ~~The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years.~~ The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use statewide without adoptions by local government. *For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.*

(6) *The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years.* When updating the Florida Building Code, the commission shall consider changes made by the adopting entity of any selected model code for any model code incorporated into the Florida Building Code, and may subsequently adopt the new edition or successor of the model code or any part of such code, *no sooner than 6 months after such model code has been adopted by the adopting organization,* which may then be modified for this state as provided in this section, and shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the

commission. *Furthermore*, the edition of the Florida Building Code which is in effect on the date of application ~~for~~ of any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(7)(6)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
2. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
3. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
4. Does not degrade the effectiveness of the Florida Building Code.

Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions and declaratory statements. Amendments approved under this paragraph shall be adopted by rule pursuant to ss. 120.536(1) and 120.54, *after the amendments have been subjected to the provisions of subsection (3)*.

(b) A proposed amendment shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section.

(8)(7) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

- (a) Buildings and structures specifically regulated and preempted by the Federal Government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile homes used as temporary offices, except that the provisions of part V relating to accessibility by persons with disabilities shall apply to such mobile homes.
- (f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) *Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code.*

(i) *Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.*

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or

standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law.

Section 12. Paragraphs (e) and (h) of subsection (1) and subsections (2) and (6) of section 553.77, Florida Statutes, as amended by section 46 of chapter 98-287, Laws of Florida, as amended by section 78 of chapter 2000-141, Laws of Florida, as amended by section 79 of chapter 2000-141, Laws of Florida, are amended, and subsection (7) is added to that section, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(e) When requested in writing by any substantially affected person, state agency, or a local enforcing agency, shall issue declaratory statements pursuant to s. 120.565 relating to this part *and ss. 515.25, 515.27, 515.29, and 515.37*. Actions of the commission are subject to judicial review pursuant to s. 120.68.

(h) Hear appeals of the decisions of local boards of appeal regarding interpretation decisions of local building officials, or if no local board exists, hear appeals of decisions of the building officials regarding interpretations of the code. For such appeals:

1. Local decisions declaring structures to be unsafe and subject to repair or demolition shall not be appealable to the commission if the local governing body finds there is an immediate danger to the health and safety of its citizens.

2. All appeals shall be heard in the county of the jurisdiction defending the appeal.

3. *Hearings shall be conducted pursuant to chapter 120 and the uniform rules of procedure, and decisions* ~~Actions~~ of the commission are subject to judicial review pursuant to s. 120.68.

~~(2) With respect to the qualification program for special inspectors of threshold buildings as required by s. 553.79(5)(c), the commission may prescribe initial and annual renewal fees for certification, by rule, in accordance with chapter 120.~~

(6) The commission may provide by rule for plans review and approval of prototype buildings owned by public and private entities to be replicated throughout the state. *The rule must allow for review and approval of plans for prototype buildings to be performed by a public or private entity with oversight by the commission. The department may charge reasonable fees to cover the administrative costs of the program.* Such approved plans or prototype buildings shall be exempt from further review required by s. 553.79(2), except changes to the prototype design, site plans, and other site-related items. *As provided in s. 553.73, prototype buildings are exempt from, or any locally adopted local amendment to any part of the Florida Building Code. Construction or erection of such prototype buildings is subject to local permitting and inspections pursuant to this part.*

(7) *The commission may produce and distribute a commentary document to accompany the Florida Building Code. The commentary must be limited in effect to providing technical assistance and must not have the effect of binding interpretations of the code document itself.*

Section 13. Subsections (2) and (6) of section 553.79, Florida Statutes, as amended by section 49 of chapter 98-287, Laws of Florida, as amended by sections 83 and 84 of chapter 2000-141, Laws of Florida, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(2) *Except as provided in subsection (6), an* ~~No~~ enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications *required by the Florida Building Code, or local amendment thereto*, for such proposal and found the plans to be in compliance with the

Florida Building Code. In addition, an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. 633.081 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the provisions of the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

(6) A permit may not be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit complies with the requirements for plan review established by the Florida Building Commission within the Florida Building Code. However, the code shall set standards and criteria to authorize preliminary construction before completion of all building plans review, including, but not limited to, special permits for the foundation only, and such standards shall take effect concurrent with the first effective date of the Florida Building Code.

Section 14. Effective upon this act becoming a law, section 553.84, Florida Statutes, as amended by section 88 of chapter 2000-141, Laws of Florida, is amended to read:

553.84 Statutory civil action.—Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a violation of this part or the Florida Building Code, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation; however, if the person or party obtains the required building permits and any local government or public agency with authority to enforce the Florida Building Code approves the plans, if the construction project passes all required inspections under the code, and if there is no personal injury or damage to property other than the property that is the subject of the permits, plans, and inspections, this section does not apply unless the person or party knew or should have known that the violation existed.

Section 15. Effective upon this act becoming a law, section 553.8412, Florida Statutes, is created to read:

553.8412 Legislative intent; delivery of training; outsourcing.—

(1) The number of licensees who will require initial training for the Florida Building Code is in excess of 100,000. It is the intent of the Legislature that the Florida Building Commission make sure that initial training for the Florida Building Code be achieved as soon as practicable to ensure compliance. It is further the intent of the Legislature that the Florida Building Commission encourage and promote improved coordination between industry associations as a way to achieve better compliance with Florida's building codes.

(2) Not more than 60 days after the effective date of this section, the Florida Building Commission and the department shall provide for statewide outreach for training on the Florida Building Code. The Florida Building Commission and the department shall achieve statewide outreach for training through organizations, including, but not limited to, existing licensee trade and professional associations. The Florida Building Commission or the department may not exclude participation in statewide outreach by any trade or professional association that has as its primary constituency members who are required to comply with the training requirements of the Florida Building Code. Wherever possible and by contract pursuant to s. 287.057, the Florida Building Commission and the department shall outsource components, outreach, and coordination of training and the training itself to prevent duplication and ensure

the most expeditious and consistent delivery and minimize administrative costs to the commission and the department. This section does not prohibit any qualified entity from providing training on the Florida Building Code.

(3) To the extent available, funding for outreach, coordination of training, or training may come from existing resources. If necessary, the Florida Building Commission or the department may seek additional or supplemental funds pursuant to s. 215.559(5). This section does not preclude the Florida Building Commission from charging fees to fund the building code training program in a self-sufficient manner as provided in s. 553.841(5).

(4) This section is repealed June 30, 2003, unless reenacted by the Legislature.

Section 16. Effective July 1, 2001, section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(1) The commission shall ~~adopt rules under ss. 120.536(1) and 120.54 make recommendations to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 Regular Session to~~ develop and implement a product evaluation and approval system that applies statewide to operate in coordination with the Florida Building Code. The commission may enter into contracts to provide for administration of the product evaluation and approval system. The product evaluation and approval system shall provide:

- (a) Appropriate promotion of innovation and new technologies.
- (b) Processing submittals of products from manufacturers in a timely manner.
- (c) Independent, third-party qualified and accredited testing and laboratory facilities, product evaluation entities, quality-assurance agencies, certification agencies, and validation entities.
- (d) An easily accessible product acceptance list to entities subject to the Florida Building Code.
- (e) Development of stringent but reasonable testing criteria based upon existing consensus standards, when available, for products.
- (f) Long-term approvals, where feasible. State and local approvals will be valid until the requirements of the code on which the approval is based change, the product changes in a manner affecting its performance as required by the code, or the approval is revoked.
- (g) Criteria for ~~recall or~~ revocation of a product approval.
- (h) Cost-effectiveness.

(2) The product evaluation and approval system shall rely on ~~regional,~~ national, and international consensus standards, whenever adopted by the Florida Building Code, for demonstrating compliance with code standards. Other standards which meet or exceed established state requirements shall also be considered.

(3) Products or methods or systems of construction that require approval under s. 553.77, that have standardized testing or comparative or rational analysis methods established by the code, ~~required to be approved and that are certified by an approved product evaluation entity, testing laboratory, or certification agency as complying with the standards specified by the code shall be approved for local or statewide use by one of the methods established in subsection (6) permitted to be used statewide, without further evaluation or approval.~~

(4) By October 1, 2003, products or methods or systems of construction requiring approval under s. 553.77 must be approved by one of the methods established in subsection (5) or subsection (6) before their use in construction in this state. Products may be approved either by the commission for statewide use, or by a local building department for use in that department's jurisdiction only. Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.

(5) ~~Statewide and~~ Local approval of products or methods or systems of construction may ~~shall~~ be achieved by the local building official through building plans review and inspection to determine that the product, method, or system of construction complies with the prescriptive standards established in the code. Alternatively, local approval may be achieved by one of the methods established in subsection (6).

(6) Statewide or local approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by local officials or the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule.

(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was evaluated to be in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency;
2. A test report from an approved testing laboratory;
3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or
4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

(b) Products, methods, or systems of construction for which there are no specific standardized testing or comparative or rational analysis methods established in the code may be approved by submittal and validation of one of the following:

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was evaluated to be in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code; or
2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.

(7) The commission shall ensure that product manufacturers operate quality-assurance programs for all approved products. The commission shall adopt by rule criteria for operation of the quality-assurance programs.

(8) For local approvals, validation shall be performed by the local building official. The commission shall adopt by rule criteria constituting complete validation by the local official, including, but not limited to, criteria governing verification of a quality-assurance program. For state approvals, validation shall be performed by validation entities approved by the commission. The commission shall adopt by rule criteria for approval of validation entities, which shall be third-party entities independent of the product's manufacturer and which shall certify to the commission the product's compliance with the code.

(9) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply with a nationally recognized standard demonstrating independence or no conflict of interest:

(a) Evaluation entities that meet the criteria for approval adopted by the commission by rule. The commission shall specifically approve the National Evaluation Service, the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code

Congress International Evaluation Services, and the Miami-Dade County Building Code Compliance Office Product Control. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (6).

(b) Testing laboratories accredited by national organizations, such as A2LA and the National Voluntary Laboratory Accreditation Program, laboratories accredited by evaluation entities approved under paragraph (a), and laboratories that comply with other guidelines for testing laboratories selected by the commission and adopted by rule.

(c) Quality-assurance entities approved by evaluation entities approved under paragraph (a) and by certification agencies approved under paragraph (d) and other quality-assurance entities that comply with guidelines selected by the commission and adopted by rule.

(d) Certification agencies accredited by nationally recognized accreditors and other certification agencies that comply with guidelines selected by the commission and adopted by rule.

(e) Validation entities that comply with accreditation standards established by the commission by rule.:

(a) Submittal and validation of a product evaluation report from an approved product evaluation entity indicating the product or method or system of construction was tested to be in compliance with the Florida Building Code or with the intent of the Florida Building Code and the product or method or system of construction is, for the purpose intended, at least equivalent of that required by the Florida Building Code; or

(b) ~~Submittal and validation of a product evaluation report or rational analysis which is signed and sealed by a professional engineer or architect, licensed in this state, who has no conflict of interest, as determined by national guidelines, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent of that required by the Florida Building Code. Any product approved under this procedure shall be required to be manufactured under a quality assurance program, certified by an approved product evaluation entity.~~

(10)(6) A building official may deny the local application of a product or method or system of construction which has received statewide approval, based upon a written report signed by the official that concludes the product application is inconsistent with the statewide approval and that states the reasons the application is inconsistent. Such denial is subject to the provisions of s. 553.77 governing appeal of the building official's interpretation of the code.

(11)(7) Products, other than manufactured buildings, which are custom fabricated or assembled shall not require separate approval under this section provided the component parts have been approved for the fabricated or assembled product's use and the components meet the standards and requirements of the Florida Building Code which applies to the product's intended use.

(12)(8) A building official may appeal the required approval for local use of a product or method or system of construction to the commission. The commission shall conduct a hearing under chapter 120 and the uniform rules of procedure and shall ~~establish expedited procedures to~~ handle such appeals in an expedited manner.

(13)(9) The decisions of local building officials shall be appealable to the local board of appeals, if such board exists, and then to the commission, which shall conduct a hearing under chapter 120 and the uniform rules of procedure. Decisions of the commission regarding statewide product approvals and appeals of local product approval shall be subject to judicial review pursuant to s. 120.68.

(14)(10) The commission shall maintain a list of the ~~state-approved~~ approved products, and product evaluation entities, testing laboratories, quality-assurance agencies, certification agencies, and validation entities and make such lists ~~list~~ available in the most cost-effective manner. The commission shall establish reasonable timeframes associated with the product approval process and availability of the ~~lists list~~.

(15) The commission shall by rule establish criteria for revocation of product approvals as well as revocation of approvals of product evaluation entities, testing laboratories, quality-assurance entities, certification agencies, and validation entities. Revocation is governed by s. 120.60 and the uniform rules of procedure.

(16) *The commission shall establish a schedule for adoption of the rules required in this section to ensure that the product manufacturing industry has sufficient time to revise products to meet the requirements for approval and submit them for testing or evaluation before the system taking effect on October 1, 2003, and to ensure that the availability of statewide approval is not delayed.*

~~(11) The commission may establish reasonable and appropriate fees for the review of rational analyses and certification of manufactured buildings submitted pursuant to this section and may enter into any contracts the commission deems necessary in order to implement this section.~~

~~(12) Products certified or approved for statewide or local use by an approved product evaluation entity prior to the effective date of this act shall be deemed to be approved for use in this state pursuant to this section and to comply with this section.~~

~~For purposes of this section, an approved product evaluation entity is an entity that has been accredited by a nationally recognized independent evaluation authority or entity otherwise approved by the commission.~~

Section 17. Effective July 1, 2001, subsection (2) of section 553.895, Florida Statutes, is amended to read:

553.895 Firesafety.—

(2) Except for single-family and two-family dwellings, any building which is of three stories or more and for which the construction contract is let after January 1, 1994, regardless of occupancy classification and including any building which is subject to s. 509.215, shall be equipped with an automatic sprinkler system installed in compliance with the provisions of chapter 633 and the rules and codes adopted pursuant thereto. A stand-alone parking garage constructed with noncombustible materials, the design of which is such that all levels of the garage are uniformly open to the atmosphere on all sides with percentages of openings as prescribed in the applicable building code, and which parking garage is separated from other structures by at least 20 feet, is exempt from the requirements of this subsection. *Telecommunications spaces located within telecommunications buildings, if the spaces are equipped to meet an equivalent fire-prevention standard approved by both the Florida Building Commission and the State Fire Marshal, are exempt from the requirements of this subsection. In a building less than 75 feet in height which is protected throughout with an approved and maintained fire sprinkler system, a manual wet standpipe, as defined in the National Fire Protection Association Standard 14, Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems, shall be allowed.*

Section 18. *Effective upon this act becoming a law, the Florida Building Commission shall research the issue of adopting a rehabilitation code for the state and shall report to the Legislature before the 2002 Regular Session regarding the feasibility of adopting such a code. The commission shall review the rehabilitation codes adopted by other states as part of its research.*

Section 19. *Effective upon this act becoming a law, the Florida Building Commission shall research the issue of requiring all primary elevators in buildings with more than five levels to operate with a universal key, thereby allowing access and operation by emergency personnel. The commission must report its recommendations to the Legislature before the 2002 Regular Session.*

Section 20. *Notwithstanding any other provision in chapter 2000-141, Laws of Florida, effective upon this act becoming a law, the effective date of the following sections of chapter 2000-141, Laws of Florida, is changed to January 1, 2002: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 36, 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71, 72, 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, 94, and 99.*

Section 21. *Notwithstanding any other provision in chapter 2000-141, Laws of Florida, effective upon this act becoming a law, the effective date of the following sections of chapter 98-287, Laws of Florida, as amended by chapter 2000-141, Laws of Florida, is changed to January 1, 2002: sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29, 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.*

Section 22. *Notwithstanding any other provision in chapter 2000-141, Laws of Florida, effective upon this act becoming a law, the effective*

date of section 61 of chapter 98-419, Laws of Florida, as amended by chapter 2000-141, Laws of Florida, is changed to January 1, 2002.

Section 23. Effective upon this act becoming a law, section 135 of chapter 2000-141, Laws of Florida, is amended to read:

Section 135. Effective ~~January 1, 2002~~ ~~July 1, 2001~~, subsection (2) of section 255.21, Florida Statutes, paragraphs (d) and (e) of subsection (1) of section 395.1055, Florida Statutes, and subsection (11) of section 553.79, Florida Statutes, are repealed.

Section 24. Effective upon this act becoming a law, subsection (2) of section 62 of chapter 98-287, Laws of Florida, as amended by section 107 of chapter 2000-141, Laws of Florida, is amended to read:

Section 62.

(2) Effective ~~January 1, 2002~~ ~~July 1, 2001~~, all existing local technical amendments to any building code adopted by any local government, except for local ordinances setting forth administrative requirements which are not in conflict with the Florida Building Code, are repealed. Each local government may readopt such amendments pursuant to s. 553.73, Florida Statutes, provided such amendments comply with applicable provisions of the Florida Building Code.

Section 25. Effective upon this act becoming a law, section 68 of chapter 98-287, Laws of Florida, as amended by section 108 of chapter 2000-141, Laws of Florida, is amended to read:

Section 68. Effective ~~January 1, 2002~~ ~~July 1, 2001~~, parts I, II, and III of chapter 553, Florida Statutes, consisting of sections 553.01, 553.02, 553.03, 553.04, 553.041, 553.05, 553.06, 553.07, 553.08, 553.10, 553.11, 553.14, 553.15, 553.16, 553.17, 553.18, 553.20, 553.21, 553.22, 553.23, 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes, are repealed, section 553.141, Florida Statutes, is transferred and renumbered as section 553.86, Florida Statutes.

Section 26. *Effective upon this act becoming a law, funds that are available under sections 489.109(3) and 489.509(3), Florida Statutes, shall be allocated and expended by the Florida Building Commission as provided in this section.*

(1) *Effective upon this act becoming a law, the Florida Building Commission shall appoint those members of the Building Construction Industry Advisory Committee on October 1, 2001, as established by Rule 6A-10.029, Florida Administrative Code, to the Education Technical Advisory Committee of the Florida Building Commission to complete their terms of office. Members of the Florida Building Commission shall also be appointed to the Education Technical Advisory Committee. The members of the committee shall broadly represent the building construction industry and must consist of no fewer than 10 persons. The chairperson of the Florida Building Commission shall annually designate the chairperson of the committee. The terms of the committee members shall be 2 years each and members may be reappointed at the discretion of the Florida Building Commission.*

(2) *The Educational Technical Advisory Committee shall:*

(a) *Advise the commission on any policies or procedures needed to administer sections 489.109(3) and 489.509(3), Florida Statutes.*

(b) *Advise the commission on administering section 553.841, Florida Statutes.*

(c) *Advise the commission on areas of priority for which funds should be expended for research and continuing education.*

(d) *Review all proposed research and continuing education projects and recommend to the commission those projects that should be funded and the amount of funds to be provided for each project.*

(3) *Each biennium, upon receipt of funds by the Department of Community Affairs from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under sections 489.109(3) and 489.509(3), Florida Statutes, the commission shall determine the amount of funds available for research projects from the proceeds of contractor licensing fees and identify, solicit, and accept funds from other sources for research and continuing education projects.*

(4) If funds collected for research projects in any year do not require the use of all available funds, the unused funds shall be carried forward and allocated for use during the following fiscal year.

Section 27. Effective upon this act becoming a law, the Florida Building Commission shall convene an ad hoc subcommittee to recommend a procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property, and the appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.

(1) The ad hoc committee shall be composed of 11 members appointed by the chairperson of the commission who shall meet the following qualifications:

- (a) Five members from the Building Officials Association of Florida;
- (b) Two members from the Associated General Contractors of Florida;
- (c) One member from the Florida Homebuilders Association;
- (d) One member from the Florida Engineering Society;
- (e) One member from the Florida Association of the American Institute of Architects; and
- (f) One member from the Florida Insurance Council.

(2) The ad hoc subcommittee shall meet at least four times prior to January 1, 2002. Members may participate in any meeting via telephone conference if the technology is available at the meeting location. Members shall serve on a voluntary basis, without compensation and without reimbursement of per diem and travel expenses.

(3) The ad hoc subcommittee shall examine the various processes used by local building officials throughout the state in conducting plans review for the construction, alteration, repair, or improvement of real property, and approving building permit applications, as well as those processes used by local building officials in conducting required inspections for construction, alteration, repair, or improvement of real property, and issuing certificates of occupancy. The ad hoc subcommittee shall make recommendations on the following:

(a) A procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property; and

(b) The appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.

(4) The ad hoc subcommittee shall submit to the Florida Building Commission its recommendations and findings by January 1, 2002. The commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, before the beginning of the next regularly scheduled legislative session, a report of its findings, which shall include the recommendations of the ad hoc committee.

(5) The Department of Community Affairs shall provide logistical and staff support for the ad hoc subcommittee.

Section 28. Subsection (1) of section 627.0629, Florida Statutes, as amended by section 99 of chapter 2000-141, Laws of Florida, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1) A rate filing for residential property insurance must include actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques shall include, but not be limited to, fixtures or construction techniques which enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials for fixtures and construction techniques which meet the minimum requirements of the Florida Building

Code must be included in the rate filing. All insurance companies must make a rate filing which includes the credits, discounts, or other rate differentials by December 31 ~~June 1~~, 2002.

Section 29. Effective upon this act becoming a law, paragraph (c) of subsection (3) of section 633.0215, Florida Statutes, is amended to read:

633.0215 Florida Fire Prevention Code.—

(3) No later than 180 days before the triennial adoption of the Florida Fire Prevention Code, the State Fire Marshal shall notify each municipal, county, and special district fire department of the triennial code adoption and steps necessary for local amendments to be included within the code. No later than 120 days before the triennial adoption of the Florida Fire Prevention Code, each local jurisdiction shall provide the State Fire Marshal with copies of its local fire code amendments. The State Fire Marshal has the option to process local fire code amendments that are received less than 120 days before the adoption date of the Florida Fire Prevention Code.

(c) Notwithstanding other state or local building and construction code laws to the contrary, locally adopted fire code requirements that were in existence on the effective date of this section shall be deemed local variations of the Florida Fire Prevention Code until the State Fire Marshal takes action to adopt as a statewide firesafety code requirement or rescind such requirements as provided herein, and such action shall take place no later than January 1, 2002 ~~July 1, 2001~~.

Section 30. Effective upon this act becoming a law, section 1 of chapter 2000-150, Laws of Florida, is repealed.

Section 31. Effective upon this act becoming a law, the Florida Building Commission shall research and evaluate the types of specific needs for the state and its localities which are appropriate to justify amendments to the adopted Florida Building Code, as referenced in section 553.73(3), Florida Statutes, and shall make recommendations regarding legislative clarification of this issue to the Legislature prior to the 2002 Regular Session. The commission shall consider needs relating to the state's geographic, climatic, soil, topographic, fire, and other conditions as part of its evaluation. The commission shall adopt no amendments to the Florida Building Code until after July 1, 2002, except for the following: emergency amendments, amendments clarifying construction regulations for state agencies, amendments that eliminate conflicts with state law or implement new authorities granted by law, and amendments to implement settlement agreements executed prior to March 1, 2002.

Section 32. Effective upon this act becoming a law, the sum of \$250,000 is appropriated from the General Revenue Fund to Florida Community College at Jacksonville for the operations of the Institute of Applied Technology in Construction Excellence.

Section 33. The sum of \$250,000 is appropriated from the General Revenue Fund to Miami-Dade Community College for the purpose of implementing the building code training program for inspectors, contractors, architects, and engineers.

Section 34. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Building Code; amending s. 235.061, F.S.; delaying the date by which relocatables used as classrooms must meet certain standards; amending s. 235.212, F.S.; specifying certain low-energy window standards for relocatable classrooms; amending s. 255.31, F.S.; exempting certain facilities from plans reviews and inspections by local governments; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 399.061, F.S.; providing requirements for the inspection of elevators and other conveyances; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending ss. 553.36, 553.415, F.S.; defining the term "factory-built school shelter"; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the date for inclusion of the Uniform Code for Public Education Facilities in the Florida

Building Code; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; amending s. 553.84, F.S.; providing an exception to certain liability provisions relating to the Florida building Code; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; requiring that the Florida Building Commission appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to recommend procedures for engaging an engineer or architect to perform plans review and inspections; requiring recommendations for the role of local building officials in issuing building permits and certificates of occupancy; providing for appointment of members; providing for meetings and staff support by the Department of Community Affairs; requiring a report to the Governor and the Legislature by a specified date; amending s. 627.0629, F.S.; delaying a deadline by which insurance companies are required to make certain rate filings; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing appropriations; repealing s. 1 of ch. 2000-150, Laws of Florida, relating to legislative intent regarding the meaning of the terms "net premiums written" and "net premiums collected" as used in ch. 440, F.S.; providing an effective date.

Senator King moved the following amendment to **Amendment 1**:

Amendment 1A (215544)(with title amendment)—On page 7, between lines 14 and 15, insert:

Section 7. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that a licensed electrical journeyman be present on an industrial or commercial new construction site of 50,000 square feet or more when electrical work is being performed in order to supervise or perform such work, except as provided in s. 489.503. The Department of Business and Professional Regulation shall adopt rules to implement a required statewide registration designation for electrical journeyman for industrial and commercial job sites to take effect January 1, 2003.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, line 16, after the semicolon (;) insert: amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; providing for rules;

Senator King moved the following substitute amendment for **Amendment 1A** which was adopted:

Amendment 1B (843068)(with title amendment)—On page 7, between lines 14 and 15, insert:

Section 7. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, line 16, after the semicolon (;) insert: amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen;

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

Amendment 1C (892898)—On page 3, line 15, delete "July 1, 2001" and insert: January 1, 2002

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB's 336 and 190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by unanimous consent—

SB 342—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **SB 342** to **HB 69**.

Pending further consideration of **SB 342** as amended, on motion by Senator Clary, by two-thirds vote **HB 69** was withdrawn from the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services and Appropriations.

On motion by Senator Clary—

HB 69—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—a companion measure, was substituted for **SB 342** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 69** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by unanimous consent—

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s.

110.1099, F.S.; providing for state employees to receive vouchers or waivers to attend community colleges under specified circumstances; requiring the Department of Management Services to adopt rules; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term "layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; repealing ss. 110.207, 110.209, F.S., relating to the career service classification plan and pay plan; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; authorizing suspension or dismissal of employees who have permanent status for reasonable cause; defining the term "reasonable cause"; providing certain exceptions; establishing grievance procedures; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708, 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 509.036, F.S.; revising the standard under which an inspector of public food service establishments may be suspended or dismissed; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; providing that the Public Employees Relations Commission is not subject to the control of the Department of Management Services; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.503, F.S.; revising the standard for reinstating an employee who is suspended or discharged; amending s. 447.507, F.S.; revising requirements for the probation served by a public employee; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of

deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; repealing ss. 944.35(3)(c), 985.4045(1)(b), F.S., relating to cause for dismissal from employment by the Department of Corrections or the Department of Juvenile Justice; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring records, personnel, property, balances of appropriations, and other funds; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; providing effective dates.

—was taken up out of order and read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 466** was deferred.

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

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for SB 408—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with a complete defense in certain actions for certain law enforcement assistance activities; providing an effective date.

—with pending point of order on **Amendment 1 (252714)** by Senator Campbell.

RULING ON POINT OF ORDER

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

On motion by Senator Smith, **CS for SB 408** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **SB 482** was deferred.

SENATOR SEBESTA PRESIDING

CS for CS for SB 710—A bill to be entitled An act relating to state government; creating the "Florida Customer Service Standards Act"; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that fail-

ure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for CS for SB 710** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Klein, **CS for SB 886** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **HB 405** was deferred.

SB 770—A bill to be entitled An act relating to workers' compensation; amending s. 440.092, F.S.; characterizing certain activities of certain officers as arising out of and in the course of employment for compensability purposes; providing a declaration of important state interest; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Crist, **SB 770** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

On motion by Senator Holzendorf, consideration of **SB 1220** was deferred.

SB 1428—A bill to be entitled An act relating to the State Group Insurance Program; amending ss. 110.123, 287.022, F.S.; prohibiting limitations by the state on competition for an insurance product or plan on the basis of the compensation arrangement used by the insurer or organization; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Posey, **SB 1428** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1142—A bill to be entitled An act relating to the emergency telephone system; amending ss. 365.171, 365.172, 365.174, F.S.; transferring state control over the Florida Emergency Telephone Act and the Wireless Emergency Communications Act from the Department of Management Services to the Office of State Technology; conforming statutory references; providing for the "911" fee to be used by certain counties to fund a pilot project for a nonemergency system; amending s. 365.173, F.S.; authorizing the State Treasurer to invest moneys in the Wireless Emergency Telephone System Fund; removing requirements that funds be held in escrow; revising the date for submission of the legislative budget request; providing an effective date.

—as amended April 30 was read the third time by title.

MOTION

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

Senator Silver offered the following amendment which was moved by Senator Constantine and adopted by two-thirds vote:

Amendment 1 (660680)—On page 8, line 6, after the period (.) insert: *However, no wireless telephone service provider shall be required to participate in this pilot project or to otherwise implement a nonemergency "311" system or similar nonemergency system.*

On motion by Senator Constantine, **SB 1142** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Cowin	Holzendorf	Lawson
Brown-Waite	Crist	Horne	Lee
Burt	Dawson	Jones	Meek
Campbell	Diaz de la Portilla	King	Miller
Carlton	Dyer	Klein	Mitchell
Clary	Garcia	Latvala	Peaden
Constantine	Geller	Laurent	Posey

Pruitt	Saunders	Smith	Wasserman Schultz	Silver	Sullivan	Wasserman Schultz	Webster
Rossin	Sebesta	Sullivan	Webster	Smith	Villalobos		
Sanderson	Silver	Villalobos		Nays—None			

Nays—None

HB 405—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **HB 405** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 482—A bill to be entitled An act relating to statutory accounting principles; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term “statutory accounting principles”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; providing a retroactive effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Pruitt, **SB 482** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Crist	King	Mitchell
Brown-Waite	Dawson	Klein	Peaden
Burt	Diaz de la Portilla	Latvala	Posey
Campbell	Dyer	Laurent	Pruitt
Carlton	Geller	Lawson	Rossin
Clary	Holzendorf	Lee	Sanderson
Constantine	Horne	Meek	Saunders
Cowin	Jones	Miller	Sebesta

Consideration of **SB 1444**, **SB 1820** and **SB 1916** was deferred.

CS for SB 1836—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for SB 1836** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—1

Campbell

CS for SB 2142—A bill to be entitled An act relating to solid waste collection; amending s. 165.061, F.S.; providing requirements for the plan for incorporation of a new municipality relating to contracts for solid waste collection; amending s. 403.707, F.S.; amending provisions relating to permitting solid waste management facilities; providing requirements for scales used by and records that must be kept by materials recovery facilities and facilities at which construction and demolition debris is processed; providing for applicability; providing for rulemaking; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **CS for SB 2142** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for SB 2054** was deferred.

CS for SB 2220—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 30 was read the third time by title.

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

Amendment 1 (105740)—On page 4, line 4, after the period (.) insert: *Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the agency's records. The fees and costs for the production of such records may not be more than the fees or costs charged by the agency.*

On motion by Senator Posey, **CS for SB 2220** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1220—A bill to be entitled An act relating to insurance; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; providing an effective date.

—as amended April 30 was read the third time by title.

Senators Holzendorf, Geller, Klein and Latvala offered the following amendment which was moved by Senator Holzendorf:

Amendment 1 (363452)(with title amendment)—On page 2, between lines 24 and 25, insert:

Section 2. Paragraph (e) is added to subsection (1) of section 28.101, Florida Statutes; to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(e) *A charge of \$50. Monthly, the clerk shall transfer the moneys collected under this paragraph to the authorized insurer or eligible surplus lines insurer, selected under chapter 287, for the issuance of a policy of insurance to provide child-support payments when the payor's employment has been involuntarily terminated. The \$50 charge may be reduced to the actual premium amount for such policy as determined through the competitive-bidding process in chapter 287.*

1. *The policy required by this paragraph must provide for the payment of child-support amounts due to the child or to the child's parent or legal guardian. Payments must be made, after a reasonable waiting period of no longer than 7 days, on behalf of the obligated person when*

the obligated person has become unemployed by reason of involuntary unemployment. As used in this paragraph, the term "involuntary unemployment" means unemployment due to a strike, lockout, individual or mass layoff, or loss of income due to business failure or bankruptcy. Payments must be equal to the monthly or weekly support payments and must be paid in accordance with the terms of the divorce decree or other order of the court for the term of involuntary unemployment, but payments may not be made for a period of more than 13 weeks. The 13 weeks need not be consecutive; however, this is the maximum number of weeks payable on behalf of the obligated person for the total of all periods of involuntary unemployment.

2. *In addition to the costs collected for the payment of the insurance premium, the clerk may collect an additional fee of \$4 to cover the administrative cost of collecting and transmitting the insurance premium.*

3. *The Department of Management Services shall select an insurer or eligible surplus lines insurer to provide the insurance required under this paragraph, and such selection must comply with the provisions of chapter 287. The department shall notify each county clerk of the insurer or surplus lines insurer selected to provide the insurance and the necessary information for transmittal of the moneys collected to pay the premiums for such insurance.*

4. *The clerk shall furnish to such insurer or surplus insurer the name and address of each person ordered to pay child support and each person entitled to receive such payments. The insurer or surplus lines insurer selected shall furnish a certificate of insurance, an explanation of the coverage, and claim-filing instructions to the person entitled to receive the child-support payments.*

5. *The insurer or surplus lines insurer providing the insurance required under this paragraph is responsible for notifying the obligor, the obligee, the Department of Revenue in the Title IV-D cases, and the local depository in the county that entered the order that child support payments are being made by an insurer.*

Section 3. Subsection (6) is added to section 624.3161, Florida Statutes, to read:

624.3161 Market conduct examinations.—

(6) *The department shall adopt rules as necessary to effectuate the market conduct examination process, to assure compliance by the person examined with the applicable provisions of the Insurance Code. Such rules shall not exceed the authority of the statutes involved in the market conduct examination.*

Section 4. Subsection (8) is added to section 626.171, Florida Statutes, to read:

626.171 Application for license.—

(8) *The department shall adopt rules to effectuate the license application process, including photo identification, background checks and credit reports, prelicensing courses, the impact of criminal and law enforcement history, and other relevant information in an effort to determine an applicant's fitness and trustworthiness to engage in the business of insurance.*

Section 5. Paragraphs (o) and (w) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

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

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

(o) *Illegal dealings in premiums; excess or reduced charges for insurance.—*

1. *Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.*

2. *Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such*

insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

- (I) Lawfully parked;
- (II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;
- (III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;
- (IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;
- (V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;
- (VI) Finally adjudicated not to be liable by a court of competent jurisdiction;
- (VII) In receipt of a traffic citation which was dismissed or nolle prossed; or
- (VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

- a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.
- b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, *location of the risk*, *accidents more than 3 years old*, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

(w) Soliciting or accepting new or renewal insurance risks by insolvent or impaired insurer prohibited; penalty.—

1. Whether or not delinquency proceedings as to the insurer have been or are to be initiated, but while such insolvency or impairment exists, no director or officer of an insurer, except with the written permission of the Department of Insurance, shall authorize or permit the insurer to solicit or accept new or renewal insurance risks in this state after such director or officer knew, or reasonably should have known, that the insurer was insolvent or impaired. "Impaired" includes impairment for capital or surplus, as defined in s. 631.011(12)(9) and (13)(40).

2. Any such director or officer, upon conviction of a violation of this paragraph, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Section 626.9552, Florida Statutes, is created to read:

626.9552 *Single interest insurance.*—

(1) *When single interest insurance is written at the expense of the purchaser or borrower in connection with a finance or loan transaction, a clear and concise statement must be furnished the purchaser or borrower advising the purchaser or borrower that the insurance effected is solely for the interest of the financing entity, and that no protection thereunder exists for the benefit of the purchaser or borrower. When single interest insurance is written, no effort may be made by the insurer to recover the amount of any payment from the borrower. Single interest insurance policies must be clearly stamped or printed on the declarations page, "Single Interest Only—No Subrogation." Single interest insurance is to be placed only after it has been determined that no other kind*

of insurance can be placed on the risk, except with the consent of the purchaser or borrower. Single interest may be written in cases of inland marine installment sales floater policies. If insurance cannot be obtained for the dual protection of the purchaser or borrower, and the seller or lender or financing entity for all the coverages contemplated, or if obtained, is canceled by the insurer before expiration, the seller or lender or financing entity may obtain insurance to protect his or her interest in the motor vehicle or other personal property, and the purchaser or borrower may be required to pay the cost thereof. In such event the seller or lender or financing entity shall promptly notify the purchaser or borrower that such insurance cannot be obtained, or has been canceled, and credit to the purchaser or borrower the difference between the amount charged for dual protection insurance and the actual cost of such single interest insurance, less, in the event of cancellation, the earned premium on the dual interest insurance for the period it was in force. If the purchaser or borrower procures acceptable dual interest insurance within 30 days after the date of such notice and provides the seller or lender, or finance entity with evidence that the premium therefore has been paid, there is no charge to him or her for the single interest coverage. As used in this section, the term "financing entity" means a finance company, bank, or other lending institution. However, those lenders licensed under the Consumer Finance Act, chapter 516, must provide coverage issued in the name of the borrower containing the customary mortgagee or loss payee clause.

(2) If a certificate is issued under a master policy, the same coverage as provided in an individual policy will apply.

(3) The provisions of this section do not apply to title insurance as defined in s. 624.608.

Section 7. Paragraph (a) of subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. Copies of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the department under one of the following procedures:

1. If the filing is made at least 90 days before the proposed effective date and the filing is not implemented during the department's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the department shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the department of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the department does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the department to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

Section 8. Subsection (4) is added to section 627.0625, Florida Statutes, to read:

627.0625 Commercial property and casualty risk management plans.—

(4) Commercial motor vehicle policies that are issued to satisfy mandatory financial responsibility requirements of a state or local government must provide first dollar coverage to third-party claimants without a deductible. With respect to such practices, the department may adopt

rules necessary to assure that claims are administered fairly as required by law.

Section 9. Subsection (8) of section 627.0651, Florida Statutes, is amended to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(8) Rates are not unfairly discriminatory if averaged broadly among members of a group; nor are rates unfairly discriminatory even though they are lower than rates for nonmembers of the group. However, such rates are unfairly discriminatory if they are not actuarially measurable and credible and sufficiently related to actual or expected loss and expense experience of the group so as to assure that nonmembers of the group are not unfairly discriminated against. Use of a single United States Postal Service zip code as a rating territory shall be deemed unfairly discriminatory. An insurer may not impose a surcharge or discount for liability coverages based on the type of vehicle without providing acceptable actuarial justification.

Section 10. Section 627.385, Florida Statutes, is created to read:

627.385 Conduct of residual market board members.—

(1)(a) For various insurance coverages, a residual market has been created by legislation to provide a market of last resort for individuals unable to secure coverage in the voluntary market.

(b) Each residual market's enabling legislation calls for the establishment of a board of governors or directors that operates subject to a plan of operation. The board, in carrying out its obligations, must engage in business transactions in order to provide and administer the required coverage and maintain adequate funds to support the plan. In order for the board to fully execute its responsibilities required by law, conflict of interest or inappropriate activity by board members, or the appearance thereof, with regard to member insurers or policyholders of the residual market mechanism must be avoided. The Legislature has determined that the provisions set forth in subsection (2) are necessary to protect the public interest by ensuring fair, reasonable, and beneficial board practice and activity.

(c) This section applies to the Florida Medical Malpractice Joint Underwriting Association, the Florida Automobile Joint Underwriting Association, the Florida Workers' Compensation Joint Underwriting Association, the Florida Comprehensive Health Association, the Florida Windstorm Underwriting Association, the Florida Property and Casualty Joint Underwriting Association, the Florida Residential Property and Casualty Joint Underwriting Association, and the board members thereof.

(2) To ensure that the board is free from potential conflict or inappropriate behavior the following are adopted in the plan of operation of the subject residual market in this state.

(a) A board member may not act as a servicing carrier or administering entity for the subject plan, other than a claim adjustment contract open to all members of the plan.

(b) A board member or board member representative may not use his or her position to foster or facilitate any special pecuniary gain for himself or herself, his or her member company, or any other entity in which the board member or board member representative or the member company has a substantial financial interest, except as otherwise provided in paragraph (a).

(c) A board member or board member representative may not use his or her position on the board to secure or promote any business relationship from which he or she may derive a financial gain.

(d) A board member or designee may not receive any gift or gratuity, except as provided in s. 112.3248, other than meals, while acting in his or her capacity as a board member.

(3) Board members and board member representatives shall maintain reasonable board expenses based on state travel policy as set forth in s. 112.061. The board shall develop a detailed policy regarding board member travel, which policy must be based on s. 112.061 and is subject to the approval of the department.

Section 11. Section 627.4065, Florida Statutes, is created to read:

627.4065 Insured's right to return policy; notice.—A health insurance policy issued or issued for delivery in this state must have printed or stamped thereon or attached thereto a notice in a prominent place stating in substance that the policyholder may return the policy to the insurer within 10 days after its delivery and may have the premium paid refunded if, after examination of the policy or contract, the policyholder is not satisfied with it for any reason. The notice must provide that if the policyholder, pursuant to such notice, returns the policy or contract to the insurer at its home office or branch office or to the agent through whom it was purchased, it is considered void from the beginning and the parties are in the same position as if no policy or contract had been issued. This section does not apply to group policies, single premium nonrenewable policies or travel accident policies.

Section 12. Section 627.41345, Florida Statutes, is created to read:

627.41345 Certificate of insurance.—An insurer or agent may not issue or sign a certificate of insurance that contains terms or conditions that differ from those in the policy under which the certificate of insurance is issued. In the event of a conflict, the terms of the policy under which the certificate of insurance is issued shall control.

Section 13. Subsection (9) is added to section 627.7015, Florida Statutes, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(9) For purposes of this section, the term "claim" refers to any dispute between an insurer and an insured relating to a material issue of fact other than a dispute:

(a) With respect to which the insurer has a reasonable basis to suspect fraud;

(b) Where, based on agreed-upon facts as to the cause of loss, there is no coverage under the policy;

(c) With respect to which the insurer has a reasonable basis to believe that the claimant has intentionally made a material misrepresentation of fact which is relevant to the claim, and the entire request for payment of a loss has been denied on the basis of the material misrepresentation; or

(d) Where the amount in controversy is less than \$500, unless the parties agree to mediate a dispute involving a lesser amount.

Section 14. Section 627.7276, Florida Statutes, is amended to read:

627.7276 Notice of limited coverage.—

(1) The following notice of limited coverage shall ~~An automobile policy that does not contain coverage for bodily injury and property damage must be clearly stamped or printed on any automobile insurance policy that provides coverage only for first-party damage to the insured vehicle, but does not provide coverage for bodily injury liability, property damage liability, or personal injury protection to the effect that such coverage is not included in the policy in the following manner:~~

"THIS POLICY DOES NOT PROVIDE BODILY INJURY LIABILITY, AND PROPERTY DAMAGE LIABILITY, OR PERSONAL INJURY PROTECTION INSURANCE OR ANY OTHER COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL RESPONSIBILITY LAW OR WITH THE FLORIDA MOTOR VEHICLE NO-FAULT LAW."

(2) This legend must appear on the policy declaration page ~~and on the filing back of the policy~~ and be printed in a contrasting color from that used on the policy and in type larger than the largest type used in the text thereof, as an overprint or by a rubber stamp impression.

Section 15. Section 627.795, Florida Statutes, is created to read:

627.795 Policy exceptions.—

(1) A title insurance commitment must be issued on all real estate closing transactions when a title insurance policy is to be issued, except for multiple conveyances on the same property such as timesharing.

(2) A gap exception may not be deleted on a commitment until the time of closing.

Section 16. Subsection (1) of section 627.918, Florida Statutes, is amended to read:

627.918 Reporting formats.—

(1) The department shall require that the reporting provided for in this part be made on forms ~~adopted established~~ by the department or in a format compatible with the department's ~~its~~ electronic data processing equipment. The department shall adopt by rule standards for such approval.

Section 17. Subsection (3) of section 641.3108, Florida Statutes, is amended to read:

641.3108 Notice of cancellation of contract.—

(3) In the case of a health maintenance contract issued to an employer or person holding the contract on behalf of the subscriber group, the health maintenance organization may make the notification through the employer or group contract holder, and, if the health maintenance organization elects to take this action through the employer or group contract holder, the organization shall be deemed to have complied with the provisions of this section upon notifying the employer or group contract holder of the requirements of this section and requesting the employer or group contract holder to forward to all subscribers the notice required herein. If a subscriber group contract is not renewed due to claim experience, the subscriber group is entitled to receive information concerning its loss ratio. If requested by a subscriber group, a detailed claim experience record may be provided at a reasonable expense. The record shall maintain subscriber confidentiality.

Section 18. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply if all policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, provided that the first policy payment ~~may be~~ is made by cash, cashier's check, check, or a money order. This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent or a managing general agent, or if the policy is issued pursuant to the transfer of a book of business by an agent from one insurer to another, provided that ~~and if~~ the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 19. Subsection (1) of section 627.901, Florida Statutes, is amended to read:

627.901 Premium financing by an insurance agent or agency.—

(1) A general lines agent may make reasonable service charges for financing insurance premiums on policies issued or business produced by such an agent or agency, s. 626.9541 notwithstanding. The service charge shall not exceed \$1 per installment, or a \$6 total service charge per year, for any premium balance of \$120 or less. For any premium balance greater than \$120 but not more than \$220, the service charge shall not exceed \$9 per year. The maximum service charge for any premium balance greater than \$220 shall not exceed \$12 per year. In lieu of such service charges, an insurance agent or agency may charge interest or service charges, which may be level amounts and subject to endorsement changes, that in the aggregate do not exceed a rate of interest not to exceed 18 percent simple interest per year on the average unpaid balance as billed over the term of the policy.

Section 20. Section 626.9651, Florida Statutes, is created to read:

626.9651 Privacy.—The department shall adopt rules consistent with other provisions of the Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules shall be based on, consistent with, and not more restrictive than the National Association of Insurance Commissioners' Privacy of Consumer Financial and Health Information Regulation adopted September 26, 2000, by the National Association of Insurance Commissioners, provided, however, the rules shall permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research in accordance with federal law. In addition, these rules shall be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999 (Pub. L. No. 106-102). Any health insurer or health maintenance organization determined by the department to be in compliance with, or to be actively undertaking compliance with, the consumer privacy protection rules promulgated by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, shall be deemed in compliance with this section. This section shall take effect July 1, 2001.

Section 21. Section 631.001, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 631.001, F.S., for present text.)

631.001 Construction; purposes.—

(1) The underlying purposes and policies of the provisions of this part, which are integral elements of the regulation of the business of insurance and are of vital public interest and concern, are to:

(a) Protect the interests of insureds, claimants, creditors, and the public.

(b) Provide a comprehensive scheme for the receivership of insurers.

(c) Establish this state as a reciprocal state in those states which, in substance and effect, enact the National Association of Insurance Commissioners Rehabilitation and Liquidation Model Act or the Uniform Insurers Liquidation Act.

(d) Make more efficient the administration of insurer receiverships on an interstate and international basis.

(e) Provide prompt corrective measures for any potentially dangerous condition in an insurer.

(f) Implement improved methods for rehabilitating insurers, which methods involve the cooperation and management expertise of the insurance industry.

(g) Enhance the efficiency and economy of liquidation through clarification and specification of the law to minimize legal uncertainty and litigation.

(h) Lessen the problems of interstate rehabilitation and liquidation of an entity subject to the provisions of this part by facilitating cooperation between states in the liquidation process and by extension of the scope of personal jurisdiction over debtors of the insurer outside this state.

(i) Establish a system which equitably apportions any unavoidable loss.

(j) Maximize recovery of assets for the benefit of the insurer and its policyholders, creditors, and estate.

(2) This part shall be liberally construed to effect the purposes stated in subsection (1) and shall specifically authorize the department in its capacity as administrator, conservator, rehabilitator, receiver, liquidator, or similar capacity to pursue any actions for damages or other recoveries on behalf of the insurer and its policyholders, creditors, and estate.

(3) This part may be cited as the "Insurers Rehabilitation and Liquidation Act."

Section 22. Section 631.011, Florida Statutes, is amended to read:

631.011 Definitions.—For the purpose of this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the insurer, directly or indirectly through:

(a) Equity ownership of voting securities;

(b) Common managerial control; or

(c) Collusive participation by the management of the insurer and affiliate in the management of the insurer or the affiliate.

(2) "Ancillary state" means, any state other than a domiciliary state.

(3) "Assets," as used in this section ~~subsections (8)-(10)~~, means only allowed assets as defined in chapter 625.

(4) "Bona fide holder for value" means a holder who, while not possessing information that would lead a reasonable person in the holder's position to believe that the insurer is financially impaired, and while unaware of the imminence or pendency of any receivership proceeding against the insurer, has, in the exercise of reasonable business judgment, exchanged his or her own funds, assets, or property for funds, assets, or property of the insurer having an equivalent market value.

(5)(4) "Court" refers to the circuit court in which the receivership proceeding is pending.

(6)(5) "Delinquency proceeding" means any proceeding commenced against an insurer pursuant to this chapter for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer.

(7)(6) "Domiciliary state" means the state in which an insurer is incorporated or organized or, in the case of an insurer incorporated or organized in a foreign country, the state in which such insurer, having become authorized to do business in such state, has, at the commencement of a delinquency proceeding, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States; and any such insurer is deemed to be domiciled in such state.

(8) "Fair consideration" means that consideration which is given for property or assets of an insurer when, in exchange for the property or assets and in good faith, property is conveyed, services are rendered, or an enforceable obligation not invalidated by the receivership proceedings is created, having a value to the insurer of not less than the value of the property or assets given in exchange.

(9)(7) "Foreign country" means territory not in any state.

(10)(8) "General assets" means all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders or all policyholders and creditors in the United States shall be deemed general assets.

(11) "Good faith," as applied to a transferee or transferor under this part, means honesty in fact and intention and includes the exercise of reasonable business judgment, together with the absence of information that would lead a reasonable person in the same position to know that the insurer is financially impaired or insolvent and together with the absence of knowledge regarding the imminence or pendency of any receivership proceeding against the insurer.

(12)(9) "Impairment of capital" means that the minimum surplus required to be maintained in s. 624.408 has been dissipated and the insurer is not possessed of assets at least equal to all its liabilities together with its total issued and outstanding capital stock, if a stock insurer, or the minimum surplus or net trust fund required by s. 624.407, if a mutual, reciprocal, or business trust insurer.

(13)(10) "Impairment of surplus" means that the surplus of a stock insurer, the additional surplus of a mutual or reciprocal insurer, or the additional net trust fund of a business trust insurer does not comply with the requirements of s. 624.408.

(14)(11) "Insolvency" means that all the assets of the insurer, if made immediately available, would not be sufficient to discharge all its liabilities or that the insurer is unable to pay its debts as they become due in the usual course of business. When the context of any provision of this code so indicates, insolvency also includes and is defined as "impairment of surplus," as defined in subsection (13)(9), and "impairment of capital," as defined in subsection (12)(8).

(15)(12) "Insurer," in addition to persons so defined under s. 624.03, also includes persons purporting to be insurers or organizing, or holding themselves out as organizing, in this state for the purpose of becoming insurers and all insurers who have insureds resident in this state.

(16)(13) "Liabilities," as used in subsections (12) and (14) (8)-(10), means all liabilities, including those specifically required in s. 625.041.

(17)(14) "Person" includes natural persons, corporations, partnerships, trusts, estates, and sole proprietorships.

(18) "Property," with respect to an insolvent entity, includes all right, title, and interest of the insolvent entity whether legal or equitable, tangible or intangible, or choate or inchoate and includes choses in action, contract rights, and any other interest recognized under the laws of this state. When an order of conservation, rehabilitation, or liquidation is entered, the term also includes entitlements that existed prior to the entry of the order and those that may arise by operation of the provisions of this chapter or other provisions of law allowing the department to avoid prior transfers or assert other rights in its capacity as receiver. The term also includes all records and data that are otherwise the property of the insolvent insurer, however stored, including, but not limited to, claims and claim files, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, or financial records, or similar records within the possession, custody, or control of a managing general agent, third-party administrator, management company, accountant, attorney, affiliate, or other person. The term does not include privileged or confidential documents of an insolvent insurer generated by a third party.

(19)(15) "Receiver" means a receiver, liquidator, rehabilitator, or conservator, as the context may require.

(20)(16) "Reciprocal state" means any state other than this state in which in substance and effect the provisions of the Insurers Rehabilitation and Liquidation Act are in force, including the provisions requiring that the commissioner of insurance or equivalent insurance supervisory official be the receiver of a delinquent insurer.

(21)(17) "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise but does not include a special deposit claim, a claim against general assets, or a claim based on mere possession. The term also includes a claim which more than 4 months before the commencement of a delinquency proceeding in the state of the insurer's domicile has become a lien upon specific assets by reason of judicial process.

(22)(18) "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.

(23)(19) "State" is as defined in s. 624.08.

Section 23. Section 631.025, Florida Statutes, is created to read:

631.025 *Persons and entities subject to this part.—Delinquency proceedings authorized by this part may be initiated against any insurer as defined in s. 631.011(15) if the statutory grounds are present as to that insurer, and the receivership court may exercise jurisdiction over any*

person required to cooperate with the department pursuant to s. 631.391 and over all persons made subject to the court's jurisdiction by other provisions of law. Such persons include, but are not limited to:

(1) *A person who is transacting or has transacted insurance business in or from this state and against whom claims arising from that business exist or may exist in the future.*

(2) *A person who purports to transact an insurance business in this state, and any person or entity who acts as an insurer, transacts insurance, or otherwise engages in insurance activities in or from this state, with or without a certificate of authority or proper authority from the department.*

(3) *An insurer who has insureds residing in this state.*

(4) *All other persons organized or in the process of organizing with the intent to transact an insurance business in this state.*

Section 24. Paragraph (d) of subsection (1) of section 631.041, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

631.041 Automatic stay; relief from stay; injunctions.—

(1) An application or petition under s. 631.031 operates as a matter of law as an automatic stay applicable to all persons and entities, other than the receiver, which shall be permanent and survive the entry of an order of conservation, rehabilitation, or liquidation, and which shall prohibit:

(d) Any act to create, perfect, or enforce a lien against property of the insurer, except that a secured claim as defined in s. 631.011(21)(17) may proceed under s. 631.191 after the order of liquidation is entered;

(6) *No statute of limitations or defense of laches shall run with respect to any action by or against an insurer between the filing of a petition for conservation, rehabilitation, or liquidation against an insurer and the order granting or denying that petition. If the petition is denied, any action against the insurer that might have been commenced when the petition was filed may be commenced for at least 60 days after the order denying such relief.*

Section 25. Section 631.113, Florida Statutes, is created to read:

631.113 Extension of time.—

(1) *The running of any unexpired statute of limitations as to any claims brought by the administrator, conservator, rehabilitator, receiver, or liquidator, or an official or agency exercising powers pursuant to this chapter seeking damages or other recoveries on behalf of an insurer, its policyholders, its creditors, or its estate, shall be tolled for a period of 4 years from the entry of an order placing the administrator, conservator, rehabilitator, receiver, liquidator, or similar official or agency over the insurer, provided, if the delinquency proceedings brought pursuant to this chapter against the insurer terminate in less than 4 years, such tolling shall cease at the time when the proceedings are finally concluded, including all appeals therefrom. Further, the right of action does not accrue and the limitations period for any such action does not run during the time when the insurer is controlled by parties acting contrary to the company's interests or when the facts giving rise to such claim are fraudulently concealed from regulatory authorities or from any members of company management. The provisions of chapter 95 shall be construed so as to be consistent with the provisions of this section. The receiver may institute any action or proceeding on behalf of the estate of the insurer while any statute of limitation is tolled pursuant to this section. The tolling shall be in addition to any other applicable tolling provision.*

(2) *For actions not covered by subsection (1), if any unexpired time period is fixed, by any agreement or in any proceeding, for doing any act for the benefit of the estate, the receiver shall have 180 days, or such longer period as the receivership court may allow for good cause shown, from the entry of the order of rehabilitation or liquidation to perform the act.*

Section 26. Present subsections (6) through (9) of section 631.141, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(6) *The department as receiver is vested with and may assert all rights belonging to policyholders, creditors, and the estate as well as all rights of the entity or entities in receivership, except to the extent that an individual claim is personal and unique to that claimant and recovery thereon could not inure to the benefit of the estate or to other claimants.*

Section 27. Paragraph (d) of subsection (6) of section 631.154, Florida Statutes, is amended to read:

631.154 Funds or other property in the possession of third person.—

(6) Should the receiver be successful in establishing its claim or any part thereof, the receiver shall be entitled to recover judgment for the following:

(d) All costs, investigative and other expenses, *which include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in necessary* to the recovery of the property or funds, and reasonable attorney's fees.

Section 28. Section 631.156, Florida Statutes, is created to read:

631.156 *Investigation by the department.—*

(1) *Preliminary or incidental to a petition for receivership proceedings, the department may, and if appointed receiver shall, undertake a full investigation to determine the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, whether the filing of false statements with the department contributed to the insolvency, and, in conjunction with the department's Division of Insurance Fraud or any other appropriate agency of state or federal government, whether any law of this state, any other state, or the Federal Government relating to the solvency of the insurer has been violated. In the furtherance of such investigation, the department may:*

(a) *Examine and review any and all documents that are reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(b) *Take statements or depositions under oath of any person whose testimony is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery of and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(c) *Request the court having jurisdiction over the receivership proceedings to issue any necessary subpoenas.*

(d) *Examine and review the books, records, and documents of any affiliate, controlling person, officer, director, manager, trustee, agent, adjuster, employee, or independent contractor of any insurer or affiliate and any other person who possesses any executive authority over, or who exercises or has exercised any control over, any segment of the affairs of the insurer or affiliate, to the extent such examination is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(2) *In its capacity as receiver, the department may provide documents, books and records, other investigative products, work product, and analysis, including copies of any or all of the foregoing items, to the Division of Insurance Fraud or any other appropriate agency of state or federal government. The sharing of information, investigative products, or analysis shall not waive any work product or other privilege that would otherwise apply under common law, chapter 119, or any other law.*

(3) *The department, as the court's receiver, is granted the discretion to determine what books, records, documents, or testimony would be reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be*

recovered, the recovery of the assets, the truth or falsity of statements filed with the department, and whether any law of this state or of the United States has been violated, subject to the court's power to review such determination or appoint a general master to review such determination. A party asserting that any documents requested by the department under this section are not subject to review, or that any particular testimony may not be obtained, shall present such contention by written motion to the receivership court within 20 days after receipt of the request and shall be fully responsible for the loss of any evidence which occurs after the department first informs said party of its request therefor. The court shall, as expeditiously as possible, determine whether the department has abused its discretion in seeking such evidence or testimony, with the objecting party having the burden of proof. A party who fails to produce the requested evidence or testimony without filing a proper timely objection, or who having unsuccessfully asserted such objection fails thereafter to furnish the evidence or testimony, within the time provided by the court or the department, shall be subject to the contempt powers of the court, in addition to any other applicable penalties which may be provided in the Florida Insurance Code or other law.

Section 29. Section 631.157, Florida Statutes, is created to read:

631.157 *Civil action by the receiver.—*

(1) *Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who willfully obtains or uses, as defined in s. 812.012(2), any asset or property, including, but not limited to, moneys, funds, premiums, credits, or other property of an insurer, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:*

(a) *If such obtaining or using did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset obtained or used, plus prejudgment interest provided by law.*

(b) *If such obtaining or using jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset obtained or used, plus prejudgment interest provided by law on the original amount.*

(2) *Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who, while having actual knowledge or such constructive knowledge as should have been obtained through reasonable inquiry by a person in such position, if such person knowingly misreports, or knowingly makes any false entry of, a material fact in any book, report, or statement of an insurer with the intent to deceive such insurer, including any officer, employee, or agent of such insurer, the department, or any agent or examiner appointed by the department to examine the affairs of such person or of the insurer, concerning the financial condition or solvency of such business, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:*

(a) *If such misreporting did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset misreported.*

(b) *If such misreporting jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset misreported.*

(3) *If the asset or property that has been obtained or used was reported to the department as being available to the insurer as an admitted asset and such asset is unavailable to the receiver for payment of the obligations of the insurer at the time when a receivership proceeding is instituted, the obtaining or using shall be presumed to have jeopardized the safety and soundness of the insurer and to have been a significant*

cause of such insurer's being placed in conservation, rehabilitation, or liquidation, with the burden of proof on the defendants to show otherwise.

(4) If the receiver is successful in establishing a claim under this section, the receiver shall be entitled to recover all of its costs, investigative and other expenses, which shall include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in the prosecution of the action, and reasonable attorney's fees. The receiver shall be exempt from the provisions of s. 57.111.

(5) An action under this section may be brought at any time before the expiration of 4 years after the entry of the initial order of rehabilitation or liquidation under this part but shall be filed before the time the receivership proceeding is closed or dismissed.

Section 30. Paragraph (b) of subsection (1) of section 631.57, Florida Statutes, is amended to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(b) Be deemed the insurer to the extent of its obligation on the covered claims, and, to such extent, shall have all rights, duties, defenses, and obligations of the insolvent insurer as if the insurer had not become insolvent. In no event shall the association be liable for any penalties or interest.

Section 31. Section 631.3995, Florida Statutes, is created to read:

631.3995 Closing of estate; Closed Estate Fund Trust Account.—

(1) When all assets justifying the expense of collection and distribution have been marshaled and distributed under this part, the department shall petition the court to terminate the liquidation proceedings and to close the estate. The court may grant such other relief as may be appropriate, including, but not limited to, a full discharge of all liability and responsibility of the liquidator, the reservation of assets for administrative expenses incurred in the closing of the estate, and any other actions the department feels necessary or appropriate for closing the estate.

(2) Any remaining reserved assets that are provided for in subsection (1) and that may not be practicably or economically distributed to claimants shall be deposited into a segregated account to be known as the Closed Estate Fund Trust Account, if created by law. The department may use moneys held in the account for paying the administrative expenses of companies subject to this part that lack sufficient assets to allow the department to perform its duties and obligations under this part. An annual audit of the Closed Estate Fund Trust Account shall be performed regardless of its balance.

(3) The department may petition the court to reopen the proceedings for good cause shown, including the marshaling of additional assets, and the court may enter such other orders as may be deemed appropriate.

Section 32. Subsection (3) of section 631.54, Florida Statutes, is amended to read:

631.54 Definitions.—As used in this part:

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of, and is within the coverage, and not in excess of, the applicable limits of an insurance policy to which this part applies, issued by an insurer, if such insurer becomes an insolvent insurer after October 1, 1970, and the claimant or insured is a resident of this state at the time of the insured event or the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation, contribution, indemnification, recoveries or otherwise. Member insurers shall have no right of subrogation against the insured of any insolvent member.

Section 33. Section 817.2341, Florida Statutes, is created to read:

817.2341 Crimes by or affecting persons engaged in the administration of any insurer or entity organized pursuant to chapter 624 or chapter 641.—

(1)(a) Any person who makes a false entry of a material fact in any book, report, or statement relating to a transaction of an insurer or entity

organized pursuant to chapter 624 or chapter 641, intending thereby to deceive any person about the financial condition or solvency of such insurer or entity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such false entry of a material fact is made with the intent to deceive any person as to the impairment of capital, as defined in s. 631.011(12), of such insurer or entity or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Any person who knowingly makes a material false statement or report to the department or any agent of the department, or who knowingly and materially overvalues any property in any document or report prepared to be presented to the department or any agent of the department, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such material false statement or report or such material overvaluation is made with the intent to deceive any person as to the impairment of capital, as defined in s. 631.011(12), of an insurer or entity organized pursuant to chapter 624 or chapter 641, or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 28.101, F.S.; providing an additional charge when a party petitions for a dissolution of marriage; providing for the disposition of the charge for the payment of a policy of insurance to provide child-support payments when the payor's employment has been involuntarily terminated; providing for selection of insurer by competitive bidding; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating s. 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term "claim" for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental

to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities;

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (883980)(with title amendment)—On page 1, line 18 through page 3, line 12, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 38, line 30 through page 39, line 6, delete those lines.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Holzendorf, **SB 1220** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 1878—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of the tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer's place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications

services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; requiring adjustment of the tax rate if revenues received for a specified period exceed a specified threshold; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming provisions; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting provisions relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; providing that certain persons or entities may provide evidence to the department regarding failure to report taxable sales and providing authority of the department with respect thereto; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing requirements with respect to implementation of ch. 202, F.S., and ch. 2000-260, Laws of Florida, and transition from the previous tax structure; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; conforming provisions; amending s. 212.054, F.S.; clarifying that a discretionary sales surtax applies to transactions taxed under ch. 202, F.S.; amending s. 212.20, F.S.; removing provisions relating to deposit of certain proceeds under ch. 212, F.S., in the Mail Order Sales Tax Clearing Trust Fund; amending ss. 11.45, 218.65, and 288.1169, F.S.; correcting references; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund as the Communications Services Tax Clearing Trust Fund; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; prescribing regulations governing the amounts that may be imposed by municipalities and counties against certain persons or entities in connection with the placement or maintenance of communications facilities in municipal or county roads or rights-of-way; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under that section; providing relationship of provisions relating to regulation of placement or maintenance of communications facilities in public roads or rights-of-way by counties or municipalities to zoning or land use authority; providing status of registration under such provisions; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and reme-

dies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; providing for severability; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunications services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

—as amended April 30 was read the third time by title.

Senator Horne offered the following amendments which were moved by Senator Carlton and adopted by two-thirds vote:

Amendment 1 (754502)—On page 104, delete line 6 and insert: *inconsistent with rules of the Department of Revenue.*

Amendment 2 (241734)—On page 8, line 5, delete “*Declaration of legislative*” and insert: *Legislative*

On motion by Senator Carlton, **CS for CS for SB 1878** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1540—A bill to be entitled An act relating to trust funds; creating s. 202.193, F.S.; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of fund balances; providing that the trust fund is exempt from constitutional termination; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for SB 1540** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer

Garcia	Latvala	Peaden	Silver
Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster
Klein	Mitchell	Sebesta	

Nays—None

SB 1820—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; defining the terms “instant bingo” and “package”; providing rules for the operation of instant bingo games; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **SB 1820** was passed and certified to the House. The vote on passage was:

Yeas—31

Brown-Waite	Diaz de la Portilla	Klein	Sanderson
Burt	Dyer	Latvala	Saunders
Campbell	Garcia	Meek	Sebesta
Carlton	Geller	Miller	Silver
Constantine	Holzendorf	Mitchell	Sullivan
Cowin	Horne	Posey	Villalobos
Crist	Jones	Pruitt	Wasserman Schultz
Dawson	King	Rossin	

Nays—6

Bronson	Laurent	Smith	Webster
Clary	Peaden		

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees’ sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

—as amended April 30 was read the third time by title.

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

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Sanderson	

Nays—None

CS for CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; provid-

ing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Sanderson, **CS for CS for SB 1038** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Garcia	Lee	Silver
Burt	Geller	Meek	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—None

THE PRESIDENT PRESIDING

Consideration of **HB 397** was deferred.

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the "Access to Medical Treatment Act"; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual's legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 1128** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Burt	Dyer	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Horne	Miller	Smith
Clary	Jones	Peaden	Sullivan
Constantine	King	Posey	Villalobos
Cowin	Klein	Pruitt	Wasserman Schultz
Crist	Latvala	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for SB 1296—A bill to be entitled An act relating to land acquisition and management; amending s. 73.015, F.S.; clarifying the timeframe for providing specific information to fee owners; requiring agencies to provide specified portions of statute to fee owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, the Board of Trustees of the Internal Improvement Trust Fund, and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by landowners wanting a release of a reservation; amending s. 373.056, F.S.; authorizing water management districts to grant utility

easements on district-owned lands in order to provide utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification prior to executing lease agreements; amending s. 373.096, F.S.; authorizing water management districts to abandon easements, reservations, and right-of-way interests that are no longer needed; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing the disclosure of appraisal information, offers, and counteroffers to third parties working on the district's behalf; amending s. 373.1401, F.S.; authorizing water management districts to contract with private entities for management, improvement, or maintenance of land held by the district; amending s. 374.984, F.S.; authorizing the Board of Commissioners of the Florida Inland Navigation District to contract for certain services; providing an effective date.

—as amended April 30 was read the third time by title.

MOTION

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

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

Amendment 1 (844036)(with title amendment)—On page 9, between lines 14 and 15, insert:

Section 9. Paragraph (b) of subsection (3) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(3) The department may provide financial assistance through any program authorized under s. 603 of the Federal Water Pollution Control Act (Clean Water Act), Pub. L. No. 92-500, as amended, including, but not limited to, making grants and loans, providing loan guarantees, purchasing loan insurance or other credit enhancements, and buying or refinancing local debt. This financial assistance must be administered in accordance with this section and applicable federal authorities. The department shall administer all programs operated from funds secured through the activities of the Florida Water Pollution Control Financing Corporation under s. 403.1837, to fulfill the purposes of this section.

(b) The department may make or request the corporation to make loans, grants, and deposits to other entities eligible to participate in the financial assistance programs authorized under the Federal Water Pollution Control Act, or as a result of other federal action, which entities may pledge any revenue available to them to repay any funds borrowed. *Notwithstanding s. 18.10, the department may make deposits to financial institutions that earn less than the prevailing rate for United States Treasury securities with corresponding maturities for the purpose of enabling such financial institutions to make below-market interest rate loans to entities qualified to receive loans under this section and the rules of the department.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: amending s. 403.1835, F.S.; authorizing the department to deposit certain funds in financial institutions to make below-market loans for pollution control;

On motions by Senator Bronson, **CS for SB 1296** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Jones	Miller
Bronson	Dawson	King	Mitchell
Brown-Waite	Diaz de la Portilla	Klein	Peaden
Burt	Dyer	Latvala	Pruitt
Campbell	Garcia	Laurent	Rossin
Clary	Geller	Lawson	Sanderson
Constantine	Holzendorf	Lee	Saunders
Cowin	Horne	Meek	Sebesta

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Carlton, Posey

CS for SB's 1254 and 1954—A bill to be entitled An act relating to school facilities; amending s. 230.23, F.S.; providing an example of a school-within-a-school; amending s. 235.2157, F.S.; modifying small-school student-population limits; providing for exceptions to the small-schools requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB's 1254 and 1954** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for SB 1872** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Bronson

Consideration of **SB 1420** was deferred.

CS for CS for SB 1376—A bill to be entitled An act relating to mining; amending s. 378.035, F.S.; reserving certain funds in the Non-mandatory Land Reclamation Trust Fund for use by the Department of Environmental Protection for reclaiming lands; authorizing the department to use funds from the trust fund for the purpose of closing certain

abandoned phosphogypsum stack systems; limiting the period of operation of the program; requiring the Bureau of Mine Reclamation to review the sufficiency of the trust fund to support certain objectives and make reports; amending s. 378.601, F.S.; deleting provisions exempting certain mining operations from review as developments of regional impact; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to take action to abate or reduce any imminent hazard caused by a phosphogypsum stack system; requiring the department to recover moneys from the owner or operator of the system; providing for attorney’s fees and costs; authorizing the department to impose a lien for the recovery of such moneys; imposing certain fees upon an owner or operator who has not demonstrated financial responsibility; providing for the refund of the fee upon closure of the phosphogypsum stack; authorizing the department to expend moneys from the Non-mandatory Land Reclamation Trust Fund to close abandoned phosphogypsum stack systems; providing for a lien for the recovery of such moneys; amending s. 403.4155, F.S.; requiring the department to review certain rules and determine the adequacy of the rules; providing an appropriation; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Laurent, **CS for CS for SB 1376** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 1916—A bill to be entitled An act relating to recreational activities at facilities for elderly or disabled adults; authorizing bingo games for residents or clients of certain facilities for the elderly or disabled, and their guests; providing conditions; providing for use of proceeds; providing exemption from local regulation and fees; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Sebesta, **SB 1916** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster
Dawson	Laurent	Sanderson	

Nays—1

Peaden

Vote after roll call:

Yea—Bronson, Constantine, Latvala

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University’s College of Nursing the “Louis and Anne Green Alzheimer’s Research Center”; designating the Florida Atlantic University Dania Beach Campus facility

the “Kenneth C. Jenne Building”; designating the observatory at Florida Gulf Coast University the “Evelyn L. Egan Astronomical Observatory”; designating the student and educational center at Florida Gulf Coast University the “Sugden Welcome Center”; designating the building at the Women’s Soccer and Softball Complex at Florida State University the “Mary Ann Stiles and Barry Smith Team Building”; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the “Kasha Laboratory”; designating the University of Central Florida’s School of Hospitality Management the “Harris Rosen School of Hospitality Management” and the facility that houses said school “Rosen Hall”; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the “William W. and Nadine M. McGuire Hall”; designating the new alumni center at the University of Florida the “Emerson Alumni Hall”; designating the new accounting building at the University of Florida’s Warrington School of Business the “Gary R. Gerson Hall”; designating the women’s gymnasium at the University of Florida the “Kathryn Chicone Ustler Hall”; designating the marine science complex at the University of South Florida’s St. Petersburg Campus as the “C.W. ‘Bill’ Young Marine Science Complex”; designating the science research building at Florida Agricultural and Mechanical University as the “Frederick S. Humphries Science and Research Center”; designating the new honors college building at the University of Central Florida as the “Burnett Honors College”; naming the law school at Florida International University the “Rafael Diaz-Balart Building”; authorizing the erection of suitable markers; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2054** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Sanderson

HB 397—A bill to be entitled An act relating to a public records exemption for certain information relating to prepayment of electronic toll facility charges; amending s. 338.155, F.S., which provides an exemption from public records requirements for personal identifying information given to the Department of Transportation, a county, or an expressway authority for the purpose of prepaying electronic toll facility charges by check, credit card, or charge card; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying a cross reference; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 397** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Horne	Meek
Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson

Saunders	Silver	Sullivan	Wasserman Schultz
Sebesta	Smith	Villalobos	Webster
Nays—None			

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts’ debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on airport and seaport property taxation; providing purposes and membership; requiring a report; providing an appropriation; providing an effective date.

—as amended April 30 was read the third time by title.

MOTION

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

Senator King moved the following amendment:

Amendment 1 (732326)(with title amendment)—On page 25, lines 6 and 15, following “property” insert: *and other public facilities*

And the title is amended as follows:

On page 2, line 24, following “property” insert: *and other public facility*

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

Amendment 2 (053858)(with title amendment)—On page 25, delete line 15 and insert: *seaport property and may consider taxation of other public facilities and issues related to special districts. The advisory committee shall submit a written report on this*

And the title is amended as follows:

On page 2, line 24, following “property” insert: *and other public facility*

MOTION

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

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

Amendment 3 (875780)(with title amendment)—On page 25, between lines 22 and 23, insert:

Section 12. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 13. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 14. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy*

shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 26, following the semicolon (;) insert: amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections;

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

Amendment 4 (752158)(with title amendment)—On page 25, delete line 6 and insert: *committee on property taxation, consisting*

And the title is amended as follows:

On page 2, delete line 23 and insert: *advisory committee on*

On motion by Senator Carlton, **CS for SB 1576** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SPECIAL ORDER CALENDAR, continued

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

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or waivers to attend community colleges under specified circumstances; requiring the Department of Management Services to adopt rules; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term

“layoff”; defining the term “firefighter” and “law enforcement or correctional officer”; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; repealing ss. 110.207, 110.209, F.S., relating to the career service classification plan and pay plan; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; authorizing suspension or dismissal of employees who have permanent status for reasonable cause; defining the term “reasonable cause”; providing certain exceptions; establishing grievance procedures; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708, 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers’ Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 509.036, F.S.; revising the standard under which an inspector of public food service establishments may be suspended or dismissed; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; providing that the Public Employees Relations Commission is not subject to the control of the Department of Management Services; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.503, F.S.; revising the standard for reinstating an employee who is suspended or discharged; amending s. 447.507, F.S.; revising requirements for the probation served by a public employee; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; repealing ss. 944.35(3)(c), 985.4045(1)(b), F.S., relating to cause for dismissal from employment by the Department of Corrections or the Department of Juvenile Justice; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring records, personnel, property, balances of appropriations, and other funds; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; providing effective dates.

—which was previously considered this day.

Senator Garcia moved the following amendment:

Amendment 1 (755104)(with title amendment)—Delete everything after the enacting clause and insert:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (h) of subsection (3) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. ~~To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110.~~ The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department’s accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department’s management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department’s operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided

to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

Section 2. Sections 110.108 and 110.109, Florida Statutes, are repealed.

Section 3. Section 110.1091, Florida Statutes, is amended to read:

110.1091 Program for assisting state employees; confidentiality.— ~~An Each~~ employing state agency may provide a program to assist any ~~of its state employees~~ employee who ~~have has~~ a behavioral or medical disorder, substance abuse problem, or emotional difficulty ~~that which~~ affects ~~their the~~ employee's job performance, through referral for counseling, therapy, or other professional treatment. Each employing state agency may designate community diagnostic and referral resources as necessary to implement the provisions of this section. Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. Section 110.1095, Florida Statutes, is repealed.

Section 5. Section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice ~~demands demand~~ continuous educational and training opportunities, a state employee employees may be authorized to receive ~~fundable tuition waivers on a space available basis or a voucher or grant vouchers~~ to attend work-related courses at public community colleges, public technical centers, or public universities.

(2) The department, in conjunction with the agencies, shall request that ~~public universities such institutions~~ provide evening and weekend programs for state employees. When evening and weekend training and educational programs are not available, an employee employees may be authorized to take paid time off during ~~his or her their~~ regular working hours for training and career development, as provided in s. 110.105(1), if such training benefits the employer ~~as determined by that employee's agency head~~.

(3) ~~An employee~~ Employees who exhibits exhibit superior aptitude and performance may be authorized by ~~that employee's agency head~~ to take a paid educational leave leaves of absence for up to 1 academic year at a time, for specific approved work-related education and training. ~~That employee~~

(4) ~~Such employees~~ must enter into a contract contracts to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during ~~his or her their~~ educational leave leaves of absence.

(5) ~~The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public postsecondary educational institutions, shall adopt rules to implement and administer this section.~~

(4)(6) As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not to exceed ~~exceeding~~ 4 years after the conclusion of the training. This subsection does not apply to any training program that an

agency or the judicial branch requires ~~an~~ the employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

(5) ~~The Department of Management Services, in consultation with the agencies and, to the extent applicable, with Florida's public community colleges, public technical centers, and public universities, shall adopt rules to administer this section.~~

Section 6. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency shall designate ~~those employee such of its positions that of state employment which~~, because of the special trust or responsibility or sensitive location of ~~those such~~ positions, require that persons occupying ~~those such~~ positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 7. Effective February 1, 2002, subsection (2) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(2) As a condition of employment, a person appointed to a position in state government ~~on or after July 1, 1996~~, is required to participate in the direct deposit program pursuant to s. 17.076. ~~This subsection does not apply to persons who are in the employment of the state on July 1, 1996, and subsequently receive promotion appointments, transfers, or other changes in positions within the same personnel system after July 1, 1996.~~ An employee may request an exemption from the provisions of this subsection when such employee can demonstrate a hardship or when such employee is in an other-personal-services position.

Section 8. Section 110.1245, Florida Statutes, is amended to read:

110.1245 *Savings-sharing program; bonus payments; other awards.— Meritorious service awards program.—*

(1)(a) The Department of Management Services shall ~~adopt rules that prescribe set policy, develop~~ procedures, and promote a savings-sharing program for an individual or group of employees who propose procedures or ideas that are adopted and that result in eliminating or reducing state expenditures, if such proposals are placed in effect and may be implemented under current statutory authority. ~~of meritorious service awards, incentives, and recognition to employees who:~~

(a) ~~Propose procedures or ideas which are adopted and which will result in increasing productivity, in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or~~

(b) ~~Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative Budgeting Commission and be in compliance with section 216.1815. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.~~

(c) ~~Each Every~~ state agency, unless otherwise provided by law, may shall participate in the program. The Chief Justice shall have the authority to establish a savings-sharing meritorious service awards program for employees of the judicial branch within the parameters established in this section. The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System, the Selected Exempt Service System, and comparable employees within the judicial branch. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed 10 percent of the first year's actual savings or actual revenue increase, up to \$25,000, plus applicable taxes, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the judicial branch or state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000 plus

applicable taxes per individual employee. ~~The judicial branch or an agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, the judicial branch or a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award may not cost in excess of \$100 each plus applicable taxes.~~

(d)(2) The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that outlines each agency's level of participation in the ~~savings-sharing meritorious service awards~~ program. The information shall ~~must~~ include, but is not limited to:

- 1.(a) The number of proposals made.
- 2.(b) The number of *dollars and* awards made to employees or groups for adopted proposals.
- 3.(e) The actual cost savings realized as a result of implementing employee or group proposals.
4. The number of employees or groups recognized for superior accomplishments.
- (d) ~~Total expenditures incurred by the agency for providing awards to employees for adopted proposals.~~
- (e) ~~The number of employees recognized for superior accomplishments.~~
- (f) ~~The number of employees recognized for satisfactory service to the state.~~

(2) In June of each year, bonuses shall be paid to employees from funds authorized by the Legislature in an appropriation specifically for bonuses. Each agency shall develop a plan for awarding lump-sum bonuses, which plan shall be submitted no later than September 15 of each year and approved by the Office of Policy and Budget in the Executive Office of the Governor. Such plan shall include, at a minimum, but is not limited to:

- (a) A statement that all bonuses are subject to specific appropriation by the Legislature.
- (b) Eligibility criteria as follows:
 1. The employee must have been employed prior to July 1 of that fiscal year and have been continuously employed through the date of distribution.
 2. The employee must not have been on leave without pay consecutively for more than 6 months during the fiscal year.
 3. The employee must have had no sustained disciplinary action during the period beginning July 1 through the date the bonus checks are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action.
 4. The employee must have demonstrated a commitment to the agency mission by reducing the burden on those served, continually improving the way business is conducted, producing results in the form of increased outputs, and working to improve processes.
 5. The employee must have demonstrated initiative in work and have exceeded normal job expectations.
 6. The employee must have modeled the way for others by displaying agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork.

- (c) A periodic evaluation process of the employee's performance.
- (d) Peer input to account for at least 40 percent of the bonus award determination.
- (e) A division of the agency by work unit for purposes of peer input and bonus distribution.

(f) A limitation on bonus distributions equal to 35 percent of the agency's total authorized positions. This requirement may be waived by the Office of Policy and Budget in the Executive Office of the Governor upon a showing of exceptional circumstances.

(3) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(4) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 \$50 each plus applicable taxes.

(5) Each department head is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

Section 9. *Section 110.1246, Florida Statutes, is repealed.*

Section 10. Subsections (1) and (2) of section 110.129, Florida Statutes, are amended to read:

110.129 Services to political subdivisions.—

(1) Upon request, the department may enter into a formal agreement agreements with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration of that such municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds, and other resources. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

(2) Technical assistance includes ~~may include~~, but is ~~shall~~ not be limited to, providing technical advice, written reports, or ~~and~~ other information or materials that ~~and~~ may cover such subjects as management and personnel systems, central administrative and support services, employee training, and employee productivity.

Section 11. Subsection (2) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(2) An agency may employ any *qualified* individual in other-personal-services temporary employment for 1,040 hours within any 12-month period. An extension beyond a total of 1,040 hours within an agency for any individual requires a recommendation by the approval of the agency head and approval by the Executive Office of the Governor ~~or a designee~~. Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other-personal-services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, seasonal employees, institutional clients employed as part of their rehabilitation, ~~or~~ bona fide, degree-seeking students in accredited secondary or postsecondary educational programs, employees hired to deal with an emergency situation that affects the public health, safety, or welfare, or employees hired for a project that is identified by a specific appropriation or time-limited grant.

Section 12. Subsections (11), (18), and (19) of section 110.203, Florida Statutes, are amended to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(11) "Pay plan" means a formal description of the philosophy, methods, procedures, and salary ~~schedules schedule~~ for competitively compensating employees at market-based rates for work performed.

(18) "Promotion" means ~~the~~ changing of the classification of an employee to a class having a higher maximum salary; or the changing of the

classification of an employee to a class having the same or a lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.

(19) "Demotion" means the changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.

Section 13. Subsections (22), (23), and (24) of section 110.203, Florida Statutes, are amended, and subsections (28) and (29) are added to that section, to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(22) "Dismissal" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee resulting in termination of his or her employment for a violation of agency standards or for cause pursuant to s. 110.227.

(23) "Suspension" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay for violation of agency standards or for cause pursuant to s. 110.227.

(24) "Layoff" means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency, including the outsourcing or privatization of an activity or function previously performed by career service employees.

(28) "Firefighter" means a firefighter certified under chapter 633.

(29) "Law enforcement or correctional officer" means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist required to be certified under chapter 943.

Section 14. Section 110.2035, Florida Statutes, is created to read:

110.2035 Classification and compensation program.—

(1) The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall develop a classification and compensation program. This program shall be developed for use by all state agencies and shall address Career Service, Select Exempt Service, and Senior Management Service classes.

(2) The program shall consist of the following:

(a) A position classification system using no more than 50 occupational groups and up to a six-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.

(b) A pay plan that shall provide broad, market-based salary ranges for each occupational group.

(3) The following goals shall be considered in designing and implementing the program:

(a) The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.

(b) The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.

(c) The classification system and pay plan must emphasize pay administration and job-performance evaluation by management rather than emphasize use of the classification system to award salary increases.

(d) The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses.

(4) The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.

(5) The Department of Management Services shall submit the proposed design of the classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.

(6) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies, where appropriate, the authority to administer the following:

(a) Shift differentials.

(b) On-call fees.

(c) Hazardous-duty pay.

(d) Advanced appointment rates.

(e) Salary increase and decrease corrections.

(f) Lead-worker pay.

(g) Temporary special duties pay.

(h) Trainer-additive pay.

(i) Competitive area differentials.

(j) Coordinator pay.

(k) Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.

Section 15. Subsection (2) of section 110.205, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional per-

sonnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

(f) Judges, referees, and receivers.

(g) Patients or inmates in state institutions.

(h) All positions *that which* are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(j) The personal secretary to the incumbent of each position exempted in paragraph (a), and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i). Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (q), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary

duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(m)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(n) The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(o)1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(p) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and

the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions except for such positions in the Department of Transportation; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(r) The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(s) The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(t) All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

(u) Positions ~~which~~ are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(v) *Effective July 1, 2001, managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors, except employees also designated as special risk or special risk administrative support and except administrative law judges and hearing officers. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.*

(w) *Effective July 1, 2001, any employee exempted and moved to the Selected Exempt Service by way of an agreed-upon collective bargaining agreement.*

(7) **CARRYING LEAVE FORWARD.**—*If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service, all of the employee's unused annual leave, unused sick leave, and unused compensatory leave shall carry forward with the employee.*

Section 16. Section 110.211, Florida Statutes, is amended to read:

110.211 Recruitment.—

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be ~~carried out in the sound discretion of the agency head~~ ~~the responsibility of the employing agency.~~

(3) ~~Recruiting shall seek efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data. The department shall provide for executive-level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.~~

~~(4) An application for a publicly announced vacancy must be made directly to the employing agency.~~

~~(4)(5) All recruitment literature printed after July 1, 1979, involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."~~

~~(6) The department shall develop model recruitment rules which may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt recruitment rules that are inconsistent with the model rules must consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 17. Section 110.213, Florida Statutes, is amended to read:

110.213 Selection.—

~~(1) The department shall have the responsibility for determining guidelines for selection procedures to be utilized by the employing agencies.~~

~~(2) Any selection procedure utilized in state employment shall be designed to provide maximum validity, reliability, and objectivity; shall be based on adequate job analysis to ensure job-relatedness; and shall measure the relative ability, knowledge, and skill needed for entry to a job.~~

~~(1)(3) Selection for appointment from among the most qualified candidates available eligible shall be the sole responsibility of the employing agency. Effective July 1, 2001, all new employees must successfully complete at least a 1-year probationary period before attainment of permanent status.~~

~~(2) Selection shall reflect efficiency and simplicity in hiring procedures. The agency head or his or her designee shall be required to document the qualifications of the selected candidate to ensure that the candidate meets the minimum qualifications and possesses the requisite knowledge, skills, and abilities for the position. No other documentation or justification shall be required prior to selecting a candidate for a position.~~

~~(4) The department shall develop model selection rules that may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt selection rules that are inconsistent with the model rules shall consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 18. Subsections (6) and (7) are added to section 110.219, Florida Statutes, to read:

110.219 Attendance and leave; general policies.—

(6) *The leave benefits provided to Senior Management Service employees shall not exceed those provided to employees in the Select Exempt Service.*

(7) *Each December, a permanent career service employee shall be entitled, subject to available funds, to a payout of up to 24 hours of unused annual leave as follows:*

(a) *A permanent career service employee must have an annual leave balance of no less than 24 hours, after the payout, in order to qualify for this benefit.*

(b) No permanent career service employee shall receive a payout of greater than 240 hours over the course of the employee's career with the state, including any leave received at the time of separation.

appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.

Section 19. Section 110.224, Florida Statutes, is amended to read:

Section 21. Effective February 1, 2002, subsections (1), (4), (5), and (6), of section 110.227, Florida Statutes, are amended to read and subsection (7) is deleted:

110.224 ~~Public employee review and performance evaluation planning system.—A public employee review and performance evaluation planning system shall be established as a basis for evaluating and improving the performance of the state's workforce, to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; to inform employees of strong and weak points in the employee's performance, to identify improvements expected, and current and future training needs, and to award lump-sum bonuses in accordance with s. 110.1245(2); and to assist in determining the order of layoff and reemployment.~~

(1) Upon original appointment, promotion, demotion, or reassignment, a job description of the position assigned each career service employee must be made available to the career service employee given a statement of the work expectations and performance standards applicable to the position. The job description may be made available in an electronic format. ~~statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.~~

(1) Any employee who has permanent status in the career service may only be suspended or dismissed only for cause. Cause shall include, but is not be limited to, poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime involving moral turpitude. *Suspension or dismissal based upon political patronage, unlawful discrimination, or arbitrariness or for any conduct that is otherwise protected under state or federal law shall not constitute cause.* The Each agency head shall ensure that all employees of the agency have reasonable access to the agency's personnel manual are completely familiar with the agency's established procedures on disciplinary actions and grievances.

(2) Each employee must have a employee's performance evaluation must be reviewed at least annually, and the employee must receive a copy an oral and written assessment of his or her performance evaluation. The performance evaluation assessment may include a plan of corrective action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position as determined by the agency head.

(4) A grievance process shall be available to permanent career service employees. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation. Claims of discrimination and sexual harassment or claims related to suspensions, reductions in pay, demotions, and dismissals are not subject to the career service grievance process. The following procedures shall apply to any grievance filed pursuant to this subsection:

(3) The department may adopt rules to administer the public employee review and performance evaluation planning system which establish procedures for performance evaluation, procedures to be followed in case of failure to meet performance standards, review periods, and forms.

Section 20. Subsections (2) and (3) of section 110.227, Florida Statutes, are amended to read:

(a) Step One.—The employee may submit a signed, written grievance on a form provided by the agency to his or her supervisor within 7 calendar days following the occurrence of the event giving rise to the grievance. The supervisor must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance.

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but either vacant or already occupied by an employee of less seniority, and taking that position, commonly referred to as "bumping." For the implementation of layoffs as defined in s. 110.131, the department shall develop rules requiring that consideration be given to comparative merit, demonstrated skills, and the employee's experience.* Such rules shall be approved by the Administration Commission prior to their adoption by the department. *This subsection does not prohibit bumping in a collective bargaining agreement nor does it prevent or abrogate any collective bargaining provisions that recognize special protection on the basis of seniority or job experience.*

(b) Step Two.—If the employee is dissatisfied with the response of his or her supervisor, the employee may submit the written grievance to the agency head or his or her designee within 2 business days following the meeting with his or her supervisor. The agency head or his or her designee must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance. The agency head or his or her designee must respond in writing to the employee within 5 business days following the meeting. The written decision of the agency head shall be the final authority for all grievances filed pursuant to this subsection. Such grievances may not be appealed beyond Step Two.

(3)(a) With regard to law enforcement or correctional officers or firefighters, when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.

(4) Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission.

(b) Layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among potentially adversely affected employees, or with respect to law enforcement or correctional officers or firefighters, among all employees in the competitive area, taking into consideration the type of

(5)(a) A Any permanent career service employee who is subject to a suspension, reduction in pay, demotion, or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed by the employee with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee. An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days' prior

notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. Any employee who is suspended or dismissed pursuant to the provisions of this paragraph ~~may appeal to shall be entitled to a hearing before~~ the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed with the commission by the employee within 14 days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee or its designated agent pursuant to s. 447.208, ~~except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee.~~

(6) ~~The following procedures shall apply to appeals filed pursuant to subsection (5), with the Public Employees Relations Commission, hereinafter referred to as the commission:~~

(a) ~~The commission must conduct a hearing within 30 calendar days following the filing of a notice of appeal. No extension of time for the hearing may exceed 30 calendar days, absent exceptional circumstances, and no extension of time may be granted without the consent of all parties. Discovery may be granted only upon the showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. Except where inconsistent with the requirements of this subsection, the provisions of subsections (4) and (5) of s. 447.503 and chapter 120 apply to proceedings held pursuant to this subsection.~~

(b) ~~A person may represent himself or herself in proceedings before the commission or may be represented by legal counsel or by any individual who qualifies as a representative pursuant to rules adopted by the commission.~~

(c) ~~If the commission finds that cause did not exist for the agency action, the commission shall reverse the decision of the agency head and the employee shall be reinstated with or without back pay. If the commission finds that cause existed for the agency action, the commission shall affirm the decision of the agency head absent a specific written finding of mitigation, based upon those factors named in s. 110.227(1). The commission may not reduce the penalty imposed by the agency head.~~

(d) ~~A recommended order shall be issued by the hearing officer within 30 days following the hearing. Exceptions to the recommended order shall be filed within 5 business days after the recommended order is issued. The final order shall be filed by the commission no later than 30 calendar days after the hearing or after the filing of exceptions or oral arguments if granted.~~

(e) ~~Final orders issued by the commission pursuant to paragraph (d) shall be reviewable as provided in s. 447.504.~~

~~(6) A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless it is alleged that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.~~

~~(7) The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.~~

Section 22. Paragraph (a) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the

Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department of Management Services as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department of Management Services shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 23. Subsection (1) of section 110.235, Florida Statutes, is amended to read:

110.235 Training.—

~~(1) It is the intent of the Legislature that State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.~~

Section 24. Section 110.401, Florida Statutes, is amended to read:

~~110.401 Declaration of policy.—It is the intent of This part creates to create a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. Accordingly To this end, training and management-development programs are regarded as a major administrative function within agencies.~~

Section 25. Subsections (3), (4), and (5) of section 110.403, Florida Statutes, are amended to read:

~~110.403 Powers and duties of the department of Management Services.—~~

~~(3) The department of Management Services shall have the following additional responsibilities:~~

~~(a) To establish and administer a professional development program that which shall provide for the systematic development of managerial, executive, or administrative skills. Such a program shall include the following topics:~~

~~1. Improving the performance of individual employees. This topic provides skills in understanding and motivating individual performance, providing effective and timely evaluations of employees, and making recommendations on performance incentives and disincentives.~~

~~2. Improving the performance of groups of employees. This topic provides skills in creating and maintaining productive workgroups and making recommendations on performance incentives and disincentives.~~

~~3. Relating the efforts of employees to the goals of the organization. This topic provides skills in linking the work of individual employees to the goals of the agency program, service, or activity.~~

~~4. Strategic planning. This topic provides the skills for defining agency business processes, measuring performance of such processes, and reengineering such processes for improved efficiency and effectiveness.~~

~~5. Team leadership. This topic provides skills in effective group processes for organizational motivation and productivity based on proven business and military applications that emphasize respect for and courtesy to the public.~~

~~(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.~~

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department of Management Services sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department of Management Services shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. ~~These~~ Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. ~~These~~ The Department of Management Services shall make the rules ~~shall also required pursuant to this paragraph in such a manner as to~~ comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department of Management Services regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department of Management Services shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 26. Paragraph (a) of subsection (1) of section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 1.0 ~~0.5~~ percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 27. Section 110.601, Florida Statutes, is amended to read:

110.601 Declaration of policy.—~~It is the purpose of This part creates to create~~ a system of personnel management ~~the purpose of which is to deliver which ensures to the state the delivery of~~ high-quality performance by those employees in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 28. Section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions

included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 29. Subsection (1) of section 110.605, Florida Statutes, is amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

~~(b)(e)~~ The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

~~(c)(d)~~ The employing agency must maintain, on a current basis, all records and reports required by applicable rules. The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

~~(d)(e)~~ The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.

Section 30. Paragraph (c) of subsection (2) of section 110.606, Florida Statutes, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed, ~~the data shall include:~~

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 31. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part III IV of chapter 110.

Section 32. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers' Compensation Oversight Board.—

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part V IV of chapter 110. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter 110.

Section 33. Notwithstanding section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. A state agency may be eligible to retain salary dollars for authorized positions eliminated after July 1, 2001. The agency must certify the eliminated positions to the Legislative Budget Commission.

b. The Legislative Budget Commission shall authorize the agency to retain between 5 and 25 percent of the salary dollars associated with the eliminated positions.

Section 34. Section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—~~It is declared that~~ The public policy of ~~this~~ the state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. ~~This state's public policy is~~ These policies are best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 35. Effective July 1, 2001, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) ~~There is hereby created within the Department of Labor and Employment Security~~ The Public Employees Relations Commission, hereinafter referred to as the "commission," ~~The commission~~ shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of ~~Management Services Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of ~~Management Services Labor and Employment Security~~.

Section 36. Effective February 1, 2002, subsection (8) of s. 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(8) ~~Pursuant to s. 447.208, The commission or its designated agent shall hear appeals arising out of any suspension, reduction in pay, transfer, layoff, demotion, or dismissal of any permanent employee in the State Career Service System in the manner provided in s. 110.227. Written notice of any such appeal shall be filed with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, transfer, layoff, demotion, or dismissal is received by the employee.~~

Section 37. Effective February 1, 2002, section 447.208, Florida Statutes, is amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to ~~subsection (8) or subsection (9) of s. 447.207~~ shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent

that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(2) This section does not prohibit any person from representing himself or herself in proceedings before the commission or from being represented by legal counsel or by any individual who qualifies as a representative pursuant to rules promulgated and adopted by the commission.

~~(3) With respect to hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:~~

~~(a) Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.~~

~~(b) Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.~~

~~(c) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.~~

~~(d) The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:~~

~~1. The seriousness of the conduct as it relates to the employee's duties and responsibilities.~~

~~2. Action taken with respect to similar conduct by other employees.~~

~~3. The previous employment record and disciplinary record of the employee.~~

~~4. Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.~~

~~The agency may present evidence to refute the existence of these circumstances.~~

~~(3)(e) Any order of the commission issued under this section pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee. In determining the amount of an attorney's fee, the commission shall consider only the number of hours reasonably spent on the appeal, comparing the number of hours spent on similar cases Career Service System appeals and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. This paragraph applies to future and pending cases.~~

Section 38. Paragraph (a) of subsection (5) of section 447.507, Florida Statutes, is amended to read:

447.507 Violation of strike prohibition; penalties.—

(5) If the commission, after a hearing on notice conducted according to rules promulgated by the commission, determines that an employee has violated s. 447.505, it may order the termination of his or her employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation, be appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of 18 6 months following his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without permanent status and at the pleasure of the agency head tenure. During this period, the person may be discharged only upon a showing of just cause.

Section 39. Subsection (13) is added to section 112.215, Florida Statutes, to read:

112.215 Government employees; deferred compensation program.—

(13) When permitted by federal law, the plan administrator may provide for a pretax trustee-to-trustee transfer of amounts in a participant's

deferred compensation account for the purchase of prior service credit in a public-sector retirement system.

Section 40. Paragraph (d) of subsection (2) of section 125.0108, Florida Statutes, is repealed.

Section 41. Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a Type Two Transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Management Services. The independence of the commission in matters relating to the disposition of all cases, including Career Service appeals, shall be preserved.

Section 42. The Department of Management Services shall adopt rules as necessary to effectuate the provisions of chapter 110, Florida Statutes, as created by this act, and in accordance with the authority granted to the department in chapter 110, Florida Statutes. All existing rules relating to chapter 110, Florida Statutes, are statutorily repealed February 1, 2002, unless otherwise readopted.

Section 43. The Department of Management Services shall develop a performance agreement between the management employees and their agency head that will specify the performance measures and levels of performance expected. A portion of the management employee's salary, at least 5 percent but not greater than 10 percent, shall be paid upon achievement of the performance expectations. No bonus shall be paid to any management employee on the basis of team achievement unless it is equitably allocated among affected line staff.

Section 44. Section 110.1315, Florida Statutes, is created to read:

110.1315 Alternative benefits; other-personal-services employees.— Upon review and recommendation of the department and approval of the Governor, the department may contract for the implementation of an alternative retirement income security program for eligible temporary and seasonal employees of the state who are compensated from appropriations for other personal services. The contract may provide for a private vendor or vendors to administer the program under a defined-contribution plan under ss. 401(a) and 403(b) or 457 of the Internal Revenue Code, and the program must provide retirement benefits as required under s. 3121(b)(7)(F) of the Internal Revenue Code. The department may develop a request for proposals and solicit qualified vendors to compete for the award of the contract. A vendor shall be elected on the basis of the plan that best serves the interest of the participating employees and the state. The proposal must comply with all necessary federal and state laws and rules.

Section 45. Subsections (1) and (2) of section 447.403, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

447.403 Resolution of impasses.—

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint, or secure the appointment of, a mediator to assist in the resolution of the impasse. If the Governor is the public employer no mediator shall be appointed.

(2)(a) If no mediator is appointed, or upon the request of either party, the commission shall appoint, and submit all unresolved issues to, a special master acceptable to both parties. If the parties are unable to agree on the appointment of a special master, the commission shall appoint, in its discretion, a qualified special master. However, if the parties agree in writing to waive the appointment of a special master, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) If the Governor is the public employer, no special master shall be appointed. The parties may proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d).

(5) Notwithstanding any other provision of this part, an impasse shall be deemed to exist as to any unresolved issues between the State of Florida and any bargaining agent representing a state employee bargaining unit on the 90th day prior to the date upon which the next regular legislative session is scheduled to commence.

(a) Within 10 days after the beginning of the impasse period, each party shall notify the President of the Senate and the Speaker of the House of Representatives as to all unresolved issues. Upon receipt of the notification, the presiding officers shall appoint within 5 days a joint select committee to review the position of the parties and render a recommended resolution of all issues remaining at impasse. The recommended resolution shall be returned by the joint select committee to the presiding officers not later than 20 days prior to the date upon which the legislative session is scheduled to commence. During the legislative session, the legislature shall take action in accordance with this section.

(b) From the time of the appointment of the joint select committee until the submission of its recommendation, no public employer or bargaining agent shall attempt to influence the deliberations of the members of the joint select committee; however, this paragraph does not prohibit the submission of testimony or materials in direct response to a request made by the joint select committee of the parties at impasse, and does not prohibit either party from directly addressing impasse issues with any other legislator before or after the select committee has made its recommendation.

(c) Any actions taken by the Legislature shall bind the parties in accordance with paragraph (4)(c).

Section 46. Notwithstanding section 216.351, Florida Statutes, subsection (6) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(6) At the time the Governor is required to furnish copies of his or her recommended budget to each senator and representative under s. 216.162(1), the Governor shall declare an impasse in all collective bargaining negotiations for which he or she is deemed to be the public employer and for which a collective bargaining agreement has not been executed. Within 14 days thereafter, the Governor shall furnish the legislative appropriations committees with documentation relating to the last offer he or she made during such collective bargaining negotiations or recommended to a mediator or special master appointed to resolve the impasse.

Section 47. Career Service Advisory Board.—

(1) There is created the Career Service Advisory Board. The board shall be composed of the following members, each of whom has knowledge of, or experience with, human resource management and operations:

- (a) One member selected by the Governor.
- (b) One member selected by the President of the Senate.
- (c) One member selected by the Speaker of the House of Representatives.
- (d) Two members, appointed by the legislative and gubernatorial appointees, by unanimous consent.
- (e) The original appointments to the board shall be made on or before July 1, 2001. Vacancies in the membership of the board shall be filled in the same manner as the original appointments to the extent possible. The board members shall be human resource officials of Florida-domiciled corporations with a salaried workforce of at least 50,000 company-wide. The board shall have an organizational meeting on or before July 15, 2001, in Tallahassee.
- (f) Each member is accountable to the appointing authority for proper performance of his or her duties as a member of the board and may be removed from office for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or for pleading guilty or nolo contendere to, or having been adjudicated guilty of, a first degree misdemeanor or a felony.

(g) A vacancy shall occur upon failure of a member to attend four consecutive meetings of the board or 50 percent of the meetings of the

board during a 6 month period, unless the board by majority votes to excuse the absence of such member.

(2)(a) Powers and duties of the board include, but are not limited to:

1. Reporting to the Legislature as to the implementation of a revised Career Service System for state employees with specific recommendations relating to the reclassification of selected exempt positions pursuant to section 110.205, Florida Statutes, and the appropriate size of the managerial and supervisory workforce.

2. Identifying legal barriers to civil service reform.

3. Making recommendations on the fair and equitable treatment of public employees and the use of sound business practices.

4. Recommending best management practices and performance measures.

(b) The board may review proposed agency rules, advise and appear before the Legislature in connection with legislation that impacts the state civil service system, advise on policy, administrative and legislative issues, and appear before other state or federal agencies in connection with matters impacting the civil service system.

(c) The board shall select a chair who shall be the chief administrative officer of the board and shall have the authority to plan, direct, coordinate, and execute the powers and duties of the board.

(d) The board shall hold such meetings during the year as it deems necessary, except that the chair, a quorum of the board, or the division may call meetings. The board shall maintain a record of each meeting. Such transcripts shall be available to any interested person in accordance with chapter 119, Florida Statutes.

Section 48. Alternative benefits; tax-sheltered annual-leave, sick-leave payments, and special compensation payments.—

(1) The Department of Management Services has authority to adopt tax-sheltered plans under section 401(a) of the Internal Revenue Code for state employees who are eligible for payment for accumulated leave. The department and the Board of Regents, upon adoption of the plans, shall contract for a private vendor or vendors to administer the plans. The plans must provide benefits in a manner that minimizes the tax liability of the state and participants. The plans must be funded by employer contributions of payments for accumulated leave or special compensation payments, or both, as specified by the department and the Board of Regents. The plans must have received all necessary federal and state approval as required by law, must not adversely impact the qualified status of the Florida Retirement System defined benefit or defined contribution plans or the pretax benefits program, and must comply with the provisions of section 112.65, Florida Statutes. Adoption of the plan is contingent on: (a) the department receiving favorable determination letters and favorable private rulings from the Internal Revenue Service, (b) the department negotiating under the provisions of chapter 447, Florida Statutes, where applicable; and (c) the Comptroller making appropriate changes to the state payroll system. The department's request for proposals by vendors for such plans may require that the vendors provide market-risk or volatility ratings from recognized rating agencies for each of their investment products. The department and the Board of Regents shall provide for a system of continuous quality-assurance oversight to ensure that the program objectives are achieved and that the program is prudently managed.

(2) Within 30 days after termination of employment, an employee may elect to withdraw the moneys without penalty by the plan administrator. If any employee is adversely affected financially by a plan, the plan shall include a provision which will provide the employee with no less cash than if the employee had not participated in the plan.

(3) These contracts may be used by any other pay plans or personnel systems in the executive, legislative, or judicial branches of government upon approval of the appropriate administrative authority.

(4) Notwithstanding the terminal-pay provisions of section 110.122, Florida Statutes, the department and the Board of Regents shall contract for a tax-sheltered plan for leave and special compensation pay for employees terminating over age 55 with 10 years of service and for employees participating in the Deferred Retirement Option Program by July 1,

2001. The frequency of payments into the plan shall be determined by the department or as provided in the General Appropriations Act. This plan or plans shall provide the greatest tax benefits to the employees and maximize the savings to the state.

(5) The department and the Board of Regents shall determine by rule the design of the plans and the eligibility of participants.

(6) Nothing in this act shall be construed to remove plan participants from the scope of section 110.122(5), Florida Statutes.

Section 49. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term "layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s.

110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

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

Amendment 1A (075848)—On page 35, lines 16-19, delete those lines and insert: *affirm the decision of the agency head. Absent a specific written finding of mitigation, based upon those factors named in s. 110.227(1), the commission may not reduce the penalty imposed by the agency head.*

Senator Mitchell moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B (531200)(with title amendment)—On page 51, lines 22-24, delete those lines and insert: *responsibilities are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, to the Agency for Workforce Innovation. The independence of the*

And the title is amended as follows:

On page 64, delete line 6 and insert: *the Agency for Workforce Innovation;*

Amendment 1C (134484)—On page 47, lines 26, 27 and 31, delete "Department of Management Services" and insert: *Agency for Workforce Innovation* ~~Department of~~

Senator Mitchell moved the following amendments to **Amendment 1** which failed:

Amendment 1D (753804)—On page 16, line 14, after "Services" insert: *, in consultation with the Career Service Advisory Board,*

Amendment 1E (960844)(with title amendment)—On page 25, lines 13-30, delete those lines

And the title is amended as follows:

On page 61, lines 15-18, delete those lines and insert: amending s. 110.205, F.S.;

The vote was:

Yeas—16

Campbell	Geller	Lawson	Rossin
Dawson	Holzendorf	Meek	Silver
Diaz de la Portilla	Jones	Miller	Smith
Dyer	Klein	Mitchell	Wasserman Schultz

Nays—24

Mr. President	Constantine	Latvala	Sanderson
Bronson	Cowin	Laurent	Saunders
Brown-Waite	Crist	Lee	Sebesta
Burt	Garcia	Peaden	Sullivan
Carlton	Horne	Posey	Villalobos
Clary	King	Pruitt	Webster

Amendment 1F (971404)(with title amendment)—On page 45, line 17, delete “*certify*” and insert: *obtain approval for*

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

Amendment 1G (562740)—On page 29, delete line 24 and insert: employee must receive an oral and written assessment of

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

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

CS for SB 1922—A bill to be entitled An act relating to the state government; amending s. 121.0515, F.S., relating to special risk membership; revising criteria for firefighters; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; redefining the term “goat” to include certain additional farm equipment for purposes of the annual license tax imposed on trucks; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27,

504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; providing an effective date; repealing ss. 536.20, 536.21, 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625, 550.2633, F.S.; conforming cross-references; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detention, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.031, F.S.; revising definitions; amending s. 580.051, F.S.; revising label requirements for feed; amending s. 580.065, F.S.; revising feed laboratory procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; amending s. 580.112, F.S.; expanding prohibited acts; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 589.19, F.S.; naming a state forest; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the “Humane Slaughter Act”; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney’s fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; creating s. 373.621, F.S.; providing consideration for certain applicants who implement water conservation practices; amending section 601.48, F.S.; eliminating provisions relating to inspection of processed citrus products for grade and subsequent grading and designation thereof; authorizing the Florida Department of Citrus or its successor, to collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation; amending s. 232.246, F.S.; authorizing Agriscience Foundations I to count as a science credit; providing an effective date; abolishing specified authorities and councils advisory to the department; creating s. 570.085, F.S.; creating an agricultural water conservation program within the department; designating the official citrus archive of Florida; providing for severability; providing effective dates.

—as amended passed this day.

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 5** was adopted.

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

Amendment 6 (652794)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 60. *Short title.*—Sections 60 through 64 of this act may be cited as the “Rural and Family Lands Protection Act.”

Section 61. *Definitions.*—As used in sections 62 and 63 of this act, the term “department” means the Department of Agriculture and Consumer Services.

Section 62. Section 570.70, Florida Statutes, is created to read:

570.70 Legislative findings.—The Legislature finds and declares that:

(1) *A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural-resource protection.*

(2) *The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.*

(3) *The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.*

(4) *The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.*

(5) *The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.*

Section 63. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1) *The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:*

(a) *Promotion and improvement of wildlife habitat;*

(b) *Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;*

(c) *Perpetuation of open space on lands with significant natural areas; or*

(d) *Protection of agricultural lands threatened by conversion to other uses.*

(2) *To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:*

(a) *Purchase conservation easements, as defined in s. 704.06.*

(b) *Purchase rural-lands-protection easements pursuant to this act.*

(c) *Fund resource conservation agreements pursuant to this act.*

(d) *Fund agricultural protection agreements pursuant to this act.*

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) *Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:*

(a) *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved*

roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

(b) *Subdivision of the property;*

(c) *Dumping or placing of trash, waste, or offensive materials; and*

(d) *Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.*

(4) *Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.*

(5) *Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.*

(a) *For the length of the agreement, the landowner shall agree to prohibit:*

1. *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);*

2. *Subdivision of the property;*

3. *Dumping or placing of trash, waste, or offensive materials; and*

4. *Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.*

(b) *As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.*

(6) *Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.*

(7) *Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.*

(8) *Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.*

(9) *Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.*

(10) *The department, in consultation with the Department of Environmental Protection, the water management districts, the Department*

of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

- (a) State funds;
- (b) Federal funds;
- (c) Other governmental entities;
- (d) Nongovernmental organizations; or
- (e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 64. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land

use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service

boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to shall implement the provisions of this subsection by rule.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after the second semicolon (;) insert: creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; amending s. 163.3177, F.S.; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent;

On motion by Senator Geller, **CS for SB 1922** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—King

Consideration of **CS for CS for SB 2214**, **CS for SB 1580** and **CS for SB 1286** was deferred.

On motion by Senator Mitchell—

SB 1650—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1650** to **HB 1519**.

Pending further consideration of **SB 1650** as amended, on motion by Senator Mitchell, by two-thirds vote **HB 1519** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Mitchell by two-thirds vote—

HB 1519—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—a companion measure, was substituted for **SB 1650** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1519** was placed on the calendar of Bills on Third Reading.

SENATOR SAUNDERS PRESIDING

On motion by Senator Sebesta—

CS for CS for SB 1178—A bill to be entitled An act relating to high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria;

requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1178** to **HB 489**.

Pending further consideration of **CS for CS for SB 1178** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 489** was withdrawn from the Committees on Transportation; Rules and Calendar; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Sebesta by two-thirds vote—

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1178** as amended and by two-thirds vote read the second time by title.

Senator Sebesta moved the following amendment:

Amendment 1 (211556)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 341.821, Florida Statutes, is created to read:

341.821 Florida High-Speed Rail Authority.—

(1) *There is created and established a body politic and corporate, an agency of the state, to be known as the “Florida High-Speed Rail Authority,” hereinafter referred to as the “authority.”*

(2)(a) *The governing board of the authority shall consist of nine voting members appointed as follows:*

1. *Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.*

2. *Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.*

3. *Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.*

(b) *The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. Initial appointments must be made within 30 days after the effective date of this act.*

(c) *A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.*

(d) *The Secretary of Transportation shall be a nonvoting ex officio member of the board.*

(e) *The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be*

necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 2. Section 341.822, Florida Statutes, is created to read:

341.822 Powers and duties.—

(1)(a) The authority created and established by this act shall plan, administer, and manage the preliminary engineering and preliminary environmental assessment of the intrastate high-speed rail system in the state, hereinafter referred to as "intrastate high-speed rail."

(b) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may not incur debt.

(c) The authority shall have perpetual succession as a body politic and corporate.

(d) The authority is authorized to seek federal matching funds or any other funds to fulfill the requirements of this act.

(e) The authority may employ an executive director, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 3. (1) The following criteria shall apply in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this act:

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between St. Petersburg, Tampa, and Orlando, with future service to Miami;

(c) The authority is to develop a model that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, and operation of the system;

(2) The authority shall make recommendations concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities designated in paragraph (1)(b);

(c) The preferred locations for the stations in the cities designated in paragraph (1)(b);

(d) The preferred locomotion technology to be employed from constitutional choices of monorail, fixed guideway, or magnetic levitation;

(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and

(f) Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) When preparing the operating plan, the authority shall include:

(a) The frequency of service between the cities designated in paragraph (1)(b);

(b) The proposed fare structure for passenger and freight service;

(c) Proposed trip times, system capacity, passenger accommodations, and amenities;

(d) Methods to ensure compliance with applicable environmental standards and regulations;

(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;

(f) A detailed planning-level ridership study;

(g) Consideration of nonfare revenues that may be derived from:

1. The sale of development rights at the stations;

2. License, franchise, and lease fees;

3. Sale of advertising space on the trains or in the stations; and

4. Any other potential sources deemed appropriate.

(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:

1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;

2. Acquire any necessary rights-of-way;

3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.

(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.

(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.

(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).

Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.

Section 4. The authority shall prepare a report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2002. If statutory changes are recommended, the report shall contain proposed legislation necessary to implement those recommendations.

Section 5. The Department of Transportation may prepare and issue a request for information from private-sector entities regarding their interest in participating in financing, building, and operating the high-speed rail system in this state, and may issue a request for proposals in order for the authority to contract with a consultant to assist the authority in fulfilling the requirements of this act. Furthermore, the authority may enlist assistance or input from the private sector and from existing

rail and fixed guideway system vendors or operators, including Amtrak. The Department of Transportation is directed to begin, as soon as possible, collecting and organizing existing research, studies, and reports concerning high-speed rail systems in preparation for the authority's first meeting.

Section 6. *The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.*

Section 7. *There is appropriated from funds assigned to the Transportation Outreach Program to the authority the sum of \$8,000,000 for the purpose of performing its duties under this act. These funds shall be administered by the authority, and the funding for the authority, for its board, and for any consultant under the provisions of this act shall be allocated from this appropriation.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation; providing an effective date.

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

Amendment 1A (091710)—On page 7, line 29, delete “\$8,000,000” and insert: “\$4,500,000”

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 489** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

CS for SB 1268—A bill to be entitled An act relating to motorized scooters; amending s. 316.003; defining the term “motorized scooter”; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; providing an effective date.

—was read the second time by title.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 1 (202676)—On page 7, between lines 2 and 3, insert:

(21) *A county or municipality may adopt an ordinance that authorizes persons to operate a motorized scooter on a roadway or sidewalk, notwithstanding any prohibitions in this section.*

Pursuant to Rule 4.19, **CS for SB 1268** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1848**, **CS for CS for SB 784** and **CS for SB 2024** was deferred.

On motion by Senator Bronson—

CS for SB 834—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring an appli-

cant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 834** to **CS for HB 9**.

Pending further consideration of **CS for SB 834** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 9** was withdrawn from the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

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

CS for HB 9—A bill to be entitled An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the contract within a specified timeframe; amending s. 403.061, F.S.; providing rule-making authority; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—a companion measure, was substituted for **CS for SB 834** as amended and by two-thirds vote read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (034836)(with title amendment)—On page 1, line 27 through page 2, line 30, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: An act relating to pollution control;

Pursuant to Rule 4.19, **CS for HB 9** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2120** was deferred.

On motion by Senator Pruitt—

CS for SB 2024—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing a civil penalty for violation of certain established vessel speed limits; making provisions for dismissal of a boating violation; amending s. 328.72, F.S.; increasing registration fees for vessels; providing for the distribution of certain vessel fees; amending s. 328.76, F.S.; providing for the use of vessel and dealer registration fees transferred into the Marine Resources Conservation Trust Fund; providing funding for manatee protection; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 372.105, F.S.; revising provisions relating to the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; conforming cross-references; amending s. 372.16, F.S.; increasing the permit fee for a private game preserve or farm; amending s. 372.561, F.S.; revising provisions relating issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees;

amending s. 372.57, F.S.; creating a gold sportsman's license for residents; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; creating s. 372.5701, F.S.; prescribing requirements for the deposit of saltwater license fees and allocation of federal funds; creating s. 372.5702, F.S.; prescribing requirements for the expenditure of certain funds for marine research; creating s. 372.5704, F.S.; providing a license program to take tarpon; amending ss. 372.571, 372.5712, 372.5715, 372.573, F.S.; conforming cross-references; amending s. 372.547, F.S.; prescribing requirements for subagents for the sale of certain licenses and permits; creating s. 372.579, F.S.; authorizing the Fish and Wildlife Conservation Commission to prescribe a processing fee for certain licenses and permits; amending s. 372.661, F.S.; increasing fees for operating a private hunting preserve; amending s. 372.711, F.S.; providing for a fee for dismissing certain violations of license and permit requirements; amending s. 372.921, F.S.; increasing fees for possession and exhibition of wildlife; amending s. 372.922, F.S.; increasing certain fees for the personal possession of wildlife; amending s. 705.101, F.S., adding derelict vessels to the definition of abandoned property; repealing s. 370.0605, F.S., which provides for saltwater fishing licenses; repealing s. 370.0608, F.S., which provides for deposit of saltwater license fees; repealing s. 370.0609, F.S., which provides for expenditure of funds for marine research; repealing s. 370.0615, F.S., which provides for lifetime saltwater fishing licenses; repealing s. 370.062, F.S., which provides for tarpon tags and fees; repealing s. 370.1111, F.S., which provides for snook regulation; repealing s. 370.14(10) and (11), F.S., which provides for crawfish regulation; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (330842)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. *If a person who is cited for a violation of s. 327.395 can show a boating safety identification card issued to him or her and valid at the time of the citation, the clerk of the court may dismiss the case and may assess a \$5 dismissal fee.*

Section 2. Subsections (1) and (15) of section 328.72, Florida Statutes, are amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(1) VESSEL REGISTRATION FEE.—Vessels that are required to be registered shall be classified for registration purposes according to the following schedule, and the registration certificate fee shall be in the following amounts:

Class A-1—Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length \$3.50

Class A-2—12 feet or more and less than 16 feet in length 10.50
(To county) 2.85

Class 1—16 feet or more and less than 26 feet in length	18.50
(To county)	8.85
Class 2—26 feet or more and less than 40 feet in length	50.50
(To county)	32.85
Class 3—40 feet or more and less than 65 feet in length	82.50
(To county)	56.85
Class 4—65 feet or more and less than 110 feet in length	98.50
(To county)	68.85
Class 5—110 feet or more in length	122.50
(To county)	86.85
Dealer registration certificate	16.50

The county portion of the vessel registration fee is derived from recreational vessels only.

(15) DISTRIBUTION OF FEES.—Moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities, for removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53, and for manatee and marine mammal protection and recovery. *The county portion of the vessel registration certificate fee collected by the Fast Title Section of the Bureau of Titles and Registration of the Department of Highway Safety and Motor Vehicles must be returned to the vessel owner's county of Florida residence.*

Section 3. Subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated for the use of the counties pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to \$1.50 for each *commercial and noncommercial* vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4).

(b) *An amount equal to \$2 two dollars* from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(c) *An amount equal to 40 forty* percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(d) *An amount equal to 40 forty* percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 4. Paragraph (a) of subsection (2) of section 370.06, Florida Statutes, is amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation that sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license, except that the

holder of an aquaculture certificate under s. 597.004 is not required to purchase and possess a saltwater products license in order to possess, transport, or sell marine aquaculture products. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 year out of the last 3 years. For the purpose of this section "income" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits. To renew an existing restricted species endorsement, a marine aquaculture producer possessing a valid saltwater products license with a restricted species endorsement may apply income from the sale of marine aquaculture products to licensed wholesale dealers.

1. The commission is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

- a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;
- b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;
- c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;
- d. Crew share statements verifying income earned from the sale of saltwater products; or
- e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market or restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his or her retail store and has had a saltwater products license for 1 of the past 3 years prior to January 1, 1990, may provide proof of his or her verification of income and sales value at the person's retail seafood market or restaurant and in his or her saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

- a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.
- b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.
- c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

e. A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least \$2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.

f. A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.

g.(4) Any resident who is certified to be totally and permanently disabled by the *Railroad Retirement Board*, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, upon proof of the same, or any resident certified to be ~~totally~~ disabled by the United States Social Security Administration, upon proof of the same, shall be exempted from the income requirements if he or she also has held a saltwater products license for at least 3 of the last 5 license years prior to the date of the disability.

~~(H) A Disability Award Notice issued by the United States Social Security Administration is not sufficient certification for a resident to obtain the income exemption unless the notice certifies that the resident is totally disabled.~~

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or (b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 328.48(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of \$50 for a saltwater products license issued in the name of an individual or \$100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of \$200 for a saltwater products license issued in the name of an individual or \$400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of \$300 for a saltwater products license issued in the name of an individual or \$600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold, and an imprint made thereof. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the commission not in conflict with s. 370.07(6), and shall provide the holder of the saltwater products license with a copy of the record. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his or her saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The commission shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

Section 5. Paragraph (c) of subsection (2) of section 370.0603, Florida Statutes, is amended to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(2) The Marine Resources Conservation Trust Fund shall receive the proceeds from:

(c) All fees collected pursuant to ss. ~~370.062~~, 370.063, and 370.142, and 372.5704.

Section 6. Section 370.0608, Florida Statutes, is renumbered as section 372.5701, Florida Statutes, and amended to read:

372.5701 ~~370.0608~~ Deposit of license fees; allocation of federal funds.—

(1) ~~Except as otherwise provided in ss. 372.105 and 372.106, all saltwater license and permit fees collected pursuant to s. 372.57~~ All license fees collected pursuant to s. 370.0605 shall be deposited into the Marine Resources Conservation Trust Fund, to be used as follows:

(a) ~~Not less than 35 percent of the total fees collected shall be used for marine fisheries management, saltwater fisheries enhancement, including but not limited to, fishery statistics development, artificial reefs, and fish hatcheries. Not more than 5 percent of the total fees collected shall be used to carry out the responsibilities of the Fish and Wildlife Conservation Commission and to provide for the award of funds to marine research institutions in this state for the purposes of enabling such institutions to conduct worthy marine research projects.~~

(b) Not less than 2.5 percent of the total fees collected shall be used for saltwater aquatic education purposes.

(c)1. The remainder of such fees shall be used by the ~~commission department~~ for the following program functions:

a. Not more than 5 percent of the total fees collected, for administration of the licensing program and for information and education relating to saltwater fisheries.

b. Not ~~less more~~ than 30 percent of the total fees collected, for marine law enforcement.

c. Not less than 27.5 percent of the total fees collected, for marine research.

d. ~~Not less than 30 percent of the total fees collected, for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.~~

2. The Legislature shall annually appropriate to the commission from the General Revenue Fund for the activities and programs specified in subparagraph 1. at least the same amount of money as was appropriated to the Department of Environmental Protection from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the commission for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the commission for such activities and programs from the General Revenue Fund. The proceeds from recreational saltwater fishing license fees paid by fishers shall only be appropriated to the commission.

(2) Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed by the commission between the Division of Freshwater Fisheries and the Division of Marine Fisheries in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, the commission, at a minimum, shall provide the following:

(a) Not less than 5 percent or more than 10 percent of the funds allocated to the commission shall be expended for an aquatic resources education program; and

(b) Not less than 10 percent of the funds allocated to the commission shall be expended for acquisition, development, renovation, or improvement of boating facilities.

~~(3) All license fees collected pursuant to s. 370.0605 shall be transferred to the Marine Resources Conservation Trust Fund within 7 days following the last business day of the week in which the license fees were received by the commission. One-fifth of the total proceeds derived from the sale of 5-year licenses and replacement 5-year licenses, and all interest derived therefrom, shall be available for appropriation annually.~~

Section 7. Section 370.0609, Florida Statutes, is renumbered as section 372.5702, Florida Statutes, and amended to read:

372.5702 ~~370.0609~~ Expenditure of funds.—Any moneys available pursuant to s. 372.5701 ~~370.0608~~(1)(c)1.c. may shall be expended by the Fish and Wildlife Conservation Commission within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; ~~Florida Marine Research Institute of the Fish and Wildlife Conservation Commission; Indian River Region Research Institute; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; and Rosentiel School of Marine and Atmospheric Science; and Smithsonian Marine Station at Ft. Pierce.~~

Section 8. Section 370.062, Florida Statutes, is renumbered as section 372.5704, Florida Statutes, and subsections (1) and (9) of said section are amended to read:

372.5704 ~~370.062~~ Fish and Wildlife Conservation Commission license program for tarpon; fees; penalties.—

(1) ~~The Fish and Wildlife Conservation~~ commission shall establish a license program for the purpose of issuing tags to individuals desiring to harvest tarpon (*megalops atlantica*) from the waters of the state of Florida. The tags shall be nontransferable, except that the commission may allow for a limited number of tags to be purchased by professional fishing guides for transfer to individuals, and issued by the commission in order of receipt of a properly completed application for a nonrefundable fee of \$50 per tag. The commission and any tax collector may sell the tags and collect the fees therefor. Tarpon tags are valid from July 1 through June 30. Before August 15 ~~5~~ of each year, each tax collector shall submit to the commission all unissued tags for the previous ~~fiscal calendar~~ year along with a written audit report, on forms prescribed or approved by the commission, as to the numbers of the unissued tags. To defray the cost of issuing any tag, the issuing tax collector shall collect and retain as his or her costs, in addition to the tag fee collected, the amount allowed under s. 372.561(7)(4) for the issuance of licenses.

~~(9) All tag fees collected by the commission shall be transferred to the Marine Resources Conservation Trust Fund within 7 days following the last business day of the week in which the fees were received by the commission.~~

Section 9. Subsection (3) of section 370.063, Florida Statutes, is amended to read:

370.063 Special recreational crawfish license.—There is created a special recreational crawfish license, to be issued to qualified persons as provided by this section for the recreational harvest of crawfish (spiny lobster) beginning August 5, 1994.

(3) The holder of a special recreational crawfish license must also possess the recreational crawfish permit required by s. 372.57(8)(e) ~~370.14(10) and the license required by s. 370.0605.~~

Section 10. Subsection (3) of section 370.13, Florida Statutes, is amended to read:

370.13 Stone crab; regulation.—

(3) ~~DEPREDAATION PERMITS ENDORSEMENTS.—The Fish and Wildlife Conservation~~ commission shall issue a depredation permit upon request to any marine aquaculture producer, as defined in s. 370.26, engaged in the culture of shellfish. The depredation permit endorsement ~~on the saltwater products license, which shall entitle the marine aquaculture producer licenseeholder to possess and use up to 75 stone crab traps and up to 75 blue crab traps, notwithstanding any other provisions of law, for the sole purpose of taking incidental take of destructive or nuisance stone crabs or blue crabs within 1 mile of the producer's aquaculture shellfish beds. Any marine aquaculture producer~~

as defined by s. 370.26 who raises shellfish may obtain a deprecation endorsement by providing an aquaculture registration certificate to the commission. No stone crabs or blue crabs taken under this subsection may be sold, bartered, or exchanged, or offered for sale, barter, or exchange.

Section 11. Article III of subsection (1) and subsection (2) of section 370.19, Florida Statutes, are amended to read:

370.19 Atlantic States Marine Fisheries Compact; implementing legislation.—

(1) FORM.—The Governor of this state is hereby authorized and directed to execute a compact on behalf of the State of Florida with any one or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

ATLANTIC STATES MARINE FISHERIES COMPACT

The contracting states solemnly agree:

ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by such legislature or in the absence of such designation, such legislator shall be designated by the governor thereof, provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed in such manner as may be established by law the house committee on commerce and reciprocal trade of such state. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the governor. This commission shall be a body corporate with the powers and duties set forth herein.

(2) COMMISSIONERS; APPOINTMENT AND REMOVAL.—In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from this state. The first commissioner from this state shall be the Executive Director of the Fish and Wildlife Conservation Commission, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife Conservation Commission, and his or her successor as commissioner shall be his or her successor as executive director. The second commissioner from this state shall be a legislator appointed on a rotating basis by the President of the Senate or the Speaker of the House of Representatives, beginning with the appointment of a member of the Senate and member of the house committee on commerce and reciprocal trade (of the State of Florida, ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said legislative office as commissioner on interstate cooperation, and his or her successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate), shall appoint a citizen as a third commissioner who shall have a knowledge of, and interest in, the marine fisheries problem. The term of said commissioner shall be 3 years and the commissioner shall hold office until a successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate), for the unexpired term. The Executive Director of the Fish and Wildlife Conservation Commission as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting, as his or her representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise, they shall begin upon the date upon

which said compact shall become effective in accordance with said Article II. Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 12. Subsection (2) of section 370.20, Florida Statutes, is amended to read:

370.20 Gulf States Marine Fisheries Compact; implementing legislation.—

(2) MEMBERS OF COMMISSION; TERM OF OFFICE.—In pursuance of article III of said compact, there shall be three members (hereinafter called commissioners) of the Gulf States Marine Fisheries Commission (hereafter called commission) from the State of Florida. The first commissioner from the State of Florida shall be the Executive Director of the Fish and Wildlife Conservation Commission, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife Conservation Commission, and his or her successor as commissioner shall be his or her successor as executive director. The second commissioner from the State of Florida shall be a legislator appointed on a rotating basis by the President of the Senate or the Speaker of the House of Representatives, beginning with the appointment of a member of the House of Representatives and a member of the house committee on commerce and reciprocal trade (of the State of Florida ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said legislative office as commissioner on interstate cooperation, and his or her successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be 3 years and the commissioner shall hold office until a successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate) for the unexpired term. The Executive Director of the Fish and Wildlife Conservation Commission, as ex officio commissioner, may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting, as his or her representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said article II. Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 13. Paragraph (a) of subsection (6) of section 370.25, Florida Statutes, is amended to read:

370.25 Artificial reef program; grants and financial and technical assistance to local governments.—

(6) It is unlawful for any person to:

(a) Place artificial-reef-construction materials in state waters outside zones permitted under the terms and conditions defined in any artificial-reef permits issued by the United States Army Corps of Engineers or by the Department of Environmental Protection Fish and Wildlife Conservation Commission.

Section 14. Paragraph (b) of subsection (2) and subsection (3) of section 372.105, Florida Statutes, are amended to read:

372.105 Lifetime Fish and Wildlife Trust Fund.—

(2) The principal of the fund shall be derived from the following:

(b) Proceeds from the sale of lifetime licenses issued in accordance with s. 372.57 with the exception of the saltwater portion of the lifetime sportsman's license.

(3) The fund is declared to constitute a special trust derived from a contractual relationship between the state and the members of the public whose investments contribute to the fund. In recognition of such special trust, the following limitations and restrictions are placed on expenditures from the funds:

(a) No expenditure or disbursement shall be made from the principal of the fund.

(b) The interest income received and accruing from the investments of proceeds from the sale of lifetime freshwater fishing licenses and lifetime hunting licenses ~~the fund~~ shall be spent in furtherance of the commission's exercise of the regulatory and executive powers of the state ~~with respect to the~~ management, protection, and conservation of wild animal life and freshwater aquatic life as set forth in s. 9, Art. IV of the State Constitution and this chapter and as otherwise authorized by the Legislature.

(c) *The interest income received and accruing from the investments of proceeds from the sale of lifetime saltwater fishing licenses shall be expended for marine law enforcement, marine research, and marine fishery enhancement.*

(d)(e) No expenditures or disbursements from the interest income derived from the sale of lifetime licenses shall be made for any purpose until the respective holders of such licenses attain the age of 16 years. The Fish and Wildlife Conservation Commission as administrator of the fund shall determine actuarially on an annual basis the amounts of interest income within the fund which may be disbursed pursuant to this paragraph. The director shall cause deposits of proceeds from the sale of lifetime licenses to be identifiable by the ages of the license recipients.

(e)(d) Any limitations or restrictions specified by the donors on the uses of the interest income derived from gifts, grants, and voluntary contributions shall be respected but shall not be binding.

(f)(e) The fund shall be exempt from the provisions of s. 215.20.

Section 15. Section 372.106, Florida Statutes, is amended to read:

372.106 Dedicated License Trust Fund.—

(1) There is established within the Fish and Wildlife Conservation Commission the Dedicated License Trust Fund. The fund shall be credited with moneys collected pursuant to s. ~~ss. 370.0605 and~~ 372.57 for 5-year licenses and replacement 5-year licenses.

(2)(a) *One-fifth of the total proceeds from the sale of 5-year freshwater fishing and hunting licenses and replacement licenses, and all interest derived therefrom, shall be appropriated annually to the State Game Trust Fund.*

(b) *One-fifth of the total proceeds from the sale of 5-year saltwater fishing licenses and replacement licenses, and all interest derived therefrom, shall be appropriated annually to the Marine Resources Conservation Trust Fund.*

(3)(2) The fund shall be exempt from the provisions of s. 215.20.

Section 16. Subsections (1) and (4) of section 372.16, Florida Statutes, are amended to read:

372.16 Private game preserves and farms; penalty.—

(1) Any person owning land in this state may, ~~after having secured a license therefor from the Fish and Wildlife Conservation Commission,~~ establish, maintain, and operate within the boundaries thereof, a private preserve and farm, not exceeding an area of 640 acres, for the protection, preservation, propagation, rearing, and production of game birds and animals for private and commercial purposes, provided that no two game preserves shall join each other or be connected. *Before any private game preserve or farm is established, the owner or operator shall secure a license from the commission, the fee for which is \$25 per year.*

(4) Any person violating ~~the provisions of this section shall~~ for the first offense *commits* be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent offense *commits* shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating ~~the provisions of this section shall~~ forfeit, to the Fish and Wildlife Conservation Commission, any license or permit issued under ~~this section the provisions hereof,~~ and no further license or permit shall be issued to such person for a period of 1 year following such conviction. *Before any private game preserve or farm is established, the owner or operator shall secure a license from the Fish and Wildlife Conservation Commission, the fee for which shall be \$5 per year.*

Section 17. Section 372.561, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 372.561, F.S., for present text.)

372.561 *Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.—*

(1) *This section applies to all recreational licenses and permits and to any authorization numbers issued by the commission through the electronic sale of recreational licenses or permits.*

(2) *The commission shall establish forms for the issuance of recreational licenses and permits.*

(3) *The commission shall issue a license, permit, or authorization number to take wild animal life, freshwater aquatic life, or marine life when an applicant provides proof that she or he is entitled to such license, permit, or authorization number. Each applicant for a recreational license, permit, or authorization number shall provide her or his social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purposes of administration of the Title IV-D program for child support enforcement, use by the commission, and as otherwise provided by law.*

(4) *The commission is authorized to establish the following, using competitive bid procedures:*

(a) *A process and a vendor fee for the sale of licenses, permits, and authorization numbers over the telephone using a credit card.*

(b) *A process and a vendor fee for the electronic sale of licenses, permits, and authorization numbers.*

(c) *A process and a vendor fee for a statewide automated license system.*

(5) *Licenses and permits to take wild animal life, freshwater aquatic life, or marine life may be sold by the commission, by any tax collector in the state, or by any subagent authorized under s. 372.574.*

(6) *In addition to any license or permit fee, the sum of \$1.50 shall be charged for each license or management area permit to cover the cost of issuing such license or permit.*

(7)(a)1. *For each hunting or freshwater fishing license sold and for each sportsman's or gold sportsman's license sold, a tax collector may retain \$1.*

2. *For each management area permit sold, a tax collector may retain \$1.*

3. *For each saltwater fishing tag or license sold, including combination saltwater fishing and freshwater fishing licenses, or combination saltwater fishing, freshwater fishing, and hunting licenses, a tax collector may retain \$1.50.*

(b) *Tax collectors shall remit license and permit moneys, along with a report of funds collected and other required documentation, to the commission weekly. Tax collectors shall maintain records of all licenses and permits that are sold, voided, stolen, or lost.*

1. *The tax collector is responsible to the commission for the fees for all licenses and permits sold and for the value of all licenses and permits reported as lost.*

2. *The tax collector shall report stolen licenses and permits to the appropriate law enforcement agency.*

3. *The tax collector shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering a theft.*

4. *The tax collector is responsible for the fees for all licenses and permits sold or lost by a subagent appointed pursuant to s. 372.574.*

(8) *The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.*

Section 18. Section 372.562, Florida Statutes, is created to read:

372.562 Recreational licenses and permits; exemptions from fees and requirements.—

(1) Hunting, freshwater fishing, and saltwater fishing licenses and permits shall be issued without fee to any resident who is certified:

(a) To be totally and permanently disabled by the Railroad Retirement Board, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued under the provisions of s. 295.17, upon proof of same. Any license issued under this paragraph after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

(b) To be disabled by the United States Social Security Administration, upon proof of same. Any license issued under this paragraph after October 1, 1999, expires after 2 years and must be reissued, upon proof of certification of disability, every 2 years thereafter.

A disability license issued after July 1, 1997, and before July 1, 2000, retains the rights vested thereunder until the license has expired.

(2) A hunting, freshwater fishing, or saltwater fishing license or permit is not required for:

(a) Any child under 16 years of age, except as otherwise provided in this chapter.

(b) Any person hunting or fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or fishing on the homestead property of her or his parent.

(c) Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders.

(d) Any resident fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism, except on a legally established fish management area.

(e) Any person fishing in a fishpond of 20 acres or less that is located entirely within the private property of the fishpond owner.

(f) Any person fishing in a fishpond that is licensed in accordance with s. 372.5705.

(g) Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof.

(h) Any resident fishing in saltwater from land or from a structure fixed to the land.

(i) Any person fishing from a vessel licensed pursuant to s. 372.57(7).

(j) Any person fishing from a vessel the operator of which is licensed pursuant to s. 372.57(7).

(k) Any person who holds a valid saltwater products license issued under s. 370.06(2).

(l) Any person recreationally fishing from a pier licensed under s. 372.57.

(m) Any resident who is fishing for mullet in freshwater and who has a valid Florida freshwater fishing license.

(n) Any resident fishing for a saltwater species in freshwater from land or from a structure fixed to land.

(o) Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities.

(Substantial rewording of section. See s. 372.57, F.S., for present text.)

372.57 Recreational licenses, permits, and authorization numbers; fees established.—

(1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.—Except as provided in s. 372.562, no person shall hunt, fish, or take fur-bearing animals within this state without having first obtained a license, permit, or authorization number and paying the fees set forth in this chapter. Such license, permit, or authorization number shall authorize the person to whom it is issued to hunt, fish, take fur-bearing animals, and participate in outdoor recreational activities in accordance with the laws of the state and rules of the commission.

(2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.—

(a) Licenses, permits, and authorization numbers issued under this chapter are not transferable. Each license and permit must bear on its face in indelible ink the name of the person to whom it is issued and other information as deemed necessary by the commission. Licenses issued to the owner, operator, or custodian of a vessel that directly or indirectly collects fees for taking or attempting to take or possess saltwater fish for noncommercial purposes must include the vessel registration number or federal documentation number. Annual licenses must be dated when issued and shall remain valid for 12 months after the date of issuance.

(b) The lifetime licenses and 5-year licenses authorized in this section shall be embossed with the name, date of birth, date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany each application for a lifetime license for a resident 12 years of age or younger.

(c) A positive form of identification is required when using a free license, a lifetime license, a 5-year license, or an authorization number issued under this chapter, or when otherwise required by a license or permit.

(3) PERSONAL POSSESSION REQUIRED.—Each license, permit, or authorization number must be in the personal possession of the person to whom it is issued while such person is hunting, fishing, or taking fur-bearing animals. Any person hunting, fishing, or taking fur-bearing animals who fails to produce a license, permit, or authorization number at the request of a commission law enforcement officer commits a violation of the law.

(4) RESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(a) Annual freshwater fishing license, \$12.

(b) Annual saltwater fishing license, \$12.

(c) Annual hunting license to take game, \$11.

(d) Annual combination freshwater fishing and hunting license, \$22.

(e) Annual combination freshwater fishing and saltwater fishing license, \$24.

(f) Annual combination hunting, freshwater fishing, and saltwater fishing license, \$34.

(g) Annual license to take fur-bearing animals, \$25. However, a resident with a valid hunting license or a no-cost license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license. Also, a resident 65 years of age or older is not required to purchase this license.

(h) Annual sportsman's license, \$66, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take freshwater fish and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, and an archery permit.

Section 19. Section 372.57, Florida Statutes, is amended to read:

(i) Annual gold sportsman's license, \$82. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, an archery permit, a snook permit, and a crawfish permit.

(5) **NONRESIDENT HUNTING AND FISHING LICENSES.**—The licenses and fees for nonresidents participating in hunting and fishing activities in the state are as follows:

(a) Freshwater fishing license to take freshwater fish for 7 consecutive days, \$15.

(b) Saltwater fishing license to take saltwater fish for 1 day, \$7.50.

(c) Saltwater fishing license to take saltwater fish for 7 consecutive days, \$15.

(d) Annual freshwater fishing license, \$30.

(e) Annual saltwater fishing license, \$30.

(f) Hunting license to take game for 10 consecutive days, \$25.

(g) Annual hunting license to take game, \$150.

(h) Annual license to take fur-bearing animals, \$25. However, a non-resident with a valid Florida hunting license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license.

(6) **PIER LICENSE.**—A pier license for any pier fixed to land for the purpose of taking or attempting to take saltwater fish is \$500 per year. The pier license may be purchased at the option of the owner, operator, or custodian of such pier and must be available for inspection at all times.

(7) **VESSEL LICENSES.**—

(a) No person may operate any vessel wherein a fee is paid, either directly or indirectly, for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes unless he or she has been issued an authorization number or has obtained a license for each vessel for that purpose, and has paid the license fee pursuant to paragraphs (b) and (c) for such vessel.

(b) A license for any person who operates any vessel licensed to carry more than 10 customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish is \$800 per year. The license must be kept aboard the vessel at all times.

(c)1. A license for any person who operates any vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying 6 or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish is \$400 per year.

2. A license for any person licensed to operate any vessel carrying six or fewer customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish is \$200 per year. The license must be kept aboard the vessel at all times.

3. A person who operates a vessel required to be licensed pursuant to paragraph (b) or paragraph (c) may obtain a license in his or her own name, and such license shall be transferable and apply to any vessel operated by the purchaser, provided that the purchaser has paid the appropriate license fee.

(d) A license for a recreational vessel not for hire and for which no fee is paid, either directly or indirectly, by guests for the purpose of taking or attempting to take marine fish noncommercially is \$2,000 per year. The license may be purchased at the option of the vessel owner and must be kept aboard the vessel at all times. A log of species taken and the date the species were taken shall be maintained and a copy of the log filed with the commission at the time of renewal of the license.

(e) The owner, operator, or custodian of a vessel the operator of which has been licensed pursuant to paragraph (a) must maintain and report

such statistical data as required by, and in a manner set forth in, the rules of the commission.

(8) **SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.**—In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and recreational uses and activities are required:

(a) An annual Florida waterfowl permit for a resident or nonresident to take wild ducks or geese within the state or its coastal waters is \$3.

(b) An annual Florida turkey permit for a resident to take wild turkeys within the state is \$5.

(c) An annual Florida turkey permit for a nonresident to take wild turkeys within the state is \$100.

(d) An annual snook permit for a resident or nonresident to take or possess any snook from any waters of the state is \$2. Revenue generated from the sale of snook permits shall be used exclusively for programs to benefit the snook population.

(e) An annual crawfish permit for a resident or nonresident to take or possess any crawfish for recreational purposes from any waters of the state is \$2. Revenue generated from the sale of crawfish permits shall be used exclusively for programs to benefit the crawfish population.

(f) An annual muzzle-loading gun permit for a resident or nonresident to hunt within the state with a muzzle-loading gun is \$5. Hunting with a muzzle-loading gun is limited to game seasons in which hunting with a modern firearm is not authorized by the commission.

(g) An annual archery permit for a resident or nonresident to hunt within the state with a bow and arrow is \$5. Hunting with an archery permit is limited to those game seasons in which hunting with a firearm is not authorized by the commission.

(h) A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as authorized by commission rule shall not exceed \$100 per day or \$250 per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this permit fee. In addition to the permit fee, the commission may charge each special use permit applicant a nonrefundable application fee not to exceed \$10.

(i)1. A management area permit for a resident or nonresident to hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission, shall not exceed \$25 per year.

2. Permit fees for short-term use of land that is owned, leased, or managed by the commission may be established by rule of the commission for activities on such lands. Such permits may be in lieu of, or in addition to, the annual management area permit authorized in subparagraph 1.

3. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission has obtained the written consent of the owner or primary custodian of such lands.

(j)1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for a recreational user permit shall be based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. The recreational user permit fee, less administrative costs of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

2. One minor dependent, 16 years of age or younger, may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when engaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter,

no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

(9)(a) **RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.**—Five-year licenses are available for residents only, as follows:

1. A 5-year freshwater fishing or saltwater fishing license is \$60 for each type of license and authorizes the person to whom the license is issued to take or attempt to take or possess freshwater fish or saltwater fish consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. A 5-year hunting license is \$55 and authorizes the person to whom it is issued to take or attempt to take or possess game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

(b) Proceeds from the sale of all 5-year licenses shall be deposited into the Dedicated License Trust Fund, to be distributed in accordance with the provisions of s. 372.106.

(10) **RESIDENT LIFETIME FRESHWATER AND SALTWATER FISHING LICENSES.**—

(a) Lifetime freshwater fishing licenses and saltwater fishing licenses are available for residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$125 for each type of license.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$225 for each type of license.

3. Persons 13 years of age or older, for a fee of \$300 for each type of license.

(b) The following activities are authorized by the purchase of a lifetime freshwater fishing license:

1. Taking, or attempting to take or possess, freshwater fish consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a management area permit, excluding hunting.

(c) The following activities are authorized by the purchase of a lifetime saltwater fishing license:

1. Taking, or attempting to take or possess, saltwater fish consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a snook permit and a crawfish permit.

3. All activities for which an additional license, permit, or fee is required to take or attempt to take or possess saltwater fish, which additional license, permit, or fee was imposed subsequent to the date of the purchase of the lifetime saltwater fishing license.

(11) **RESIDENT LIFETIME HUNTING LICENSES.**—

(a) Lifetime hunting licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$200.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$350.

3. Persons 13 years of age or older, for a fee of \$500.

(b) The following activities are authorized by the purchase of a lifetime hunting license:

1. Taking, or attempting to take or possess, game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, and a management area permit, excluding fishing.

(12) **RESIDENT LIFETIME SPORTSMAN'S LICENSES.**—

(a) Lifetime sportsman's licenses are available, to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$400.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$700.

3. Persons 13 years of age or older, for a fee of \$1,000.

(b) The following activities are authorized by the purchase of a lifetime sportsman's license:

1. Taking, or attempting to take or possess, freshwater and saltwater fish, and game, consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. All activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, a snook permit, and a crawfish permit.

The proceeds from the sale of all lifetime licenses authorized in this section shall be deposited into the Lifetime Fish and Wildlife Trust Fund, to be distributed as provided in s. 372.105.

(13) **RECIPROCAL FEE AGREEMENTS.**—The commission is authorized to reduce the fees for licenses and permits under this section for residents of those states with which the commission has entered into reciprocal agreements with respect to such fees.

(14) **FREE FISHING DAYS.**—The commission may designate by rule no more than 2 consecutive or nonconsecutive days in each year as free freshwater fishing days and no more than 2 consecutive or nonconsecutive days in each year as free saltwater fishing days. Notwithstanding any other provision of this chapter, any person may take freshwater fish for noncommercial purposes on a free freshwater fishing day and may take saltwater fish for noncommercial purposes on a free saltwater fishing day, without obtaining or possessing a license or paying a license fee as prescribed in this section. A person who takes freshwater or saltwater fish on a free fishing day without obtaining a license or paying a fee must comply with all laws, rules, and regulations governing the holders of a fishing license and all other conditions and limitations regulating the taking of freshwater or saltwater fish as are imposed by law or rule.

Section 20. Section 372.571, Florida Statutes, is amended to read:

372.571 Expiration of licenses and permits.—Each license or permit issued under this chapter must be dated when issued. Each license or permit issued under this chapter remains valid for 12 months after the date of issuance, except for a lifetime license issued pursuant to s. 372.57 which is valid from the date of issuance until the death of the individual to whom the license is issued unless otherwise revoked in accordance with s. 372.99, or a 5-year license issued pursuant to s. 372.57 which is valid for 5 consecutive years from the date of purchase unless otherwise revoked in accordance with s. 372.99 or a license issued pursuant to s. 372.57(5)(a), (b), (c), or (g) or (8)(h) or (i)2. ~~(2)(b) or (g)~~, which is valid for the period specified on the license. A resident lifetime license or a resident 5-year license that has been purchased by a resident of this state and who subsequently resides in another state shall be honored for activities authorized by that license.

Section 21. Subsection (1) of section 372.5712, Florida Statutes, is amended to read:

372.5712 Florida waterfowl permit revenues.—

(1) The commission shall expend the revenues generated from the sale of the Florida waterfowl permit as provided in s. 372.57(8)(4)(a) or that pro rata portion of any license that includes waterfowl hunting privileges, as provided in s. 372.57(4)(h) and ~~(2)(i)~~ and ~~(14)(b)~~ as follows: A maximum of 5 percent of the gross revenues shall be expended for administrative costs; a maximum of 25 percent of the gross revenues shall be expended for waterfowl research approved by the commission; and a maximum of 70 percent of the gross revenues shall be expended for projects approved by the commission, in consultation with the Waterfowl Advisory Council, for the purpose of protecting and propagating migratory waterfowl and for the development, restoration, maintenance, and preservation of wetlands within the state.

Section 22. Subsection (1) of section 372.5715, Florida Statutes, is amended to read:

372.5715 Florida wild turkey permit revenues.—

(1) The commission shall expend the revenues generated from the sale of the turkey permit as provided for in s. 372.57(8)(b) and (c) (4)(e) or that pro rata portion of any license that includes turkey hunting privileges as provided for in s. 372.57(4)(h) and (2)(i) and ~~(14)(b)~~ for research and management of wild turkeys.

Section 23. Subsection (7) of section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 372.562(2) ~~372.57(1)~~.

Section 24. Section 372.573, Florida Statutes, is amended to read:

372.573 Management area permit revenues.—The commission shall expend the revenue generated from the sale of the management area permit as provided for in s. 372.57(8)(i) ~~(4)(b)~~ or that pro rata portion of any license that includes management area privileges as provided for in s. 372.57(4)(h) and (2)(i) and ~~(14)(b)~~ for the lease, management, and protection of lands for public hunting, fishing, and other outdoor recreation.

Section 25. Paragraph (h) of subsection (1) and paragraphs (e) and (i) of subsection (2) of section 372.574, Florida Statutes, are amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:

(h) A subagent shall *weekly* submit payment for and report the sale of licenses and permits to the tax collector ~~as prescribed by the tax collector but no less frequently than monthly~~.

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. ~~In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Fish and Wildlife Conservation Commission. A fee for electronic license sales may be established by competitive bid procedures that are overseen by the Fish and Wildlife Conservation Commission.~~

~~(i) By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.~~

Section 26. Paragraph (a) of subsection (1) and subsection (2) of section 372.65, Florida Statutes, are amended to read:

372.65 Freshwater fish dealer's license.—

(1) No person shall engage in the business of taking for sale or selling any frogs or freshwater fish, including live bait, of any species or size, or importing any exotic or nonindigenous fish, until such person has obtained a license and paid the fee therefor as set forth herein. The license issued shall be in the possession of the person to whom issued while such person is engaging in the business of taking for sale or selling freshwater fish or frogs, is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be

affixed to a license identification card issued by the commission. Such license is not valid unless it bears the name of the person to whom it is issued and is so affixed. The failure of such person to exhibit such license to the commission or any of its wildlife officers when such person is found engaging in such business is a violation of law. The license fees and activities permitted under particular licenses are as follows:

(a) The fee for a resident commercial fishing license, which permits a resident to take freshwater fish or frogs by any lawful method prescribed by the commission and to sell such fish or frogs, shall be \$25. The license provided for in this paragraph shall also allow noncommercial fishing as provided by law and commission rules, and the license in s. 372.57(4)(2)(a) shall not be required.

~~(2) The provisions of ss. 372.561 and 372.571, except those provisions relating to issuance without fee to certain classes of persons, shall apply to licenses issued under this section.~~

Section 27. Section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve licenses; fees; license; exception.—

(1) Any person who operates a private hunting preserve commercially or otherwise shall be required to pay a license fee of \$50 ~~\$25~~ for each such preserve; provided, however, that during the open season established for wild game of any species a private individual may take artificially propagated game of such species up to the bag limit prescribed for the particular species without being required to pay the license fee required by this section; provided further that if any such individual shall charge a fee for taking such game she or he shall be required to pay the license fee required by this section and to comply with the rules and regulations of the Fish and Wildlife Conservation commission relative to the operation of private hunting preserves.

(2) A commercial hunting preserve license, which shall exempt patrons of licensed preserves from the license and permit requirements of s. 372.57(4)(c), (d), (f), (h), and (i); (5)(f) and (g); (8)(a), (b), (c), (f), and (g); (9)(a)2.; (11); and (12) licensure requirements of s. 372.57(2)(e), (f), (g), and (i), (4)(a), (c), (d), and (e), (7), (9), and (14)(b) while hunting on the licensed preserve property, shall be \$500. Such commercial hunting preserve license shall be available only to those private hunting preserves licensed pursuant to this section which are operated exclusively for commercial purposes, which are open to the public, and for which a uniform fee is charged to patrons for hunting privileges.

Section 28. Subsection (8) is added to section 372.711, Florida Statutes, to read:

372.711 Noncriminal infractions.—

(8) A person who is cited for a violation of the provisions of s. 372.57 that require the possession of a license or permit may not be convicted if, prior to or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending the required license or permit that was issued to him or her and valid at the time of his or her citation. The clerk of the court is authorized to dismiss each such case at any time before, or at the time of, the defendant's appearance in court. The clerk of the court may assess a fee of \$5 for dismissing the case under this subsection.

Section 29. Paragraph (h) of subsection (1) of section 372.83, Florida Statutes, is reenacted to read:

372.83 Noncriminal infractions; criminal penalties; suspension and revocation of licenses and permits.—

(1) A person is guilty of a noncriminal infraction, punishable as provided in s. 372.711, if she or he violates any of the following provisions:

(h) Section 372.57, relating to hunting, fishing, and trapping licenses.

A person who fails to pay the civil penalty specified in s. 372.711 within 30 days after being cited for a noncriminal infraction or to appear before the court pursuant to that section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 30. Subsections (1), (2), and (4) of section 372.921, Florida Statutes, are amended, subsection (9) is renumbered as subsection (10), and a new subsection (9) is added to said section, to read:

372.921 Exhibition of wildlife.—

(1) In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, no person, firm, corporation, or association shall have, or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, *amphibians*, and reptiles, whether indigenous to Florida or not, without having first secured a permit from the Fish and Wildlife Conservation Commission authorizing such person, firm, or corporation to have in its possession in captivity the species and number of wildlife specified within such permit; however, this section does not apply to any wildlife not protected by law and the ~~rules regulations~~ of the ~~Fish and Wildlife Conservation~~ commission.

(2) The fees to be paid for the issuance of permits required by subsection (1) shall be as follows:

(a) For not more than 25 *Class I* or *Class II* ~~40~~ individual specimens in the aggregate of all species, the sum of \$100 ~~\$5~~ per annum.

(b) For over 25 *Class I* or *Class II* ~~40~~ individual specimens in the aggregate of all species, the sum of \$250 ~~\$25~~ per annum.

(c) For any number of *Class III* individual specimens in the aggregate of all species, the sum of \$25 per annum.

The fees prescribed by this ~~subsection~~ section shall be submitted to the ~~Fish and Wildlife Conservation~~ commission with the application for permit required by subsection (1) and shall be deposited in the State Game Fund.

(4) Permits issued pursuant to this section and places where wildlife is kept or held in captivity shall be subject to inspection by officers of the ~~Fish and Wildlife Conservation~~ commission at all times. The commission shall have the power to release or confiscate any specimens of any wildlife, specifically birds, mammals, *amphibians*, or reptiles, whether indigenous to the state or not, when it is found that conditions under which they are being confined are unsanitary, or unsafe to the public in any manner, or that the species of wildlife are being maltreated, mistreated, or neglected or kept in any manner contrary to the provisions of chapter 828, any such permit to the contrary notwithstanding. Before any such wildlife is confiscated or released under the authority of this section, the owner thereof shall have been advised in writing of the existence of such unsatisfactory conditions; the owner shall have been given 30 days in which to correct such conditions; the owner shall have failed to correct such conditions; the owner shall have had an opportunity for a proceeding pursuant to chapter 120; and the commission shall have ordered such confiscation or release after careful consideration of all evidence in the particular case in question. The final order of the commission shall constitute final agency action.

(9) *The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, including, but not limited to, rules defining Class I, Class II, and Class III types of wildlife.*

Section 31. Subsection (5) of section 372.922, Florida Statutes, is amended to read:

372.922 Personal possession of wildlife.—

(5) Any person, firm, corporation, or association exhibiting or selling wildlife and being duly permitted as provided by s. 372.921 shall be exempt from the *fee* requirement to *receive obtain* a permit under the ~~provisions~~ of this section.

Section 32. Section 374.977, Florida Statutes, is amended to read:

374.977 Inland navigation districts; manatee protection speed zones, responsibility for sign posting.—Each inland navigation district shall be responsible for posting and maintaining regulatory markers, as approved by the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~, for manatee protection speed zones. Such responsibility shall not be limited to the intracoastal waterway, but shall include all waters within each member county for which regulatory markers must be posted. Sign locations shall be jointly selected by the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ and the appropriate inland navigation district, pending necessary federal, state and local approvals. Should an inland navigation district lack the resources or otherwise be unable to carry out

its sign posting and maintenance duties, this responsibility shall then be assumed by the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~.

Section 33. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) “Abandoned property” means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. ~~However,~~ Vessels determined to be derelict by the Fish and Wildlife Conservation Commission or a county or municipality in accordance with the provisions of s. 823.11 are ~~not~~ included within this definition.

Section 34. Paragraph (b) of subsection (8) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; “dealer” defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(8)

(b) The presumption that tangible personal property used in another state, territory of the United States, or the District of Columbia for 6 months or longer before being imported into this state was not purchased for use in this state does not apply to any boat for which a saltwater fishing license fee is required to be paid pursuant to s. 372.57(7) ~~370.0605(2)(b)1, 2, or 3,~~ either directly or indirectly, for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes. Use tax shall apply and be due on such a boat as provided in this paragraph, and proof of payment of such tax must be presented prior to the first such licensure of the boat, registration of the boat pursuant to chapter 328, and titling of the boat pursuant to chapter 328. A boat that is first licensed within 1 year after purchase shall be subject to use tax on the full amount of the purchase price; a boat that is first licensed in the second year after purchase shall be subject to use tax on 90 percent of the purchase price; a boat that is first licensed in the third year after purchase shall be subject to use tax on 80 percent of the purchase price; a boat that is first licensed in the fourth year after purchase shall be subject to use tax on 70 percent of the purchase price; a boat that is first licensed in the fifth year after purchase shall be subject to use tax on 60 percent of the purchase price; and a boat that is first licensed in the sixth year after purchase, or later, shall be subject to use tax on 50 percent of the purchase price. If the purchaser fails to provide the purchase invoice on such boat, the fair market value of the boat at the time of importation into this state shall be used to compute the tax.

Section 35. Paragraph (1) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(1) The Marine Resources Conservation Trust Fund created by s. 370.0603 ~~370.0608~~, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 372.57 ~~370.0605~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 36. *State agencies and water management districts that manage lands for public hunting are encouraged to authorize the release and feeding of breeder-raised and wild quail on such lands to increase quail hunting opportunities and replenish quail population in the state.*

Section 37. Sections 370.0605, 370.0615, and 370.1111, and subsections (10) and (11) of section 370.14, Florida Statutes, are repealed.

Section 38. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to funding for the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing for dismissal of violations of boating safety identification card possession requirements under certain conditions; providing a fee; amending s. 328.72, F.S.; specifying source of the county portion of vessel registration fees; providing for the return of certain vessel registration fees to the vessel owner's county of Florida residence; amending s. 328.76, F.S.; clarifying provisions relating to distribution and uses of funds in the Marine Resources Conservation Trust Fund; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.0603, F.S.; specifying the uses of designated funds deposited into the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.0608, F.S.; providing for the deposit of licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutions; amending s. 370.13, F.S.; renaming deprecation endorsements as deprecation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries commission; amending s. 370.20, F.S. providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; transferring the responsibilities for issuing artificial-reef permits to the Department of Environmental Protection; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees thereof; providing for snook permits and crawfish permits, and uses thereof; amending ss. 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, and 372.65, F.S.; correcting cross-references; deleting obsolete language; amending s. 372.574, F.S.; revising subagent duties and reporting requirements; amending s. 372.661, F.S.; increasing the license fee for a private hunting preserve; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements, under certain conditions; providing a fee; reenacting s. 372.83(1)(h), F.S.; reenacting a provision referencing penalties for violations of hunting, fishing, and trapping license requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; increasing permit fees; providing rulemaking authority; amending s. 372.922, F.S.; requiring a permit for personal possession of wildlife by an exhibitor or seller; providing a fee exemption; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; amending s. 705.101, F.S.; including derelict vessels within the definition of "abandoned property"; amending ss. 212.06 and 215.20, F.S.; correcting cross-references; encouraging the release and feeding of certain quail; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; providing an effective date.

Pursuant to Rule 4.19, CS for SB 2024 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

Amendment 1 (955084)—On page 3, lines 13-15, delete those lines and insert: *systems and specialty beds, including demonstrator, for use by a person with a medical need.*

Amendment 2 (883680)(with title amendment)—On page 3, between lines 15 and 16, insert:

Section 2. Paragraph (a) of subsection (5) of section 400.93, Florida Statutes, is amended to read:

400.93 Home medical equipment providers to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(5) The following are exempt from home medical equipment provider licensure, unless they have a separate company, corporation, or division that is in the business of providing home medical equipment and services for sale or rent to consumers at their regular or temporary place of residence pursuant to the provisions of this part:

(a) Providers operated by the *Department of Health* or Federal Government.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the first semicolon (;) insert: amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements;

Amendment 3 (855212)—On page 11, line 2, after the period (.) insert: *The provider shall return the manufacturer's refund to the third party payor source, unless the provider was not reimbursed by the third party payor.*

Amendment 4 (625712)(with title amendment)—On page 27, lines 1 and 2, delete those lines and insert:

Section 20. Effective July 1, 2001, section 501.203, Florida Statutes, is amended to read:

501.203 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(1) “Final judgment” means a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(2) “Enforcing authority” means the office of the state attorney if a violation of this part occurs in or affects the judicial circuit under the office’s jurisdiction. “Enforcing authority” means the Department of Legal Affairs if the violation occurs in or affects more than one judicial circuit or if the office of the state attorney defers to the department in writing, or fails to act upon a violation within 90 days after a written complaint has been filed with the state attorney.

(3) “Violation of this part” means any violation of this act or the rules adopted under this act and may be based upon any of the following as of July 1, 2001:

(a) Any rules promulgated pursuant to the Federal Trade Commission Act, 15 U.S.C. ss. 41 et seq. ~~or this act~~;

(b) The standards of unfairness and deception set forth and interpreted by the Federal Trade Commission or the federal courts;

(c) Any law, statute, rule, regulation, or ordinance which proscribes unfair methods of competition, or unfair, deceptive, or unconscionable acts or practices.

(4) “Department” means the Department of Legal Affairs.

(5) “Order” means a cease and desist order issued by the enforcing authority as set forth in s. 501.208.

(6) “Interested party or person” means any person affected by a violation of this part or any person affected by an order of the enforcing authority.

(7) “Consumer” means an individual; child, by and through its parent or legal guardian; *business*; firm; association; joint venture; partnership; estate; trust; business trust; syndicate; fiduciary; corporation; *any commercial entity, however denominated*; or any other group or combination.

(8) “Trade or commerce” means the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. “Trade or commerce” shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity.

(9) “Thing of value” may include, without limitation, any moneys, donation, membership, credential, certificate, prize, award, benefit, license, interest, professional opportunity, or chance of winning.

Section 21. Effective July 1, 2001, section 501.204, Florida Statutes, is amended to read:

501.204 Unlawful acts and practices.—

(1) Unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

(2) It is the intent of the Legislature that, in construing subsection (1), due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to s. 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2001.

Section 22. Effective July 1, 2001, subsections (1), (3), and (6) of section 501.207, Florida Statutes, are amended to read:

501.207 Remedies of enforcing authority.—

(1) The enforcing authority may bring:

(a) An action to obtain a declaratory judgment that an act or practice violates this part.

(b) An action to enjoin any person who has violated, is violating, or is otherwise likely to violate, this part.

(c) An action on behalf of one or more consumers or governmental entities for the actual damages caused by an act or practice in violation of this part. However, ~~no~~ damages are not ~~shall be~~ recoverable under this section against a retailer who has in good faith engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

(3) Upon motion of the enforcing authority or any interested party in any action brought under subsection (1), the court may make appropriate orders, including, but not limited to, appointment of a master or receiver or sequestration or freezing of assets, to reimburse consumers or governmental entities found to have been damaged; to carry out a transaction in accordance with the consumers’ reasonable expectations of consumers or governmental entities; to strike or limit the application of clauses of contracts to avoid an unconscionable result; to order any defendant to divest herself or himself of any interest in any enterprise, including real estate; to impose reasonable restrictions upon the future activities of any defendant to impede her or him from engaging in or establishing the same type of endeavor; to order the dissolution or reorganization of any enterprise; or to grant *legal, equitable, or other* appropriate relief. The court may assess the expenses of a master or receiver against a person who has violated, is violating, or is otherwise likely to violate this part. Any injunctive order, whether temporary or permanent, issued by the court shall be effective throughout the state unless otherwise provided in the order.

(6) The enforcing authority may terminate an investigation or an action upon acceptance of a person’s written assurance of voluntary compliance with this part. Acceptance of an assurance may be conditioned on a commitment to reimburse consumers or governmental entities, make contributions, pay civil penalties, pay attorney’s fees and costs, or take other appropriate corrective action. An assurance is not evidence of a prior violation of this part. However, unless an assurance has been rescinded by agreement of the parties or voided by a court for good cause, subsequent failure to comply with the terms of an assurance is prima facie evidence of a violation of this part. ~~No~~ Such assurance is not ~~shall act as~~ a limitation upon any action or remedy available to a person aggrieved by a violation of this part.

Section 23. Effective July 1, 2001, section 501.2075, Florida Statutes, is amended to read:

501.2075 Civil penalty.—Except as provided in s. 501.2077, any person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under s. 501.204, or who is willfully violating any of the rules of the department ~~adopted promulgated~~ under this part, is liable for a civil penalty of not more than \$10,000 for each such violation. Willful violations occur when the person knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule. This civil penalty may be recovered in any action brought under this part by the enforcing authority; or the enforcing authority may terminate any investigation or action upon agreement by the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, to pay a stipulated civil penalty. The department or the court may waive any such civil penalty if the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, has previously made full restitution or reimbursement or has paid actual damages to the consumers or governmental entities who have been injured by the unlawful act or practice or rule violation. If civil penalties are assessed in any litigation, the enforcing authority is entitled to reasonable attorney’s fees and costs. A civil penalty so collected shall accrue to the state and shall be deposited as received into the General Revenue Fund unallocated.

Section 24. Effective July 1, 2001, section 501.2091, Florida Statutes, is repealed.

Section 25. Effective July 1, 2001, subsection (2) of section 501.211, Florida Statutes, is amended to read:

501.211 Other individual remedies.—

(2) In any ~~individual~~ action brought by a ~~person consumer~~ who has suffered a loss as a result of a violation of this part, such ~~person consumer~~ may recover actual damages, plus attorney's fees and court costs as provided in s. 501.2105; However, ~~no~~ damages, fees, or costs *are not shall be* recoverable under this section against a retailer who has, in good faith, engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

Section 26. Effective July 1, 2001, section 501.212, Florida Statutes, is amended to read:

501.212 Application.—This part does not apply to:

(1) An act or practice required or specifically permitted by federal or state law.

(2) A publisher, broadcaster, printer, or other person engaged in the dissemination of information or the reproduction of printed or pictorial matter, insofar as the information or matter has been disseminated or reproduced on behalf of others without actual knowledge that it violated this part.

(3) A claim for personal injury or death or a claim for damage to property other than the property that is the subject of the consumer transaction.

(4) Any person or activity regulated under laws administered by the Department of Insurance ~~or the Florida Public Service Commission~~ or banks and savings and loan associations regulated by the Department of Banking and Finance or banks or savings and loan associations regulated by federal agencies.

(5) *Any activity regulated under laws administered by the Florida Public Service Commission.*

(6)(5) An act or practice involving the sale, lease, rental, or appraisal of real estate by a person licensed, certified, or registered pursuant to chapter 475, which act or practice violates s. 475.42 or s. 475.626.

Section 27. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

On page 2, lines 18 and 19, delete those lines and insert: minor repair service; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

Amendment 5 (683086)(with title amendment)—On page 26, line 31, insert:

Section 20. *If any clause, section, or provision of this act shall be declared unconstitutional or invalid for any reason, it shall be eliminated from this act, and the remaining portion of the act shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: providing for severability;

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 6 (965720)(with title amendment)—On page 26, line 31, insert:

Section 20. Section 501.144, Florida Statutes, is created to read:

501.144 *Florida Infant Crib Safety Act.*—

(1) *SHORT TITLE.*—*This section may be cited as the "Florida Infant Crib Safety Act."*

(2) *DEFINITIONS.*—*As used in this section, the term:*

(a) *"Commercial user" means a dealer pursuant to s. 212.06(2), or any person who is in the business of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting full-size or non-full-size cribs. The term includes a child care facility, family day care home, large family child care home, and specialized child care facility for the care of mildly ill children, licensed by the Department of Children and Family Services or local licensing agencies.*

(b) *"Crib" means a bed or containment designed to accommodate an infant.*

(c) *"Department" means the Department of Agriculture and Consumer Services.*

(d) *"Full-size crib" means a full-size baby crib as defined in 16 C.F.R. part 1508, relating to requirements for full-size baby cribs.*

(e) *"Infant" means a person less than 35 inches tall and less than 3 years of age.*

(f) *"Non-full-size crib" means a non-full-size baby crib as defined in 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.*

(g) *"Transient public lodging establishment" means any hotel, motel, resort condominium, transient apartment, roominghouse, bed and breakfast inn, or resort dwelling, as defined in s. 509.242.*

(3) *PROHIBITED PRACTICES.*—

(a) *A commercial user may not manufacture, remanufacture, retrofit, sell, contract to sell or resell, lease, or sublet a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b).*

(b) *No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b). Further, violation of this section by a transient public lodging establishment is a violation of chapter 509 and is subject to the penalties set forth in s. 509.261.*

(c) *A violation of this section is a deceptive and unfair trade practice and constitutes a violation of part II of chapter 501, the Florida Deceptive and Unfair Trade Practices Act.*

(4) *PRESUMPTION AS UNSAFE; CRITERIA.*—

(a) *A crib is presumed to be unsafe under this section if it does not conform to all of the following:*

1. *16 C.F.R. part 1303, relating to ban of lead-containing paint and certain consumer products bearing lead-containing paint; 16 C.F.R. part 1508, relating to requirements for full-size baby cribs; and 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.*

2. *American Society for Testing and Materials Voluntary Standards F966-96, F1169-99, and F1822-97.*

3. *Rules adopted by the department which implement the provisions of this subsection.*

(b) *Cribs are unsafe which have any of the following dangerous features or characteristics:*

1. Corner posts that extend more than 1/16 of an inch.
2. Spaces between side slats more than 2 3/8 inches.
3. A mattress support that can be easily dislodged from any point of the crib. A mattress segment can be easily dislodged if it cannot withstand at least a 25-pound upward force from underneath the crib. For portable folding cribs, this subparagraph shall not apply to mattress supports or mattress segments that are designed to allow the crib to be folded, provided that the crib is equipped with latches that work automatically to prevent the unintentional collapse of the crib.
4. Cutout designs on the end panels.
5. Rail-height dimensions that do not conform to the following:
 - a. The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches.
 - b. The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches.
6. Upon completion of assembly, any screw, bolt, or hardware that is loose and not secured.
7. Any sharp edge, point, or rough surface or any wood surface that is not smooth and free from splinters, splits, or cracks.
8. A tear in mesh or fabric sides for a non-full-size crib.
9. With respect to portable folding cribs, latches that do not work automatically to prevent the unintentional collapse of the crib.
10. Crib sheets used on mattresses must be sized to match the mattress size.

(5) **EXEMPTIONS; CIVIL IMMUNITY.—**

(a) A crib that is clearly not intended for use by an infant, including, but not limited to, a toy or display item, is exempt from this section if the crib is accompanied, at the time of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting by a notice to be furnished by the commercial user on forms prescribed by the department declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

(b) A commercial user, other than a child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children, that has complied with the notice requirements set forth under paragraph (a) is immune from civil liability resulting from the use of a crib, notwithstanding the provisions of this section.

(6) **PENALTY.—**

(a) A commercial user, other than a commercial user subject to the penalties provided in paragraph (b) or paragraph (c), that willfully and knowingly violates subsection (3) commits a misdemeanor of the first degree, punishable by a fine of not more than \$10,000 and imprisonment for a term of not more than 1 year.

(b) A transient public lodging establishment that violates subsection (3) shall be subject to the penalties set forth in s. 509.261.

(c) A child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children that violates subsection (3) shall be subject to the penalties set forth in ss. 402.301-402.319.

(7) **PUBLIC EDUCATION MATERIALS AND PROGRAMS.—**The Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services may collaborate with any public agency or private sector entity to prepare public education materials or programs designed to inform parents, child care providers, commercial users, and any other person or entity that is likely to place unsafe cribs in the stream of commerce of the dangers posed by secondhand, hand-me-down, or heirloom cribs that do not conform to the standards set forth in this section

or that have any of the dangerous features or characteristics set forth in this section.

(8) **RULEMAKING AUTHORITY.—**The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 21. Subsection (10) is added to section 509.221, Florida Statutes, to read:

509.221 Sanitary regulations.—

(10) No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because it is not in conformity with the requirements of s. 501.144.

Section 22. Section 509.032, Florida Statutes, is reenacted to read:

509.032 Duties.—

(1) **GENERAL.—**The division shall carry out all of the provisions of this chapter and all other applicable laws and rules relating to the inspection or regulation of public lodging establishments and public food service establishments for the purpose of safeguarding the public health, safety, and welfare. The division shall be responsible for ascertaining that an operator licensed under this chapter does not engage in any misleading advertising or unethical practices.

(2) **INSPECTION OF PREMISES.—**

(a) The division has responsibility and jurisdiction for all inspections required by this chapter. The division has responsibility for quality assurance. Each licensed establishment shall be inspected at least biannually and at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall establish a system to determine inspection frequency. Public lodging units classified as resort condominiums or resort dwellings are not subject to this requirement, but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan which improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II or part III of chapter 400.

(b) For purposes of performing required inspections and the enforcement of this chapter, the division has the right of entry and access to public lodging establishments and public food service establishments at any reasonable time.

(c) Public food service establishment inspections shall be conducted to enforce provisions of this part and to educate, inform, and promote cooperation between the division and the establishment.

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission and the State Fire Marshal in updating the

construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part.

(e)1. Relating to facility plan approvals, the division may establish, by rule, fees for conducting plan reviews and may grant variances from construction standards in hardship cases, which variances may be less restrictive than the provisions specified in this section or the rules adopted under this section. A variance may not be granted pursuant to this section until the division is satisfied that:

- a. The variance shall not adversely affect the health of the public.
- b. No reasonable alternative to the required construction exists.
- c. The hardship was not caused intentionally by the action of the applicant.

2. The division's advisory council shall review applications for variances and recommend agency action. The division shall make arrangements to expedite emergency requests for variances, to ensure that such requests are acted upon within 30 days of receipt.

3. The division shall establish, by rule, a fee for the cost of the variance process. Such fee shall not exceed \$150 for routine variance requests and \$300 for emergency variance requests.

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each coin-operated amusement machine that is operated on the premises of a licensed establishment is properly registered with the Department of Revenue. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location a coin-operated amusement machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(i).

(g) In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.

(3) **SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.**—The division shall:

(a) Prescribe sanitary standards which shall be enforced in public food service establishments.

(b) Inspect public lodging establishments and public food service establishments whenever necessary to respond to an emergency or epidemiological condition.

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendor owners and operators participating in each event, and the current license numbers of all public food service establishments participating in each event. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, including the food-recovery brochure developed under s. 570.0725.

3.a. A public food service establishment or other food vendor must obtain a license from the division for each temporary food service event in which it participates.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events of 3 days or less in duration.

(4) **STOP-SALE ORDERS.**—The division may stop the sale, and supervise the proper destruction, of any food or food product when the director or the director's designee determines that such food or food product represents a threat to the public safety or welfare. If the operator of a public food service establishment licensed under this chapter has received official notification from a health authority that a food or food product from that establishment has potentially contributed to any instance or outbreak of food-borne illness, the food or food product must be maintained in safe storage in the establishment until the responsible health authority has examined, sampled, seized, or requested destruction of the food or food product.

(5) **REPORTS REQUIRED.**—The division shall send the Governor a written report, which shall state, but not be limited to, the total number of inspections conducted by the division to ensure the enforcement of sanitary standards, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, and any recommendations for improved inspection procedures. The division shall also keep accurate account of all expenses arising out of the performance of its duties and all fees collected under this chapter. The report shall be submitted by September 30 following the end of the fiscal year.

(6) **RULEMAKING AUTHORITY.**—The division shall adopt such rules as are necessary to carry out the provisions of this chapter.

(7) **PREEMPTION AUTHORITY.**—The regulation of public lodging establishments and public food service establishments, the inspection of public lodging establishments and public food service establishments for compliance with the sanitation standards adopted under this section, and the regulation of food safety protection standards for required training and testing of food service establishment personnel are preempted to the state. This subsection does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.022.

Section 23. Section 402.3031, Florida Statutes, is created to read:

402.3031 Infant crib safety.—No child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children shall offer or provide for use a full-size or non-full-size crib that is not in conformity with the requirements of s. 501.144. The department shall enforce the provisions of this section and may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

And the title is amended as follows:

On page 2, line 18, following the semicolon (;) insert: creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services;

Pursuant to Rule 4.19, **CS for CS for SB 784** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Bronson—

CS for CS for SB 2120—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks; creating s. 373.610, F.S.; allowing water management districts to bar from future contracts contractors who have defaulted in the past; creating s. 373.611, F.S.; authorizing water management districts to limit or alter damages in certain vendor contracts; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (945142)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (k) is added to subsection (2) of section 373.1961, Florida Statutes, to read:

373.1961 Water production.—

(2) The Legislature finds that, due to a combination of factors, vastly increased demands have been placed on natural supplies of fresh water, and that, absent increased development of alternative water supplies, such demands may increase in the future. The Legislature also finds that potential exists in the state for the production of significant quantities of alternative water supplies, including reclaimed water, and that water production includes the development of alternative water supplies, including reclaimed water, for appropriate uses. It is the intent of the Legislature that utilities develop reclaimed water systems, where reclaimed water is the most appropriate alternative water supply option, to deliver reclaimed water to as many users as possible through the most cost-effective means, and to construct reclaimed water system infrastructure to their owned or operated properties and facilities where they have reclamation capability. It is also the intent of the Legislature that the water management districts which levy ad valorem taxes for water management purposes should share a percentage of those tax revenues with water providers and users, including local governments, water, wastewater, and reuse utilities, municipal, industrial, and agricultural water users, and other public and private water users, to be used to supplement other funding sources in the development of alternative water supplies. The Legislature finds that public moneys or services provided to private entities for such uses constitute public purposes which are in the public interest. In order to further the development and use of alternative water supply systems, including reclaimed water systems, the Legislature provides the following:

(k) *The Florida Public Service Commission shall allow entities under its jurisdiction constructing alternative water supply facilities, including but not limited to aquifer storage and recovery wells, to recover the full, prudently incurred cost of such facilities through their rate structure. Every component of an alternative water supply facility constructed by an investor-owned utility shall be recovered in current rates.*

Section 2. Subsection (4) of section 373.083, Florida Statutes, is amended to read:

373.083 General powers and duties of the governing board.—In addition to other powers and duties allowed it by law, the governing board is authorized to:

(4) *Solicit and accept donations or grants of funds or services from both public and private sources for the planning and implementation of district undertakings and delegations, including, but not limited to, projects, programs, works, and studies.*

Section 3. Subsection (4) of section 373.093, Florida Statutes, is created to read:

373.093 Lease of lands or interest in land *and personal property*.—The governing board of the district may lease any lands or interest in land, including but not limited to oil and mineral rights, to which the district has acquired title, or to which it may hereafter acquire title in the following manner, as long as the lease is consistent with the purposes for which the lands or any interest in land was acquired:

(4) *The governing board of the district may lease existing communications towers and other similar structures which the district owns or which it may hereafter acquire, for the best price and terms obtainable, to be determined by the board.*

Section 4. Section 373.608, Florida Statutes, is created to read:

373.608 *Patents, copyrights, and trademarks*.—Each district may, in its own name:

(1) *Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products of the district and enforce its rights therein. Each district shall consider contributions by district personnel in the development of trademarks, copyrights, and patents and shall enter into written contracts with such personnel in each trademark, copyright, or patent.*

(2) *License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use of such district work products, on a royalty basis or for such other consideration as the applicable governing board shall deem proper.*

(3) *Take any action necessary, including legal action, to protect such district work products against improper or unlawful use or infringement.*

(4) *Enforce the collection of any sums due to the district for the manufacture or use of such district work products by other party.*

(5) *Sell any of such district work products and execute all instruments necessary to consummate any such sale.*

(6) *Do all other acts necessary and proper for the execution of powers and duties conferred upon the districts by this section, including adopting rules, as necessary, in order to administer this section.*

Section 5. Section 373.610, Florida Statutes, is created to read:

373.610 *Defaulting vendors and contractors*.—The district may suspend a contractor on a temporary or permanent basis, from doing work with the district if such contractor has materially breached its contract with the district. The district shall adopt rules to administer the provisions of this section to specify the circumstances and conditions that constitute a materially breached contract and conditions that constitute the period for temporary or permanent suspension and for reinstatement.

Section 6. Section 373.611, Florida Statutes, is created to read:

373.611 *Modification or limitation of remedy*.—In order to promote the cost-effective procurement of commodities and contractual services by the water management districts, a district may enter into contracts to limit or alter the measure of damages recoverable from a vendor consistent with the provisions contained in s. 672.719.

Section 7. Subsection (7) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(7) At 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District, which is annexed to the Southwest Florida Water Management District by change of its boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the Southwest Florida Water Management District, subject to the same provisions as the other basins in such district. Such subdistrict shall be designated initially as the Manasota Basin. The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of the Manasota Basin of the Southwest Florida Water Management District. *Notwithstanding other provisions in this section, beginning on July 1, 2001, the membership of the Manasota Basin Board shall be comprised of three members from Manatee County and three members from Sarasota County. Matters relating to tie votes shall be resolved pursuant to*

subsection (6) by the *ex officio* chair designated by the governing board to vote in case of a tie vote.

Section 8. Paragraph (a) of subsection (1) of section 73.015, Florida Statutes, is amended to read:

73.015 Presuit negotiation.—

(1) Effective July 1, 2000, before an eminent domain proceeding is brought under this chapter or chapter 74, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based, and must attempt to reach an agreement regarding the amount of compensation to be paid for the parcel.

(a) ~~No later than the time the initial written or oral offer of compensation for acquisition is made to the fee owner, At the inception of negotiation for acquisition,~~ the condemning authority must notify the fee owner of the following:

1. That all or a portion of his or her property is necessary for a project.
2. The nature of the project for which the parcel is considered necessary, and the parcel designation of the property to be acquired.
3. That, within 15 business days after receipt of a request by the fee owner, the condemning authority will provide a copy of the appraisal report upon which the offer to the fee owner is based; copies, to the extent prepared, of the right-of-way maps or other documents that depict the proposed taking; and copies, to the extent prepared, of the construction plans that depict project improvements to be constructed on the property taken and improvements to be constructed adjacent to the remaining property, including, but not limited to, plan, profile, cross-section, drainage, and pavement marking sheets, and driveway connection detail. The condemning authority shall provide any additional plan sheets within 15 days of request.
4. The fee owner's statutory rights under ss. 73.091 and 73.092, or alternatively provide copies of these provisions of law.
5. The fee owner's rights and responsibilities under paragraphs (b) and (c) and subsection (4), or alternatively provide copies of these provisions of law.

Section 9. Subsections (1) and (3) of section 270.11, Florida Statutes, are amended to read:

270.11 Contracts for sale of public lands to reserve certain mineral rights; prohibition on exercise of right of entry in certain cases.—

(1) ~~Unless the applicable agency chooses not to reserve such interest and except~~ ~~Except~~ as otherwise provided by law, in all contracts and deeds for the sale of land executed by the Board of Trustees of the Internal Improvement Trust Fund or by any local government, water management district, or other agency of the state, there shall be reserved for such local government, water management district, other agency of the state, or the board of trustees and its successors an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

(3) A local government, water management district, or agency of the state may, at its discretion, sell or release ~~such~~ reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the purchaser for such interest and ~~with upon submission by the local government, water management district, or agency of the state which owns the parcel~~ of a statement of reasons justifying such sale or release.

Section 10. Subsection (4) of section 373.056, Florida Statutes, is amended to read:

373.056 State agencies, counties, drainage districts, municipalities, or governmental agencies or public corporations authorized to convey or receive land from water management districts.—

(4) Any water management district within this chapter shall have authority to convey or lease to any governmental entity, other agency described herein or to the United States Government, including its agencies, land or rights in land owned by such district not required for its purposes under such terms and conditions as the governing board of such district may determine. *In addition to other general law authorizing the grant of utility easements, any water management district may grant utility easements on land owned by such district to any private or public utility for the limited purpose of obtaining utility service to district property under such terms and conditions as the governing board of such district may determine.*

Section 11. Section 373.096, Florida Statutes, is amended to read:

373.096 Releases.—The governing board of the district may release any ~~en~~ easement, reservation or right-of-way interests, conveyed to it for which it has no present or apparent future use under terms and conditions determined by the board.

Section 12. Subsection (2) of section 373.093, Florida Statutes, is amended to read:

373.093 Lease of lands or interest in land.—The governing board of the district may lease any lands or interest in land, including but not limited to oil and mineral rights, to which the district has acquired title, or to which it may hereafter acquire title in the following manner, as long as the lease is consistent with the purposes for which the lands or any interest in land was acquired:

(2) Before leasing any land, or interest in land including but not limited to oil and mineral rights, the district shall cause a notice of intention to lease to be published in a newspaper published in the county in which said land is situated and such other places as the board may determine once each week for 3 successive weeks (three insertions being sufficient), the first publication of which shall be not less than 30 nor more than 90 ~~45~~ days prior to the date the board executes the ~~any~~ lease, which said notice shall set forth the time and place of leasing and a description of the lands to be leased.

Section 13. Subsection (2) and paragraph (a) of subsection (3) of section 373.139, Florida Statutes, are amended to read:

373.139 Acquisition of real property.—

(2) The governing board of the district is empowered and authorized to acquire in fee or less than fee title to real property, ~~and~~ easements ~~and other interests or rights~~ therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes. Eminent domain powers may be used only for acquiring real property for flood control and water storage or for curing title defects or encumbrances to real property ~~owned by the district or to be acquired by the district~~ from a willing seller.

(3) The initial 5-year work plan and any subsequent modifications or additions thereto shall be adopted by each water management district after a public hearing. Each water management district shall provide at least 14 days' advance notice of the hearing date and shall separately notify each county commission within which a proposed work plan project or project modification or addition is located of the hearing date.

(a) ~~Title information,~~ Appraisal reports, offers, and counteroffers are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing board. However, each district may, at its discretion, disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the district determines that disclosure of such reports will bring the proposed acquisition to closure. In the event that negotiation is terminated by the district, the title information, appraisal report, offers, and counteroffers shall become available pursuant to s. 119.07(1). Notwithstanding the provisions of this section and s. 259.041, a district and the Division of State Lands may share and disclose title information, appraisal reports, appraisal information, offers, and counteroffers when joint acquisition of property is contemplated. A district and the Division of State Lands shall maintain the confidentiality of such title information, appraisal reports, appraisal information, offers, and counteroffers

in conformance with this section and s. 259.041, except in those cases in which a district and the division have exercised discretion to disclose such information. *A district may disclose appraisal information, offers, and counteroffers to a third party who has entered into a contractual agreement with the district to work with or on the behalf of or to assist the district in connection with land acquisitions. The third party shall maintain the confidentiality of such information in conformance with this section. In addition, a district may use, as its own, appraisals obtained by a third party provided the appraiser is selected from the district's list of approved appraisers and the appraisal is reviewed and approved by the district.*

Section 14. Section 373.1401, Florida Statutes, is amended to read:

373.1401 Management of lands of water management districts.—*In addition to provisions contained in s. 373.1391(1) for soil and water conservation districts, the governing board of each water management district may contract with a non-governmental person or entity, any federal or state agency, a county, a municipality, or any other governmental entity, or environmental nonprofit organization to provide for the improvement, management, or maintenance of any real property owned by or under the control of the district.*

Section 15. Paragraph (a) of subsection (6) of section 374.984, Florida Statutes, is amended to read:

374.984 Purpose; powers and duties.—It is the purpose and intent of this act that the board perform and do all things which shall be requisite and necessary to comply with the requirements and conditions imposed upon a “local interest” by the Congress of the United States in the several acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway from St. Mary’s River to the southernmost boundary of Dade County. Said acts include but are not limited to: the Rivers and Harbors Act approved January 21, 1927, as amended by the River and Harbor Act approved July 3, 1930; the River and Harbor Act of June 20, 1938; and s. 107 of the Federal River and Harbor Act of 1960. Pursuant thereto, the powers of the board shall include, but not be limited to:

(6)(a) *Contracting directly for, or entering into agreement from time to time with the district engineer of the Jacksonville, Florida, United States Army Corps of Engineers district, or other agency or party duly authorized representative of the United States, to contribute toward the cost of dredging performed on the waterway by the United States, to construct retaining bulkheads, dikes, and levees, to construct ditches for the control of water discharged by the dredges, and to do all other work and/or things which, in the judgment of the board, shall be proper and necessary to produce economies in meeting the conditions with respect to right-of-way and dredged material management areas imposed upon a “local interest” by the Congress of the United States in the several acts authorizing and directing the improvement, navigability, and maintenance of the Intracoastal Waterway from St. Mary’s River to the southernmost boundary of Dade County.*

Section 16. Section 110.152, Florida Statutes, is amended to read:

110.152 Adoption benefits for state ~~or water management district~~ employees; parental leave.—

(1)(a) Any full-time or part-time employee of the state *who is paid from regular salary appropriations and* ~~or of a water management district~~ who adopts a special-needs child, as defined in paragraph (b), is eligible to receive a monetary benefit in the amount of \$10,000 per child, \$5,000 of which is payable in equal monthly installments over a 2-year period. Any employee of the state ~~or of a water management district~~ who adopts a child *whose permanent custody has been awarded to the Department of Children and Family Services or to a Florida-licensed child-placing agency, other than a special-needs child as defined in paragraph (b), shall be eligible to receive a monetary benefit in the amount of \$5,000 per child, \$2,000 of which is payable in equal monthly installments over a 2-year period. Benefits paid under this subsection to a part-time employee must be prorated based on the employee’s full-time-equivalency status at the time of applying for the benefits.*

(b) For purposes of this section, a “special-needs child” is a child whose permanent custody has been awarded to the Department of Children and Family Services or to a Florida-licensed child-placing agency and who is not likely to be adopted because he or she is:

1. Eight years of age or older.
2. A person with a developmental disability.
3. A person with a physical or emotional handicap.
4. Of a minority race or of a racially mixed heritage.
5. A member of a sibling group of any age, provided that two or more members of a sibling group remain together for the purposes of adoption.

(2) An employee of the state ~~or of a water management district~~ who adopts a special-needs child must apply to his or her agency head to obtain the monetary benefit provided in subsection (1). Applications must be on forms approved by the department and must include a certified copy of the final order of adoption naming the applicant as the adoptive parent.

(3) Nothing in this section shall affect the right of any state employee who adopts a special-needs child to receive financial aid for adoption expenses pursuant to s. 409.166 or any other statute that provides financial incentives for the adoption of children.

(4) Any employee of the state ~~or of a water management district~~ who has a child placed in the custody of the employee for adoption, and who continues to reside in the same household as the child placed for adoption, shall be granted parental leave for a period not to exceed 6 months as provided in s. 110.221.

Section 17. Section 110.15201, Florida Statutes, is amended to read:

110.15201 Adoption benefits for state ~~or water management district~~ employees; rulemaking authority.—The Department of Management Services may adopt rules to administer the provisions of this act. *Such rules may provide for an application process such as, but not limited to, an open-enrollment period during which employees may apply for monetary benefits as provided in s. 110.152(1).*

Section 18. Paragraph (c) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(c)1. The Budget Stabilization Fund shall consist of amounts equal to at least 5 percent of net revenue collections for the General Revenue Fund during the last completed fiscal year. The Budget Stabilization Fund’s principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year’s net revenue collections for the General Revenue Fund. As used in this paragraph, the term “last completed fiscal year” means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the Budget Stabilization Fund must be made under this paragraph.

2. By September 15 of each year, the Governor shall authorize the Comptroller to transfer, and the Comptroller shall transfer pursuant to appropriations made by law, to the Budget Stabilization Fund the amount of money needed for the balance of that fund to equal the amount specified in subparagraph 1., less any amounts expended and not restored. The moneys needed for this transfer may be appropriated by the Legislature from any funds.

3. Unless otherwise provided in this subparagraph, an expenditure from the Budget Stabilization Fund must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning in the fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a different restoration schedule and such change may be made at any time during the restoration period. Moneys are hereby appropriated for transfers pursuant to this subparagraph.

4. The Budget Stabilization Fund and the Working Capital Fund may be used as revolving funds for transfers as provided in s. 18.125; however, any interest earned must be deposited in the General Revenue Fund.

5. *The Comptroller and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for all benefits due under s. 373.6065, as long as funds remain available for the program described under s. 100.152.*

Section 19. Section 373.6065, Florida Statutes, is created to read:

373.6065 *Adoption benefits for water management district employees.—*

(1) *Any employee of a water management district is eligible to receive monetary benefits for child adoption to the same extent as is an employee of the state, as described in s. 110.152. The employee shall apply for such benefits pursuant to s. 110.15201*

(2) *The Comptroller and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for these child adoption monetary benefits in accordance with s. 215.32(1)(c)5., as long as funds remain available for the program described under s. 110.152.*

(3) *Parental leave for eligible water management district employees shall be provided according to the policies and procedures of the individual water management district in existence at the time eligibility is determined.*

(4) *Each water management district shall develop means of implementing these monetary adoption benefits for water management district employees, consistent with its current practices. Water management district rules, policies, guidelines, or procedures so implemented will remain valid and enforceable as long as they do not conflict with the express terms of s. 110.152.*

Section 20. Section 373.536, Florida Statutes, is amended to read:

373.536 *District budget and hearing thereon.—*

(1) *FISCAL YEAR.—*The fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year.

(2) *BUDGET SUBMITTAL.—*The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed ~~operations operation~~ and *funding* requirements for the ensuing fiscal year.

(3) *BUDGET HEARINGS AND WORKSHOPS; NOTICE.—*

(a) Unless alternative notice requirements are otherwise provided by law, notice of all budget hearings conducted by the governing board or district staff must be published in a newspaper of general *paid* circulation in each county in which the district lies not less than 5 days nor more than 15 days before the hearing.

(b) Budget workshops conducted for the public and not governed by s. 200.065 must be advertised in a newspaper of general *paid* circulation in the community or area in which the workshop will occur not less than 5 days nor more than 15 days before the workshop.

(c) The tentative budget shall be adopted in accordance with the provisions of s. 200.065; however, if the mailing of the notice of proposed property taxes is delayed beyond September 3 in any county in which the district lies, the district shall advertise its intention to adopt a tentative budget and millage rate, pursuant to s. 200.065(3)(g), in a newspaper of general *paid* circulation in that county. ~~The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, for operation and maintenance of the district works, for the conduct of the affairs of the district generally, and for other purposes, to which may be added an amount to be held as a reserve. District administrative and operating expenses must be identified in the budget and allocated among district programs.~~

(2) ~~The budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the~~

~~fiscal year, and the estimated amount to be raised by district taxes and from other sources for meeting the requirements of the district.~~

(d)(3) As provided in s. 200.065(2)(d), the board shall publish one or more notices of its intention to ~~finally~~ adopt a *final* budget for the district for the ensuing fiscal year. The notice shall appear adjacent to an advertisement ~~that sets which shall set~~ forth the tentative budget ~~in a format meeting the budget summary requirements of s. 129.03(3)(b) in full.~~ The district shall not include expenditures of federal special revenues and state special revenues when preparing the statement required by s. 200.065(3)(l). The notice and advertisement shall be published in one or more newspapers having a combined general *paid* circulation in each county ~~the counties having land~~ in which the district lies. Districts may include explanatory phrases and examples in budget advertisements published under s. 200.065 to clarify or illustrate the effect that the district budget may have on ad valorem taxes.

(e)(4) The hearing for adoption of ~~to finally adopt~~ a *final* budget and millage rate shall be by and before the governing board of the district as provided in s. 200.065 and may be continued from day to day until terminated by the board.

(4) *BUDGET CONTROLS.—*

(a) The final *adopted* budget for the district will thereupon be the operating and fiscal guide for the district for the ensuing year; however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board.

(b) *The district shall control its budget, at a minimum, by funds and shall provide to the Executive Office of the Governor a description of its budget control mechanisms.*

(c) Should the district receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including such funds, so long as notice of intention to amend is published in *the notice of the governing board meeting at which the amendment will be considered, pursuant to s. 120.525 one time in one or more newspapers qualified to accept legal advertisements having a combined general circulation in the counties in the district.* The notice shall set forth a *summary of the proposed amendment and shall be published at least 10 days prior to the public meeting of the board at which the proposed amendment is to be considered.* However, in the event of a disaster or of an emergency arising to prevent or avert the same, the governing board shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

(5) *TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—*

(a) The Executive Office of the Governor is authorized to approve or disapprove, in whole or in part, the budget of each water management district and shall analyze each budget as to the adequacy of fiscal resources available to the district and the adequacy of district expenditures related to water supply, including water resource development projects identified in the district's regional water supply plans; water quality; flood protection and floodplain management; and natural systems. This analysis shall be based on the particular needs within each water management district in those four areas of responsibility.

(b) The Executive Office of the Governor and the water management districts shall develop a process to facilitate review and communication regarding water management district budgets, as necessary. Written disapproval of any provision in the tentative budget must be received by the district at least 5 business days prior to the final district budget adoption hearing conducted under s. 200.065(2)(d). If written disapproval of any portion of the budget is not received at least 5 business days prior to the final budget adoption hearing, the governing board may proceed with final adoption. Any provision rejected by the Governor shall not be included in a district's final budget.

(c) Each water management district shall, by August 1 of each year, submit for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over water management districts, *as determined by the President of the Senate or Speaker of the House of Representatives as applicable*, the secretary of the department, and the governing body of each

county in which the district has jurisdiction or derives any funds for the operations of the district.

(d) *The tentative budget must set forth the proposed expenditures of the district, to which may be added an amount to be held as reserve. The tentative budget must include, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the Executive Office of the Governor which is generally consistent with the format prescribed by legislative budget instructions for state agencies and the format requirements of s. 216.031:*

1. *The estimated amount of funds remaining at the beginning of the fiscal year which have been obligated for the payment of outstanding commitments not yet completed.*

2. *The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, and the estimated amount of funds to be raised by district taxes or received from other sources to meet the requirements of the district.*

3. *The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction within the district.;*

4.2. *The salaries salary and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for the following program areas of the district, including a separate section for lobbying, intergovernmental relations, and advertising:*

- a. *Water resource planning and monitoring;*
- b. *Land acquisition, restoration, and public works;*
- c. *Operation and maintenance of works and lands;*
- d. *Regulation;*
- e. *Outreach for which the information provided must contain a full description and accounting of expenditures for water resources education; public information and public relations, including public service announcements and advertising in any media; and lobbying activities related to local, regional, state and federal governmental affairs, whether incurred by district staff or through contractual services; and*
- f. *Management and administration.*
- a. ~~District management and administration;~~
- b. ~~Implementation through outreach activities;~~
- e. ~~Implementation through regulation;~~
- d. ~~Implementation through acquisition, restoration, and public works;~~
- e. ~~Implementation through operations and maintenance of lands and works;~~
- f. ~~Water resources planning and monitoring; and~~
- g. ~~A full description and accounting of expenditures for lobbying activities relating to local, regional, state, and federal governmental affairs, whether incurred by district staff or through contractual services and all expenditures for public relations, including all expenditures for public service announcements and advertising in any media.~~

In addition to the program areas reported by all water management districts, the South Florida Water Management District shall include in its budget document a separate ~~sections~~ section on all costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

5.3. *The total estimated amount in the district budget for each area of responsibility listed in subparagraph 4. paragraph (a) and for water resource development projects identified in the district's regional water supply plans.*

4. ~~A 5-year capital improvements plan.~~

6.5. *A description of each new, expanded, reduced, or eliminated program.*

~~6.—A proposed 5-year water resource development work program, that describes the district's implementation strategy for the water resource development component of each approved regional water supply plan developed or revised pursuant to s. 373.0361. The work program shall address all the elements of the water resource development component in the district's approved regional water supply plans. The office of the Governor, with the assistance of the department, shall review the proposed work program. The review shall include a written evaluation of its consistency with and furtherance of the district's approved regional water supply plans, and adequacy of proposed expenditures. As part of the review, the Executive Office of the Governor and the department shall afford to all interested parties the opportunity to provide written comments on each district's proposed work program. At least 7 days prior to the adoption of its final budget, the governing board shall state in writing to the Executive Office of the Governor which changes recommended in the evaluation it will incorporate into its work program, or specify the reasons for not incorporating the changes. The office of the Governor shall include the district's responses in the written evaluation and shall submit a copy of the evaluation to the Legislature; and~~

7. *The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.*

(e)(d) *By September 5 of the year in which the budget is submitted, the House and Senate appropriations chairs may transmit to each district comments and objections to the proposed budgets. Each district governing board shall include a response to such comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Governor, the department, and the chairs of the House and Senate appropriations committees.*

(f)(e) *The Executive Office of the Governor shall annually, on or before December 15, file with the Legislature a report that summarizes its review the expenditures of the water management districts' tentative budgets and displays the adopted budget allocations districts by program area. The report must identify and identifies the districts that are not in compliance with the reporting requirements of this section. State funds shall be withheld from a water management district that fails to comply with these reporting requirements.*

(6) *FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—*

(a) *Each district must, by the date specified for each item, furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the districts, as determined by the President or Speaker as applicable, the secretary of the department, and the governing board of each county in which the district has jurisdiction or derives any funds for the operations of the district;*

1. *The adopted budget, to be furnished within 10 days after its adoption.*

2. *A financial audit of its accounts and records, to be furnished within 10 days after its acceptance by the governing board. The audit must be conducted in accordance with the provisions of s. 11.45 and the rules adopted thereunder. In addition to the entities named above, the district must provide a copy of the audit to the Auditor General within 10 days after its acceptance by the governing board.*

3. *A 5-year capital improvements plan, to be furnished within 45 days after the adoption of the final budget. The plan must include expected sources of revenue for planned improvements and must be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043.*

4. *A 5-year water resource development work program to be furnished within 45 days after the adoption of the final budget. The program must describe the district's implementation strategy for the water resource development component of each approved regional water supply plan*

developed or revised under s. 373.0361. The work program must address all the elements of the water resource development component in the district's approved regional water supply plans. Within 45 days after its submittal, the department shall review the proposed work program and submit its findings, questions, and comments to the district. The review must include a written evaluation of the program's consistency with the furtherance of the district's approved regional water supply plans, and the adequacy of proposed expenditures. As part of the review, the department shall give interested parties the opportunity to provide written comments on each district's proposed work program. Within 60 days after receipt of the department's evaluation, the governing board shall state in writing to the department which changes recommended in the evaluation it will incorporate into its work program or specify the reasons for not incorporating the changes. The department shall include the district's responses in a final evaluation report and shall submit a copy of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(b) If any entity listed in paragraph (a) provides written comments to the district regarding any document furnished under this subsection, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities.

Section 21. Paragraph (b) of subsection (4) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)

(b)1. The governing board of each water management district shall employ an inspector general, who shall report directly to the board. However, the governing boards of the Suwannee River Water Management District and the Northwest Florida Water Management District may jointly employ an inspector general, or provide for inspector general services by interagency agreement with a state agency or water management district inspector general.

2. An inspector general must have the qualifications prescribed and perform the applicable duties of state agency inspectors general as provided in s. 20.055.

~~3.—Within 45 days of the adoption of the final budget, the governing board shall submit a 5-year capital improvement plan and fiscal report for the district to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection. The capital improvement plan must include expected sources of revenue for planned improvements and shall be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043. The fiscal report shall cover the preceding fiscal year and shall include a summary statement of the financial operations of the district.~~

Section 22. Section 373.501, Florida Statutes, is amended to read:

373.501 Appropriation of funds to water management districts.—

(1) The department may allocate to the water management districts, from funds appropriated to the department, such sums as may be deemed necessary to defray the costs of the administrative, regulatory, and other activities of the districts. The governing boards shall submit annual budget requests for such purposes to the department, and the department shall consider such budgets in preparing its budget request for the Legislature.

(2) Funds appropriated by the Legislature for the purpose of funding a specific water management district project shall be transferred to the water management district when the proposed project has been reviewed by the secretary of the pertinent state agency and upon receipt of a governing board resolution requesting such funds.

Section 23. Subsection (11) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(11) Notwithstanding any provision of this section to the contrary, ~~and for the 2000-2001 fiscal year only~~, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the

~~districts pursuant to subsection (8) for the purpose of carrying out the purposes consistent with the provisions of s. 373.0361, s. 373.0831 s. 373.0831, s. 373.139, or ss. 373.451-373.4595 and for legislatively authorized land acquisition and water restoration initiatives. No funds may be used pursuant to this subsection until necessary debt service obligations, requirements for payments in lieu of taxes, and land management obligations that may be required by this chapter are provided for. This subsection is repealed on July 1, 2001.~~

Section 24. Sections 373.507 and 373.589, Florida Statutes, are repealed.

Section 25. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners; requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district's behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water

management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 2120** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1148—A bill to be entitled An act relating to operations of correctional work programs; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (642734)—On page 2, delete line 30 and insert: *and at least 51 percent of the board of which contains members of the board of*

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 2 (111736)(with title amendment)—On page 7, lines 29 and 30, delete those lines and insert:

Section 13. *The Legislature finds that a proper and legitimate state purpose is served when employees of the corporation established under this part, which is primarily an instrumentality of the state and carries out a vital state purpose under the direction of a board of directors which is appointed by the Governor and confirmed by the Senate, are given additional choices for the basic protections afforded by group health and prescription drug coverage programs that also permit the continued operation of a competitive marketplace and assure that affordable and available coverage is extended to all interested parties. Therefore, the Legislature determines and declares that section 946.525, Florida Statutes, fulfills an important state interest.*

Section 14. Section 946.525, Florida Statutes, is created to read:

946.525 *Participation by the corporation in the state group health insurance and prescription drug programs.—*

(1) *The board of directors of the corporation established under this part may apply for participation in the state group health insurance program authorized in s. 110.123 and the prescription drug coverage program authorized by s. 110.12315 by submitting an application along with a \$500 nonrefundable fee to the Department of Management Services.*

(2) *As a prerequisite to the adoption of a resolution for participation in the state group health insurance and prescription drug coverage program, the corporation shall seek proposals to provide health insurance and prescription drug coverage which coverages are equivalent to those offered currently by the corporation and coverages equivalent to the state group health insurance and prescription drug coverage program. The corporation shall review and consider all responsive proposals prior to the adoption of any resolution for participation in the state group health insurance and prescription drug coverage program.*

(3) *If the Department of Management Services determines that the corporation is eligible to enroll, the corporation must agree to the following terms and conditions:*

(a) *The minimum enrollment or contractual period will be 3 years.*

(b) *The corporation must pay to the Department of Management Services an initial administrative fee not less than \$2.61 per enrollee per month, or such other amount established annually to fully reimburse the Department of Management Services for its costs.*

(c) *Termination of participation of the corporation requires written notice 1 year before the termination date.*

(d) *If participation is terminated, the corporation may not reapply for participation for a period of 2 years.*

(e) *The corporation shall reimburse the state for 100 percent of its costs, including administrative costs.*

(f) *If the corporation fails to make the payments required by this section to fully reimburse the state, the Department of Revenue or the Department of Banking and Finance shall, upon the request of the Department of Management Services, deduct the amount owed by the employer from any funds to be distributed by it to the corporation. The amounts so deducted shall be transferred to the Department of Management Services for further distribution to the trust funds in accordance with this chapter.*

(g) *The corporation shall furnish the Department of Management Services any information requested by the Department of Management Services which the Department of Management Services considers necessary to administer the state group health insurance program and the prescription drug program.*

(4) *The provisions of ss. 624.436-624.446 do not apply to the State Group Insurance Program or to this section.*

(5) *The Department of Management Services may adopt rules necessary to administer this section.*

Section 15. *The Department of Management Services shall request from the Internal Revenue Service, by October 1, 2001, a written determination letter and a favorable private letter ruling, stating that the State Group Self-Insurance Program, as amended by section 946.525, Florida Statutes, is a facially qualified plan. The department shall notify the President of the Senate and the Speaker of the House of Representatives within 30 days after the receipt of the favorable or unfavorable letters.*

Section 16. This act shall take effect upon becoming a law, except that section 14 shall take effect only when the Department of Management Services receives the favorable letters requested by section 15. If the favorable letters are not received, section 14 shall not take effect.

And the title is amended as follows:

On page 1, delete line 12 and insert: *cross-reference; providing a declaration of important state interest; creating s. 946.525, F.S.; establishing participation requirements; providing an effective date.*

Pursuant to Rule 4.19, **SB 1148** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for CS for SB 1196—A bill to be entitled An act relating to sentencing; amending ss. 921.002, 921.0024, F.S.; providing for the state attorney and the defendant to waive preparation of the scoresheet and for the judge to proceed with sentencing; requiring that the scoresheet be submitted to the judge within a specified period following sentencing; deleting a requirement that the Department of Corrections prepare a defendant's sentencing scoresheet under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1196** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 136—A bill to be entitled An act relating to rules of evidence; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (272328)(with title amendment)—On page 2, lines 21 and 22, delete those lines and insert:

Section 2. Effective July 1, 2001, present paragraphs (i) and (j) of subsection (1) of section 794.011, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, and a new paragraph (i) is added to that subsection, to read:

794.011 Sexual battery.—

(1) As used in this chapter:

(i) “Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.

Section 3. Effective July 1, 2001, paragraph (e) is added to subsection (1) of section 796.07, Florida Statutes, to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—

(1) As used in this section:

(e) “Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.

Section 4. Effective July 1, 2001, paragraph (e) is added to subsection (1) of section 800.04, Florida Statutes, to read:

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

(1) DEFINITIONS.—As used in this section:

(e) “Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.

Section 5. Effective July 1, 2001, subsection (1) of section 825.1025, Florida Statutes, is amended to read:

825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.—

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

(a) “Sexual activity” means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

(b) “Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.

Section 6. Effective July 1, 2001, paragraph (j) is added to subsection (1) of section 827.071, Florida Statutes, to read:

827.071 Sexual performance by a child; penalties.—

(1) As used in this section, the following definitions shall apply:

(j) “Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.

Section 7. Effective July 1, 2001, subsection (14) is added to section 847.001, Florida Statutes, to read:

847.001 Definitions.—When used in this chapter:

(14) “Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.

Section 8. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to sex crimes; amending ss. 794.011, 796.07, 800.04, 825.1025, 827.071, 847.001, F.S.,

relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms “vaginal” and “vagina” for purposes of laws defining certain prohibited sexual activities; amending

Pursuant to Rule 4.19, **SB 136** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 268** was deferred.

On motion by Senator Klein—

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term “end-stage condition”; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2156** was placed on the calendar of Bills on Third Reading.

CS for SB 260—A bill to be entitled An act relating to motor vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 260** to **CS for HB 157**.

Pending further consideration of **CS for SB 260** as amended, on motion by Senator Geller, by two-thirds vote **CS for HB 157** was withdrawn from the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 260** as amended and by two-thirds vote read the second time by title.

On motion by Senator Geller, further consideration of **CS for HB 157** was deferred.

Consideration of **SB 958** was deferred.

On motion by Senator Campbell—

CS for SB 1256—A bill to be entitled An act relating to nursing education; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the

Legislature an implementation plan detailing the impact and cost of any such proposed rule change; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1256** was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Saunders—

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rule-making authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1346** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 1530—A bill to be entitled An act relating to viaticals; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability to purchase in the secondary market; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (431418)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (8), (9), (10), (14), and (15) of section 626.9911, Florida Statutes, are amended to read:

626.9911 Definitions.—As used in this act, the term:

(8) "Related provider trust" means a *titling trust* or *other* trust established by a *licensed* viatical settlement provider or *financing entity* for the sole purpose of *holding the ownership or beneficial interest in purchased policies in connection with a financing transaction entering into or owning viatical settlement contracts. The trust must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the department as if those records and files were maintained directly by the licensed viatical settlement provider.* This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into

agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(9) "Viatical settlement purchase agreement" means a contract or agreement, entered into by a viatical settlement purchaser, to which the viator is not a party, to purchase a life insurance policy or an interest in a life insurance policy, which is entered into for the purpose of deriving an economic benefit. *The term also includes purchases made by viatical settlement purchasers from any person other than the provider who effectuated the viatical settlement contract.*

(10) "Viatical settlement purchaser" means a person *who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy that has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit, including purchases from any person other than the provider who effectuated the viatical settlement contract or an entity affiliated with the provider. The term does not include, other than* a licensee under this part, an accredited investor as defined in Rule 501, Regulation D of the Securities Act Rules, or a qualified institutional buyer as defined by Rule 144(a) of the Federal Securities Act, *or a special purpose entity, a financing entity, or a contingency insurer who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy which has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit.* The above references to Rule 501, Regulation D and Rule 144(a) of the Federal Securities Act are used strictly for defining purposes and shall not be interpreted in any other manner. Any person who claims to be an accredited investor shall sign an affidavit stating that he or she is an accredited investor, the basis of that claim, and that he or she understands that as an accredited investor he or she will not be entitled to certain protections of the Viatical Act. This affidavit must be kept with other documents required to be maintained by this act.

(14) "Special purpose entity" means an entity established by a licensed viatical settlement provider *or by a financing entity*, which may be a corporation, partnership, trust, *limited liability company*, or other similar entity formed solely to *provide, either directly or indirectly, access to act as a vehicle to permit a lender to the provider to access* institutional capital markets *to a viatical settlement for the provider or financing entity.* A special purpose entity shall not enter into a viatical settlement contract or a viatical settlement purchase agreement.

(15) "Financing entity" means an underwriter, placement agent, lender, purchaser of securities, or purchaser of a policy or certificate from a viatical settlement provider, credit enhancer, or any *entity person* that ~~may be a party to a viatical settlement contract and that~~ has direct ownership in a policy or certificate that is the subject of a viatical settlement contract, but whose *principal* sole activity related to the transaction is providing funds or credit enhancement to effect the viatical settlement *or the purchase of one or more viatical policies* and who has an agreement in writing with *one or more licensed viatical settlement providers to finance the acquisition of viatical settlement contracts* ~~a licensed viatical settlement provider to act as a participant in a financing transaction.~~ The term does not include a nonaccredited investor, *a viatical settlement purchaser*, or other natural person. *A financing entity may not enter into a viatical settlement contract.*

Section 2. Subsection (1) of section 626.9921, Florida Statutes, is amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, viatical settlement purchase agreement form, escrow form, or related form may be used in this state only after ~~the viatical settlement provider or any related provider trust has filed the form has been filed~~ with the department and only after the form has been approved by the department.

Section 3. Subsection (3) is added to section 626.99235, Florida Statutes, to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(3) *The requirements of this section also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract which are the subject of a viatical settlement purchase agreement.*

Section 4. Section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider and the viatical settlement sales agent, themselves itself or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:

- (a) All the life expectancy certifications obtained by the provider.
- (b) The name and address of the insurance company, the policy number, and the date of original issue of the viaticated policy.
- (c) The experience and qualifications of the person issuing the life expectancy certification, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (d) The name and address of any person providing escrow services, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (e) The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.
- (f) The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.

(2) The viatical settlement purchase agreement is voidable by the purchaser at any time within 3 days after the disclosures mandated by this section are received by the purchaser.

(3) At the time the disclosures in subsection (1) are made, the viatical settlement purchaser shall be advised to seek independent financial advice from a person not compensated by the viatical settlement provider or viatical settlement broker or the viatical settlement sales agent. The viatical settlement purchaser shall sign an affidavit that he or she has received the disclosures and understands their importance.

(4) *A viatical settlement purchase transaction, which involves a purchase from any person other than the provider who effectuated the viatical settlement contract that is the subject of a viatical settlement purchase agreement, may be completed only through the use of an independent third-party trustee or escrow agent. All funds to be paid by the purchaser must be deposited by the purchaser with the independent third-party trustee or escrow agent. The independent third-party trustee or escrow agent shall not release the deposited funds to the seller until after the 3-day voidable period established by subsection (2) has expired.*

(5) *The requirements of subsections (1), (2), and (3) also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract that are the subject of a viatical settlement purchase agreement.*

Section 5. Subsection (10) is added to section 626.9924, Florida Statutes, to read:

626.9924 Viatical settlement contracts; procedures; rescission.—

(10) *The viatical settlement provider who effectuated the viatical settlement contract with the viator (the "initial provider") is responsible for tracking the insured, including but not limited to, keeping track of the insured's whereabouts and health status, submission of death claims or assisting the beneficiary in the submission of death claims, and the status*

of the payment of premiums until the death of the insured. This responsibility may be contracted out to a third party; however, the ultimate responsibility remains with the initial provider. This responsibility continues with the initial provider, notwithstanding any transfers of the viaticated policy in the secondary market. This subsection applies only to those viaticated policies that are or are to become the subject of viatical settlement purchase agreements.

Section 6. Subsection (3) is added to section 626.99245, Florida Statutes, to read:

626.99245 Conflict of regulation of viaticals.—

(3) *This section does not affect the requirement of ss. 626.9911(6) and 626.9912(1) that a viatical settlement provider doing business from this state must obtain a viatical settlement license from the department. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts and effectuating viatical settlement purchase agreements from offices in this state, regardless of the state of residence of the viator or the viatical settlement purchaser.*

Section 7. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; providing an effective date.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Geller moved the following amendment which was adopted:

Amendment 2 (150574)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (8), (9), (10), (14), and (15) of section 626.9911, Florida Statutes, are amended to read:

626.9911 Definitions.—As used in this act, the term:

(8) "Related provider trust" means a *titling trust or other trust established by a licensed viatical settlement provider or financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction entering into or owning viatical settlement contracts. The trust must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the department as if those records and files were maintained directly by the licensed viatical settlement provider.* This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(9) "Viatical settlement purchase agreement" means a contract or agreement, entered into by a viatical settlement purchaser, to which the viator is not a party, to purchase a life insurance policy or an interest in a life insurance policy, which is entered into for the purpose of deriving an economic benefit. *The term also includes purchases made by viatical settlement purchasers from any person other than the provider who effectuated the viatical settlement contract.*

(10) “Viatical settlement purchaser” means a person *who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy that has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit, including purchases made from any person other than the provider who effectuated the viatical settlement contract or an entity affiliated with the provider. The term does not include, other than a licensee under this part, an accredited investor as defined in Rule 501, Regulation D of the Securities Act Rules, or a qualified institutional buyer as defined by Rule 144(a) of the Federal Securities Act, or a special purpose entity, a financing entity, or a contingency insurer who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy which has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit.* The above references to Rule 501, Regulation D and Rule 144(a) of the Federal Securities Act are used strictly for defining purposes and shall not be interpreted in any other manner. Any person who claims to be an accredited investor shall sign an affidavit stating that he or she is an accredited investor, the basis of that claim, and that he or she understands that as an accredited investor he or she will not be entitled to certain protections of the Viatical Act. This affidavit must be kept with other documents required to be maintained by this act.

(14) “Special purpose entity” means an entity established by a licensed viatical settlement provider *or by a financing entity*, which may be a corporation, partnership, trust, *limited liability company*, or other similar entity formed solely to provide, *either directly or indirectly, access to act as a vehicle to permit a lender to the provider to access* institutional capital markets *to a viatical settlement for the provider or financing entity.* A special purpose entity shall not enter into a viatical settlement contract or a viatical settlement purchase agreement.

(15) “Financing entity” means an underwriter, placement agent, lender, purchaser of securities, or purchaser of a policy or certificate from a viatical settlement provider, credit enhancer, or any *entity person that may be a party to a viatical settlement contract and that* has direct ownership in a policy or certificate that is the subject of a viatical settlement contract, but whose *principal sole* activity related to the transaction is providing funds or credit enhancement to effect the viatical settlement *or the purchase of one or more viatical policies* and who has an agreement in writing with *one or more licensed viatical settlement providers to finance the acquisition of viatical settlement contracts a licensed viatical settlement provider to act as a participant in a financing transaction.* The term does not include a nonaccredited investor, a *viatical settlement purchaser*, or other natural person. *A financing entity may not enter into a viatical settlement contract.*

Section 2. Subsection (1) of section 626.9921, Florida Statutes, is amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, viatical settlement purchase agreement form, escrow form, or related form may be used in this state only after ~~the viatical settlement provider or any related provider trust has filed the form~~ *has been filed* with the department and only after the form has been approved by the department.

Section 3. Subsection (3) is added to section 626.99235, Florida Statutes, to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(3) *The requirements of this section also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract which are the subject of a viatical settlement purchase agreement.*

Section 4. Section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider *and the viatical settlement sales agent,*

themselves itself or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:

- (a) All the life expectancy certifications obtained by the provider.
- (b) The name and address of the insurance company, the policy number, and the date of original issue of the viaticated policy.
- (c) The experience and qualifications of the person issuing the life expectancy certification, and that person’s relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (d) The name and address of any person providing escrow services, and that person’s relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (e) The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.

(f) The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.

(2) The viatical settlement purchase agreement is voidable by the purchaser at any time within 3 days after the disclosures mandated by this section are received by the purchaser.

(3) At the time the disclosures in subsection (1) are made, the viatical settlement purchaser shall be advised to seek independent financial advice from a person not compensated by the viatical settlement provider or viatical settlement broker or the viatical settlement sales agent. The viatical settlement purchaser shall sign an affidavit that he or she has received the disclosures and understands their importance.

(4) *A viatical settlement purchase transaction, which involves a purchase from any person other than the provider who effectuated the viatical settlement contract that is the subject of a viatical settlement purchase agreement, may be completed only through the use of an independent third-party trustee or escrow agent. All funds to be paid by the purchaser must be deposited by the purchaser with the independent third-party trustee or escrow agent. The independent third-party trustee or escrow agent shall not release the deposited funds to the seller until after the 3-day voidable period established by subsection (2) has expired.*

(5) *The requirements of subsections (1), (2), and (3) also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract that are the subject of a viatical settlement purchase agreement.*

Section 5. Subsection (10) is added to section 626.9924, Florida Statutes, to read:

626.9924 Viatical settlement contracts; procedures; rescission.—

(10) *The viatical settlement provider who effectuated the viatical settlement contract with the viator (the “initial provider”) is responsible for tracking the insured, including but not limited to, keeping track of the insured’s whereabouts and health status, submission of death claims or assisting the beneficiary in the submission of death claims, and the status of the payment of premiums until the death of the insured. This responsibility may be contracted out to a third party; however, the ultimate responsibility remains with the initial provider. This responsibility continues with the initial provider, notwithstanding any transfers of the viaticated policy in the secondary market. This subsection applies only to those viaticated policies that are or are to become the subject of viatical settlement purchase agreements.*

Section 6. Subsection (3) is added to section 626.99245, Florida Statutes, to read:

626.99245 Conflict of regulation of viaticals.—

(3) *This section does not affect the requirement of ss. 626.9911(6) and 626.9912(1) that a viatical settlement provider doing business from this*

state must obtain a viatical settlement license from the department. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts and effectuating viatical settlement purchase agreements from offices in this state, regardless of the state of residence of the viator or the viatical settlement purchaser.

Section 7. *Transfers of structured-settlement-payment rights.*—

(1) **PURPOSE.**—*The purpose of this section is to protect recipients of structured settlements who are involved in the process of transferring structured-settlement-payment rights.*

(2) **DEFINITIONS.**—*As used in this section, the term:*

(a) "Annuity issuer" means an insurer that has issued an annuity contract to be used to fund periodic payments under a structured settlement.

(b) "Applicable law" means any of the following, as applicable in interpreting the terms of a structured settlement:

1. The laws of the United States;
2. The laws of this state, including principles of equity applied in the courts of this state; and
3. The laws of any other jurisdiction:
 - a. That is the domicile of the payee or any other interested party;
 - b. Under whose laws a structured-settlement agreement was approved by a court; or
 - c. In whose courts a settled claim was pending when the parties entered into a structured-settlement agreement.

(c) "Applicable federal rate" means the most recently published applicable rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service pursuant to section 7520 of the United States Internal Revenue Code, as amended.

(d) "Assignee" means any party that acquires structured-settlement-payment rights directly or indirectly from a transferee of such rights.

(e) "Dependents" means a payee's spouse and minor children and all other family members and other persons for whom the payee is legally obligated to provide support, including spousal maintenance.

(f) "Discount and finance charge" means the sum of all charges that are payable directly or indirectly from assigned structured-settlement payments and imposed directly or indirectly by the transferee and that are incident to a transfer of structured-settlement-payment rights, including:

1. Interest charges, discounts, or other compensation for the time value of money;
2. All application, origination, processing, underwriting, closing, filing, and notary fees and all similar charges, however denominated; and
3. All charges for commissions or brokerage, regardless of the identity of the party to whom such charges are paid or payable.

The term does not include any fee or other obligation incurred by a payee in obtaining independent professional advice concerning a transfer of structured-settlement-payment rights.

(g) "Discounted present value" means, with respect to a proposed transfer of structured-settlement-payment rights, the fair present value of future payments, as determined by discounting the payments to the present using the most recently published applicable federal rate as the discount rate.

(h) "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser:

1. Who is engaged by a payee to render advice concerning the legal, tax, and financial implications of a transfer of structured-settlement-payment rights;

2. Who is not in any manner affiliated with or compensated by the transferee of the transfer; and

3. Whose compensation for providing the advice is not affected by whether a transfer occurs or does not occur.

(i) "Interested parties" means:

1. The payee;
2. Any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death or, if such designated beneficiary is a minor, the designated beneficiary's parent or guardian;
3. The annuity issuer;
4. The structured-settlement obligor; or
5. Any other party who has continuing rights or obligations under the structured settlement.

(j) "Payee" means an individual who is receiving tax-free damage payments under a structured settlement and proposes to make a transfer of payment rights under the structured settlement.

(k) "Qualified-assignment agreement" means an agreement providing for a qualified assignment, as authorized by Title 26, section 130 of the United States Internal Revenue Code, as amended.

(l) "Settled claim" means the original tort claim resolved by a structured settlement.

(m) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries established by settlement or judgment in resolution of a tort claim.

(n) "Structured-settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement, including the rights of the payee to receive periodic payments.

(o) "Structured-settlement obligor" means the party who is obligated to make continuing periodic payments to the payee under a structured-settlement agreement or a qualified-assignment agreement.

(p) "Structured-settlement-payment rights" means rights to receive periodic payments, including lump-sum payments under a structured settlement, whether from the structured-settlement obligor or the annuity issuer, if:

1. The payee or any other interested party is domiciled in this state;
2. The structured settlement agreement was approved by a court of this state; or
3. The settled claim was pending before the courts of this state when the parties entered into the structured-settlement agreement.

(q) "Terms of the structured settlement" means the terms of the structured-settlement agreement; the annuity contract; a qualified-assignment agreement; or an order or approval of a court or other government authority authorizing or approving the structured settlement.

(r) "Transfer" means a sale, assignment, pledge, hypothecation, or other form of alienation or encumbrance made by a payee for consideration.

(s) "Transfer agreement" means the agreement providing for transfer of structured-settlement-payment rights from a payee to a transferee.

(t) "Transferee" means a person who is receiving or who will receive structured-settlement-payment rights resulting from a transfer.

(3) **CONDITIONS TO TRANSFERS OF STRUCTURED-SETTLEMENT-PAYMENT RIGHTS AND STRUCTURED-SETTLEMENT AGREEMENTS.**—

(a) A direct or indirect transfer of structured-settlement-payment rights is not effective and a structured-settlement obligor or annuity issuer is not required to make a payment directly or indirectly to a transferee of structured-settlement-payment rights unless the transfer is

authorized in advance in a final order by a court of competent jurisdiction which is based on the written express findings by the court that:

1. The transfer complies with this section and does not contravene other applicable law;

2. At least 10 days before the date on which the payee first incurred an obligation with respect to the transfer, the transferee provided to the payee a disclosure statement in bold type, no smaller than 14 points in size, which specifies:

a. The amounts and due dates of the structured-settlement payments to be transferred;

b. The aggregate amount of the payments;

c. The discounted present value of the payments, together with the discount rate used in determining the discounted present value;

d. The gross amount payable to the payee in exchange for the payments;

e. An itemized listing of all brokers' commissions, service charges, application fees, processing fees, closing costs, filing fees, referral fees, administrative fees, legal fees, and notary fees and other commissions, fees, costs, expenses, and charges payable by the payee or deductible from the gross amount otherwise payable to the payee;

f. The net amount payable to the payee after deducting all commissions, fees, costs, expenses, and charges described in sub-subparagraph e.;

g. The quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments, which must be disclosed in the following statement: "The net amount that you will receive from us in exchange for your future structured-settlement payments represent ___ percent of the estimated current value of the payments based upon the discounted value using the applicable federal rate";

h. The effective annual interest rate, which must be disclosed in the following statement: "Based on the net amount that you will receive from us and the amounts and timing of the structured-settlement payments that you are turning over to us, you will, in effect, be paying interest to us at a rate of ___ percent per year"; and

i. The amount of any penalty and the aggregate amount of any liquidated damages, including penalties, payable by the payee in the event of a breach of the transfer agreement by the payee;

3. The payee has established that the transfer is in the best interests of the payee, taking into account the welfare and support of the payee's dependents;

4. The payee has received, or waived his or her right to receive, independent professional advice regarding the legal, tax, and financial implications of the transfer;

5. The transferee has given written notice of the transferee's name, address, and taxpayer identification number to the annuity issuer and the structured-settlement obligor and has filed a copy of the notice with the court;

6. The transfer agreement provides that if the payee is domiciled in this state, any disputes between the parties will be governed in accordance with the laws of this state and that the domicile state of the payee is the proper venue to bring any cause of action arising out of a breach of the agreement; and

7. The court has determined that the net amount payable to the payee is fair, just, and reasonable under the circumstances then existing.

(b) If a proposed transfer would contravene the terms of the structured settlement, upon the filing of a written objection by any interested party and after considering the objection and any response to it, the court may grant, deny, or impose conditions upon the proposed transfer which the court deems just and proper given the facts and circumstances and in accordance with established principles of law. Any order approving a transfer must require that the transferee indemnify the annuity issuer and the structured-settlement obligor for any liability, including reason-

able costs and attorney's fees, which arises from compliance by the issuer or obligor with the order of the court.

(c) Any provision in a transfer agreement which gives a transferee power to confess judgment against a payee is unenforceable to the extent that the amount of the judgment would exceed the amount paid by the transferee to the payee, less any payments received from the structured-settlement obligor or payee.

(d) In negotiating a structured settlement of claims brought by or on behalf of a claimant who is domiciled in this state, the structured-settlement obligor must disclose in writing to the claimant or the claimant's legal representative all of the following information that is not otherwise specified in the structured-settlement agreement:

1. The amounts and due dates of the periodic payments to be made under the structured-settlement agreement. In the case of payments that will be subject to periodic percentage increases, the amounts of future payments may be disclosed by identifying the base payment amount, the amount and timing of scheduled increases, and the manner in which increases will be compounded;

2. The amount of the premium payable to the annuity issuer;

3. The discounted present value of all periodic payments that are not life-contingent, together with the discount rate used in determining the discounted present value;

4. The nature and amount of any costs that may be deducted from any of the periodic payments;

5. Where applicable, that any transfer of the periodic payments is prohibited by the terms of the structured settlement and may otherwise be prohibited or restricted under applicable law; and

6. That any transfer of the periodic payments by the claimant may subject the claimant to serious adverse tax consequences.

(4) **JURISDICTION; PROCEDURE FOR APPROVAL OF TRANSFERS.**—At least 20 days before the scheduled hearing on an application for authorizing a transfer of structured-settlement-payment rights under this section, the transferee must file with the court and all interested parties a notice of the proposed transfer and the application for its authorization. The notice must include:

(a) A copy of the transferee's application to the court;

(b) A copy of the transfer agreement;

(c) A copy of the disclosure statement required under subsection (3);

(d) Notification that an interested party may support, oppose, or otherwise respond to the transferee's application, in person or by counsel, by submitting written comments to the court or by participating in the hearing; and

(e) Notification of the time and place of the hearing and notification of the manner in which and the time by which any written response to the application must be filed in order to be considered by the court. A written response to an application must be filed within 15 days after service of the transferee's notice.

(5) **WAIVER PROHIBITED; NO PENALTIES INCURRED.**—

(a) The provisions of this section may not be waived.

(b) If a transfer of structured-settlement-payment rights fails to satisfy the conditions of subsection (3), the payee who proposed the transfer does not incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee.

(6) **NONCOMPLIANCE.**—

(a) If a transferee violates the requirements for stipulating the discount and finance charge provided for in subsection (3), neither the transferee nor any assignee may collect from the transferred payments, or from the payee, any amount in excess of the net advance amount, and the payee may recover from the transferee or any assignee:

1. A refund of any excess amounts previously received by the transferee or any assignee;
2. A penalty in an amount determined by the court, but not in excess of three times the aggregate amount of the discount and finance charge; and
3. Reasonable costs and attorney's fees.

(b) If the transferee violates the disclosure requirements in subsection (3), the transferee and any assignee are liable to the payee for:

1. A penalty in an amount determined by the court, but not in excess of three times the amount of the discount and finance charge; and
2. Reasonable costs and attorney's fees.

(c) A transferee or assignee is not liable for any penalty in any action brought under this section if the transferee or assignee establishes by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the transferee's maintenance of procedures reasonably designed to avoid such errors.

(d) Notwithstanding any other law, an action may not be brought under this section more than 1 year after the due date of:

1. The last transferred structured-settlement payment, in the case of a violation of the requirements for stipulating the discount and finance charge provided for in subsection (3).
2. The first transferred structured-settlement payment, in the case of a violation of the disclosure requirements of subsection (3).

(e) When any interested party has reason to believe that any transferee has violated this section, any interested party may bring a civil action for injunctive relief, penalties, and any other relief that is appropriate to secure compliance with this section.

Section 8. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing an interested party to bring an action for injunctive relief; providing an effective date.

Pursuant to Rule 4.19, CS for SB 1530 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (241234)(with title amendment)—On page 2, after line 31, insert:

Section 2. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, ~~including those schools and colleges accredited by the National Architectural Accreditation Board;~~ and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 3. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; *injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title “architect” or “registered architect,” or “interior designer” or “registered interior designer,” or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) *Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party is entitled to actual costs and attorney's fees.*

(b) *For purposes of this subsection, the term “affected person” means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from*

the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design;

Senator Sullivan moved the following amendment:

Amendment 2 (340758)(with title amendment)—On page 2, line 31, insert:

Section 2. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay the appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void;

Senator Sullivan moved the following substitute amendment which was adopted:

Amendment 3 (221554)(with title amendment)—On page 2, after line 31, insert:

Section 2. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void;

Pursuant to Rule 4.19, **SB 958** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1568**, **CS for SB 1640** and **CS for SB 1724** was deferred.

CS for SB 1978—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating

the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term “section 38 property” with an express definition of the terms “industrial machinery and equipment” and “motion picture and video equipment”; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term “fixtures”; eliminating reference to the term “trade fixture”; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year’s information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state’s system into compliance with the Streamlined Sales and Use Tax Agreement; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person’s failure to comply with the state’s tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of “lease,” “let,” “rental,” or “license” certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of

the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing effective dates.

—was read the second time by title.

MOTION

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

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (490854)(with title amendment)—On page 99, between lines 29 and 30, insert:

Section 38. Effective July 1, 2001, subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 39. Effective July 1, 2001, section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 40. Effective July 1, 2001, section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 5, after the semicolon (;) insert: amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections;

Senator Rossin moved the following amendment:

Amendment 2 (343982)(with title amendment)—On page 63, lines 26 and 27, delete those lines and insert:

Section 16. Effective July 1, 2001, subsection (10) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(10) *Notwithstanding any other law, a municipality or special fire control district that receives an insurance premium tax distribution in excess of 200 percent of the premium tax distribution that the municipality or special fire control district received in the 1998 calendar year is not required to expend for extra pension benefits such portion of its insurance premium tax distribution which exceeds 200 percent of the distribution for the 1998 calendar year. ~~The tax imposed by this section does not apply to monoline flood premiums received by insurers for flood policies which are not subsidized by the Federal Government or an agency thereof.~~*

And the title is amended as follows:

On page 2, lines 29 and 30, delete those lines and insert: corporations; amending s. 624.509, F.S.; providing that a municipality or special fire control district is not required to make certain expenditures for pension benefits under certain circumstances; deleting an exemption from the

On motion by Senator Carlton, further consideration of **CS for SB 1978** with pending **Amendment 2** was deferred.

On motion by Senator Diaz de la Portilla—

CS for CS for SB 2008—A bill to be entitled An act relating to economic development; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a misdemeanor penalty for failing to provide such documentation or maintain certain records; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for the calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding the purposes for which the office may seek assistance from certain entities; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.980, F.S.; providing that grants by the Office of Tourism, Trade, and Economic Development to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; creating the “New Product Transfer Enhancement Act”; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing effective dates.

—was read the second time by title.

Senator Diaz de la Portilla moved the following amendments which were adopted:

Amendment 1 (585284)(with title amendment)—On page 15, between lines 27 and 28, insert:

(c) Funds specifically appropriated for the tax refund program for qualified target industry businesses shall not be used for any purpose other than the payment of tax refunds authorized by this section.

And the title is amended as follows:

On page 2, line 19, after the semicolon (;) insert: specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds;

Amendment 2 (390880)—On page 20, lines 19-21, delete those lines and insert:

288.907.—Upon remittance of funds to the Department of Revenue by a receiving company under s. 220.115, a credit against the tax imposed by this chapter shall be allowed to the donor company that has entered into a product development agreement with that receiving company pursuant to s. 288.907, which

Senator Klein moved the following amendment:

Amendment 3 (292944)(with title amendment)—On page 21, between lines 11 and 12, insert:

Section 13. Section 121.155, Florida Statutes, is created to read:

121.155 Investments in support of economic development strategies; legislative findings and intent.—

(1) The Legislature finds that:

(a) The recruitment, retention, and expansion of high-technology businesses are a principal economic development strategy of the state.

(b) High-technology businesses have the potential to contribute significantly to the prosperity of the state and its residents through the creation of employment opportunities and through the generation of revenues into the economy.

(c) A significant barrier to the growth of high-technology businesses in the state is caused by a lack of access to sources of capital to support the activities of such businesses.

(d) The State Board of Administration, through the investment of funds of the System Trust Fund, has the ability to influence the availability of capital in the marketplace for businesses located in the state.

(e) The investment of funds of the System Trust Fund in a manner consistent with the economic development goals of the state enhances the prospects for fulfillment of such goals.

(2) It is the intent of the Legislature that the State Board of Administration, consistent with sound investment policy and with the investment provisions set forth in ss. 215.44-215.53, maximize opportunities to invest and reinvest available funds of the System Trust Fund in a manner that is consistent with, and that supports fulfillment of, the economic development strategies of the state, including investing and reinvesting funds in support of the capital needs of emerging and strategic high-technology businesses located in the state. It is further the intent of the Legislature that the State Board of Administration, in supporting fulfillment of the economic development strategies of the state, establish partnerships, where feasible, with venture capital firms designed to facilitate investment of venture capital in high-technology businesses located in this state.

(3) Staff of the State Board of Administration shall regularly solicit information from Enterprise Florida, Inc., on those high-technology business sectors that research indicates have significant potential to contribute to the economic development of the state and shall provide such information to the Investment Advisory Council created under s. 215.444.

(4) As part of the annual report required under s. 215.44, the State Board of Administration shall describe those investment activities during the year in furtherance of the findings and intent of this section.

Section 14. Section 159.26, Florida Statutes, is amended to read:

159.26 Legislative findings and purposes.—The Legislature finds and declares that:

(1) The agriculture, tourism, urban development, historic preservation, information technology, education, and health care industries, among others, are vital to the economy of the state and to the welfare of the people and need to be enhanced and expanded to improve the competitive position of the state;

(2) There is a need to enhance other economic activity in the state by attracting manufacturing development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the state, while providing through pollution control and otherwise for the health and safety of the people;

(3) In order to improve the prosperity and welfare of the state and its inhabitants; to improve education, living conditions, and health care; to prohibit the preservation of historic structures; to promote the rehabilitation of enterprise zones; to promote improved transportation; to promote effective and efficient pollution control throughout the state; to promote the advancement of education and science and research in and the economic development of the state; to promote the advancement of information technology; and to increase purchasing power and opportunities for gainful employment, it is necessary and in the public interest to facilitate the financing of the projects provided for in this part and to facilitate and encourage the planning and development of these projects without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and

(4) The purposes to be achieved by such projects and the financing of them in compliance with the criteria and requirements of this part are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution.

Section 15. Subsection (5) of section 159.27, Florida Statutes, is amended, and subsection is added to that section to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(5) “Project” means any capital project comprising an industrial or manufacturing plant, a research and development park, an information technology facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, and other facilities, including research and development facilities and information technology facilities, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, a social service center, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, information technology facility, agricultural processing or storage facility, warehousing or

distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, a correctional or detention facility, motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, pollution-control facility, hazardous or solid waste facility, social service center, or a mass commuting facility and any one or more combinations of the foregoing.

(25) “Information technology facility” means a building or structure, including infrastructure such as roads, power, water, network access points, and fiber optic cable leading to the structure, which is used to house businesses classified within the following codes of the North American Industry Classification System (NAICS): 334111 (electronic computer manufacturing), 334112 (computer storage device manufacturing), 334113 (computer terminal manufacturing), 334119 (other computer peripheral equipment manufacturing), 334613 (magnetic and optical recording media manufacturing), 334418 (printed circuit assembly manufacturing), 334411 (electron tube manufacturing), 334412 (bare printed circuit board manufacturing), 334413 (semiconductor and related device manufacturing), 334417 (electronic connector manufacturing), 334611 (software reproducing), 541512 (computer systems design services), 54121 (data processing services), 54191 (on-line information services), 811212 (computer and office machine repair and maintenance), 44312 (computer and software stores-retail), 541519 (other computer related services), 42143 (computer and computer peripheral equipment and software wholesalers), 51121 (software publishers), 541511 (custom computer programming services), and 61142 (computer training). The term also includes joint-use advanced digital media research and production facilities created pursuant to authority from the Legislature for the Office of Tourism, Trade, and Economic Development to administer a program facilitating the establishment and maintenance of such digital media facilities.

Section 16. Subsection (10) of section 159.705, Florida Statutes, is amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(10) Other provisions of law to the contrary notwithstanding, to acquire by lease, without consideration, purchase, or option any lands owned, administered, managed, controlled, supervised, or otherwise protected by the state or any of its agencies, departments, boards, or commissions for the purpose of establishing a research and development park, subject to being first designated a research and development authority under the provisions of ss. 159.701-159.7095. The authority may cooperate with state and local political subdivisions and with private profit and nonprofit entities to implement the public purposes set out in s. 159.701. Such cooperation may include agreements for the use of the resources of state and local political subdivisions, agencies, or entities on a fee-for-service basis or on a cost-recovery basis. A project that is located in a research and development park and is financed under the provisions of the Florida Industrial Development Financing Act may be operated by a research and development authority, a state university, a Florida community college, or a governmental agency, provided that the purpose and operation of such project is consistent with the purposes and policies enumerated in ss. 159.701-159.7095.

Section 17. Section 240.1055, Florida Statutes, is created to read:

240.1055 Economic development mission.—

(1) The Legislature finds that the state system of postsecondary education contributes to the economic well-being of the state and its people through the education and training of individuals for employment, through research and development of technologies that have commercial applications, and through the provision of assistance to businesses based in this state. The Legislature further finds that the quality and activities of the state system of postsecondary education directly affect the success of state, regional, and local efforts to develop, recruit, retain, and expand businesses, particularly high-technology businesses, that create jobs and generate revenue. Therefore, as a fundamental component of the purpose and mission articulated in s. 240.105, the mission of the state system of postsecondary education is to complement, facilitate, and support the economic development strategies and goals of the state and its communities.

(2) *In recognition and furtherance of the economic development mission of the state system of postsecondary education, it is the policy of the state to use the patent system and the technology–licensing operations of public universities to promote the use of inventions arising from funded research; to encourage to the maximum extent possible the participation of businesses based in this state in opportunities to commercialize technology; to promote collaboration between businesses in this state and universities; and to secure for the residents of this state enhanced returns on the intellectual property developed by public universities through funded research.*

Section 18. Section 240.710, Florida Statutes, is amended to read:

240.710 Digital Media Education Coordination Group.—

(1) *The Division of Universities of the Department of Education, or the division's successor entity, Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Division Department of Education, the State Board of Community Colleges, the Office of Tourism, Trade, and Economic Development, and the Articulation Coordinating Committee on the development of a plan to enhance Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:*

(a) *Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.*

(b) *Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.*

(c) *Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.*

(2) *Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.*

~~(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by distance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.~~

~~(3)(4) The Digital Media Education Coordination Group shall submit an annual report of its activities with any recommendations for policy implementation or funding to the State Board of Education its plan to the President of the Senate and the Speaker of the House of Representatives no later than February 1 of each year January 1, 2001.~~

Section 19. Paragraph (i) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(i) *For the purposes of this subsection, the semiconductor a high-impact sector consists of the silicon technology sector and the information technology sector are that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this section subsection is designed. These sectors required and will create the kinds of economic sector and economy-wide benefits that justify the use of state resources as economic development incentives. Further, the use of state resources to encourage investment in these sectors is necessary to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations. For the purposes of this subsection and s. 220.191, the term "information technology sector" shall encompass, but not be limited to, the digital media sector as defined by Enterprise Florida, Inc., and approved by the Office of Tourism, Trade, and Economic Development.*

Section 20. *The Legislature finds that the Information Services Technology Development Task Force created under chapter 99–354, Laws of Florida, performed an integral role in analyzing and recommending policies to facilitate the beneficial development and deployment of information technology on a statewide basis. It is the intent of the Legislature that, upon the dissolution of the task force effective July 1, 2001, the state solicit continued policy guidance and direction from a not-for-profit corporation created to advocate on behalf of information technology businesses and other high-technology businesses throughout the state and which does business under the name "itflorida.com, Inc." It further is the intent of the Legislature that the State Technology Office; the Office of Tourism, Trade, and Economic Development; and Enterprise Florida, Inc., facilitate the formation and initial operation of such corporation to the maximum extent feasible and that such organizations use the corporation as a resource for information and insights about the information technology industry and other high-technology industries.*

Section 21. Effective upon this act becoming a law, section 288.9522, Florida Statutes, is created to read:

288.9522 Florida Research Consortium.—

(1) CREATION; INTENT.—

(a) *There is created the Florida Research Consortium, which shall be organized and operated as a not-for-profit corporation in compliance with chapter 617. The consortium shall serve as an entity for uniting businesses and universities in the state in order to enhance economic development through the development and commercialization of science and technology and for targeting the activities of such universities toward fulfillment of the economic development goals of the state.*

(b) *It is the intent of the Legislature that the Florida Research Consortium complement, and not supplant, any elements of the governance structure for the state system of post-secondary education. It further is the intent of the Legislature that the consortium operate as a private corporation and not as an agency of state government. It also is the intent of the Legislature that the state provide a framework for and facilitate the creation and initial operation of the consortium, but that ultimately the consortium function as a dynamic, independent entity that identifies and implements activities to fulfill strategies developed by its board of directors.*

(2) BOARD OF DIRECTORS.—*The Florida Research Consortium shall be governed by a board of directors comprised of the following members:*

(a) *Ten chief executive officers of businesses based in this state who are appointed by the Governor. Initially, of the 10 chief executive officers, the Governor shall appoint 5 members for terms of 4 years, 3 members for terms of 3 years, and 2 members for terms of 2 years. Thereafter, the Governor shall appoint all members for terms of 4 years.*

(b) *Two chief executive officers of businesses based in this state who are appointed by the President of the Senate and who serve at the pleasure of the President.*

(c) *Two chief executive officers of businesses based in this state who are appointed by the Speaker of the House of Representatives and who serve at the pleasure of the Speaker.*

(d) *The presidents of the following universities:*

1. *University of Florida;*
2. *Florida State University;*
3. *University of Central Florida;*
4. *University of South Florida;*
5. *Florida Atlantic University;*
6. *Florida International University;*
7. *Florida Agricultural and Mechanical University;*
8. *University of North Florida;*

9. Florida Gulf Coast University;
 10. University of West Florida; and
 11. University of Miami.
- (e) The president of Enterprise Florida, Inc.
- (f) The president of Workforce Florida, Inc.
- (g) One representative each from two not-for-profit research institutes located in the state which are not public or private universities, who are appointed by the Governor for terms of 4 years.
- (h) The Governor or the Governor's designee, who shall serve as an ex officio, nonvoting member.
- (i) The Commissioner of Education or the commissioner's designee, who shall serve as an ex officio, non-voting member.

The voting members of the board of directors shall biennially elect one of the voting members of the board to serve as the chairman of the board. All members appointed under paragraphs (a), (b), (c), and (g) are subject to Senate confirmation.

(3) **PURPOSE.**—The purpose of the Florida Research Consortium is to support economic development in the state by linking the research capabilities of member universities with the needs and activities of private businesses in the state and by fostering the development and growth of scientific and technology-based industry and commerce in this state.

(4) **POWERS AND DUTIES.**—The powers and duties of the board of directors of the Florida Research Consortium shall include, but not be limited to:

- (a) Raising funds from nonstate sources to leverage any appropriations from the Legislature;
- (b) Identifying three specific disciplines in science or technology which shall be the focus of the activities of the consortium, with such disciplines being narrowly defined and being viable areas of potential success for the state from an economic development and academic perspective;
- (c) Developing and implementing strategies to recruit and retain pre-eminent researchers in science and technology-based disciplines to universities in the state, with such strategies including but not being limited to the endowment of faculty or research chairs at universities in the state in the disciplines identified under paragraph (b);
- (d) Developing and implementing strategies to recruit and retain graduate and undergraduate students in science and technology-based disciplines to universities in the state;
- (e) Assisting new and expanding science and technology-based businesses with their research, technology commercialization, capital, and workforce needs;
- (f) Developing and implementing strategies to increase the state's share of research funds;
- (g) Identifying statutory, regulatory, policy, or other barriers impeding the effective, efficient, and timely transfer of technology and commercialization of research from the university setting and proposing resolutions to such barriers, including reforms to university policies on issues such as conflicts of interest;
- (h) Developing and implementing strategies to create a culture at member universities which promotes the conduct of applied research and the transfer of technology as fundamental activities of such universities;
- (i) Developing measures to assess the performance of the technology transfer offices of the member universities in facilitating the transfer of technology to businesses in the state;
- (j) Facilitating discussions, meetings, and other forms of communication among university researchers, faculty, administrators, and students; high technology businesses in the state; and economic-development professionals;

(k) Establishing and maintaining an Internet-based database for the marketing, publication, and exchange of information with the public and private sectors on basic, applied, and other research being conducted at universities in the state;

(1) Coordinating donations of equipment from high-technology businesses to secondary schools;

(m) Hiring an executive director and other staff for the Florida Research Consortium; and

(n) Meeting at least four times each calendar year, with the first meeting of the board of directors being held by July 1, 2001.

(5) **ANNUAL REPORT.**—

(a) By January 1 of each year, the Florida Research Consortium shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include specific recommendations regarding actions the state could take to enhance the commercialization of research and transfer of technologies from the universities and to enhance the role of universities in accomplishing the economic development goals of the state.

(b) By December 1 of each year, the technology transfer office of each university that is a member of the Florida Research Consortium shall report to the board of directors on the activities of the office during the year related to facilitating the transfer of technology to businesses and on its other activities related to building relationships between university researchers, faculty, students, and administrators and businesses in the state. The report must include information on the achievement by the office of the performance measures identified under paragraph (4)(i). The board of directors shall summarize the information provided by the technology transfer offices as part of the annual report by the board under paragraph (a).

Section 22. (1) The Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., shall provide staff support to the Florida Research Consortium created under section 288.9522, Florida Statutes, to assist the board of directors of the consortium with the initial organization and operation of the consortium, until such time as the board of directors of the consortium hires an executive director or other staff.

(2) This section shall take effect upon this act becoming a law.

Section 23. (1) The Legislature finds that promoting objectivity in research at public universities is important to ensure that conflicts of interest do not compromise the responsibility of faculty, researchers, staff, and students to the state and the public educational institutions they represent. The Legislature also finds, however, that the transfer of technology from the university setting to the private sector produces economic development benefits for the state and its citizens and is a laudable public policy goal of the state. The Legislature further finds that such transfer of technology is facilitated by encouraging communication and relationships between university employees and business entities. Therefore, it is the intent of the Legislature that public universities in the state operate under policies and procedures that safeguard the public trust but that also facilitate the transfer of technology by not unduly burdening the building of relationships between university employees and business entities.

(2) The Florida Research Consortium created under section 288.9522, Florida Statutes, shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, on the impact of existing statutes, regulations, policies, and procedures, as well as other factors the consortium identifies, on the transfer and commercialization of technology from the university setting to the private sector and on the ability of university faculty, researchers, other staff, and students to establish relationships with business entities emanating from research conducted at the universities. The report shall include specific recommendations for actions by the Legislature, universities, and state agencies to enhance and promote the transfer and commercialization of technology to produce economic development benefits for the state and its residents. At a minimum, this report must:

(a) Examine the code of ethics for public officers and employees under part III of chapter 112, Florida Statutes, to identify any specific provi-

sions that impede the transfer and commercialization of technology and recommend any changes to the code that the consortium deems necessary to address such impediments.

(b) Assess the strengths and weaknesses of technology transfer and commercialization policies and practices of the member universities of the consortium and identify any exemplars.

(c) Review technology transfer and commercialization policies and practices in other states to identify models for potential adoption in this state.

(d) Examine federal statutes and regulations governing conflicts of interest and disclosure of significant financial interests by researchers who apply for or receive federal research funds and recommend whether comparable statutory or regulatory provisions should be adopted in this state.

(e) Analyze the provisions of the federal Bayh–Dole Act and related legislation and recommend whether any comparable provisions should be adopted in this state.

(f) Assess the advantages and disadvantages of adopting policies and practices related to the transfer and commercialization of technology on a statewide basis versus at the individual university level.

(3) The consortium shall solicit the participation in the preparation of this report of individuals who have expertise related to the transfer and commercialization of technology but who are not members of the consortium.

(4) This section shall take effect upon this act becoming a law.

Section 24. Section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(1) ~~Workforce Florida, Inc., The Department of Labor and Employment Security~~ shall be responsible for directing ~~facilitate efforts to ensure~~ the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) ~~Workforce Florida, Inc., The Department of Labor and Employment Security~~ shall coordinate with the State Technology Office and the ~~Agency for Workforce Innovation Workforce Development Board of Enterprise Florida, Inc.,~~ to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(3) *Workforce Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the workforce information systems required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.*

(4)(a) *Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.*

(b) *Workforce Florida, Inc., may enter into an agreement with the State Technology Office, the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.*

(c) *Workforce Florida, Inc., may procure services necessary to implement the provisions of this section, provided, however, that it employs competitive processes, including requests for proposals, competitive nego-*

tiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.

(5) *In furtherance of the requirements under this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.*

(6) *In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.*

Section 25. Pilot grant program for youth internships.—

(1) *Subject to legislative appropriation, Workforce Florida, Inc., shall establish a pilot matching grant program that is designed to encourage high-technology businesses to employ, train, and mentor financially needy youth through internships completed under the direct supervision of the eligible business. Under this program, Workforce Florida, Inc., may award grants to an eligible business for the benefit of a named eligible youth. Part of the purpose of the program shall be to help financially needy youth acquire and develop information technology skills in order to help close the "digital divide."*

(2) *Grant funds awarded under this program shall be used to supplement the stipend of the eligible youth and must be matched by contributions from the eligible business. The maximum grant amount that may be awarded on behalf of a single eligible youth at one time is \$2,000. Workforce Florida, Inc., may establish limitations on the total number of internship grants that may be awarded to a single eligible business or that may be awarded on behalf of a single eligible youth.*

(3) *An eligible business under this program includes any sole proprietorship, firm, partnership, or corporation in this state that is in the information technology sector, health technology sector, or other high-technology sector that the board of directors of Workforce Florida, Inc., in consultation with Enterprise Florida, Inc., determines is strategically important to the economic development goals of the state.*

(4) *An eligible youth under this program includes a student between the ages of 15 and 18 who is currently enrolled at a high school in Florida and who has not been previously employed within the preceding 12 months by the eligible business, or a successor business, applying for matching funds under this program. The youth must be a member of a family that includes a parent with one or more minor children or a caretaker with one or more minor children and that is at risk of welfare dependency because the family's income does not exceed 200 percent of the federal poverty level.*

(5)(a) *As part of an application for funding under this program, an eligible business must submit an internship work plan that describes:*

1. *The work to be performed by the eligible youth;*
2. *The anticipated number of hours per week the eligible youth will work;*
3. *The total hourly stipend to be paid to eligible youth, with a description of the portion of the stipend proposed to be paid by the eligible business and the portion of the stipend proposed to be paid by the state;*
4. *The anticipated term of the internship;*
5. *The training and supervision to be provided by the eligible business, particularly in terms of skill development of the youth related to computers and other information technologies;*
6. *The impact of the grant funds on the ability of the eligible business to employ the eligible youth through the internship; and*

7. *The prospects for unsubsidized employment of the youth after the internship period concludes.*

(b) *An application for funding must also identify the eligible youth to be hired under the internship and include information to demonstrate that the eligible youth satisfies the requirements of subsection (4).*

(6) *Workforce Florida, Inc., shall establish guidelines governing the administration of this program which facilitate access to the program by businesses and shall establish criteria to be used in evaluating an application for funding and the internship plan accompanying the application as required under subsection (5). Such criteria must include, but need not be limited to:*

- (a) *The nature of the work to be performed by the eligible youth;*
- (b) *The potential experience and skills to be acquired by the eligible youth, particularly related to computers and other information technologies, as identified by Workforce Florida, Inc., which may help address the digital divide;*
- (c) *Whether the eligible business is classified in one of the business sectors identified by Enterprise Florida, Inc., as being strategically important to the economic development efforts of the state or is classified in a business sector identified as being strategically important to the particular regional or local area in which the business is located;*
- (d) *The supervision, training, and counseling to be provided to the eligible youth as part of the internship;*
- (e) *The demonstrated need of the eligible business and the amount of matching funds to be provided by the eligible business; and*
- (f) *The extent to which the internship has potential to result in permanent employment with the eligible business at the completion of the internship or anytime thereafter.*

(7) *Before allocating funds for any grant application under this program, Workforce Florida, Inc., shall execute a simplified grant agreement with the eligible business. Such agreement must include provisions for Workforce Florida, Inc., to have access to information about the performance of eligible youth upon completion of the internship.*

(8) *Workforce Florida, Inc., shall ensure that any forms or reports associated with this program which a business or individual is required to complete are as concise and simple to complete as practicable.*

(9) *Before the 2003 legislative session, Workforce Florida, Inc., shall prepare a report describing the outcomes of the pilot program authorized under this section. The report must include a recommendation as to whether the Legislature should continue to fund the program and on any changes necessary to enhance the program. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003.*

(10) *In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.*

Section 26. Joint-Use Advanced Digital-Media Research and Production Facilities.—

(1) *The Legislature finds that developments in digital media are having, and will continue to have, a profound effect on the state, its people, and its businesses in areas including, but not limited to, information technology, simulation technology, and film and entertainment production and distribution. The digital-media industry represents a strategic economic development opportunity for the state to become a global leader in this emerging and dynamic field. The ability of the state to succeed in developing the digital-media sector, however, depends upon having a workforce with skills necessary to meet the demands of the industry. The Legislature further finds that the convergence of media and the collaboration of businesses and multi-disciplinary academic research programs will enable this state to compete more successfully with other digital-media innovation centers around the country and around the world. Therefore, it is the intent of the Legislature to support the establishment and maintenance of joint-use advanced digital-media research and pro-*

duction facilities in the state to provide regional focal points for collaboration between research and education programs and digital-media industries.

(2) *Subject to legislative appropriation, the Office of Tourism, Trade, and Economic Development is authorized to create and administer a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state. The office shall administer all facets of this program in cooperation and consultation with the Office of the Film Commissioner; Enterprise Florida, Inc.; Workforce Florida, Inc.; the Digital Media Education Coordination Group of the State University System; and a not-for-profit corporation that represents information technology businesses throughout the state.*

(3) *The purposes of a joint-use advanced digital-media research and production facility shall include:*

- (a) *Creating opportunities for industry, academia, and government to benefit from student and researcher involvement in applied research and development projects and other projects related to digital media.*
- (b) *Promoting paths to future employment for students participating in the activities of the facility.*
- (c) *Contributing to the development of a skilled workforce to support the needs of the digital-media industry.*
- (d) *Facilitating the transfer of research results to commercial and government applications.*

(e) *Integrating the efforts and activities of the diverse, high-technology industries in the state that are critical to the economic future of the state.*

(f) *Assisting producers, suppliers, and distributors to make the transition from well-established passive media infrastructure to a highly interactive and immersive media infrastructure.*

(g) *Performing other functions or activities designed to contribute to the success of the state in becoming a leader in the digital-media industry, as approved by the Office of Tourism, Trade, and Economic Development.*

(4) *In carrying out its responsibilities under this section, the Office of Tourism, Trade, and Economic Development:*

(a) *Shall develop a strategic plan for how joint-use advanced digital-media research and production facilities will be governed and for how such facilities will be funded in the long term. The office may contract for the preparation of the strategic plan required by this paragraph.*

(b) *May contract for the establishment of joint-use advanced digital-media research and production facilities. In identifying, approving, and executing such contracts, the office shall attempt to maximize the use and integration of existing facilities and programs in the state that are suitable for application as joint-use advanced digital-media facilities. Funds awarded under such contracts may be used to lease or refurbish existing facilities to create state-of-the-art digital-media design, production, and research laboratories that shall be shared by public and private educational institutions and industry partners.*

(c) *Shall ensure that funds appropriated for the program authorized in this section are expended in a manner consistent with the priority needs for developing the digital-media industry in this state, as identified by the organizations listed in subsection (2).*

(d) *Shall require any entity or organization receiving state funding under this section to match such funding with non-state sources.*

(e) *Shall require any joint-use advanced digital-media research and production facility receiving state funds to submit for approval by the office a detailed plan for the operation of such facility. Such operating plan must, at a minimum, include provisions for the establishment of a tenant association, with representation by each tenant using the facility, and for the collection of annual dues from tenants to support the operation and maintenance of the facility.*

(f) *Shall require any joint-use advanced digital-media research and production facility receiving state funding to submit an annual report to*

the office by a date established by the office. Upon receipt of such annual reports, the office shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(g) Shall establish guidelines and criteria governing the application for and receipt of funds under this section.

(h) May, as part of the annual report on the business climate of the state required under section 14.2015, Florida Statutes, recommend to the Legislature policies designed to enhance the effectiveness of the program for joint-use advanced digital-media research and production facilities or policies designed to otherwise promote the development of the digital-media industry in the state.

(5) For the purposes of this section, the term "digital media" is defined as a discipline based on the creative convergence of art, science, and technology for human expression, communication, and social interaction. The Office of Tourism, Trade, and Economic Development, in cooperation and consultation with the organizations identified in subsection (2), shall identify specific types of businesses or types of business activity to be included within the term "digital media."

Section 27. The Office of Tourism, Trade, and Economic Development, the Office of the Film Commissioner, and the Digital Media Education Coordination Group shall jointly report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2001, on recommended funding levels for the program to facilitate establishment and maintenance of joint-use advanced digital-media research and production facilities as authorized by this act. The report must include options based on different funding levels and information on the number and types of facilities that the organizations estimate could be established under each funding option. The report also must include an assessment of the long-term costs associated with operating such facilities and an assessment of non-state funding sources that could be accessed to support establishment and maintenance of such facilities.

Section 28. (1) In implementing the single, statewide computer-assisted student advising system required under section 240.2099, Florida Statutes, the Board of Regents and the State Board of Community Colleges may:

(a) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and enforce their rights with respect thereto.

(b) Enter into binding agreements with organizations, corporations, or government entities to license, lease, assign, or otherwise give written consent to any person, firm, corporation, or agency for the use of the single, statewide, computer-assisted student advising system and collect royalties or any other consideration that the boards find proper.

(c) Sell or license any such work products and execute all instruments necessary to consummate the sale or license.

(2) The Board of Regents and the State Board of Community Colleges shall submit to the President of the Senate and the Speaker of the House of Representatives any agreement relating to this section. The President and Speaker may review the terms of the agreement and respond with comments for 30 days after receipt of an agreement; after that time, the agreement is binding.

(3) All or a portion of the proceeds derived from activities authorized under this section may be expended for developing the next generation of on-line student services, maintaining and operating the system, and acquiring statewide licenses for related software. Proceeds in excess of that necessary to support such expenditures may be deposited in the State Treasury to support need-based student aid or to support information technology infrastructure.

Section 29. The unexpended balance of funds from section 38 of chapter 2000-164, Laws of Florida, authorized to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point, is reappropriated for fiscal year 2001-2002 to the Department of Revenue for reimbursement of such sales tax payments as provided in section 212.08(5), Florida Statutes.

Section 30. There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$100,000 in fiscal year 2001-2002 for use by the Florida Research Con-

sortium created under section 288.9522, Florida Statutes, for the purposes specified in such section.

Section 31. There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation the sum of \$200,000 in fiscal year 2001-2002 for use by Workforce Florida, Inc., in implementing the pilot matching grant program for youth internships as provided in this act. The source of these funds is the Temporary Assistance for Needy Families block grant.

Section 32. Except as otherwise provided, this act shall take effect July 1, 2001.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 27, after the semicolon (;) insert: creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities;

specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations;

Senator Klein moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (774710)(with title amendment)—On page 17, lines 16 and 17, delete those lines and insert:

Section 22. (1) *Enterprise Florida, Inc., shall*

And the title is amended as follows:

On page 33, lines 25-27, delete those lines and insert: member universities; requiring Enterprise Florida, Inc., to provide initial

Amendment 3 as amended was adopted.

Senator Diaz de la Portilla moved the following amendments which were adopted:

Amendment 4 (260380)—On page 21, lines 12-14, delete those lines and insert:

Section 13. Except as otherwise provided, this act shall take effect July 1, 2001.

Amendment 5 (945676)—On page 17, line 10; on page 19, line 25; and on page 20, lines 16 and 30, after the first period (.) insert: Effective January 1, 2002,

Senator Laurent moved the following amendment which was adopted:

Amendment 6 (781112)(with title amendment)—On page 21, between lines 11 and 12, insert:

Section 13. *Notwithstanding any other provision of law, the Office of Tourism, Trade, and Economic Development may use up to \$500,000 of the amount appropriated by the Legislature in fiscal year 2001–2002 to the office for the Rural Community Development Revolving Loan Fund under section 288.065, Florida Statutes, to provide loans, loan guarantees, or loan loss reserves, consistent with the requirements and intent of such section, through units of local government to small citrus growers in rural counties or rural communities to assist such growers in upgrading machinery and equipment in order to make their farming operations more viable and sustainable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 27, after the semicolon (;) insert: authorizing the Office of Tourism, Trade, and Economic Development to use a portion of funds appropriated for the Rural Community Development Revolving Loan Fund for loan activities on behalf of small citrus growers;

Pursuant to Rule 4.19, **CS for CS for SB 2008** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1880** was deferred.

On motion by Senator Crist—

SB 1766—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these

exemptions; providing a statement of public necessity for the exemptions; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (122460)(with title amendment)—On page 3, after line 31, insert:

Section 4. Paragraph (i) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. ~~The home addresses and home telephone numbers of county and municipal code enforcement officers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.~~

2. *The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

3. *The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of*

such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

4.2. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., or subparagraph 3. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2., or subparagraph 3. shall maintain the confidentiality of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for confidentiality to the custodial agency.

Section 5. *The Legislature finds that the exemption from public records requirements provided by this act for identifying information relating to current and former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of local government agencies or water management districts and their families is justified because, if such information were not confidential, a human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager or such person's family could be harmed or threatened with harm by a current or former employee or a friend or family member of a current or former employee.*

Section 6. *The Legislature finds that the exemption from public records requirements provided for by this act for identifying information relating to current and former code enforcement officers and their families is a public necessity. The current exemption of names and addresses has not completely shielded the identities of county and municipal code enforcement officers. The responsibilities of these employees regularly take them into areas of neglect, abuse, and personal danger. Citations issued in response to violations that they encounter often lead to retribution by the offenders. Their personnel files are reviewed on numerous occasions by code violators seeking information relating to the code enforcement officers and their families. The disclosure of this personal information has led to threats, acts of violence, and unwarranted risk to the officers and their families.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 119.07, F.S.; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity;

Pursuant to Rule 4.19, **SB 1766** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB 2174—A bill to be entitled An act relating to insurance; amending s. 624.318, F.S.; requiring access to records by the department; repealing s. 624.501(11) and (23), F.S.; repealing provisions establishing specified fees; amending s. 626.112, F.S.; prohibiting certain activities that constitute solicitation of insurance by unlicensed persons; amending s. 626.171, F.S.; revising agent application requirements; amending s. 626.181, F.S.; extending a period of eligibility for reappointment; creating s. 626.202, F.S.; requiring fingerprinting of specified persons; amending s. 626.431, F.S.; extending the nonappointment period to 48 months; amending s. 626.521, F.S.; requiring certain information upon demand of the department; amending s. 626.541, F.S.; requiring notification to the department of certain name changes and other information; amending s. 626.5715, F.S.; removing a requirement that the Department of Insurance adopt rules to assure parity of regulation; providing that the Insurance Code applies to all transactions; amending s. 626.601, F.S.; revising a confidentiality provision; amending s. 626.611, F.S.; prohibiting the sale of unregistered securities; amending ss. 626.741, 626.792, 626.835, F.S.; limiting the authority of certain nonresident licenses to that granted by the resident state; amending s. 626.8427, F.S.; revising provisions governing the duration of licenses; amending s. 626.856, F.S.; revising the definition of the term “company employee adjuster”; amending s. 626.872, F.S.; limiting the term of a

temporary adjuster's license; amending s. 626.873, F.S.; revising a catchline regarding nonresident company adjusters; amending s. 627.927; limiting an experience requirement for surplus lines agents; extending a renewal grace period; creating s. 626.9531, F.S.; requiring the identification of certain persons in advertisements and other communications; amending ss. 648.315, 648.38, 648.384, F.S.; extending a period of eligibility for reappointment; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—was read the second time by title.

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

On motion by Senator Mitchell—

CS for CS for SB 2146—A bill to be entitled An act relating to medical records; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendment which was adopted:

Amendment 1 (830502)—On page 1, line 22, delete “, pharmacist,”

Pursuant to Rule 4.19, **CS for CS for SB 2146** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2058** was deferred.

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Cowin and adopted:

Amendment 1 (910750)—On page 2, line 8, after “Johns” insert: *River*

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

Amendment 2 (890556)(with title amendment)—On page 5, lines 15-26, delete those lines and insert:

Section 3. *The Fish and Wildlife Conservation Commission is authorized to conduct a demonstration restoration project on the Harris Chain of Lakes for the purpose of creating better habitat for fish and wildlife.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 13 and insert: providing an

Senator Brown-Waite offered the following amendment which was moved by Senator Cowin:

Amendment 3 (103668)(with title amendment)—On page 5, between lines 26 and 27, insert:

Section 5. (1) *The Citrus/Hernando Waterways Restoration Council.*—There is created within the Withlacoochee and Coastal Rivers Basin Boards of the Southwest Florida Water Management District a council to be known as the Citrus/Hernando Waterways Restoration Council. The council shall be coordinated by representatives of the following agencies: the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection, and the Southwest Florida Water Management District. The council is subject to the provisions of chapters 119 and 120, Florida Statutes. The lead agency shall be the Fish and Wildlife Conservation Commission.

(2) *Members of the council shall consist of twelve voting members with six appointed by the President of the Senate and six appointed by the Speaker of the House of Representatives. The council shall consist of representatives as follows:*

- a. *Waterfront property owners from each county,*
- b. *An attorney from each county,*
- c. *A member of the Board of Directors of the Chamber of Commerce from each county,*
- d. *An environmental engineer from each county,*
- e. *An engineer from each county, and*
- f. *A person from each county with training in biology or another scientific discipline.*

(3) *The council members from each county are to form two separate county task forces from the council to review and make recommendations on specific waterways. The Hernando County Task Force shall develop plans for the restoration of the Weeki Wachee River and Springs. The Citrus County Task Force shall develop plans for the restoration of the Tsala-Apopka Chain of Lakes.*

(4) *There shall be a technical advisory group to the council and the two county task forces which shall consist of one representative each from the Southwest Florida Water Management District, the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers, each of whom shall be appointed by his or her respective agency, and each of whom, with the exception of the representatives from the Withlacoochee River Basin Board and Coastal Rivers Basin Board, shall have had training in biology or another scientific discipline.*

(5) *Immediately after appointment, the council shall meet and organize by electing a chair, a vice chair, and a secretary, whose terms shall be for 2 years each. Council officers shall not serve consecutive terms. Each council member shall be a voting member. Additionally, the two county task forces shall elect a chair and a secretary whose terms shall be for 2 years each.*

(6) *The council or the county task forces shall meet at the call of its chair, at the request of six of its members, or at the request of the chair of the governing board of the Southwest Florida Water Management District.*

(7) *The council shall have the powers and duties to:*

(a) *Review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, including data and strategies for shoreline restoration, sand and other sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, particularly as they may apply to the Citrus/Hernando waterways.*

(b) *Evaluate whether additional studies are needed.*

(c) *Explore all possible sources of funding to conduct the restoration activities.*

(d) *Report to the Speaker of the House of Representatives and the President of the Senate before November 25 of each year on the progress of the Citrus/Hernando Waterways restoration program and any recommendations for the next fiscal year.*

(8) *The Southwest Florida Water Management District shall provide staff to assist the council in carrying out the provisions of this act.*

(9) *Members of the council shall receive no compensation for their services, but are entitled to be reimbursed for per diem and travel expenses incurred during execution of their official duties, as provided in section 112.061, Florida Statutes. State and federal agencies shall be responsible for the per diem and travel expenses of their respective appointees to the council, and the Southwest Florida Water Management District shall be responsible for per diem and travel expenses of other appointees to the council.*

Section 6. *The Citrus/Hernando Waterways restoration program.*—

(1) *The Fish and Wildlife Conservation Commission and the Southwest Florida Water Management District, in conjunction with the Department of Environmental Protection, pertinent local governments, and the Citrus/Hernando Waterways Restoration Council, shall review existing restoration proposals to determine which ones are the most environmentally sound and economically feasible methods of improving the fish and wildlife habitat and natural systems of the Citrus/Hernando waterways.*

(2) *To initiate the Citrus/Hernando Waterways restoration program recommended by the Citrus/Hernando Waterways Restoration Council, the Fish and Wildlife Conservation Commission, with assistance from the Southwest Florida Water Management District and in consultation and by agreement with the Department of Environmental Protection and pertinent local governments, shall develop tasks to be undertaken by those entities for the enhancement of fish and wildlife habitat. These agencies shall:*

(a) *Evaluate different methodologies for removing the extensive tussocks and buildup of organic matter along the shoreline and of the aquatic vegetation in the lake.*

(b) *Conduct any additional studies as recommended by the Citrus/Hernando Waterways Restoration Council.*

(3) *Contingent on the Legislature's appropriating funds for the Citrus/Hernando Waterways restoration program and in conjunction with financial participation by federal, other state, and local governments, the appropriate agencies shall, through competitive bid, award contracts to implement the activities of the Citrus/Hernando Waterways restoration program.*

Section 7. *The sum of \$45,000 is appropriated from the General Revenue Fund to the Southwest Florida Water Management District for the purpose of paying administrative, per diem, and travel expenses of the Citrus/Hernando Waterways Restoration Council.*

Section 8. *The Fish and Wildlife Conservation Commission is authorized to conduct a demonstration restoration project on the Tsala-Apopka Chain of Lakes for the purpose of removing, with proper permits, overlying undesirable vegetation and associated organic material down to mineralized soils, thus allowing for the establishment of a more desirable aquatic plant community on hard, sandy substrate and creating better habitat for fish and wildlife. The sum of \$100,000 is appropriated from the General Revenue Fund to the Fish and Wildlife Conservation Commission for the purpose of conducting the demonstration restoration project.*

Section 9. *The Southwest Florida Water Management District is authorized to conduct a demonstration restoration project on the Weeki Wachee River, with proper permits, to improve the water flow by a sand containment and erosion control project, including other restoration activities related to this problem.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces;

providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Citrus/Hernando Waterways restoration program; providing for demonstration restoration projects; providing appropriations; providing an effective date.

WHEREAS, the waterways of Citrus and Hernando Counties are of historic, hydrological, and ecological significance, and

WHEREAS, most of these Citrus/Hernando waterways are Outstanding Florida Waterways or in the application process, and

WHEREAS, the Citrus/Hernando waterways are plagued by fluctuating water levels and sedimentation increasing nitrate levels and sand movement causing blockage of natural springs and excessive growth of aquatic plants, which are degrading their water quality and recreational value, and

WHEREAS, despite their current problems, the Citrus/Hernando waterways continue to provide wildlife habitat for fish, birds, and game and offer recreational opportunities for the residents of Citrus and Hernando Counties and visitors to the area, and

WHEREAS, the renewable economic potential of the Citrus/Hernando waterways is significant, and

WHEREAS, the Southwest Florida Water Management District and the Fish and Wildlife Conservation Commission, along with other state, regional, and local entities, have developed proposals to restore portions of the Citrus/Hernando waterways, and

On motion by Senator Cowin, further consideration of **SB 1394** with pending **Amendment 3** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Clary—

SB 968—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Clary:

Amendment 1 (763044)(with title amendment)—On page 1, lines 13-29, delete those lines and insert:

Section 1. *The certificate-of-need workgroup created by section 15 of chapter 2000-318, Laws of Florida, shall include in its report the issue of access to open heart surgery services in areas currently lacking programs or deemed underserved. The workgroup shall submit its final recommendations on or before January 1, 2002.*

And the title is amended as follows:

On page 1, lines 3-8, delete those lines and insert: requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; providing an

MOTION

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

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

Amendment 1A (574282)—On page 1, line 22, after the period (.) insert: *In evaluating access to open heart surgery, the work group shall consider the restriction of angioplasty to hospitals providing open heart surgery and recommend ways to improve access to primary angioplasty while assuring patient safety and quality of care.*

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

Amendment 1B (063190)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) *For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds;

Senators Clary and Klein offered the following amendment to **Amendment 1** which was moved by Senator Clary:

Amendment 1C (381218)(with title amendment)—On page 1, line 23, after the period (.) insert:

Section 2. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing *only* upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. *Any party appealing a final order approving or denying a certificate of need to a district court of appeal shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party appealing a final order fails in the appeal, that party shall pay all costs of litigation, including treble attorney fees, of the party that was issued the certificate of need. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.*

Section 3. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of ~~32~~ ~~30~~ members, 10 appointed by the Governor, ~~11~~ ~~10~~ appointed by the President of the Senate, and ~~11~~ ~~10~~ appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, ~~and~~ a health care market consultant with expertise in health care economics, *and a member of the Senate.*

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, ~~and~~ one representative of a consumer organization, *and a member of the House.*

(4) *The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.*

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup;

Senator Klein moved the following substitute amendment for **Amendment 1C** which was adopted:

Amendment 1D (281412)(with title amendment)—On page 1, line 23, after the period (.) insert:

Section 2. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing *only* upon a showing that an established program will be substantially affected by the issuance of any certificate of

need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. *Any party appealing a final order approving or denying a certificate of need to a district court of appeal shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party appealing a final order fails in the appeal, that party shall pay all costs of litigation, including treble attorney fees, of the prevailing party. The Agency for Health Care Administration shall not be subject to the provisions of this paragraph except that it shall be entitled to all costs of litigation, including treble attorney fees if it is the prevailing party in an appeal of a final order. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.*

Section 3. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of 32 ~~30~~ members, 10 appointed by the Governor, ~~11~~ ~~10~~ appointed by the President of the Senate, and ~~11~~ ~~10~~ appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, ~~and~~ a health care market consultant with expertise in health care economics, *and a member of the Senate.*

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, ~~and~~ one representative of a consumer organization, *and a member of the House.*

(4) *The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining*

to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 968** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, consideration of **CS for SB 1628** was deferred.

On motion by Senator Sullivan—

SB 66—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Sullivan and adopted:

Amendment 1 (034392)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The City of St. Petersburg is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant in the sum of \$655,346.97 payable to Alfred Brinkley Roberts to compensate him for injuries and damages sustained. After payment of Alfred Brinkley Roberts' outstanding medical bills, medical liens, and attorney's fees, the remaining proceeds shall be used to provide for the care of Alfred Brinkley Roberts for the duration of his life.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

WHEREAS, on August 31, 1991, Alfred Brinkley Roberts was walking across Ninth Avenue South, near 15th Street, in St. Petersburg, when he was struck by a police cruiser that had been traveling at a speed in excess of 65 miles per hour in a 35-mile-per-hour zone, and

WHEREAS, due to its sliding wheels, the cruiser could not be steered and left more than 200 feet of skid marks as it, in effect, followed Alfred Brinkley Roberts out of the travel lane and into an unmarked parking zone, where the actual impact took place, and

WHEREAS, Alfred Brinkley Roberts' injuries were extreme and included massive brain and orthopedic injuries, incontinence, and confinement for the rest of his life to a wheelchair, and

WHEREAS, the police officer operating the cruiser was investigated by the St. Petersburg Police Department's Internal Affairs, which found the officer to be at fault for causing the accident, and

WHEREAS, at the time of the accident, Alfred Brinkley Roberts had alcohol present in his system; however, it was shown at trial that it would have been impossible for any person to have avoided the swerving, out-of-control cruiser, and

WHEREAS, after a lengthy trial, the jury awarded Alfred Brinkley Roberts \$1,267,735.05, which was reduced by 20 percent to \$1,014,188.04, for comparative negligence, and

WHEREAS, following the trial, the parties entered into a settlement agreement in October 2000 that provides for a total payment of \$764,958.37, less amounts previously paid by the City of St. Petersburg, for a net additional amount of \$655,346.97, and

WHEREAS, Alfred Brinkley Roberts has outstanding medical bills and liens that include, but are not limited to, \$230,239.86 to Bayfront Medical Center, \$6,235 to Dr. Clinton B. Davis, II, and \$153,621 to the Veterans Administration, and

WHEREAS, Alfred Brinkley Roberts also owes his attorney for legal services rendered during the 9 years that he has been pursuing compensation for his injuries and also needs funds for his care for the duration of his life, NOW, THEREFORE,

Pursuant to Rule 4.19, **SB 66** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Brown-Waite offered the following amendment which was moved by Senator Burt:

Amendment 1 (924410)—On page 6, line 17 through page 8, line 9, delete those lines.

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** with pending **Amendment 1** was deferred.

On motion by Senator Burt—

CS for SB 1580—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring that the Comptroller receive representations from the tobacco industry which are used to calculate the annual payments; requiring the Comptroller to verify such representations; requiring that the Auditor General review the verification of representations from the tobacco industry; redesignating the Comptroller as the Chief Financial Officer to conform to a revision of the State Constitution; providing effective dates.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (830146)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (2) through (12) of section 569.21, Florida Statutes, are redesignated as subsections (4) through (14), respectively and new subsections (2) and (3) are added to that section, to read:

569.21 Expenditure of tobacco settlement proceeds.—The following guidelines shall be applied to the expenditure of all funds paid to the State of Florida as a result of litigation entitled *The State of Florida et al. v. American Tobacco Company et al.*, Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County:

(2) *The Governor, in consultation with the Attorney General, shall submit a report to the President of the Senate, the Speaker of the House of Representatives, the Comptroller, and the Auditor General by October 1, 2001, on the status of the settlement agreement as amended, in The State of Florida et al. v. American Tobacco Company et al., Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County. The report shall specifically describe and explain the settlement agreement's formula for determining the amount of the annual tobacco settlement payments and the application of the formula.*

(3) *The Comptroller shall request information from the tobacco industry with respect to calculating the annual tobacco-settlement payments. The Comptroller, in consultation with the Auditor General, shall verify the information from the tobacco industry, verify the annual payment amounts by applying the terms of the settlement agreement to the submitted industry information, and appropriately resolve inconsistencies. The Comptroller may obtain contractual services necessary to verify the information from the tobacco industry.*

(a) *If the Comptroller determines that there has been an overpayment by a settling defendant pursuant to the settlement agreement, and the Auditor General confirms the overpayment, the Comptroller shall notify the Governor, the Senate and the House of Representatives of such overpayment. Upon approval by the Legislative Budget Commission, a refund shall be made to the respective settling defendant for the overpayment by the Comptroller.*

(b) *If the Comptroller determines that there has been an underpayment by a settling defendant pursuant to the settlement agreement, and the Auditor General confirms the underpayment, the Comptroller shall notify the Governor, the Senate, the House of Representatives, and the Attorney General of such underpayment. Within 10 days of the notification the Comptroller shall on behalf of the state request the respective settling defendant to pay the underpayment. If within 40 days after the request for payment, the settling defendant has not made payment or entered into an agreement with the Attorney General and the Governor for a method of payment, the Attorney General shall institute proceedings in State of Florida v. American Tobacco to enforce the agreement and to collect the amount owed.*

(c) *The Auditor General shall annually review the state's process for verifying the annual tobacco settlement payments and confirm that the payments were properly made in accordance with the settlement agreement. The Auditor General shall report on such confirmation and any deviation from such process to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Comptroller and the Attorney General.*

Section 2. *The Governor is authorized to submit a budget amendment to the Legislative Budget Commission to transfer funds from the Tobacco Settlement Clearing Trust Fund or any of the agency Tobacco Settlement Trust Funds to the appropriate trust funds of the Governor, Comptroller, or Attorney General to cover costs incurred to ensure that tobacco settlement receipt amounts are accurate. This section authorizes transfers between agencies, pursuant to the requirements of section 216.292(1)(a), Florida Statutes. The total amount transferred from the Tobacco Settlement Clearing Trust Fund and the agency Tobacco Settlement Trust Funds shall not exceed \$1 million.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring the Governor in consultation with the

Attorney General to report by a date certain on the status of the tobacco settlement agreement and the formula for calculating the annual payments; requiring the Comptroller to request informations from the tobacco industry which are used to calculate the annual payments and to verify such information; requiring the Comptroller to notify the Governor, the Senate and the House of Representatives of any overpayment or underpayment; authorizing any refund of overpayment subject to approval by Legislative Budget Commission; requiring Comptroller to request balance of any underpayment; directing Attorney General to institute action to collect unpaid underpayment; requiring the Auditor General to annually review State's process for verification of representations, to confirm that settlement payments are being made in accordance with the settlement agreement and to report to the Governor, the Legislature and the Attorney General regarding such confirmation; providing an appropriation; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 1580** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1286—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator King and adopted:

Amendment 1 (902318)—On page 5, delete line 1 and insert:

(d) *For fiscal year 2001-2002 only, \$150 million*

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

Amendment 2 (621748)—On page 6, lines 27-30, delete those lines and insert: *of Children and Family Services, the Agency for Health Care Administration, the Department of Health, or the Department of Elderly Affairs for health and human services programs and shall be deposited into*

Senator King moved the following amendment which was adopted:

Amendment 3 (724374)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 17.41, Florida Statutes, is amended to read:

17.41 Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.—

(4) Net proceeds of the sale of the tobacco settlement agreement received by the state shall be immediately deposited into the Lawton Chiles Endowment Fund, created in s. 215.5601 ~~s. 215.5601~~(4), without deposit to the Tobacco Settlement Clearing Trust Fund.

Section 2. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601 ~~s. 215.5601~~(4). Funds shall be used for the purposes of the Florida Biomedical Research Program as specified in s. 215.5602. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2004.

Section 3. Section 215.5601, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 215.5601, F.S., for present text.)

215.5601 *Lawton Chiles Endowment Fund.*—

(1) **LEGISLATIVE INTENT.**—*It is the intent of the Legislature to:*

(a) *Provide a perpetual source of enhanced funding for state children's health programs, child welfare programs, children's community-based health and human services initiatives, elder programs, and biomedical research activities related to tobacco use.*

(b) *Use tobacco settlement moneys as the source of enhanced funding to ensure the financial security of vital health and human services programs for children and elders.*

(c) *Ensure that enhancement revenues will be available to help finance these important programs and initiatives.*

(d) *Provide funds to help support public-health and biomedical research for the prevention, diagnosis, and treatment of diseases related to tobacco use by creating an annual and perpetual source of funding for biomedical research in the state in order to expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers; and increase the state's per capita funding for biomedical research by undertaking new initiatives in biomedical research which will attract additional funding from outside the state while also stimulating economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.*

(e) *Encourage the development of community-based solutions to strengthen and improve the quality of life of Florida's most vulnerable citizens, its children and elders.*

(2) **DEFINITIONS.**—*As used in this section, the term:*

(a) *"Board" means the State Board of Administration established by s. 16, Art. IX of the State Constitution of 1885 and incorporated into s. 9(c), Art. XII of the State Constitution of 1968.*

(b) *"Endowment" means the Lawton Chiles Endowment Fund.*

(c) *"Earnings" means all income generated by investments and the net change in the market value of assets.*

(d) *"State agency" or "state agencies" means the Department of Health, the Department of Children and Family Services, the Department of Elderly Affairs, or the Agency for Health Care Administration, or any combination thereof, as the context indicates.*

(3) **LAWTON CHILES ENDOWMENT FUND; CREATION; PRINCIPAL.**—

(a) *There is created the Lawton Chiles Endowment Fund, to be administered by the State Board of Administration. The endowment shall serve as a clearing trust fund, not subject to termination under s. 19(f), Art. III of the State Constitution. The endowment fund shall be exempt from the service charges imposed by s. 215.20.*

(b) *The endowment shall receive moneys from the sale of the state's right, title, and interest in and to the tobacco settlement agreement as defined in s. 215.56005, including the right to receive payments under such agreement, and from accounts transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund established under s. 17.41. Amounts to be transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund to the*

endowment shall be in the following amounts for the following fiscal years:

1. *For fiscal year 1999-2000, \$1.1 billion;*

2. *For fiscal year 2000-2001, \$200 million;*

3. *For fiscal year 2001-2002, \$200 million;*

4. *For fiscal year 2002-2003, \$200 million; and*

5. *For all subsequent fiscal years, an amount equal to the greater of \$40 million or 10 percent of the payments deposited into the Tobacco Settlement Clearing Trust Fund.*

(c) *Amounts to be transferred under subparagraphs (b)2., 3., 4., and 5. may be reduced by an amount equal to the lesser of \$200 million or the amount the endowment receives in that fiscal year from the sale of the state's right, title, and interest in and to the tobacco settlement agreement.*

(d) *Beginning in fiscal year 2001-2002, \$150 million of the existing principal in the endowment shall be reserved and accounted for within the endowment to be used solely for the funding for biomedical research activities as provided in s. 215.5602. The remaining principal shall be used solely as the source of funding for health and human services programs for children and elders as provided in subsection (5). The separate account for biomedical research shall be dissolved and the entire principal in the endowment shall be used exclusively for health and human services programs when cures have been found for tobacco-related cancer, heart, and lung disease.*

(4) **ADMINISTRATION.**—

(a) *The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with an investment plan developed by the executive director and approved by the board.*

(b) *The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow shall be included within the investment plan adopted under paragraph (a).*

(c) *In accordance with s. 215.44, the board shall include separate sections on the financial status of the endowment in its annual investment report to the Legislature.*

(d) *Accountability for funds from the endowment which have been appropriated to a state agency and distributed by the board shall reside with the state agency. The board is not responsible for the proper expenditure of or accountability concerning funds from the endowment after distribution to a state agency.*

(e) *Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment. Fees for investment services shall be no greater than fees charged to the Florida Retirement System.*

(5) **AVAILABILITY OF FUNDS; USES.**—

(a) *Funds from the endowment which are available for legislative appropriation shall be transferred by the board to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund, created in s. 17.41, and disbursed in accordance with the legislative appropriation.*

1. *Appropriations by the Legislature to the Department of Health from endowment earnings from the principal set aside for biomedical research shall be from a category called Florida Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund in the Department of Health established in s. 20.435.*

2. Appropriations by the Legislature to the Department of Children and Family Services, the Department of Health, or the Department of Elderly Affairs for health and human services programs shall be from a category called the Lawton Chiles Endowment Fund Programs and shall be deposited into each department's respective Tobacco Settlement Trust Fund as appropriated.

(b) In order to ensure that the expenditure of funds earned from the Lawton Chiles Endowment Fund will be used for the purposes intended by the Legislature, the Legislature shall establish line item categories for the state agencies describing the designated use of the appropriated funds as provided in the General Appropriations Act.

(c) The secretaries of the state agencies shall conduct meetings to discuss priorities for endowment funding for health and human services programs for children and elders before submitting their legislative budget requests to the Executive Office of the Governor and the Legislature. The purpose of the meetings is to gain consensus for priority requests and recommended endowment funding levels for those priority requests. No later than September 1 of each year, the secretaries of the state agencies shall also submit their consensus priority requests to the Lawton Chiles Endowment Fund Advisory Council created in subsection (6).

(d) Subject to legislative appropriations, state agencies shall use distributions from the endowment to enhance or support increases in clients served or to meet increases in program costs in health and human services program areas. Funds distributed from the endowment may not be used to supplant existing revenues.

(e) Notwithstanding s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations as of June 30 or undisbursed balances as of December 31 shall revert to the endowment's principal. Unencumbered or undisbursed balances appropriated for biomedical research shall revert to the principal in the separately reserved and accounted-for portion of the endowment established for biomedical research activities.

(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the tobacco settlement trust funds of the state agencies for a fiscal year shall be prorated among the specific appropriations made from all tobacco settlement trust funds of the state agencies for that year.

(6) **ADVISORY COUNCIL.**—The Lawton Chiles Endowment Fund Advisory Council is established for the purpose of reviewing the funding priorities of the state agencies, evaluating their requests against the mission and goals of the agencies and legislative intent for the use of endowment funds, and allowing for public input and advocacy.

- (a) The advisory council shall consist of 14 members, including:
1. The director of the United Way of Florida, Inc., or his or her designee;
 2. The director of the Foster Parents Association, or his or her designee;
 3. The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;
 4. The president of the Florida Association of Area Agencies on Aging, or his or her designee;
 5. The State Long-Term Care Ombudsman, or his or her designee;
 6. The director of the Florida Pediatric Society, or his or her designee;
 7. A representative of the Guardian Ad Litem Program, appointed by the Governor;
 8. A representative of a child welfare lead agency for community-based care, appointed by the Governor;
 9. A representative of an elder care lead agency for community-based care, appointed by the Governor;

10. A representative of a statewide child advocacy organization, appointed by the Governor;

11. One consumer caregiver for children, appointed by the Governor;

12. One person over the age of 60 years to represent the interests of elders, appointed by the Governor;

13. One person under the age of 18 years to represent the interests of children, appointed by the Governor; and

14. One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.

(b) Before November 1 of each year, the advisory council shall advise the Governor and the Legislature as to its recommendations with respect to the priorities submitted by the secretaries of the state agencies with respect to endowment funding for health and human services programs for children and elders. The responsibilities of the advisory council include:

1. Evaluating the value of programs and services submitted by the state agencies as they relate to the overall enhancement of services to children and elders;

2. Developing criteria and guiding principles for ranking the priorities submitted by the state agencies;

3. Providing recommendations with respect to funding levels for the programs ranked by the advisory council;

4. Participating in periodic evaluation of programs funded by the endowment to determine the need for continued funding; and

5. Soliciting input from child and elder advocacy organizations, community stakeholders, providers, and the public with respect to statewide child and elder needs and the effectiveness of program service delivery systems.

(c) Members of the advisory council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties. The Department of Children and Family Services shall provide staff and other administrative assistance reasonably necessary to assist the advisory council in carrying out its responsibilities. Administrative costs of the advisory council shall be charged equally to endowment funds deposited in the Department of Children and Family Services and the Department of Elderly Affairs Tobacco Settlement Trust Funds.

Section 4. Section 215.5602, Florida Statutes, is amended to read:

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health the Florida Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601 ~~s. 215.5601~~(4). The purpose of the Florida Biomedical Research Program is to provide an annual and perpetual source of funding in order to support research initiatives that address the health care problems of Floridians in the areas of tobacco-related cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, and treatments for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(c) Improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers.

(d) Increase the state's per capita funding for biomedical research by undertaking new initiatives in public health and biomedical research that will attract additional funding from outside the state.

(e) Stimulate economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

(2) Funds appropriated for the Florida Biomedical Research Program shall be used exclusively for the award of grants and fellowships as established in this section; for research relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section.

(3) There is created within the Department of Health the Biomedical Research Advisory Council.

(a) The council shall consist of nine members, including: the chief executive officer of the Florida Division of the American Cancer Society, or a designee; the chief executive officer of the Florida/Puerto Rico Affiliate of the American Heart Association, or a designee; and the chief executive officer of the American Lung Association of Florida, or a designee. The Governor shall appoint the remaining six members of the council, as follows:

1. Two members with expertise in the field of biomedical research.
2. One member with expertise in the field of behavioral or social research.
3. One member from a professional medical organization.
4. One member from a research university in the state.
5. One member representing the general population of the state.

In making his or her appointments, the Governor shall select primarily, but not exclusively, Floridians with biomedical and lay expertise in the general areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The Governor's appointments shall be for a 3-year term and shall reflect the diversity of the state's population. A council member appointed by the Governor may not serve more than two consecutive terms.

(b) The council shall adopt internal organizational procedures as necessary for its efficient organization.

(c) The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

(d) Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

(4) The council shall advise the Secretary of Health as to the direction and scope of the biomedical research program. The responsibilities of the council may include, but are not limited to:

- (a) Providing advice on program priorities and emphases.
- (b) Providing advice on the overall program budget.
- (c) Participating in periodic program evaluation.
- (d) Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.
- (e) Assisting in the development of appropriate linkages to nonacademic entities, such as voluntary organizations, health care delivery institutions, industry, government agencies, and public officials.
- (f) Developing criteria and standards for the award of research grants.
- (g) Developing administrative procedures relating to solicitation, review, and award of research grants and fellowships, to ensure an impartial, high-quality peer review system.
- (h) Developing and supervising research peer review panels.

(i) Reviewing reports of peer review panels and making recommendations for research grants and fellowships.

(j) Developing and providing oversight regarding mechanisms for the dissemination of research results.

(5)(a) Applications for biomedical research funding under the program may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institution affiliation, shall have equal access and opportunity to compete for the research funding.

(b) Grants and fellowships shall be awarded by the Secretary of Health, after consultation with the council, on the basis of scientific merit, as determined by an open competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.
2. Institutional research grants.
3. Predoctoral and postdoctoral research fellowships.

(6) To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.

(7) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. A member of the council or panel *may not* participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee, or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels shall be subject to the provisions of chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(8) The department may contract on a competitive-bid basis with an appropriate entity to administer the program. Administrative expenses may not exceed 15 percent of the total funds available to the program in any given year.

(9) The department, after consultation with the council, may adopt rules as necessary to implement this section.

(10) The council shall submit an annual progress report on the state of biomedical research in this state to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

- (a) A list of research projects supported by grants or fellowships awarded under the program.
- (b) A list of recipients of program grants or fellowships.
- (c) A list of publications in peer reviewed journals involving research supported by grants or fellowships awarded under the program.
- (d) The total amount of biomedical research funding currently flowing into the state.
- (e) New grants for biomedical research which were funded based on research supported by grants or fellowships awarded under the program.
- (f) Progress in the *prevention, diagnosis, and* treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 5. *There is appropriated \$25,000 each to the Department of Children and Family Services and the Department of Elderly Affairs from Lawton Chiles endowment funds deposited into each department's Tobacco Settlement Trust Fund to pay for administrative costs associated*

with the *Lawton Chiles Endowment Fund Advisory Council established in section 215.5601, Florida Statutes.*

Section 6. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

On motion by Senator King, further consideration of **CS for SB 1286** as amended was deferred.

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

CS for SB 1978—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term “section 38 property” with an express definition of the terms “industrial machinery and equipment” and “motion picture and video equipment”; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term “fixtures”; eliminating reference to the term “trade fixture”; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year’s information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state’s system into compliance with the Streamlined Sales and Use Tax Agreement; amending s.

213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person’s failure to comply with the state’s tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of “lease,” “let,” “rental,” or “license” certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 2 (343982)** by Senator Rossin was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1978** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 1286—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **CS for SB 1286** as amended, on motion by Senator King, by two-thirds vote **CS for HB 563** was withdrawn from the Committees on Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator King—

CS for HB 563—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming

statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1286** as amended and read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (785608)—On page 5, lines 1-5, delete those lines and insert:

(c) *Amounts to be transferred under subparagraphs (b)2., 3., and 4. may be reduced by an amount equal to the*

Amendment 2 (862920)—On page 5, line 9, delete “*Beginning in*” and insert: *For*

Senator Rossin moved the following amendments which were adopted:

Amendment 3 (962296)—On page 5, line 11, delete “*to*” and insert: *, the income from which shall*

Amendment 4 (213908)—On page 5, line 13, following “*The*” insert: *income from the*

MOTION

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

Senator King moved the following amendment which was adopted:

Amendment 5 (515886)—On page 9, lines 1-30, delete those lines and insert:

(a) *The advisory council shall consist of 15 members, including:*

1. *The director of the United Way of Florida, Inc., or his or her designee;*
2. *The director of the Foster Parents Association, or his or her designee;*
3. *The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;*
4. *The president of the Florida Association of Area Agencies on Aging, or his or her designee;*
5. *The State Long-Term Care Ombudsman, or his or her designee;*
6. *The state director of the Florida AARP, or his or her designee;*
7. *The director of the Florida Pediatric Society, or his or her designee;*
8. *A representative of the Guardian Ad Litem Program, appointed by the Governor;*
9. *A representative of a child welfare lead agency for community-based care, appointed by the Governor;*
10. *A representative of an elder care lead agency for community-based care, appointed by the Governor;*
11. *A representative of a statewide child advocacy organization, appointed by the Governor;*
12. *One consumer caregiver for children, appointed by the Governor;*
13. *One person over the age of 60 years to represent the interests of elders, appointed by the Governor;*
14. *One person under the age of 18 years to represent the interests of children, appointed by the Governor; and*

15. *One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.*

Pursuant to Rule 4.19, **CS for HB 563** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for CS for SB 1880—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term “electronic transmission” to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet for purposes of proxy voting; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional procedures for shareholders to use in exercising certain rights; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (193220)(with title amendment)—On page 5, between lines 22 and 23, insert:

Section 3. Subsection (8) is added to section 15.16, Florida Statutes, to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(8) *The Department of State may use government or private sector contractors in the promotion or provision of any electronic filing services and may discount the filing fee in an amount equal to the convenience charge for such electronic filings.*

Section 4. Paragraph (b) of subsection (2) of section 607.193, Florida Statutes, is amended to read:

607.193 Supplemental corporate fee.—

(2)

(b) In addition to the fees levied under ss. 607.0122, 608.452, and 620.182 and the supplemental corporate fee, a late charge of \$400 shall be imposed if the supplemental corporate fee is remitted after May 1 *except in circumstances in which a business entity did not receive the uniform business report prescribed by the department.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: amending s. 15.16, F.S.; authorizing the department to discount a filing fee in an amount equal to the convenience charge imposed for an electronic record filing by way of a contractor; amending s. 607.193, F.S.; waiving the charge for late filings of supplemental corporate fees when the business entity did not receive the uniform business report prescribed by the department;

Pursuant to Rule 4.19, **CS for CS for SB 1880** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1724—A bill to be entitled An act relating to children and families; creating s. 409.9072, F.S.; requiring the Agency for Health Care Administration to develop mechanisms for certification of local funds as state match for Medicaid projects, to maximize federal Title XIX funding for children and families; providing for return of funds to the local entities; requiring prior approval of local projects by the agency and the Department of Children and Family Services; specifying project requirements; providing for modification of the Medicaid state plan; providing

for federal waivers; providing responsibilities of the agency with respect to administrative and service costs, monitoring of service delivery, and standards and quality of care; authorizing the department and the agency to adopt rules; requiring an annual report; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1724** was placed on the calendar of Bills on Third Reading.

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

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for HB 157** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1568—A bill to be entitled An act relating to health care service programs; amending s. 641.51, F.S.; requiring that only certain physicians licensed in this state may render adverse determinations for health maintenance organizations and prepaid health clinics; clarifying the authority of the Board of Medicine and the Board of Osteopathic Medicine; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1568** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 2058—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay for boarding during certain hearings that may prosecute violators and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 767.14, F.S.; deleting an application exemption; amending s. 828.055, F.S.; authorizing additional drugs for which permits may be issued for the capture or euthanasia of animals; amending s. 828.058, F.S.; requiring chemical immobilization training, which training must be approved by the Board of Veterinary Medicine; amending s. 828.03, F.S.; requiring training for certain agents of counties or societies that may prosecute violators; amending s. 828.073, F.S.; authorizing officers and agents of municipalities to take actions with respect to animals in distress and officers and agents of counties; amending s. 828.27, F.S.; redefining the term “animal control officer”; increasing training requirements; providing an effective date.

—was read the second time by title.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 1 (552866)(with title amendment)—On page 9, lines 9-19, delete those lines and renumber subsequent sections

And the title is amended as follows:

On page 1, lines 18-20, delete those lines and insert: under specified circumstances; amending s. 828.055, F.S.;

Pursuant to Rule 4.19, **CS for CS for SB 2058** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing appropriations; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3 (103668)** by Senator Brown-Waite was withdrawn.

Pursuant to Rule 4.19, **SB 1394** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 1640—A bill to be entitled An act relating to education; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; providing an effective date.

—was read the second time by title.

Senator Horne offered the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (145148)(with title amendment)—On page 1, line 10, insert:

Section 1. (1) *The Legislature intends to ensure that all high schools provide supportive services to students and their parents to determine the comprehensive program of study that will best meet the needs and goals of each student. At a minimum, these services must include access to a guidance counselor and assistance in developing an educational and career plan. Each high school shall provide a variety of comprehensive, relevant programs of study which will meet the needs of all students and enable each student to pursue his or her individual educational and career goals.*

(2) *Key components of this process are:*

(a) *A variety of programs of study which are based on individual educational and career goals.*

(b) *Parental involvement in the identification of the appropriate program of study.*

(c) *Assurance that all programs of study are designed to provide a seamless transition to an appropriate postsecondary education and employment.*

Section 2. (1) *A career and technical education program within a comprehensive high school program of study must be certified or endorsed by the appropriate industry to ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in that industry.*

(2) *Effective July 1, 2006, each career and technical program preparing for postsecondary education and employment offered as part of a comprehensive program of study in a high school must be industry-certified or endorsed, except for courses classified as exploratory, orientation, or practical arts. A student enrolled in a course within a career and technical program that is not industry-certified may not be reported for full-time equivalent funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts. The Department of Education shall assure that each program is certified by July 1, 2006, and recertified at least every 5 years. The department shall adopt rules for the certification process, and the rules*

must establish any necessary procedures for obtaining appropriate business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.

(3) Each full-time equivalent student in an industry-certified or endorsed career and technical program generates 1.15 times the cost factor for students enrolled in the basic program for grades 9-12, as provided by section 236.081, Florida Statutes, and the annual General Appropriations Act.

(4) Effective July 1, 2006, each career and technical education program offered by a high school and able to be articulated to a postsecondary level must also have an articulation agreement with one or more appropriate postsecondary education institutions to ensure a seamless transition to a related postsecondary program without a loss of credit for the student. Students enrolled in a program that is not articulated to a postsecondary program may not be reported for full-time equivalent student funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts or terminates at the high school level.

Section 3. (1) A comprehensive program of study in career and technical education must be designed to ensure that, upon completion of the program of study and graduation from high school, a student is prepared to continue his or her education at a postsecondary education institution and obtain employment. Therefore, a comprehensive career and technical program of study must require of each student:

(a) Completion of academic courses with a designation from the Department of Education of level two or above. All credits earned to meet graduation requirements in mathematics, science, and communication must have that designation.

(b) Attainment of at least one occupational completion point in an industry-certified or endorsed career and technical education program or completion of at least two courses in a technology education program.

(c) Completion of a one-credit core course addressing workplace-readiness skills. The Department of Education shall define in rule the content of the course and shall assure that the course meets graduation requirements for performing arts or practical arts. The course requirement may be satisfied through infusing course content into existing select career and technical education course.

(d) Participation in work-based learning experiences, as defined in rule by the Department of Education.

(e) Participation in a capstone activity that includes a project related to a career. This activity is designed to apply and demonstrate the competencies and concepts attained in the student's program of study. The Department of Education may specify in rule characteristics of capstone activities that meet the intent of this paragraph.

(2) The Legislature intends to recognize with an endorsement on the high school diploma a student who:

(a) Completes the requirements for high school graduation as provided in section 232.246, Florida Statutes, and the additional requirements for a comprehensive career and technical program of study provided in subsection (1).

(b) Passes the college entry-level placement test or an equivalent test identified by the department with a score adequate to enroll in a public postsecondary education program without the need for college preparatory or vocational preparatory instruction.

(3) The endorsement indicates that the student is prepared to continue into postsecondary education without the need for remediation and that the student has marketable employment skills. The Department of Education may adopt by rule a standard format for the endorsement.

(4) For each student who receives the endorsement on his or her diploma, the school district shall receive incentive funding, as provided in section 236.081, Florida Statutes, and the annual General Appropriations Act.

(5) A school district that generates funds as a result of industry-certified programs or incentive funding for student achievement of the endorsement must expend the total amount on the comprehensive career

and technical program of study. The district may not apply indirect charges to incentive funds earned.

Section 4. The Legislature finds that, to adequately assist students in advanced technical and academic career planning, high school guidance counselors and career specialists require preservice and inservice professional development programs that contain sufficient information on career education.

(1) Each guidance counselor and career specialist in a school with technical education programs certified as provided in section 2 of this act shall complete 12 inservice points in technical education and career development which include:

(a) An emphasis on labor-market trends and projections;

(b) A practicum that focuses on development of a career-awareness program; and

(c) Content related to a career or employment within the counselor's work experience.

(2) The Department of Education shall assist guidance counselors and career specialists in attaining the additional inservice required. The State Board of Education shall revise rules governing the certification and recertification of guidance counselors to allow substitution of personal work-based experiences and temporary-employment opportunities in business and industry for the required classroom instruction. A minimum of 12 hours of inservice in career and technical education will be required for each 5-year period.

(3) To implement the requirements of this act through preservice education, the Legislature encourages colleges of education to provide for the additional courses required without increasing the total number of credit hours needed to complete a program. Instead, the colleges are encouraged to infuse course content required for ethics courses into courses required for introduction, theory, and practicum.

Section 5. Paragraph (b) of subsection (9) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—“Instructional personnel” means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(b) Pupil personnel services.—Pupil personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, ~~career occupational placement~~ specialists, and school psychologists.

Section 6. Paragraph (c) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(c) Develop programs for preservice and inservice training for the purpose of infusing career education concepts into the basic curricula of public schools and core curricula of community colleges and state universities and programs for preservice and inservice training for counselors and ~~career occupational and placement~~ specialists to assist in career counseling and placement and followup activities.

Section 7. Paragraph (a) of subsection (5) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(5) Each school district shall designate one or more persons to coordinate local private sector and education partnership activities. The general activities of these coordinators shall be to enhance private sector and education partnership activities. The specific duties of the district coordinators shall include, but not be limited to, the following:

(a) Maintaining contact with local businesses and industries, local chamber of commerce organizations, regional workforce boards ~~private industry councils with Job Training Partnership Act programs, district, career occupational~~ specialists, guidance personnel, economics educators, volunteer coordinators, community education coordinators, appropriate governmental personnel, and any others interested in private sector and education partnerships.

Section 8. Paragraphs (c), (d), and (l) of subsection (1) of section 236.081, Florida Statutes, are amended, present paragraphs (m) through (p) of that subsection are redesignated as paragraphs (n) through (q), respectively, and a new paragraph (m) is added to that subsection, and paragraph (a) of subsection (5) of that section is amended, to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *A secondary career or technical education program certified as required by section 2 of this act generates funding as provided in paragraph (m). Effective July 1, 2006, a full-time equivalent student in a career or technical education program that is not industry-certified or endorsed shall not generate any state funding unless the student is in a course classified as exploration, orientation, or practical arts and the General Appropriations Act contains a cost factor for such courses. The Department of Education shall complete a study by January 2002 to determine if career and technical education programs should have differentiated funding weights.* The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

- a. Kindergarten and grades 1, 2, and 3.
- b. Grades 4, 5, 6, 7, and 8.
- c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

- a. Support Level IV.
- b. Support Level V.

3. Secondary career and technical education programs, *industry-certified or endorsed.*—

4. *Career and technical education programs, all other programs.*—

5.4. English for Speakers of Other Languages.—

(d) Annual allocation calculation.—

1. The Department of Education ~~shall be authorized and directed to~~ review all district programs and enrollment projections and calculate a

maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, all basic programs other than the programs in group 1, and all vocational programs in grades 6-12 ~~7-12~~.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(l) Instruction in career education.—~~Effective for the 1985-1986 school year and thereafter,~~ District pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. *Beginning July 1, 2006, a career and technical course may not be substituted for another required course unless it is part of an industry-certified or endorsed program certified as provided in section 2 of this act.* A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory course program may substitute credit for a portion of the required four credits in English, three credits in mathematics, *any credits in social studies,* and three credits in science. The credit substituted for English, mathematics, *social studies,* or science earned through the vocational job-preparatory course program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. The State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies,* and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies,* and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. ~~A career and technical course vocational program~~ which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course. *Such a course is eligible for funding at 1.15 times the cost factor for students enrolled in the basic program for grades 9-12 only if it is part of a program certified or endorsed as required by section 2 of this act.*

(m) *Calculation of full-time equivalent membership for an industry-certified or endorsed technical program.—Funding for students enrolled in an industry-certified program as provided in section 2 of this act is calculated at 1.15 times the cost factor for students enrolled in the program for grades 9-12 and multiplying that number by the number of full-time equivalent students in an industry-certified or endorsed career and technical program. A student who earns the endorsement authorized by section 3 of this act generates additional incentive funding for the program, as provided in subsection (5). During the transition from the 2001-2002 school year until July 1, 2006, all career and technical education programs not industry-certified or endorsed or articulated to postsecondary institutions will continue to earn weighted funding as determined in the General Appropriations Act.*

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

- (a) General.—
1. Comprehensive school construction and debt service as provided by law.
 2. Community schools as provided by law.
 3. School lunch programs as provided by law.
 4. Instructional material funds as provided by law.
 5. Student transportation as provided by law.
 6. Student development services as provided by law.
 7. Diagnostic and learning resource centers as provided by law.
 8. Comprehensive health education as provided by law.
 9. Excellent Teaching Program as provided by law.

10. *Attainment of the high school career and technical endorsement authorized by section 3 of this act and rules of the State Board of Education.*

Section 9. Section 239.121, Florida Statutes, is amended to read:

239.121 ~~Career Occupational~~ specialists.—

(1) District school boards and community college boards of trustees may employ ~~career occupational~~ specialists to provide student counseling services and occupational information to students and to provide information to local business and industry regarding the availability of vocational programs through local educational institutions. Under the supervision of a certified counselor, ~~career occupational~~ specialists may undertake special assignments that include, but are not limited to, the identification and intensive counseling of current and former students and the parents of such students, as well as counseling students and all education personnel regarding job and career opportunities.

(2) ~~Career Occupational~~ specialists shall receive certification pursuant to State Board of Education rule ~~and s. 231.1725.~~ ~~A career No occupational~~ specialist may not be paid less than any other member of the instructional personnel who has equivalent qualifications and provides similar services. ~~Career Occupational~~ specialists may receive salary supplements upon documentation that such supplements are necessary for recruiting or retaining suitable personnel.

(3) *The Department of Education and each school district that employs a career specialist shall assist that person in preparing a professional development plan designed to provide the skills necessary to perform the duties associated with implementing a comprehensive technical education program of study.*

Section 10. Paragraph (a) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)(a) *Each school board and superintendent shall direct the smooth transition of high school career and technical education programs to industry-certified or endorsed programs of study included in a comprehensive course of study. Each school board and superintendent shall also direct the implementation of all components required to obtain the endorsement authorized in section 3 of this act if the district chooses to offer the endorsement.* School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:

1. Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.
2. Student awareness of available vocational programs and the corresponding occupations into which such programs lead.
3. Student development of individual career plans.
4. Integration of academic and vocational skills in the secondary curriculum.
5. Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college-preparatory or vocational-preparatory instruction.
6. Student retention in school through high school graduation.
7. *Career and technical Vocational* curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-

development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents;

Pursuant to Rule 4.19, **CS for SB 1640** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING, continued

On motion by Senator Sullivan, by two-thirds vote **CS for CS for HB 1193** was withdrawn from the Committee on Education.

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

CS for CS for HB 1193—A bill to be entitled An act relating to education; amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

—a companion measure, was substituted for **CS for SB 1704** as amended and by two-thirds vote read the second time by title.

On motion by Senator Sullivan, further consideration of **CS for CS for HB 1193** was deferred.

SB 1444—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

—as amended April 30 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **SB 1444** to **HB 1865**.

Pending further consideration of **SB 1444** as amended, on motion by Senator Burt, by two-thirds vote **HB 1865** was withdrawn from the Committee on Judiciary.

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

HB 1865—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 1444** as amended and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 1865** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1662—A bill to be entitled An act relating to Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; authorizing a line item on utility sewer rates to cover wastewater residual treatment and disposal in certain counties; providing exemption from requirements of the Public Service Commission; providing for audits; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Laurent, **CS for SB 1662** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **SB 1632** and **HB 601** was deferred.

CS for SB 1726—A bill to be entitled An act relating to public records; providing for release of such information under certain circumstances; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 1726** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Consideration of **HB 395** was deferred.

COMMUNICATION

The Honorable John M. McKay, President
The Florida Senate

May 1, 2001

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Report on **SB 2000** and **SB 2002** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed May 1, 2001 at 7:20 p.m.

Respectfully submitted,
Faye W. Blanton, Secretary

SB 1632—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing that the tax imposed under this section applies to certificates of title issued in a judicial sale of real property pursuant to a court order or final judgment issued in a foreclosure proceeding; providing the method for computing the tax; providing that this act is to clarify, not change, the law; providing for retroactive applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **SB 1632** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea to nay—Webster

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms “participating manufacturer,” “outdoor advertising,” and “transit advertisements”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—with pending **Amendment 1 (924410)** by Senator Brown-Waite.

On motion by Senator Burt, by two-thirds vote further consideration of **CS for CS for SB 2214** with pending **Amendment 1** was scheduled for 7:30 p.m.

On motion by Senator Brown-Waite, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for HB 41.

John B. Phelps, Clerk

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; repealing s. 13 of ch. 2000-350, Laws of Florida, which requires county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 41** was withdrawn from the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; and Rules and Calendar; and returned to the House as requested.

THE PRESIDENT PRESIDING

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

BILLS ON THIRD READING, continued

SB 54—A bill to be entitled An act relating to the City of Coral Springs; providing for the relief of Helene Rippe; authorizing and directing the City of Coral Springs to compensate her for personal injuries she suffered due to the negligence of the city; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Campbell, **SB 54** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Latvala	Pruitt
Bronson	Dawson	Laurent	Rossin
Brown-Waite	Diaz de la Portilla	Lawson	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	Klein	Posey	

Nays—2

King	Webster
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Vote after roll call:

Yea—Sullivan

HB 601—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; providing an exemption for fraudulent conveyances; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a “Notice to Defendant”; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; amending s. 713.901, F.S., the Florida Uniform Federal Lien Registration Act; providing procedures for filing documentation relating to federal liens; providing an effective date.

—as amended April 30 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1 (710238)** was adopted. **Amendment 1** was withdrawn.

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

Amendment 2 (781442)—On page 10, lines 19-28, delete those lines and insert: *lien as the equities may require. This subsection shall not apply to:*

(a) *A transfer to a relative or an insider of the judgment debtor, as such are defined at s. 726.102;*

(b) *A fraudulent transfer, as defined by s. 726.105, s. 726.106, or 11 U.S.C. 548;*

(c) *A fraudulent asset conversion as defined by s. 222.30;*

(d) *Twenty-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$10,000;*

(e) *Fifty percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$20,000;*

(f) *Seventy-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$25,000; or*

(g) *Any transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$30,000.*

Amendment 3 (330050)—On page 14, line 10, delete “55.202(2)” and insert: *55.202(2)(b)*

Amendment 4 (330168)—On page 4, line 7, delete “s. 55.205(5)” and insert: *s. 55.202(5)*

On motion by Senator Burt, **HB 601** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—King

Consideration of **SB 30** was deferred.

SB 26—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and directing the City of West Palm Beach to compensate Ms. Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **SB 26** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Klein	Pruitt
Bronson	Dawson	Latvala	Rossin
Brown-Waite	Diaz de la Portilla	Laurent	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Garcia	Meek	Silver
Carlton	Geller	Miller	Smith
Clary	Holzendorf	Mitchell	Villalobos
Constantine	Horne	Peaden	Wasserman Schultz
Cowin	Jones	Posey	

Nays—2

King	Webster
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Vote after roll call:

Yea—Lawson, Sullivan

SB 58—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek as the widow of Wieslaw

Skowronek and as personal representative of the Estate of Wieslaw Skowronek and for the relief of Anna Marie, Victor, and Hubert Alexander Skowronek, the minor children of Wieslaw Skowronek, for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **SB 58** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Laurent	Saunders
Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	

Nays—3

King	Lee	Webster
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SB 10—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea, for injuries and damages sustained by Ms. Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing for a reversionary interest to the Orange County Sheriff's Office; providing legislative intent with respect to expenditures; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **SB 10** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Klein	Rossin
Bronson	Dawson	Laurent	Sanderson
Brown-Waite	Diaz de la Portilla	Lawson	Saunders
Burt	Dyer	Meek	Sebesta
Campbell	Garcia	Miller	Silver
Carlton	Geller	Mitchell	Smith
Clary	Holzendorf	Peaden	Sullivan
Constantine	Horne	Posey	Villalobos
Cowin	Jones	Pruitt	Wasserman Schultz

Nays—3

King	Lee	Webster
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Vote after roll call:

Yea—Latvala

SENATOR SILVER PRESIDING

SPECIAL ORDER CALENDAR, continued

Pursuant to the motion by Senator Burt, the hour of 7:30 p.m. having arrived, the Senate resumed consideration of—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15,

F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—with pending **Amendment 1 (924410)** by Senator Brown-Waite.

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** with pending **Amendment 1** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Brown-Waite—

CS for SB 1848—A bill to be entitled An act relating to public records; providing an exemption from the public records law for information that identifies the claimant or case number in certain proceedings involving a nursing home or assisted living facility and that is provided to the Agency for Health Care Administration as required by law; providing an exemption from the public-records law for reports of liability claims involving nursing homes that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (345432)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The information contained in any report of liability claims against nursing homes and assisted living facilities provided to the Agency for Health Care Administration as required under sections 400.147(9) and 400.423(5), Florida Statutes, is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity to protect the identity of claimants, nursing homes and assisted living facilities in the monthly reporting of claims to the Agency for Health Care Administration. The monthly reports detail the names of claimants and facilities, the alleged type of injury or violation and dates of occurrence. Such claims are preliminary allegations that may not result in a finding of liability or fault on the part of the facility. Consequently, release of such information to the public may unnecessarily and unfairly impact the business operation of the facility. The Legislature finds that it is not in the best interests of the claimants and facilities to make such sensitive information publicly available. Claimants will be forced to choose between either filing a claim regarding a facility to protect their rights, or alternatively, maintain their privacy regarding long-term care provided to themselves or a relative. The Legislature finds that the public will have the benefit of aggregated facility claims data by access to the agency's annual reports on long-term care claims to the Legislature, presented on a by-county basis. The Legislature also finds that those claims with sufficient merit will result in a formal legal complaint filed in a court of law, will as well be public information. Accordingly, the Legislature finds that the harm to facility residents and facilities due to the release of preliminary claims substantially outweighs any minimal public benefit derived therefrom.*

Section 3. This act shall take effect on the date Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 1202, relating to long-term care, or similar legislation becomes a law, and shall not take effect if such legislation does not become a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; providing an exemption from the public-records law for reports of liability claims involving nursing

homes and assisted living facilities that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for SB 1848** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 954** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with amendments, was withdrawn from the Committee on Appropriations and the amendments recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **SB 1488** which has been reported favorably by the Appropriations Subcommittee on Education, was withdrawn from the Committee on Appropriations; **CS for SB 910** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and **SJR 124**, **CS for SB 1002** and **SJR 1176** were withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet five minutes after recess this day.

MOTIONS

On motion by Senator Lee, a deadline of thirty minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 2.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 2.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 2, 2001: **SJR 1700**, **CS for SJR 2236**, **CS for SB 1562**, **SB 330**, **CS for SB 442**, **CS for SB 1920**, **SB 456**, **SB 344**, **CS for SB 436**, **CS for CS for SB 478**, **CS for SB 422**, **SB 878**, **CS for SB 988**, **SB 1278**, **CS for SB 492**, **CS for SB 872**, **CS for SB 388**, **SB 918**, **CS for CS for SB 1624**, **CS for CS for SB 2224**, **CS for SB 1680**, **CS for SB 2012**, **CS for CS for SB 2178**, **CS for CS for SB 738**, **CS for CS for SB 1092**, **SB 486**, **CS for SB 1188**, **SB 1958**, **SB 1906**, **SB 2126**, **SB 454**, **CS for SB 2028**, **CS for SB 1926**, **SB 484**, **CS for SB 822**, **CS for CS for SB 856**, **CS for CS for SB 858**, **SB 804**, **CS for SB 1056**, **CS for CS for SB 1312**, **SB 1314**, **CS for CS for SB 1204**, **CS for SB 1458**, **CS for SB 1528**, **CS for SB 1542**, **CS for SB 1560**, **CS for SB 1466**, **CS for CS for SB 1664**, **CS for SB 1720**, **SB 1738**, **CS for SB 1750**, **CS for SB 1966**, **SB 514**

Respectfully submitted,
Tom Lee, Chairman

The Committee on Appropriations recommends the following pass: **HB 1707**, **HB 1711**, **HB 1717**, **HB 1719**, **HB 1737**, **HB 1743**, **HB 1821** with 1 amendment

The Committee on Finance and Taxation recommends the following pass: **HB 21** with 1 amendment

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

The Committee on Finance and Taxation recommends a committee substitute for the following: **SB 156**

The bill with committee substitute attached was referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Finance and Taxation recommends a committee substitute for the following: **Senate Bills 128 and 1598**

The bills with committee substitute attached were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Finance and Taxation; and Senators Lee, King, Cowin and Crist—

CS for SB's 128 and 1598—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

By the Committee on Finance and Taxation; and Senator Cowin—

CS for SB 156—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and school supplies shall be exempt from such tax; defining the terms "clothing" and "school supplies" for purposes of the exemption; providing for rules; providing an appropriation; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 218** and **SB 412** which he approved on May 1, 2001.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed **CS for HB 257**, **HB 559**, **CS for HB 589**, **CS for HB 795**, **HB 873**, **HB 941**, **CS for HB 979**, **HB 1039**, **CS for HB 1425**, **CS for HB 1633**, **HB 1785**; has passed as amended **CS for HB 9**, **CS for HB 19**, **CS for HB 157**, **HB 421**, **HB 489**, **HB 821**, **HB 853**, **HB 863**, **HB 867**, **HB 891**, **HB 917**, **HB 929**, **HB 931**, **HB 947**, **HB 1125**, **CS for CS for HB 1193**, **HB 1215**, **HB 1519**, **HB 1635**, **HB 1673**, **HB 1695**, **HB 1845**, **HB 1865**, **HB 1887**, **HB 1943**; has passed by the required Constitutional three-fifths vote of the membership **HB 1909**, **HB 1941** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Transportation; and Representative Bullard—

CS for HB 257—A bill to be entitled An act relating to road designations; designating "Steven Cranman Boulevard" and "Ethel Beckford Boulevard" in Miami-Dade County; designating "Phicol Williams Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Peterman and others—

HB 559—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue

to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

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

By the Council for Ready Infrastructure; and Representative Fasano and others—

CS for HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Claims; and Representative Justice—

CS for HB 795—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Representative Frankel and others—

HB 873—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 16 of chapter 24981, Laws of Florida, as amended, relating to the West Palm Beach Police Pension Fund; revising the provision for age and service requirements for retirement; revising the provisions for early retirement; revising the provisions of the share accounts related to death of a member; revising the provisions of the deferred retirement option plan; revising the death benefit provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jordan and others—

HB 941—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; clarifying exemptions provided in the Charter of the City of Jacksonville to the civil service status of designated positions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Fiscal Policy and Resources; and Representative Melvin and others—

CS for HB 979—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Paul and others—

HB 1039—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By the Council for Healthy Communities; and Representative Bowen and others—

CS for HB 1425—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Education Innovation; and Representative Att-kisson—

CS for HB 1633—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing Department of Education duties relating to identification of student learning gains; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Representative Haridopolos—

HB 1785—A bill to be entitled An act relating to the City of Satellite Beach, Brevard County; amending s. 1 of the city’s charter; redefining the boundaries of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Environmental Protec-tion; and Representative Ball and others—

CS for HB 9—A bill to be entitled An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the contract within a specified timeframe; amending s. 403.061, F.S.; provid-ing rule-making authority; amending s. 403.707, F.S.; requiring an ap-plicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requir-ing publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demon-stration projects; providing for the Department of Environmental Protec-tion to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—was referred to the Committees on Natural Resources; and Compre-hensive Planning, Local and Military Affairs.

By the Committee on Local Government and Veterans Affairs; and Representative Greenstein and others—

CS for HB 19—A bill to be entitled An act relating to housing; amend-ing s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; in-creasing the maximum amount of revenue bonds that may be issued by the Florida Housing Finance Corporation under said program; amend-ing s. 420.5088, F.S.; revising eligibility requirements for certain loans under the Florida Homeownership Assistance Program; amending s. 420.503, F.S.; revising the definitions of “elderly” and “housing for the elderly” under the Florida Housing Finance Corporation Act; amending s. 760.29, F.S.; providing that a facility or community claiming an ex-emption from the Fair Housing Act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements;

providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; and Representative Weiss-man and others—

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installa-tion of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—was referred to the Committees on Regulated Industries; Approp-iations Subcommittee on General Government; and Appropriations.

By Representative Bean and others—

HB 421—A bill to be entitled An act relating to mental health; direct-ing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requir-ing an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

—was referred to the Committees on Children and Families; Approp-iations Subcommittee on Health and Human Services; and Appropia-tions.

By Representative Johnson and others—

HB 489—A bill to be entitled An act relating to high-speed rail; creat-ing the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a re-quired report; directing the Department of Transportation to begin col-lecting and organizing existing data on high-speed rail systems; provid-ing an appropriation; providing an effective date.

—was referred to the Committees on Transportation; Rules and Cal-endar; Appropriations Subcommittee on General Government; and Appropiations.

By Representative Arza—

HB 821—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz; providing for an appropriation to compensate Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing for reversion of funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Representative Carassas—

HB 853—A bill to be entitled An act relating to Pinellas County; providing for the composition of members of the Pinellas County Tourist Development Council appointed pursuant to section 125.0104, Florida Statutes, the “Local Option Tourist Development Act”; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Ritter—

HB 863—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; increasing the board of supervisors to a total of five members; providing for elections by electors residing within the district; providing for regular and special board meetings instead of landowner meetings; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Romeo and others—

HB 867—A bill to be entitled An act relating to Hillsborough County; providing that, notwithstanding any provision of general law, the Hillsborough County Tourist Development Council shall consist of 11 members; providing that the chair of the county governing board, or a designee, serves on the council; providing that an elected municipal official shall be appointed to the council from each municipality within the county; providing that seven members shall be persons involved in the tourist industry; providing that the additional members shall be appointed within 30 days of the effective date of this act; providing that terms of current members are not interrupted by change to council composition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wiles and others—

HB 891—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city's acquisition of the pier situated upon the leased lands; providing additional terms of the lease; prohibiting transfer of lease without legislative action; providing for severability; requiring written submission of acceptance of terms to the Department of Environmental Protection; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bucher—

HB 917—A bill to be entitled An act relating to Palm Beach County; amending chapter 90-445, Laws of Florida, as amended; providing for the uniform implementation, interpretation, and enforcement of building code requirements pursuant to the Florida Building Code; providing and amending definitions; providing for enforcement; providing for repeal of conflicting laws; providing for interpretation of codes and revision; deleting provisions relating to appointments; providing for authority for building code amendments; providing for amending provisions for product and system evaluation, including application fees and revocation and renewal of product and system compliance; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 929—A bill to be entitled An act relating to the Rupert J. Smith Law Library of Saint Lucie County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to the Rupert J. Smith Law Library of Saint Lucie County; providing legislative intent; codifying, amending, and reenacting chapter 57-1790, Laws of Florida, as amended; declaring the district to be an independent special district; providing a district charter; repealing chapters 57-1790, 71-895, 83-512, and 88-516, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ritter—

HB 931—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, reenacting, amending, and repealing special acts relating to the Coral Springs Improvement District; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Seiler and others—

HB 947—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing exemption from liability and discipline for health care practitioners complying in good faith; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Sorensen—

HB 1125—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality limitations for reuse systems; provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Council for Lifelong Learning; the Committee on General Education; and Representative Arza and others—

CS for CS for HB 1193—A bill to be entitled An act relating to education; amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate

for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

—was referred to the Committees on Education.

By Representative Andrews—

HB 1215—A bill to be entitled An act relating to a corporate income tax credit to promote new product development; providing a short title; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Berfield—

HB 1519—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for

staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

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

By Representative Goodlette—

HB 1635—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; providing an effective date.

—was referred to the Committees on Natural Resources; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Kyle—

HB 1673—A bill to be entitled An act relating to acts of violence; providing a short title; amending s. 39.301, F.S.; requiring that staff who conduct child protective investigations receive training on removing a perpetrator of domestic violence from the home by use of injunction; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence that intentionally caused bodily harm to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic violence and other assault, battery, and stalking offenses; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; providing for the clerk of the court to retain a service charge; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers' intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; amending s. 741.281, F.S.; requiring the court to impose the batterers' intervention program as a condition of probation; providing for an exception; requiring that the batterers' intervention program be certified; providing an effective date.

—was referred to the Committee on Children and Families.

By Representative Alexander—

HB 1695—A bill to be entitled An act relating to public records; amending s. 229.57, F.S.; providing an exemption from public records requirements for personal identifying information of instructional personnel held by the Department of Education; providing for disclosure of such information to the State Board of Education; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Information Technology; and Representative Hart and others—

HB 1845—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Committee on Judicial Oversight; and Representative Crow—

HB 1865—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an appropriation; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Melvin and others—

HB 1887—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on State Administration; and Representative Brummer and others—

HB 1943—A bill to be entitled An act relating to the deduction and collection of a bargaining agent's dues and uniform assessments; amending s. 447.303, F.S.; eliminating a right of certain bargaining agents to have certain dues and assessments deducted and collected by an employer from certain employees; providing legislative findings and intent; providing that the deduction and collection of certain dues and assessments is a proper subject of collective bargaining; providing requirements and limitations; providing for accounting of funds; providing for enforcement; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Education.

By the Committee on General Government Appropriations; and Representative Dockery and others—

HB 1909—A bill to be entitled An act relating to trust funds; creating s. 287.103, F.S.; creating the Purchasing and Transportation Support Trust Fund, to be administered by the Department of Management Services; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on General Government Appropriations; and Representative Dockery and others—

HB 1941—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services and the Agency for Workforce Innovation; providing for disposition of balances in and revenues of such trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Management Services and the Department of Education; amending s. 272.161, F.S.; providing for the deposit of fees from rental of reserved parking spaces into the Facilities Management Trust Fund, to conform; amending s. 284.01, F.S.; providing for rental value insurance for loss of income from certain buildings operated and maintained by the Department of Management Services from the Facilities Management Trust Fund, to conform; amending s. 235.2195, F.S.; providing for deposit of proceeds from bond sales under the 1997 School Capital Outlay Bond Program into the Lottery Capital Outlay and Debt Service Trust Fund; amending s. 215.196, F.S.; providing for deposit of proceeds from fixed capital outlay management assessments into the Facilities Management Trust Fund, to conform; amending s. 287.16, F.S.; providing for deposit of proceeds from fees charged to state agencies to which aircraft or motor vehicles are furnished into the Purchasing and Transportation Support Trust Fund; amending s. 287.161, F.S.; providing for deposit of proceeds from fees collected for use of the executive aircraft pool into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 217.07, F.S.; providing for deposit of federal surplus property assets into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.042, F.S.; providing for deposit of proceeds from fees collected for use of electronic information services of the Department of Management Services and for deposit of funds from certain governmental agencies pursuant to joint purchasing agreements into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.1345, F.S.; providing for deposit of proceeds from the surcharge on users of state term contracts into the Purchasing and Transportation Support Trust Fund, to conform; expanding uses of the surcharge proceeds; amending s. 215.22, F.S.; providing for the Technology Enterprise Trust Fund to be exempt from the general revenue service charge, to conform; amending s. 216.292, F.S.; providing for billings for state communications system services to be transferred to the Technology Enterprise Trust Fund, to conform; repealing s. 282.20(6), F.S., relating to the Technology Resource Center's reserve account of its working capital trust fund, to conform; repealing s. 110.151(7), F.S., relating to reestablishment of the State Employee Child Care Revolving Trust Fund, to conform; providing for contingent effect of certain provisions; providing effective dates.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 226, CS for SB 240, CS for CS for SB 668, SB 708, CS for CS for SB 710, SB 770, CS for SB 836, CS for SB 938, SB 1066, CS for SB 1274, CS for CS for SB 1282, SB 1324, SB 1400, SB 1516, CS for CS for CS for SB's 1526 and 314, CS for SB 1852, SB 1986 and CS for SB 2118; has passed CS for SB 1850 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 1067, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

RECESS

The Journal of April 30 was corrected and approved.

On motion by Senator Lee, the Senate recessed at 7:51 p.m. to reconvene at 9:00 a.m., Wednesday, May 2 or upon call of the President.

CO-SPONSORS

Senators Bronson—CS for CS for SB 2120; Crist—CS for SB 144;
Holzendorf—CS for CS for SB 374



Journal of the Senate

Number 24—Regular Session

Wednesday, May 2, 2001

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CALL TO ORDER

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

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Excused: Conferees periodically for the purpose of working on CS for SB 1118 relating to elections: Senator Posey, Chairman; Senators Carlton, Sebesta and Smith

PRAYER

The following prayer was offered by Chaplain Dick Jenkins, Tomoka Correctional Institution, Daytona Beach:

Lord in Heaven, hear my prayer. We can trust our future to you. Contrary to popular opinion, it takes strength to be gentle.

We seek your blessings to exceed our natural ability and to be consistent in our loyalty to the citizens of Florida and concern motivation to all America. Add to our surprises of this day. May we all be sensitive to think and speak and act the truth in love.

“To God Be The Glory!” That is all a good person ever needs to say about yesterday, today, and tomorrow. Amen.

PLEDGE

Senate Pages Kendra Rich of Ocala, Ashley Wilson of Plantation and Charles Whittington of Indialantic, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dennis Saver of Vero Beach, sponsored by Senator Posey, as doctor of the day. Dr. Saver specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Geller—

By Senator Geller—

SR 2378—A resolution honoring Rabbi Stanley J. Garfein as the spiritual leader of the congregation of Temple Israel of Tallahassee for the past 35 years.

WHEREAS, Stanley J. Garfein will, at the time of his retirement in August 2001, have served as the Rabbi of Temple Israel of Tallahassee for 35 years, and

WHEREAS, as the spiritual leader of Temple Israel of Tallahassee, Rabbi Garfein has provided a congregation away from home for many government officials, legislators, and justices and judges, including U.S. Senator Richard Stone, Florida Supreme Court Justices, England, Erlich, and Kogan, District Court of Appeal Judge Charles Kahn, and Attorney General Robert Shevin who became active members of Temple Israel of Tallahassee during the time they lived in Tallahassee during their years of government service, and

WHEREAS, Stanley J. Garfein has, on numerous occasions, offered the opening prayer at sessions of the Florida Senate and the Florida House of Representatives, and at meetings of the Florida Cabinet, and

WHEREAS, Rabbi Stanley J. Garfein has been a vigorous advocate for social justice, NOW, THEREFORE,

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

That the Florida Senate offers its congratulations and best wishes to Rabbi Stanley J. Garfein as he retires from 35 years of active service as Rabbi of Temple Israel of Tallahassee.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Rabbi Stanley J. Garfein as a tangible token of the congratulations and best wishes of the Florida Senate.

—**SR 2378** was introduced, read and adopted by publication.

On motion by Senator Klein—

By Senator Klein—

SR 2380—A resolution supporting the Richard David Kann Melanoma Foundation and recognizing Monday, May 7, 2001, as Melanoma Monday—Skin Cancer Awareness Day.

WHEREAS, the Richard David Kann Melanoma Foundation is dedicated to educating the residents of Florida about the prevention and early detection of skin cancer, and

WHEREAS, melanoma and other skin cancers affect more than 1 million Americans each year and cause the death of more than 10,000 Americans each year, and

WHEREAS, melanoma and other skin cancers are highly preventable and curable when detected early, and

WHEREAS, education about the prevention and early detection of skin cancer may significantly decrease the incidence rate of skin cancer and the pain, trauma, and expense associated with skin cancer morbidity and mortality, and

WHEREAS, the residents of Florida are particularly vulnerable to this disease due to the year-round sunny climate of the state and overexposure to the ultraviolet radiation of the sun, and

WHEREAS, the American Academy of Dermatology has designated Monday, May 7, 2001, as Melanoma Monday—Skin Cancer Awareness Day, and

WHEREAS, the state has a substantial interest in promoting the health and welfare of children and families to educate them concerning the prevention and early detection of melanoma and other skin cancers, and

WHEREAS, all Florida residents are encouraged to avoid overexposure to the sun during the hours of 10 a.m. to 4 p.m., when the sun's rays are most dangerous; to apply sunscreen of SPF 15 or higher before going outside and reapply sunscreen frequently during outdoor activities; and to wear protective clothing when outdoors, including a wide-brimmed hat, long-sleeved shirt and long pants during prolonged periods of sun exposure, NOW THEREFORE,

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

That the Florida Senate recognizes Monday, May 7, 2001, as Melanoma Monday—Skin Cancer Awareness Day.

BE IT FURTHER RESOLVED that the Florida Senate urges all Floridians to make a conscious effort to help prevent melanoma and other skin cancers.

—was introduced out of order and read by title. On motion by Senator Klein, **SR 2380** was read the second time in full and adopted.

SPECIAL GUEST

Senator Klein introduced Allison Small, representative of the Richard David Kann Melanoma Foundation, who was present in the gallery.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 156**, **SB 848** and **SB 868** were withdrawn from the Committees on Appropriations Subcommittee on General Government and Appropriations; **SJR 434** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 620** was withdrawn from the Committee on Appropriations; **SB 1150** was withdrawn from the Committee on Governmental Oversight and Productivity; and **SB 1498** and **SB 2022** were withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations.

BILLS ON THIRD READING

CS for CS for HB 1193—A bill to be entitled An act relating to education; amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification

program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

—was read the third time by title.

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

Amendment 1 (170546)—On page 16, line 8, after the period (.) insert: *If an individual has completed the requirements in paragraph (2)(g), except the demonstration of general knowledge of mathematics, that person may continue employment as a teacher for the 3 years during which the temporary certificate is valid, if the teacher does not teach mathematics above the 4th-grade level and the teacher is enrolled in a state-approved program designed to improve mathematics skills. If the teacher has not completed the mathematics requirement after 3 school years, the school district may not continue to employ him or her in a position for which a temporary certificate is required.*

On motion by Senator Sullivan, **CS for CS for HB 1193** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Lee	Sebesta
Bronson	Dyer	Meek	Silver
Brown-Waite	Garcia	Miller	Smith
Burt	Geller	Mitchell	Sullivan
Campbell	Holzendorf	Peaden	Villalobos
Carlton	Horne	Posey	Wasserman Schultz
Clary	Jones	Pruitt	Webster
Constantine	King	Rossin	
Cowin	Klein	Sanderson	
Dawson	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Crist, Laurent

Consideration of **CS for CS for SB 2108** and **CS for SB 1558** was deferred.

SENATOR LEE PRESIDING

SB 1420—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **SB 1420** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Garcia	Lee	Sebesta
Brown-Waite	Geller	Meek	Silver
Burt	Holzendorf	Miller	Smith
Campbell	Horne	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Crist

RECONSIDERATION OF BILL

On motion by Senator Posey, the Senate reconsidered the vote by which **SB 1420** passed this day.

Pending further consideration of **SB 1420**, on motion by Senator Posey, by two-thirds vote **HB 1323** was withdrawn from the Committees on Ethics and Elections; and Rules and Calendar.

On motion by Senator Posey by two-thirds vote—

HB 1323—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements

for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing effective dates.

—a companion measure, was substituted for **SB 1420** and read the second time by title.

On motion by Senator Posey, by two-thirds vote **HB 1323** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Crist

HB 395—A bill to be entitled An act relating to public records exemptions for specified information relating to airports; amending s. 331.22, F.S., which provides exemptions from public records requirements for airport security plans of an aviation authority or county or municipal aviation department and for other material that depicts critical airport operating facilities; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 395** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Crist

SB 30—A bill to be entitled An act relating to the Monroe County School District; providing for the relief of Joshua England, a minor, authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due

to the negligence of school board employees; providing for the use of such funds; providing for forfeiture and reversion of the funds; providing for trustee qualifications; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Jones, **SB 30** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—1

Webster

Vote after roll call:

Yea—Crist

Yea to Nay—King

CS for SB 1580—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring the Governor in consultation with the Attorney General to report by a date certain on the status of the tobacco settlement agreement and the formula for calculating the annual payments; requiring the Comptroller to request informations from the tobacco industry which are used to calculate the annual payments and to verify such information; requiring the Comptroller to notify the Governor, the Senate and the House of Representatives of any overpayment or underpayment; authorizing any refund of overpayment subject to approval by Legislative Budget Commission; requiring Comptroller to request balance of any underpayment; directing Attorney General to institute action to collect unpaid underpayment; requiring the Auditor General to annually review State's process for verification of representations, to confirm that settlement payments are being made in accordance with the settlement agreement and to report to the Governor, the Legislature and the Attorney General regarding such confirmation; providing an appropriation; providing effective dates.

—as amended May 1 was read the third time by title.

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

Amendment 1 (440552)—On page 4, line 15, insert:

Section 3. This act shall take effect upon becoming a law.

On motion by Senator Burt, **CS for SB 1580** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Crist

CS for HB 563—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator King, **CS for HB 563** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for SB 466** was deferred.

HB 1519—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 1519** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Sebesta, **HB 489** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—1

Klein

Vote after roll call:

Yea to Nay—Smith

CS for SB 1268—A bill to be entitled An act relating to motorized scooters; amending s. 316.003; defining the term “motorized scooter”; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB 1268** as amended was passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Constantine	Klein	Posey	Wasserman Schultz
Dawson	Latvala	Rossin	Webster
Diaz de la Portilla	Lawson	Sanderson	
Dyer	Lee	Sebesta	

Nays—8

Bronson	Cowin	Horne	Pruitt
Clary	Crist	Laurent	Saunders

Vote after roll call:

Nay—King

Consideration of **CS for CS for SB's 336 and 190** was deferred.

CS for SB 1848—A bill to be entitled An act relating to public records; providing an exemption from the public-records law for reports of liability claims involving nursing homes and assisted living facilities that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 1848** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Garcia

Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster
Klein	Mitchell	Sebesta	
Latvala	Peaden	Silver	

Nays—None

HB 69—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing “medically necessary” on the prescription; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 69** was passed and certified to the House. The vote on passage was:

Yeas—30

Bronson	Dawson	Latvala	Rossin
Brown-Waite	Diaz de la Portilla	Laurent	Sebesta
Burt	Dyer	Lee	Silver
Campbell	Garcia	Meek	Smith
Carlton	Geller	Miller	Sullivan
Clary	Jones	Mitchell	Wasserman Schultz
Constantine	King	Peaden	
Crist	Klein	Posey	

Nays—9

Cowin	Lawson	Sanderson	Villalobos
Holzendorf	Pruitt	Saunders	Webster
Horne			

Vote after roll call:

Yea to Nay—Carlton

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term “agency”; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s.

501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

—as amended May 1 was read the third time by title.

On motion by Senator Geller, **CS for CS for SB 784** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 2024—A bill to be entitled An act relating to funding for the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing for dismissal of violations of boating safety identification card possession requirements under certain conditions; providing a fee; amending s. 328.72, F.S.; specifying source of the county portion of vessel registration fees; providing for the return of certain vessel registration fees to the vessel owner's county of Florida residence; amending s. 328.76, F.S.; clarifying provisions relating to distribution and uses of funds in the Marine Resources Conservation Trust Fund; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.0603, F.S.; specifying the uses of designated funds deposited into the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.0608, F.S.; providing for the deposit of licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which

licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutions; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries commission; amending s. 370.20, F.S. providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; transferring the responsibilities for issuing artificial-reef permits to the Department of Environmental Protection; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees thereof; providing for snook permits and crawfish permits, and uses thereof; amending ss. 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, and 372.65, F.S.; correcting cross-references; deleting obsolete language; amending s. 372.574, F.S.; revising subagent duties and reporting requirements; amending s. 372.661, F.S.; increasing the license fee for a private hunting preserve; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements, under certain conditions; providing a fee; reenacting s. 372.83(1)(h), F.S.; reenacting a provision referencing penalties for violations of hunting, fishing, and trapping license requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; increasing permit fees; providing rulemaking authority; amending s. 372.922, F.S.; requiring a permit for personal possession of wildlife by an exhibitor or seller; providing a fee exemption; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; amending s. 705.101, F.S.; including derelict vessels within the definition of "abandoned property"; amending ss. 212.06 and 215.20, F.S.; correcting cross-references; encouraging the release and feeding of certain quail; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Pruitt, **CS for SB 2024** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—1

Posey

CS for HB 9—A bill to be entitled An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the

contract within a specified timeframe; amending s. 403.061, F.S.; providing rule-making authority; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Bronson, **CS for HB 9** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for CS for SB 2120** was deferred.

SB 1148—A bill to be entitled An act relating to operations of correctional work programs; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing a declaration of important state interest; creating s. 946.525, F.S.; establishing participation requirements; providing an effective date.

—as amended May 1 was read the third time by title.

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

Amendment 1 (540540)(with title amendment)—On page 10, between lines 19 and 20, insert:

Section 16. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(2) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay as a ~~\$1 per day~~ surcharge an amount that may not exceed the full cost of the monitoring service in addition to the cost of supervision fee as directed by the sentencing court. The surcharge shall be deposited in the Operating Trust Fund to be used by the department for purchasing and maintaining electronic monitoring devices.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the second semicolon (;) insert: amending s. 948.09, F.S.; revising the amount of the surcharge paid to the Department of Corrections by offenders placed on community control;

Amendment 2 (445138)—In title, on page 1, lines 2 and 3, delete “operations of correctional work programs” and insert: corrections

On motion by Senator Crist, **SB 1148** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

ADOPTION OF RESOLUTIONS

On motion by Senator Sullivan—

By Senator Sullivan—

SR 2394—A resolution honoring Sheila Ann Hill for more than 15 years of dedicated service to the Florida Legislature.

WHEREAS, Sheila Ann Hill commenced working for the House of Representatives in March 1986 and moved to the Senate Education Committee early in 1995, and

WHEREAS, Sheila Ann Hill has worked for the Legislature for more than 15 years, and

WHEREAS, Sheila Ann Hill has tirelessly served the Florida Senate with an incomparable work ethic, always producing work of the highest quality and clarity, and

WHEREAS, Sheila Ann Hill has always gone the extra mile, such as remaining at work during the entire 1997 special session on educational facilities, and

WHEREAS, Sheila Ann Hill is a warm and loving person whose heart and home have always been open to the stray, sick, and injured, whether it be a bird or other animal or a young person in need of a temporary safe haven, and

WHEREAS, Sheila Ann Hill has been physically unable to continue working due to illness, and

WHEREAS, Sheila Ann Hill is loved and sorely missed by her co-workers and friends in the Education Committee and the Florida Senate, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to extend its thoughts and prayers to Sheila at this time and that the Florida Senate in session assembled does hereby record this testimonial of love and appreciation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Sheila Ann Hill as a tangible token of the sentiments of the members and staff of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Sullivan, **SR 2394** was read the second time in full and adopted.

MOTION

On motion by Senator Sullivan, the following remarks were ordered spread upon the Journal:

Senator Sullivan: Mr. President and members, on television today watching this from her home is Sheila Hill. I had the good fortune to meet Sheila in 1995, six years ago; it hardly seems possible. She came to us from the House where she was on the Education staff. She was one of our hardest workers, but she was also one of our happiest workers. She was a wonderful person who worked night and day. In the Special

Session, at one point she never went home throughout the entire session as she was so dedicated to her work. Sheila worked for us, and unfortunately, several years ago had the misfortune that all of us fear in our hearts that would happen to us. Within a period of eighteen months, she had three separate serious diseases and two operations. She has never been able to return back to the Senate and the Legislature, a place that she loved. She's at home today as I understand it, still very ill, confined to her house. We wanted to take this opportunity to greet her, wave at her, let her see that all of her friends wish her the best, offer our prayers, and say that we miss her.

I don't want to go on too long with this because Sheila is a direct, to-the-point type person. But there is a true story about a fellow who was in Viet Nam who was shot down in combat. He was shot down in enemy territory. Over a long period of time, he was able to survive and eventually make it back. Many years later, he was in a restaurant when a man walked up to him and introduced himself and said, "I know you. I'm the guy that packed the parachute that you used the day that you went down." Of course, there was a reunion and everything. The point of the story is that after this reunion, he started to think about how his life depended upon the man who packed his parachute. He said, "You know I walked by that man everyday. He was down in the lower parts of the ship working. I don't know how many people's lives he saved, but I didn't ever say hello to him. I didn't ever get a chance to thank him. We just kind of took it for granted that he was there and he was doing his job."

Well, you know every once in a while in this process, we have to slow down the train and stop and thank the people who have helped us. We are kind of family up here and Sheila was part of our family. She has had the worst luck and the worst problems that any of us could face, and I'm told that she remains cheerful and happy. She has always been a very generous person. She was a foster parent for animals for a local veterinarian. She has two children of her own.

Sheila, we are all sitting here on the floor. The staff of the Education Committee is here. We are all thinking about you. You have our best wishes and our prayers. We have this Resolution which is an insufficient symbol of our affection for you and what you mean to us. And Sheila, thank you for all your years of hard work, and our best wishes and all our prayers be with you. Thank you, Mr. President.

Mr. President: Well said, Senator from the twenty-second.

Senator Cowin: When I came into the Senate, obviously being on the Education Committee was very important to me. When I chaired it, I really did look to staff. Sheila, you really did provide a lot of guidance. I fear that the staff there, and especially Sheila, had worked through all the pain that she was having. And nobody really knew at the time. There she was, still plugging away and taking a few days off here and there just to gather herself together, but she was always there for us. Sheila, you are truly loved. We certainly miss your work and certainly miss you and your smile.

Senator Wasserman Schultz: Thank you, Mr. President. I've been a part of the legislative process for thirteen years and served as a staff person as well. My experience with Sheila was during the special legislative session on school overcrowding. As a member of the minority on the House side, that session was a little rough for someone who kind of swung from the treetops during that special session and thought very strongly about some of the things that were going on there. I think all of us have experienced relationships with staff on different levels. You know how sometimes a staff person who's working just as hard as you, but sees the frustration on your face, and the difficulty that you are having, and just kind of touches your elbow and says, "Hang in there, don't worry." That's the kind of thing that Sheila did and would still do if she were here. She did that for me. She always gave you an encouraging word, made you feel like you were here for a reason, and she was standing right there with you backing you up. I didn't know she was suffering. I'm very sorry for it. I'm just so glad that the Senator from the twenty-second has done this for her on the floor this afternoon.

Senator Pruitt: Thank you, Mr. President and Senators. I want to say a few words on behalf of our extremely professional and very capable Education staff who do a wonderful job for us, just like all of our professional staff. You know our Sheila Hill exemplifies what is really the strength of this body. They are all professionals who day-in and day-out sacrifice, many times their families, to make sure that we look good. Sheila Hill is one of those individuals who will go the extra mile and do whatever it takes to make sure the job gets done.

I remember as a freshman in 1991 in the House, I came on with these wild-haired ideas and brought these charts with me. I thought they would work. While some laughed at me, Sheila Hill always told me to persevere and to keep moving forward. That is the type of person that she is. You know when you look at what Sheila Hill is all about, she is about dedication. She is about loyalty. She is one of the most inspiring souls that I have had the pleasure to work with. She is all that is good in life. When you look at what she has brought to so many children and so many families throughout this state, she has provided these children with hope for the future and an opportunity to succeed. She has left her mark on so many children throughout this state, and they are all much better off for it. I know that Florida is a better state because of Sheila Hill. Sheila, we can't replace you. There is absolutely no way. You are such an integral part. I want you to know that you have not only left your mark, but also a lasting legacy on the children of Florida and also on the Legislature as well. God speed.

Mr. President: Members and guests in the gallery, we love our staff dearly. There is much that we would not accomplish on behalf of the people of the state if it were not for our staff. We thank the Senator from the twenty-second for bringing this resolution to the floor. It's an honor for me to preside over this Chamber at a time when we are recognizing one of our staff. Our thoughts and prayers are with you, Sheila, and we wish you well.

BILLS ON THIRD READING, continued

CS for CS for SB 1196—A bill to be entitled An act relating to sentencing; amending ss. 921.002, 921.0024, F.S.; providing for the state attorney and the defendant to waive preparation of the scoresheet and for the judge to proceed with sentencing; requiring that the scoresheet be submitted to the judge within a specified period following sentencing; deleting a requirement that the Department of Corrections prepare a defendant's sentencing scoresheet under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for CS for SB 1196** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 136—A bill to be entitled An act relating to sex crimes; amending ss. 794.011, 796.07, 800.04, 825.1025, 827.071, 847.001, F.S., relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms "vaginal" and "vagina" for purposes of laws defining certain prohibited sexual activities; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Campbell, **SB 136** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer

Garcia	Latvala	Peaden	Silver
Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster
Klein	Mitchell	Sebesta	

Nays—None

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term “end-stage condition”; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for CS for SB 2156** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for HB 157** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing an effective date.

—as amended May 1 was read the third time by title.

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

Amendment 1 (755706)(with title amendment)—On page 1, line 26, insert:

Section 1. Subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant’s social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department’s agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the first semicolon (;) insert: amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; provides for electronic submission;

On motion by Senator Sullivan, further consideration of **SB 958** as amended was deferred.

Consideration of **CS for SB 1256** was deferred.

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health

Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rule-making authority; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 1346** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Geller	Meek	Smith
Campbell	Holzendorf	Miller	Sullivan
Carlton	Horne	Mitchell	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—None

Vote after roll call:

Yea—Garcia, Peaden

The Senate resumed consideration of—

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Sullivan, **SB 958** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

CS for SB 1530—A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing an interested party to bring an action for injunctive relief; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Geller, **CS for SB 1530** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Sanderson

CS for SB 1568—A bill to be entitled An act relating to health care service programs; amending s. 641.51, F.S.; requiring that only certain physicians licensed in this state may render adverse determinations for health maintenance organizations and prepaid health clinics; clarifying the authority of the Board of Medicine and the Board of Osteopathic Medicine; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 1568** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Crist	King	Mitchell
Brown-Waite	Dawson	Klein	Peaden
Burt	Diaz de la Portilla	Latvala	Posey
Campbell	Garcia	Laurent	Pruitt
Carlton	Geller	Lawson	Rossin
Clary	Holzendorf	Lee	Sanderson
Constantine	Horne	Meek	Saunders
Cowin	Jones	Miller	Sebesta

Silver Sullivan Wasserman Schultz Webster
 Smith Villalobos
 Nays—None

Silver Sullivan Wasserman Schultz Webster
 Smith Villalobos
 Nays—None

CS for SB 1640—A bill to be entitled An act relating to education; providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Clary, **CS for SB 1640** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for SB 1724—A bill to be entitled An act relating to children and families; creating s. 409.9072, F.S.; requiring the Agency for Health Care Administration to develop mechanisms for certification of local funds as state match for Medicaid projects, to maximize federal Title XIX funding for children and families; providing for return of funds to the local entities; requiring prior approval of local projects by the agency and the Department of Children and Family Services; specifying project requirements; providing for modification of the Medicaid state plan; providing for federal waivers; providing responsibilities of the agency with respect to administrative and service costs, monitoring of service delivery, and standards and quality of care; authorizing the department and the agency to adopt rules; requiring an annual report; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 1724** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Crist	Jones	Mitchell
Brown-Waite	Dawson	King	Peaden
Burt	Diaz de la Portilla	Klein	Posey
Campbell	Dyer	Latvala	Pruitt
Carlton	Garcia	Laurent	Rossin
Clary	Geller	Lawson	Sanderson
Constantine	Holzendorf	Lee	Saunders
Cowin	Horne	Miller	Sebesta

On motion by Senator Carlton, by two-thirds vote **HB 1981** was withdrawn from the Committee on Finance and Taxation.

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

HB 1981—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it has been performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 212.08, F.S.; reducing the maximum amount of the tax which is imposed upon industrial machinery and equipment; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; providing intent; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the

only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature regarding compliance with the agreement; reviving and readopting s. 215.20(3), F.S., which provides for deduction of a service charge from certain trust funds; amending s. 220.22, F.S.; eliminating the initial year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

—a companion measure, was substituted for **CS for SB 1978** as amended and by two-thirds vote read the second time by title.

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (402018)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Subsection (6) of section 212.084, Florida Statutes, is repealed.*

Section 2. Effective July 1, 2001, paragraph (a) of subsection (4) and subsection (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation, ~~minerals~~, or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(7) MISCELLANEOUS EXEMPTIONS.—*Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and must pay the tax. The department may adopt rules to administer this subsection.*

(a) Artificial commemorative flowers.—Exempt from the tax imposed by this chapter is the sale of artificial commemorative flowers by bona fide nationally chartered veterans' organizations.

(b) Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material, coal, sulfur, wood, wood residues or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(c) Crustacea bait.—Also exempt from the tax imposed by this chapter is the purchase by commercial fishers of bait intended solely for use in the entrapment of *Callinectes sapidus* and *Menippe mercenaria*.

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, are exempt.

(e) Film rentals.—Film rentals are exempt when an admission is charged for viewing such film, and license fees and direct charges for films, videotapes, and transcriptions used by television or radio stations or networks are exempt.

(f) Flags.—Also exempt are sales of the flag of the United States and the official state flag of Florida.

(g) Florida Retired Educators Association and its local chapters.—Also exempt from payment of the tax imposed by this chapter are purchases of office supplies, equipment, and publications made by the Florida Retired Educators Association and its local chapters.

(h) Guide dogs for the blind.—Also exempt are the sale or rental of guide dogs for the blind, commonly referred to as "seeing-eye dogs," and the sale of food or other items for such guide dogs.

1. The department shall issue a consumer's certificate of exemption to any blind person who holds an identification card as provided for in s. 413.091 and who either owns or rents, or contemplates the ownership or rental of, a guide dog for the blind. The consumer's certificate of exemption shall be issued without charge and shall be of such size as to be capable of being carried in a wallet or billfold.

2. The department shall make such rules concerning items exempt from tax under the provisions of this paragraph as may be necessary to provide that any person authorized to have a consumer's certificate of exemption need only present such a certificate at the time of paying for exempt goods and shall not be required to pay any tax thereon.

(i) Hospital meals and rooms.—Also exempt from payment of the tax imposed by this chapter on rentals and meals are patients and inmates of any hospital or other physical plant or facility designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated, or otherwise dependent on special care or attention. Residents of a home for the aged are exempt from payment of taxes on meals provided through the facility. A home for the aged is defined as a facility that is licensed or certified in part or in whole under chapter 400 or chapter 651, or that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act, or other such similar facility designed and operated primarily for the care of the aged.

(j) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family day care homes shall also be exempt.

(k) Meals provided by certain nonprofit organizations.—There is exempt from the tax imposed by this chapter the sale of prepared meals by a nonprofit volunteer organization to handicapped, elderly, or indigent persons when such meals are delivered as a charitable function by the organization to such persons at their places of residence.

(l) Organizations providing special educational, cultural, recreational, and social benefits to minors.—Also exempt from the tax imposed by this chapter are sales or leases to and sales of donated property by nonprofit organizations which are incorporated pursuant to chapter 617 the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors. This exemption is extended only to that level of the organization that has a salaried executive officer or an elected nonsalaried executive officer. For the purpose of this paragraph, the term "donated property" means any property transferred to such nonprofit organization for less than 50 percent of its fair market value.

(m) Religious institutions.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases directly to religious institutions when used in carrying on their customary nonprofit religious activities or sales or leases of tangible personal property by religious institutions having an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

2. As used in this paragraph, the term "religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes nonprofit state, nonprofit district, or other nonprofit governing or administrative offices the function of which is to assist or regulate the customary activities of religious

institutions. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(n) Veterans' organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases to qualified veterans' organizations and their auxiliaries when used in carrying on their customary veterans' organization activities.

2. As used in this paragraph, the term "veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code of 1986, as amended.

(o) Schools, colleges, and universities.—Also exempt from the tax imposed by this chapter are sales or leases to state tax-supported schools, colleges, or universities.

(p) Section 501(c)(3) organizations.—Also exempt from the tax imposed by this chapter are sales or leases to organizations determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, when such leases or purchases are used in carrying on their customary nonprofit activities.

(q) Resource recovery equipment.—Also exempt is resource recovery equipment which is owned and operated by or on behalf of any county or municipality, certified by the Department of Environmental Protection under the provisions of s. 403.715.

(r) School books and school lunches.—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served in public, parochial, or nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by such educational institutions to their students are also exempt. School books and food sold or served at community colleges and other institutions of higher learning are taxable.

(s) Tasting beverages.—Vinous and alcoholic beverages provided by distributors or vendors for the purpose of "wine tasting" and "spirituous beverage tasting" as contemplated under the provisions of ss. 564.06 and 565.12, respectively, are exempt from the tax imposed by this chapter.

(t) Boats temporarily docked in state.—

1. Notwithstanding the provisions of chapter 328, pertaining to the registration of vessels, a boat upon which the state sales or use tax has not been paid is exempt from the use tax under this chapter if it enters and remains in this state for a period not to exceed a total of 20 days in any calendar year calculated from the date of first dockage or slippage at a facility, registered with the department, that rents dockage or slippage space in this state. If a boat brought into this state for use under this paragraph is placed in a facility, registered with the department, for repairs, alterations, refitting, or modifications and such repairs, alterations, refitting, or modifications are supported by written documentation, the 20-day period shall be tolled during the time the boat is physically in the care, custody, and control of the repair facility, including the

time spent on sea trials conducted by the facility. The 20-day time period may be tolled only once within a calendar year when a boat is placed for the first time that year in the physical care, custody, and control of a registered repair facility; however, the owner may request and the department may grant an additional tolling of the 20-day period for purposes of repairs that arise from a written guarantee given by the registered repair facility, which guarantee covers only those repairs or modifications made during the first tolled period. Within 72 hours after the date upon which the registered repair facility took possession of the boat, the facility must have in its possession, on forms prescribed by the department, an affidavit which states that the boat is under its care, custody, and control and that the owner does not use the boat while in the facility. Upon completion of the repairs, alterations, refitting, or modifications, the registered repair facility must, within 72 hours after the date of release, have in its possession a copy of the release form which shows the date of release and any other information the department requires. The repair facility shall maintain a log that documents all alterations, additions, repairs, and sea trials during the time the boat is under the care, custody, and control of the facility. The affidavit shall be maintained by the registered repair facility as part of its records for as long as required by s. 213.35. When, within 6 months after the date of its purchase, a boat is brought into this state under this paragraph, the 6-month period provided in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.

2. During the period of repairs, alterations, refitting, or modifications and during the 20-day period referred to in subparagraph 1., the boat may be listed for sale, contracted for sale, or sold exclusively by a broker or dealer registered with the department without incurring a use tax under this chapter; however, the sales tax levied under this chapter applies to such sale.

3. The mere storage of a boat at a registered repair facility does not qualify as a tax-exempt use in this state.

4. As used in this paragraph, "registered repair facility" means:

a. A full-service facility that:

(I) Is located on a navigable body of water;

(II) Has haulout capability such as a dry dock, travel lift, railway, or similar equipment to service craft under the care, custody, and control of the facility;

(III) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(IV) Has necessary shops and equipment to provide repair or warranty work on vessels under the care, custody, and control of the facility;

b. A marina that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work on vessels; or

c. A shoreside facility that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work.

(u) Volunteer fire departments.—Also exempt are firefighting and rescue service equipment and supplies purchased by volunteer fire departments, duly chartered under the Florida Statutes as corporations not for profit.

(v) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions that involve sales as inconsequential elements for which no separate charges are made.

2. The personal service transactions exempted pursuant to subparagraph 1. do not exempt the sale of information services involving the furnishing of printed, mimeographed, or multigraphed matter, or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. As used in this subparagraph, the term "information services" includes the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

3. This exemption does not apply to any service warranty transaction taxable under s. 212.0506.

4. This exemption does not apply to any service transaction taxable under s. 212.05(1)(j).

(w) Certain newspaper, magazine, and newsletter subscriptions, shoppers, and community newspapers.—Likewise exempt are newspaper, magazine, and newsletter subscriptions in which the product is delivered to the customer by mail. Also exempt are free, circulated publications that are published on a regular basis, the content of which is primarily advertising, and that are distributed through the mail, home delivery, or newsstands. The exemption for newspaper, magazine, and newsletter subscriptions which is provided in this paragraph applies only to subscriptions entered into after March 1, 1997.

(x) Sporting equipment brought into the state.—Sporting equipment brought into Florida, for a period of not more than 4 months in any calendar year, used by an athletic team or an individual athlete in a sporting event is exempt from the use tax if such equipment is removed from the state within 7 days after the completion of the event.

(y) Charter fishing vessels.—The charge for chartering any boat or vessel, with the crew furnished, solely for the purpose of fishing is exempt from the tax imposed under s. 212.04 or s. 212.05. This exemption does not apply to any charge to enter or stay upon any "head-boat," party boat, or other boat or vessel. Nothing in this paragraph shall be construed to exempt any boat from sales or use tax upon the purchase thereof except as provided in paragraph (t) and s. 212.05.

(z) Vending machines sponsored by nonprofit or charitable organizations.—Also exempt are food or drinks for human consumption sold for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation qualified as nonprofit pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended.

(aa) Certain commercial vehicles.—Also exempt is the sale, lease, or rental of a commercial motor vehicle as defined in s. 207.002(2), when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

(bb) Community cemeteries.—Also exempt are purchases by any nonprofit corporation that has qualified under s. 501(c)(13) of the Internal Revenue Code of 1986, as amended, and is operated for the purpose of maintaining a cemetery that was donated to the community by deed.

(cc) Works of art.—

1. Also exempt are works of art sold to or used by an educational institution.

2. This exemption also applies to the sale to or use in this state of any work of art by any person if it was purchased or imported exclusively for the purpose of being donated to any educational institution, or loaned to and made available for display by any educational institution, provided that the term of the loan agreement is for at least 10 years.

3. The exemption provided by this paragraph for donations is allowed only if the person who purchased the work of art transfers title to the donated work of art to an educational institution. Such transfer of

title shall be evidenced by an affidavit meeting requirements established by rule to document entitlement to the exemption. Nothing in this paragraph shall preclude a work of art donated to an educational institution from remaining in the possession of the donor or purchaser, as long as title to the work of art lies with the educational institution.

4. A work of art is presumed to have been purchased in or imported into this state exclusively for loan as provided in subparagraph 2., if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later; but a work of art is not deemed to be placed in storage in preparation for loan for purposes of this exemption if it is displayed at any place other than an educational institution.

5. The exemptions provided by this paragraph are allowed only if the person who purchased the work of art gives to the vendor an affidavit meeting the requirements, established by rule, to document entitlement to the exemption. The person who purchased the work of art shall forward a copy of such affidavit to the Department of Revenue at the time it is issued to the vendor.

6. The exemption for loans provided by subparagraph 2. applies only for the period during which a work of art is in the possession of the educational institution or is in storage before transfer of possession to that institution; and when it ceases to be so possessed or held, tax based upon the sales price paid by the owner is payable, and the statute of limitations provided in s. 95.091 shall begin to run at that time. However, tax shall not become due if the work of art is donated to an educational institution after the loan ceases.

7. Any educational institution to which a work of art has been donated pursuant to this paragraph shall make available to the department the title to the work of art and any other relevant information. Any educational institution which has received a work of art on loan pursuant to this paragraph shall make available to the department information relating to the work of art. Any educational institution that transfers from its possession a work of art as defined by this paragraph which has been loaned to it must notify the Department of Revenue within 60 days after the transfer.

8. For purposes of the exemptions provided by this paragraph, the term:

a. "Educational institutions" includes state tax-supported, parochial, church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.; nonprofit private schools that conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health; or nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public.

b. "Work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

(dd) Taxicab leases.—The lease of or license to use a taxicab or taxicab-related equipment and services provided by a taxicab company to an independent taxicab operator are exempt, provided, however, the exemptions provided under this paragraph only apply if sales or use tax has been paid on the acquisition of the taxicab and its related equipment.

(ee) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this chapter all labor charges for the repair and maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,000 pounds maximum certified takeoff weight. Except as otherwise provided in this chapter, charges for parts and equipment furnished in connection with such labor charges are taxable.

(ff) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

c. Beginning July 1, 1998, 60 percent of the charges for such electricity or steam shall be exempt.

d. Beginning July 1, 1999, 80 percent of the charges for such electricity or steam shall be exempt.

e. Beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

~~5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.~~

5.6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity or steam has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Government Accountability shall monitor and report on the industries receiving the exemption.

b. The report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.

c. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(gg) Fair associations.—Also exempt from the tax imposed by this chapter is the sale, use, lease, rental, or grant of a license to use, made directly to or by a fair association, of real or tangible personal property; any charge made by a fair association, or its agents, for parking, admissions, or for temporary parking of vehicles used for sleeping quarters; rentals, subleases, and sublicenses of real or tangible personal property between the owner of the central amusement attraction and any owner of an amusement ride, as those terms are used in ss. 616.15(1)(b) and 616.242(3)(a), for the furnishing of amusement rides at a public fair or exposition; and other transactions of a fair association which are incurred directly by the fair association in the financing, construction, and operation of a fair, exposition, or other event or facility that is authorized by s. 616.08. As used in this paragraph, the terms “fair association” and “public fair or exposition” have the same meaning as those terms are defined in s. 616.001. This exemption does not apply to the sale of tangible personal property made by a fair association through an agent or independent contractor; sales of admissions and tangible personal property by a concessionaire, vendor, exhibitor, or licensee; or rentals and subleases of tangible personal property or real property between the owner of the central amusement attraction and a concessionaire, vendor, exhibitor, or licensee, except for the furnishing of amusement rides, which transactions are exempt.

(hh) Citizen support organizations.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and that have been designated citizen support organizations in support of state-funded environmental programs or the management of state-owned lands in accordance with s. 20.2551, or to support one or more state parks in accordance with s. 258.015.

(ii) Florida Folk Festival.—There shall be exempt from the tax imposed by this chapter income of a revenue nature received from admissions to the Florida Folk Festival held pursuant to s. 267.16 at the Stephen Foster State Folk Culture Center, a unit of the state park system.

(jj) Solar energy systems.—Also exempt are solar energy systems or any component thereof. The Florida Solar Energy Center shall from time to time certify to the department a list of equipment and requisite hardware considered to be a solar energy system or a component thereof. This exemption is repealed July 1, 2005.

(kk) Nonprofit cooperative hospital laundries.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members, which members must all be exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code.

(ll) Complimentary meals.—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

(mm) Nonprofit corporation conducting the correctional work programs.—Products sold pursuant to s. 946.515 by the corporation organized pursuant to part II of chapter 946 are exempt from the tax imposed by this chapter. This exemption applies retroactively to July 1, 1983.

(nn) Parent-teacher organizations, parent-teacher associations, and schools having grades K through 12.—Parent-teacher organizations and associations *the purpose of which is to raise funds for schools teaching grades K through 12 and which are qualified as educational institutions as defined by sub-subparagraph (cc)8.a.* associated with schools having grades K through 12, and schools having grades K through 12, may pay tax to their suppliers on the cost price of school materials and supplies purchased, rented, or leased for resale or rental to students in grades K through 12, of items sold for fundraising purposes, and of items sold through vending machines located on the school premises, in lieu of

collecting the tax imposed by this chapter from the purchaser. This paragraph also applies to food or beverages sold through vending machines located in the student lunchroom or dining room of a school having kindergarten through grade 12.

(oo) Mobile home lot improvements.—Items purchased by developers for use in making improvements to a mobile home lot owned by the developer may be purchased tax-exempt as a sale for resale if made pursuant to a contract that requires the developer to sell a mobile home to a purchaser, place the mobile home on the lot, and make the improvements to the lot for a single lump-sum price. The developer must collect and remit sales tax on the entire lump-sum price.

(pp) Veterans Administration.—When a veteran of the armed forces purchases an aircraft, boat, mobile home, motor vehicle, or other vehicle from a dealer pursuant to the provisions of 38 U.S.C. s. 3902(a), or any successor provision of the United States Code, the amount that is paid directly to the dealer by the Veterans Administration is not taxable. However, any portion of the purchase price which is paid directly to the dealer by the veteran is taxable.

(qq) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(rr) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization that holds a current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(ss) Racing dogs.—The sale of a racing dog by its owner is exempt if the owner is also the breeder of the animal.

(tt) Equipment used in aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,300 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(uu) Aircraft sales or leases.—The sale or lease of an aircraft of more than 15,000 pounds maximum certified takeoff weight for use by a common carrier is exempt from the tax imposed by this chapter. As used in this paragraph, “common carrier” means an airline operating under Federal Aviation Administration regulations contained in Title 14, chapter I, part 121 or part 129 of the Code of Federal Regulations.

(vv) Nonprofit water systems.—Sales or leases to a not-for-profit corporation which holds a current exemption from federal income tax under s. 501(c)(4) or (12) of the Internal Revenue Code, as amended, are exempt from the tax imposed by this chapter if the sole or primary function of the corporation is to construct, maintain, or operate a water system in this state.

(ww) Library cooperatives.—Sales or leases to library cooperatives certified under s. 257.41(2) are exempt from the tax imposed by this chapter.

(xx) Advertising agencies.—

1. As used in this paragraph, the term “advertising agency” means any firm that is primarily engaged in the business of providing advertising materials and services to its clients.

2. The sale of advertising services by an advertising agency to a client is exempt from the tax imposed by this chapter. Also exempt from the tax imposed by this chapter are items of tangible personal property

such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, digital audiotapes, analog tapes, printed advertisement copies, compact discs for the purpose of recording, digital equipment, and artwork and the services used to produce those items if the items are:

a. Sold to an advertising agency that is acting as an agent for its clients pursuant to contract, and are created for the performance of advertising services for the clients;

b. Produced, fabricated, manufactured, or otherwise created by an advertising agency for its clients, and are used in the performance of advertising services for the clients; or

c. Sold by an advertising agency to its clients in the performance of advertising services for the clients, whether or not the charges for these items are marked up or separately stated.

The exemption provided by this subparagraph does not apply when tangible personal property such as film, paper, and videotapes is purchased to create items such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, and artwork that are sold to an advertising agency or produced in-house by an advertising agency on behalf of its clients.

3. The items exempted from tax under subparagraph 2. and the creative services used by an advertising agency to design the advertising for promotional goods such as displays, display containers, exhibits, newspaper inserts, brochures, catalogues, direct mail letters or flats, shirts, hats, pens, pencils, key chains, or other printed goods or materials are not subject to tax. However, when such promotional goods are produced or reproduced for distribution, tax applies to the sales price charged to the client for such promotional goods.

4. For items purchased by an advertising agency and exempt from tax under this paragraph, possession of an exemption certificate from the advertising agency certifying the agency's entitlement to exemption relieves the vendor of the responsibility of collecting the tax on the sale of such items to the advertising agency, and the department shall look solely to the advertising agency for recovery of tax if it determines that the advertising agency was not entitled to the exemption.

5. The exemptions provided by this paragraph apply retroactively, except that all taxes that have been collected must be remitted, and taxes that have been remitted before July 1, 1999, on transactions that are subject to exemption under this paragraph are not subject to refund.

6. The department may adopt rules that interpret or define the provisions of these exemptions and provide examples regarding the application of these exemptions.

(yy) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction is exempt if the sales price exceeds \$500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(zz) Certain repair and labor charges.—

1. Subject to the provisions of subparagraphs 2. and 3., there is exempt from the tax imposed by this chapter all labor charges for the repair of, and parts and materials used in the repair of and incorporated into, industrial machinery and equipment which is used for the manufacture, processing, compounding, production, or preparation for shipping of items of tangible personal property at a fixed location within this state.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this subparagraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. This exemption shall be applied as follows:

a. Beginning July 1, 1999, 25 percent of such charges for repair parts and labor shall be exempt.

b. Beginning July 1, 2000, 50 percent of such charges for repair parts and labor shall be exempt.

c. Beginning July 1, 2001, 75 percent of such charges for repair parts and labor shall be exempt.

d. Beginning July 1, 2002, 100 percent of such charges for repair parts and labor shall be exempt.

(aaa) Film and other printing supplies.—Also exempt are the following materials purchased, produced, or created by businesses classified under SIC Industry Numbers 275, 276, 277, 278, or 279 for use in producing graphic matter for sale: film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

(bbb) People-mover systems.—People-mover systems, and parts thereof, which are purchased or manufactured by contractors employed either directly by or as agents for the United States Government, the state, a county, a municipality, a political subdivision of the state, or the public operator of a public-use airport as defined by s. 332.004(14) are exempt from the tax imposed by this chapter when the systems or parts go into or become part of publicly owned facilities. In the case of contractors who manufacture and install such systems and parts, this exemption extends to the purchase of component parts and all other manufacturing and fabrication costs. The department may provide a form to be used by contractors to provide to suppliers of people-mover systems or parts to certify the contractors' eligibility for the exemption provided under this paragraph. As used in this paragraph, "people-mover systems" includes wheeled passenger vehicles and related control and power distribution systems that are part of a transportation system for use by the general public, regardless of whether such vehicles are operator-controlled or driverless, self-propelled or propelled by external power and control systems, or conducted on roads, rails, guidebeams, or other permanent structures that are an integral part of such transportation system. "Related control and power distribution systems" includes any electrical or electronic control or signaling equipment, but does not include the embedded wiring, conduits, or cabling used to transmit electrical or electronic signals among such control equipment, power distribution equipment, signaling equipment, and wheeled vehicles.

~~(ccc) Organizations providing crime prevention, drunk driving prevention, or juvenile delinquency prevention services.—Sales or leases to any nonprofit organization that provides crime prevention services, drunk driving prevention services, or juvenile delinquency prevention services that benefit society as a whole are exempt from the tax imposed by this chapter, if the organization holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code and the organization has as its sole or primary purpose the provision of services that contribute to the prevention of hardships caused by crime, drunk driving, or juvenile delinquency.~~

(ccc)(ddd) Florida Fire and Emergency Services Foundation.—Sales or leases to the Florida Fire and Emergency Services Foundation are exempt from the tax imposed by this chapter.

(ddd)(eee) Railroad roadway materials.—Also exempt from the tax imposed by this chapter are railroad roadway materials used in the construction, repair, or maintenance of railways. Railroad roadway materials shall include rails, ties, ballasts, communication equipment, signal equipment, power transmission equipment, and any other track materials.

~~Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.~~

Section 3. (1) *The amendments to paragraphs (ff) and (nn) of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act apply retroactively to July 1, 2000.*

(2) *The amendments to the introductory paragraph, to paragraph (p), and to the final, flush-left passage of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act are made to*

clarify rather than change existing law, and these amendments apply retroactively to January 1, 2001.

Section 4. Effective upon this act becoming a law and applying retroactively to July 1, 1996, paragraph (c) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the *vendor department* with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-acrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

Section 5. Effective July 1, 2001, paragraphs (b), (d), and (f) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of

\$50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property or which does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations only by way of a prospective credit against taxes due under chapter 211 for taxes paid under this chapter on such machinery and equipment.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means *tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. A building and its structural components are not industrial machinery and equipment unless the*

building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities. ~~“section 38 property” as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided “industrial machinery and equipment” shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property.~~ Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. “Productive output” means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(d) Machinery and equipment used under federal procurement contract.—

1. Industrial machinery and equipment purchased by an expanding business which manufactures tangible personal property pursuant to federal procurement regulations at fixed locations in this state are partially exempt from the tax imposed in this chapter on that portion of the tax which is in excess of \$100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the implicit productive output of the expanded business by not less than 10 percent. The percentage of increase is measured as deflated implicit productive output for the calendar year during which the installation of the machinery or equipment is completed or during which commencement of production utilizing such items is begun divided by the implicit productive output for the preceding calendar year. In no case may the commencement of production begin later than 2 years following completion of installation of the machinery or equipment.

2. The amount of the exemption allowed shall equal the taxes otherwise imposed by this chapter in excess of \$100,000 per calendar year on qualifying industrial machinery or equipment reduced by the percentage of gross receipts from cost-reimbursement type contracts attributable to the plant or operation to total gross receipts so attributable, accrued for the year of completion or commencement.

3. The exemption provided by this paragraph shall inure to the taxpayer only through refund of previously paid taxes. Such refund shall be made within 30 days of formal approval by the department of the taxpayer's application, which application may be made on an annual basis following installation of the machinery or equipment.

4. For the purposes of this paragraph, the term:

a. “Cost-reimbursement type contracts” has the same meaning as in 32 C.F.R. s. 3-405.

b. “Deflated implicit productive output” means the product of implicit productive output times the quotient of the national defense implicit price deflator for the preceding calendar year divided by the deflator for the year of completion or commencement.

c. “Eligible costs” means the total direct and indirect costs, as defined in 32 C.F.R. ss. 15-202 and 15-203, excluding general and administrative

costs, selling expenses, and profit, defined by the uniform cost-accounting standards adopted by the Cost-Accounting Standards Board created pursuant to 50 U.S.C. s. 2168.

d. “Implicit productive output” means the annual eligible costs attributable to all contracts or subcontracts subject to federal procurement regulations of the single plant or operation at which the machinery or equipment is used.

e. “Industrial machinery and equipment” means *tangible personal property, or other property, that has a depreciable life of 3 years or more, that qualifies as an eligible cost under federal procurement regulations, and that is used as an integral part of the process of production of tangible personal property. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.* ~~“section 38 property” as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided such industrial machinery and equipment qualified as an eligible cost under federal procurement regulations and are used as an integral part of the tangible personal property production process.~~ Such term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with the provisions of this paragraph.

f. “National defense implicit price deflator” means the national defense implicit price deflator for the gross national product as determined by the Bureau of Economic Analysis of the United States Department of Commerce.

5. The exclusions provided in subparagraph (b)5. apply to this exemption. This exemption applies only to machinery or equipment purchased pursuant to production contracts with the United States Department of Defense and Armed Forces, the National Aeronautics and Space Administration, and other federal agencies for which the contracts are classified for national security reasons. In no event shall the provisions of this paragraph apply to any expanding business the increase in productive output of which could be measured under the provisions of subparagraph (b)6.b. as physically comparable between the two periods.

(f) Motion picture or video equipment used in motion picture or television production activities and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter. The exemption provided by this paragraph shall inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

2. For the purpose of the exemption provided in subparagraph 1.:

a. “Motion picture or video equipment” and “sound recording equipment” includes only *tangible personal property, or other property, that has a depreciable life of 3 years or more and equipment meeting the definition of “section 38 property” as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code* that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission. *Furthermore, a building and its structural components are not motion picture or video equipment and sound recording equipment unless the building or structural component is so closely related to the motion picture or video equipment and sound recording equipment that it houses or supports that the building or structural component can be expected to be replaced when the motion picture or video equipment and sound recording equipment itself is replaced. Heating and air conditioning systems are not motion picture or video equipment and sound record-*

ing equipment, unless the sole justification for their installation is to meet the requirements of the production activities, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

Section 6. (1) *It is the intent of the Legislature to provide guidance in tax matters which is current and useful. Accordingly, the continued reference to a federal regulation that no longer exists causes confusion and an undue burden on persons affected by section 212.08, Florida Statutes.*

(2) *It is the purpose of the amendment to section 212.08(5)(b), (d), and (f), Florida Statutes, by this act to replace specific references therein to "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code with a general description of such property, and such new description shall have the same meaning as the former federal Internal Revenue Code regulation without limitation.*

Section 7. Effective July 1, 2001, subsection (10) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—

(a) The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale.

(b) *Notwithstanding the partial exemption allowed in paragraph (a), a vehicle is subject to this state's sales tax at the applicable state sales tax rate plus authorized surtaxes when the vehicle is purchased by a nonresident corporation or partnership and:*

1. *An officer of the corporation is a resident of this state;*
2. *A stockholder of the corporation who owns at least 10 percent of the corporation is a resident of this state; or*
3. *A partner in the partnership who has at least 10 percent ownership is a resident of this state.*

However, if the vehicle is removed from this state within 45 days after purchase and remains outside the state for a minimum of 180 days, the vehicle may qualify for the partial exemption allowed in paragraph (a) despite the residency of owners or stockholders of the purchasing entity.

Section 8. Effective July 1, 2001, paragraph (b) of subsection (14) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(14) For the purpose of determining whether a person is improving real property, the term:

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner: ~~trade fixtures~~; property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except mobile homes assessed as real property; or *industrial machinery or equipment. For purposes of this paragraph, industrial machinery or equipment is not limited to machinery and equipment used to manufacture, process, compound, or produce tangible personal property.* For an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which it is attached.

Section 9. *It is the intent of the Legislature that the amendment to section 212.06(14)(b), Florida Statutes, relating to industrial machinery or equipment, which is made by section 7 of this act is remedial in nature and merely clarifies existing law.*

Section 10. Paragraph (a) of subsection (8) and subsection (9) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(8) PARTIAL EXEMPTIONS; VESSELS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) The sale or use of vessels and parts thereof used to transport persons or property in interstate or foreign commerce, including commercial fishing vessels, is subject to the taxes imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year. The ratio would be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the vessel begins its initial operations in this state, the vessel's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the vessel, or a refund may be applied for, on the basis of the actual ratio of the vessel's miles in this state to its total miles for that year.* This ratio shall be applied each month to the total Florida purchases of such vessels and parts thereof which are used in Florida to establish that portion of the total used and consumed in intrastate movement and subject to the tax at the applicable rate. The basis for imposition of any discretionary surtax shall be as set forth in s. 212.054. Items, appropriate to carry out the purposes for which a vessel is designed or equipped and used, purchased by the owner, operator, or agent of a vessel for use on board such vessel shall be deemed to be parts of the vessel upon which the same are used or consumed. Vessels and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Vessels and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax.

(9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) Railroads which are licensed as common carriers by the ~~Surface Transportation Board Interstate Commerce Commission~~ and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in*

which the railroad begins its initial operations in this state, the railroad's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the railroad, or a refund may be applied for, on the basis of the actual ratio of the railroad's miles in this state to its total miles for that year. This ratio shall be applied each month to the Florida total purchases of the railroad which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Railroads which are licensed as common carriers by the Surface Transportation Board Interstate Commerce Commission and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter.

(b) Motor vehicles which are engaged in interstate commerce as common carriers, and parts thereof, used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's motor vehicles which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the carrier begins its initial operations in this state, the carrier's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the carrier, or a refund may be applied for, on the basis of the actual ratio of the carrier's miles in this state to its total miles for that year.* This ratio shall be applied each month to the Florida total purchases of such motor vehicles and parts thereof which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Motor vehicles which are engaged in interstate commerce, and parts thereof, used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Motor vehicles and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax. For purposes of this paragraph, parts of a motor vehicle engaged in interstate commerce include a separate tank not connected to the fuel supply system of the motor vehicle into which diesel fuel is placed to operate a refrigeration unit or other equipment.

Section 11. Subsection (5) is added to section 212.11, Florida Statutes, to read:

212.11 Tax returns and regulations.—

(5)(a) *Each dealer that claims any credits granted in this chapter against that dealer's sales and use tax liabilities, which credits are granted by reason of the dealer's hiring employees, purchasing property, improving property, paying increased ad valorem taxes, operating a business, or otherwise engaging in activity in an urban high-crime area, an enterprise zone, an empowerment zone, a Front Porch Community, a designated brownfield area, or an urban infill area, must submit to the department with the return on which such credits are claimed a report in a format prescribed by the department which provides the information and documentation required to verify the dealer's entitlement to the credits. All information must be broken down by the urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area to which it relates. In the case of any credit that is granted in the form of a refund of previously paid taxes, supporting documentation must be provided with the application for refund.*

(b) *The department may adopt rules prescribing the form in which the report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.*

(c) *The department shall disallow any credit that is not supported by the report required by this subsection.*

Section 12. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida,

does not take effect, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely

affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 13. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida, does take effect, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months,

to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 14. Paragraph (b) of subsection (6) of section 218.21, Florida Statutes, is amended to read:

218.21 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

(6) “Guaranteed entitlement” means the amount of revenue which must be shared with an eligible unit of local government so that:

(b)1. No eligible municipality shall receive less funds from the Revenue Sharing Trust Fund for Municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-1972 under the provisions of the then-existing s. 210.20(2)(a), tax on cigarettes; s. 323.16(3), road tax; and s. 206.605, tax on motor fuel.

2. Any government exercising municipal powers under s. 6(f), Art. VIII of the State Constitution may not receive less than the aggregate amount it received from the Revenue Sharing Trust Fund for Municipalities in the preceding fiscal year, plus a percentage increase in such amount equal to the percentage increase of the Revenue Sharing Trust Fund for Municipalities for the preceding fiscal year. *However, for the distributions made during the 2001-2002 fiscal year, the percentage increase shall be calculated as the revenues from the Revenue Sharing Trust Fund for Municipalities for the 2001-2002 fiscal year, divided by the sum of the revenues from the Revenue Sharing Trust Fund for Municipalities for the 1999-2000 fiscal year and the revenues from the Municipal Financial Assistance Trust Fund for the 1999-2000 fiscal year, minus one.*

Section 15. Effective July 1, 2001, subsection (4) of section 220.22, Florida Statutes, is amended to read:

220.22 Returns; filing requirement.—

(4) *The department shall designate by rule certain not-for-profit entities and others that are not required to file a return, including an initial information return, under this code unless the entities have taxable income as defined in s. 220.13(2). These entities must include subchapter S corporations, tax-exempt entities, and others that do not usually owe federal income tax. For the year in which an election is made pursuant to s. 1361(b)(3) of the Internal Revenue Code, the qualified subchapter S subsidiary shall file an informational return with the department, which return shall be restricted to information identifying the subsidiary, the electing S corporation parent, and the effective date of the election.*

Section 16. Effective July 1, 2001, subsection (10) of section 624.509, Florida Statutes, is repealed.

Section 17. Subsection (9) of section 213.27, Florida Statutes, is repealed.

Section 18. Section 213.256, Florida Statutes, is created to read:

213.256 Simplified Sales and Use Tax Administration Act.—

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

(a) “Department” means the Department of Revenue.

(b) “Agreement” means the Streamlined Sales and Use Tax Agreement as amended and adopted on January 27, 2001, by the Executive Committee of the National Conference of State Legislatures.

(c) “Certified automated system” means software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) “Certified service provider” means an agent certified jointly by the states that are signatories to the agreement to perform all of the seller’s sales tax functions.

(e) “Person” means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

(f) “Sales tax” means the tax levied under chapter 212.

(g) “Seller” means any person making sales, leases, or rentals of personal property or services.

(h) “State” means any state of the United States and the District of Columbia.

(i) “Use tax” means the tax levied under chapter 212.

(2)(a) *The executive director of the department shall enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the executive director of the department or his or her designee shall act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.*

(b) *The executive director of the department or his or her designee shall take other actions reasonably required to administer this section. Other actions authorized by this section include, but are not limited to, the adoption of rules and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.*

(c) *The executive director of the department or his or her designee may represent this state before the other states that are signatories to the agreement.*

(3) *The executive director of the department may not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:*

(a) *The agreement must set restrictions to limit, over time, the number of state tax rates.*

(b) *The agreement must establish uniform standards for:*

1. *The sourcing of transactions to taxing jurisdictions.*
2. *The administration of exempt sales.*
3. *Sales and use tax returns and remittances.*

(c) *The agreement must provide a central electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.*

(d) *The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory state will not be used as a factor in determining whether the seller has nexus with a state for any tax.*

(e) *The agreement must provide for reduction of the burdens of complying with local sales and use taxes through:*

1. *Restricting variances between the state and local tax bases.*
2. *Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers who collect and remit these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.*
3. *Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.*
4. *Providing notice of changes in local sales and use tax rates and of local changes in the boundaries of local taxing jurisdictions.*

(f) *The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint study by the public and private sectors, which must be completed by July 1, 2002, of the compliance cost to sellers and certified service providers of collecting sales and use taxes for state and local governments under various levels of complexity.*

(g) The agreement must require each state to certify compliance with the terms of the agreement before joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.

(h) The agreement must require each state to adopt a uniform policy for certified service providers which protects the privacy of consumers and maintains the confidentiality of tax information.

(i) The agreement must provide for the appointment of an advisory council of private-sector representatives and an advisory council of non-member state representatives to consult within the administration of the agreement.

(4) For the purposes of reviewing or amending the agreement to embody the simplification requirements as set forth in subsection (3), this state shall enter into multistate discussions. For purposes of such discussions, this state shall be represented by three delegates, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and the executive director of the department or his or her designee.

(5) No provision of the agreement authorized by this section in whole or in part invalidates or amends any provision of the laws of this state. Adoption of the agreement by this state does not amend or modify any law of the state. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the state.

(6) The agreement authorized by this section is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

(7)(a) The agreement authorized by this act binds and inures only to the benefit of this state and the other member states. No person, other than a member state, is an intended beneficiary of the agreement. Any benefit to a person other than a state is established by the laws of this state and of other member states and not by the terms of the agreement.

(b) Consistent with paragraph (a), no person has any cause of action or defense under the agreement or by virtue of this state's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or of any political subdivision of this state, on the ground that the action or inaction is inconsistent with the agreement.

(c) No law of this state, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.

(8)(a) A certified service provider is the agent of a seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this subsection.

(b) A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless the seller has misrepresented the type of items it sells or has committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions that have not been processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and to determine the extent to which the seller's transactions are being processed by the certified service provider.

(c) A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the state for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated sys-

tem remains responsible and is liable to the state for reporting and remitting tax.

(d) A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standards for that system is liable for the failure of the system to meet the performance standard.

(9) Disclosure of information necessary under this section must be pursuant to a written agreement between the executive director of the department or his or her designee and the certified service provider. The certified service provider is bound by the same requirements of confidentiality as the department. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) On or before January 1 annually, the department shall provide recommendations to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives for provisions to be adopted for inclusion within the system which are necessary to bring it into compliance with the Streamlined Sales and Use Tax Agreement.

Section 19. Subsection (2) of section 213.285, Florida Statutes, is amended to read:

213.285 Certified audits.—

(2)(a) The department is authorized to initiate a certified audits project to further enhance tax compliance reviews performed by qualified practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their tax compliance. The nature of certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the department is the specified user of the resulting report.

(b) As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(c) The certified audits project is repealed on July 1, 2006 ~~2002~~, or upon completion of the project as determined by the department, whichever occurs first.

Section 20. Paragraph (n) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(n) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section. This paragraph is repealed on July 1, 2006 ~~2002~~.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 21. Subsection (8) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the

contract with the Agency for Workforce Innovation, against the subject property and with the same priority, regardless of whether a default against the department, the Agency for Workforce Innovation, or the Department of Labor and Employment Security has been entered for failure to file an answer or other responsive pleading.

Section 27. Subsection (1) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 175, municipal firefighters' pension trust funds; chapter 185, municipal police officers' retirement trust funds; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; s. 252.372, emergency management, preparedness, and assistance surcharge; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.501 and 624.509-624.515, insurance code; s. 681.117, motor vehicle warranty enforcement; and s. 896.102, reports of financial transactions in trade or business. *The provisions of this section, except paragraph (7)(f), also apply to chapter 443 while the department is performing tax collection services for the Agency for Workforce Innovation pursuant to chapter 2000-165, Laws of Florida; however, the exceptions to confidentiality contained in ss. 443.171(7) and 443.1715 remain in full force and effect.*

Section 28. *Effective July 1, 2001, notwithstanding section 10 of chapter 90-110, Laws of Florida, subsection (3) of section 215.20, Florida Statutes, shall not expire on October 1, 2001, as scheduled by that law, but subsection (3) of section 215.20, Florida Statutes, is revived and readopted.*

Section 29. *Effective upon becoming a law, and applying retroactively to June 1, 2001, if this act does not become a law by that date, section 4 of chapter 96-395, Laws of Florida, is repealed.*

Section 30. Subsection (8) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) *The taxes imposed by this section do not apply to deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, is granted, assigned, transferred, or otherwise conveyed from an electric utility to a regional transmission organization under the jurisdiction of the Federal Energy Regulatory Commission.*

Section 31. Paragraph (g) of subsection (10) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(10) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) "Lease," "let," or "rental" also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. The term "lease," "let," or "rental" does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the ~~Surface Transportation Board United States Interstate Commerce Commission~~, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer, or charges made pursuant to car service agreements. *The terms "lease," "let," "rental," or "license" do not include payments by a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission which are made to an electric utility in connection*

with the regional transmission organization's use or control of the utility's high-voltage bulk transmission facilities. However, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 166.231, the term "lease or rental" means only the net amount of rental involved.

Section 32. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)

(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological

modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 33. Effective July 1, 2003, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by section 3 of chapter 2000-345, Laws of Florida, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.
5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.
6. A public street or road which is used for transportation purposes.
7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention

hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 34. Subsection (1) and paragraph (a) of subsection (2) of section 201.08, Florida Statutes, are amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(1)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. *The tax on any document described in this paragraph shall not exceed \$2,450.*

(b) On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. Mortgages, including, but not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid on the mortgage, trust deed, or security agreement. If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. Notwithstanding the aforesaid general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed. Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him or her is guilty of a misdemeanor of the first

degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(2)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each \$100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. *The tax on any document described in this paragraph shall not exceed \$2,450.*

Section 35. Effective upon this act becoming a law and applying retroactively to December 21, 2000, section 443.1315, Florida Statutes, is created to read:

443.1315 *Treatment of Indian tribes.—*

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

(a) *"Employer" includes any Indian tribe for which service in employment as defined by this chapter is performed.*

(b) *"Employment" includes service performed in the employ of an Indian tribe, as defined by s. 3306(u) of the Federal Unemployment Tax Act, provided such service is excluded from "employment," as defined by that act, solely by reason of s. 3306(c)(7) of said act and is not otherwise excluded from "employment" under this chapter. For purposes of this section, the exclusions from employment under s. 443.036(21)(d) shall be applicable to services performed in the employ of an Indian tribe.*

(2) *Benefits based on service in employment, as defined by this section, shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter.*

(3)(a) *Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the Unemployment Compensation Trust Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.*

(b) *Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided by s. 443.131 for state and local governments and nonprofit organizations subject to this chapter. Indian tribes shall determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units.*

(c) *Indian tribes or tribal units shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.*

(d) *At the discretion of the director of the Agency for Workforce Innovation or his or her designee, any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, within 90 days after the effective date of its election, to:*

1. *Execute and file with the director or his or her designee a surety bond approved by the director or his or her designee; or*

2. *Deposit with the director or his or her designee money or securities on the same basis as other employers with the same election option.*

(4)(a)1. *Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within 90 days after receipt of the bill, will cause the Indian tribe to lose the option to make payments in lieu of contributions, as described in subsection (3), for the following tax year, unless payment in full is received before contribution rates for the next tax year are computed.*

2. *Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in sub-*

paragraph 1., shall have such option reinstated if, after a period of 1 year, all contributions have been made timely, provided no contributions, payments in lieu of contributions for benefits paid, penalties, or interest remain outstanding.

(b)1. Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, after all collection activities deemed necessary by the director of the Agency for Workforce Innovation or his or her designee have been exhausted, will cause services performed for such tribe to not be treated as "employment" for purposes of paragraph (1)(b).

2. The director or his or her designee may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for such tribe again included as "employment" for purposes of paragraph (1)(b) if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(c) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency, the director of the Agency for Workforce Innovation shall immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(5) Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed timeframe:

(a) Will cause the Indian tribe to be liable for taxes under the Federal Unemployment Tax Act.

(b) Will cause the Indian tribe to lose the option to make payments in lieu of contributions.

(c) Could cause the Indian tribe to be excepted from the definition of "employer," as provided in paragraph (1)(a), and services in the employ of the Indian tribe, as provided in paragraph (1)(b), to be excepted from "employment."

(6) Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the Federal Government shall be financed in their entirety by such Indian tribe.

(7) The Agency for Workforce Innovation is authorized to adopt any rules it deems necessary to implement this section.

Section 36. Paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-subparagraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-subparagraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 years, as defined in subparagraph (b)1., charged to employers eligible to be assigned a contribution rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products will be divided by the taxable payroll of such

employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate; however, at no time shall an employer's contribution rate be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in sub-subparagraph a. The term "excess payments" for the purpose of this section is defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding years, as defined in subparagraph (b)1., less the product of the maximum contribution rate and his or her taxable payroll for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. The term "total excess payments" is defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 3.74 percent of the taxable payrolls for the year ending June 30 as reported to the division by September 30 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of such calendar year and the sum of 4.75 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate equals or exceeds 3.74 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 4.75 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of the current calendar year and 4.75 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate is less than 4.75 percent but more than 3.74 percent of the taxable

payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year.

d. The maximum contribution rate that can be assigned to any employer shall be 5.4 percent, except those employers participating in an approved short-time compensation plan in which case the maximum shall be 1 percent above the current maximum contribution rate, with respect to any calendar year in which short-time compensation benefits are in the employer's employment record.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an employer, the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

Section 37. Subsection (1) of section 561.501, Florida Statutes, is amended to read:

561.501 Surcharge on sale of alcoholic beverages for consumption on the premises; penalty.—

(1) Notwithstanding s. 561.50 or any other provision of the Beverage Law, a surcharge of 3.34 cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of 2 cents is imposed on each 12 ounces of cider, and a surcharge of 1.34 cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor. However, the surcharges imposed under this subsection need not be paid upon such beverages when they are sold by a nonprofit organization that is licensed by the division under s. 561.422 or s. 565.02(4) as an alcoholic beverage vendor and that is determined by the Internal Revenue Service to be currently exempt from federal income tax under s. 501(c)(2), (3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code of 1986, as amended.

Section 38. Effective July 1, 2001, subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 39. Effective July 1, 2001, section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held*

during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 40. Effective July 1, 2001, section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) *HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) *FORM OF BALLOT.—*

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) *QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) *RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) *EXPENSES OF ELECTION.—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

Section 41. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term "section 38 property" with an express definition of the terms "industrial machinery and equipment" and "motion picture and video equipment"; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term "fixtures"; eliminating reference to the term "trade fixture"; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit

not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year's information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing effective dates.

On motion by Senator Carlton, by two-thirds vote **HB 1981** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 2008—A bill to be entitled An act relating to economic development; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a misdemeanor penalty for failing to provide such documentation or maintain certain records; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for the calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding the purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.980, F.S.; providing that grants by the Office of Tourism, Trade, and Economic Development to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; creating the "New Product Transfer Enhancement Act"; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of

the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; authorizing the Office of Tourism, Trade, and Economic Development to use a portion of funds appropriated for the Rural Community Development Revolving Loan Fund for loan activities on behalf of small citrus growers; providing effective dates.

—as amended May 1 was read the third time by title.

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

Amendment 1 (072544)(with title amendment)—On page 3, line 30, insert:

Section 1. (1) *The Legislature intends to ensure that all high schools provide supportive services to students and their parents to determine the comprehensive program of study that will best meet the needs and goals of each student. At a minimum, these services must include access to a guidance counselor and assistance in developing an educational and career plan. Each high school shall provide a variety of comprehensive, relevant programs of study which will meet the needs of all students and enable each student to pursue his or her individual educational and career goals.*

(2) *Key components of this process are:*

(a) *A variety of programs of study which are based on individual educational and career goals.*

(b) *Parental involvement in the identification of the appropriate program of study.*

(c) *Assurance that all programs of study are designed to provide a seamless transition to an appropriate postsecondary education and employment.*

Section 2. (1) *A career and technical education program within a comprehensive high school program of study must be certified or endorsed by the appropriate industry to ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in that industry.*

(2) *Effective July 1, 2006, each career and technical program preparing for postsecondary education and employment offered as part of a comprehensive program of study in a high school must be industry-certified or endorsed, except for courses classified as exploratory, orientation, or practical arts. A student enrolled in a course within a career and technical program that is not industry-certified may not be reported for full-time equivalent funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts. The Department of Education shall assure that each program is certified by July 1, 2006, and recertified at least every 5 years. The department shall adopt rules for the certification process, and the rules must establish any necessary procedures for obtaining appropriate business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.*

(3) *Each full-time equivalent student in an industry-certified or endorsed career and technical program generates 1.15 times the cost factor for students enrolled in the basic program for grades 9-12, as provided by section 236.081, Florida Statutes, and the annual General Appropriations Act.*

(4) *Effective July 1, 2006, each career and technical education program offered by a high school and able to be articulated to a postsecondary level must also have an articulation agreement with one or more appropriate postsecondary education institutions to ensure a seamless transition to a related postsecondary program without a loss of credit for the student. Students enrolled in a program that is not articulated to a postsecondary program may not be reported for full-time equivalent student funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts or terminates at the high school level.*

Section 3. (1) *A comprehensive program of study in career and technical education must be designed to ensure that, upon completion of the program of study and graduation from high school, a student is prepared to continue his or her education at a postsecondary education institution and obtain employment. Therefore, a comprehensive career and technical program of study must require of each student:*

(a) *Completion of academic courses with a designation from the Department of Education of level two or above. All credits earned to meet graduation requirements in mathematics, science, and communication must have that designation.*

(b) *Attainment of at least one occupational completion point in an industry-certified or endorsed career and technical education program or completion of at least two courses in a technology education program.*

(c) *Completion of a one-credit core course addressing workplace-readiness skills. The Department of Education shall define in rule the content of the course and shall assure that the course meets graduation*

requirements for performing arts or practical arts. The course requirement may be satisfied through infusing course content into existing select career and technical education course.

(d) Participation in work-based learning experiences, as defined in rule by the Department of Education.

(e) Participation in a capstone activity that includes a project related to a career. This activity is designed to apply and demonstrate the competencies and concepts attained in the student's program of study. The Department of Education may specify in rule characteristics of capstone activities that meet the intent of this paragraph.

(2) The Legislature intends to recognize with an endorsement on the high school diploma a student who:

(a) Completes the requirements for high school graduation as provided in section 232.246, Florida Statutes, and the additional requirements for a comprehensive career and technical program of study provided in subsection (1).

(b) Passes the college entry-level placement test or an equivalent test identified by the department with a score adequate to enroll in a public postsecondary education program without the need for college preparatory or vocational preparatory instruction.

(3) The endorsement indicates that the student is prepared to continue into postsecondary education without the need for remediation and that the student has marketable employment skills. The Department of Education may adopt by rule a standard format for the endorsement.

(4) For each student who receives the endorsement on his or her diploma, the school district shall receive incentive funding, as provided in section 236.081, Florida Statutes, and the annual General Appropriations Act.

(5) A school district that generates funds as a result of industry-certified programs or incentive funding for student achievement of the endorsement must expend the total amount on the comprehensive career and technical program of study. The district may not apply indirect charges to incentive funds earned.

Section 4. The Legislature finds that, to adequately assist students in advanced technical and academic career planning, high school guidance counselors and career specialists require preservice and inservice professional development programs that contain sufficient information on career education.

(1) Each guidance counselor and career specialist in a school with technical education programs certified as provided in section 2 of this act shall complete 12 inservice points in technical education and career development which include:

(a) An emphasis on labor-market trends and projections;

(b) A practicum that focuses on development of a career-awareness program; and

(c) Content related to a career or employment within the counselor's work experience.

(2) The Department of Education shall assist guidance counselors and career specialists in attaining the additional inservice required. The State Board of Education shall revise rules governing the certification and recertification of guidance counselors to allow substitution of personal work-based experiences and temporary-employment opportunities in business and industry for the required classroom instruction. A minimum of 12 hours of inservice in career and technical education will be required for each 5-year period.

(3) To implement the requirements of this act through preservice education, the Legislature encourages colleges of education to provide for the additional courses required without increasing the total number of credit hours needed to complete a program. Instead, the colleges are encouraged to infuse course content required for ethics courses into courses required for introduction, theory, and practicum.

Section 5. Paragraph (b) of subsection (9) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—“Instructional personnel” means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(b) Pupil personnel services.—Pupil personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, ~~career occupational placement~~ ~~placement~~ specialists, and school psychologists.

Section 6. Paragraph (c) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(c) Develop programs for preservice and inservice training for the purpose of infusing career education concepts into the basic curricula of public schools and core curricula of community colleges and state universities and programs for preservice and inservice training for counselors and ~~career occupational and placement~~ ~~placement~~ specialists to assist in career counseling and placement and followup activities.

Section 7. Paragraph (a) of subsection (5) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(5) Each school district shall designate one or more persons to coordinate local private sector and education partnership activities. The general activities of these coordinators shall be to enhance private sector and education partnership activities. The specific duties of the district coordinators shall include, but not be limited to, the following:

(a) Maintaining contact with local businesses and industries, local chamber of commerce organizations, regional workforce boards ~~private industry councils with Job Training Partnership Act programs~~, ~~district, career occupational~~ ~~specialists~~, guidance personnel, economics educators, volunteer coordinators, community education coordinators, appropriate governmental personnel, and any others interested in private sector and education partnerships.

Section 8. Paragraphs (c), (d), and (l) of subsection (1) of section 236.081, Florida Statutes, are amended, present paragraphs (m) through (p) of that subsection are redesignated as paragraphs (n) through (q), respectively, and a new paragraph (m) is added to that subsection, and paragraph (a) of subsection (5) of that section is amended, to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. A *secondary career or technical education program certified as required by section 2 of this act generates funding as provided in paragraph (m). Effective July 1, 2006, a full-time equivalent student in a career or technical education program that*

is not industry-certified or endorsed shall not generate any state funding unless the student is in a course classified as exploration, orientation, or practical arts and the General Appropriations Act contains a cost factor for such courses. The Department of Education shall complete a study by January 2002 to determine if career and technical education programs should have differentiated funding weights. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Programs for exceptional students.—
 - a. Support Level IV.
 - b. Support Level V.
3. Secondary career and technical education programs, industry-certified or endorsed.—
4. Career and technical education programs, all other programs.—
 - 5.4. English for Speakers of Other Languages.—
 - (d) Annual allocation calculation.—

1. The Department of Education ~~shall be authorized and directed to~~ review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, all basic programs other than the programs in group 1, and all vocational programs in grades 6-12 ~~7-12~~.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be com-

puted for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for each group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(l) Instruction in career education.—~~Effective for the 1985-1986 school year and thereafter,~~ District pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. *Beginning July 1, 2006, a career and technical course may not be substituted for another required course unless it is part of an industry-certified or endorsed program certified as provided in section 2 of this act.* A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory course program may substitute credit for a portion of the required four credits in English, three credits in mathematics, *any credits in social studies*, and three credits in science. The credit substituted for English, mathematics, *social studies*, or science earned through the vocational job-preparatory course program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. The State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies*, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies*, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. ~~A career and technical course vocational program~~ which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course. *Such a course is eligible for funding at 1.15 times the cost factor for students enrolled in the basic program for grades 9-12 only if it is part of a program certified or endorsed as required by section 2 of this act.*

(m) Calculation of full-time equivalent membership for an industry-certified or endorsed technical program.—*Funding for students enrolled in an industry-certified program as provided in section 2 of this act is calculated at 1.15 times the cost factor for students enrolled in the program for grades 9-12 and multiplying that number by the number of full-time equivalent students in an industry-certified or endorsed career and technical program. A student who earns the endorsement authorized by section 3 of this act generates additional incentive funding for the program, as provided in subsection (5). During the transition from the 2001-*

2002 school year until July 1, 2006, all career and technical education programs not industry-certified or endorsed or articulated to postsecondary institutions will continue to earn weighted funding as determined in the General Appropriations Act.

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.
8. Comprehensive health education as provided by law.
9. Excellent Teaching Program as provided by law.
10. *Attainment of the high school career and technical endorsement authorized by section 3 of this act and rules of the State Board of Education.*

Section 9. Section 239.121, Florida Statutes, is amended to read:

239.121 ~~Career Occupational~~ specialists.—

(1) District school boards and community college boards of trustees may employ ~~career occupational~~ specialists to provide student counseling services and occupational information to students and to provide information to local business and industry regarding the availability of vocational programs through local educational institutions. Under the supervision of a certified counselor, ~~career occupational~~ specialists may undertake special assignments that include, but are not limited to, the identification and intensive counseling of current and former students and the parents of such students, as well as counseling students and all education personnel regarding job and career opportunities.

(2) ~~Career Occupational~~ specialists shall receive certification pursuant to State Board of Education rule and s. 231.1725. A ~~career No occupational~~ specialist may not be paid less than any other member of the instructional personnel who has equivalent qualifications and provides similar services. ~~Career Occupational~~ specialists may receive salary supplements upon documentation that such supplements are necessary for recruiting or retaining suitable personnel.

(3) *The Department of Education and each school district that employs a career specialist shall assist that person in preparing a professional development plan designed to provide the skills necessary to perform the duties associated with implementing a comprehensive technical education program of study.*

Section 10. Paragraph (a) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)(a) *Each school board and superintendent shall direct the smooth transition of high school career and technical education programs to industry-certified or endorsed programs of study included in a comprehensive course of study. Each school board and superintendent shall also direct the implementation of all components required to obtain the endorsement authorized in section 3 of this act if the district chooses to offer*

the endorsement. School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:

1. Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.
2. Student awareness of available vocational programs and the corresponding occupations into which such programs lead.
3. Student development of individual career plans.
4. Integration of academic and vocational skills in the secondary curriculum.
5. Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college-preparatory or vocational-preparatory instruction.
6. Student retention in school through high school graduation.
7. ~~Career and technical Vocational~~ curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents;

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Diaz de la Portilla, further consideration of **CS for CS for SB 2008** as amended was deferred.

CS for CS for SB 1880—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term “electronic transmission” to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet for purposes of proxy voting; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional procedures for shareholders to use in exercising certain rights; amending s. 15.16, F.S.; authorizing the department to discount a filing fee in an amount equal to the convenience charge imposed for an electronic record filing by way of a contractor; amending s. 607.193, F.S.; waiving the charge for late filings of supplemental corporate fees when the business entity did not receive the uniform business report prescribed by the department; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Klein, **CS for CS for SB 1880** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Burt	Carlton	Constantine
Brown-Waite	Campbell	Clary	Cowin

Crist	Jones	Miller	Silver
Dawson	King	Mitchell	Smith
Diaz de la Portilla	Klein	Peaden	Sullivan
Dyer	Latvala	Pruitt	Villalobos
Garcia	Laurent	Rossin	Wasserman Schultz
Geller	Lawson	Sanderson	Webster
Holzendorf	Lee	Saunders	
Horne	Meek	Sebesta	

Nays—None

Vote after roll call:

Yea—Posey

SB 1766—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these exemptions; providing a statement of public necessity for the exemptions; amending s. 119.07, F.S.; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Crist, **SB 1766** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 2174—A bill to be entitled An act relating to insurance; amending s. 624.318, F.S.; requiring access to records by the department; repealing s. 624.501(11) and (23), F.S.; repealing provisions establishing specified fees; amending s. 626.112, F.S.; prohibiting certain activities that constitute solicitation of insurance by unlicensed persons; amending s. 626.171, F.S.; revising agent application requirements; amending s. 626.181, F.S.; extending a period of eligibility for reappointment; creating s. 626.202, F.S.; requiring fingerprinting of specified persons; amending s. 626.431, F.S.; extending the nonappointment period to 48 months; amending s. 626.521, F.S.; requiring certain information upon demand of the department; amending s. 626.541, F.S.; requiring notification to the department of certain name changes and other information; amending s. 626.5715, F.S.; removing a requirement that the Department of Insurance adopt rules to assure parity of regulation; providing that the Insurance Code applies to all transactions; amending s. 626.601, F.S.; revising a confidentiality provision; amending s. 626.611, F.S.; prohibiting the sale of unregistered securities; amending ss. 626.741, 626.792, 626.835, F.S.; limiting the authority of certain nonresident licenses to that granted by the resident state; amending s. 626.8427, F.S.; revising provisions governing the duration of licenses; amending s. 626.856, F.S.; revising the definition of the term "company employee adjuster"; amending s. 626.872, F.S.; limiting the term of a temporary adjuster's license; amending s. 626.873, F.S.; revising a catchline regarding nonresident company adjusters; amending s. 627.927; limiting an experience requirement for surplus lines agents; extending a renewal grace period; creating s. 626.9531, F.S.; requiring the identification of certain persons in advertisements and other communications; amending ss. 648.315, 648.38, 648.384, F.S.; extending a period of eligibility for reappointment; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's

nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—was read the third time by title.

On motion by Senator Holzendorf, **CS for SB 2174** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 2146—A bill to be entitled An act relating to medical records; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Mitchell, **CS for CS for SB 2146** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 2058—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay for boarding during certain hearings and appeals and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 828.055, F.S.; authorizing additional drugs for which permits may be issued for the capture or euthanasia of animals; amending s. 828.058, F.S.; requiring chemical immobilization training, which training must be approved by the Board of Veterinary Medicine; amending s. 828.03, F.S.; requiring training for certain agents of counties or societies that may prosecute violators; amending s. 828.073, F.S.; authorizing officers and agents of municipalities to take actions with respect to animals in distress and officers and agents of counties; amending s. 828.27, F.S.; redefining the term "animal control officer"; increasing training requirements; providing an effective date.

—as amended May 1 was read the third time by title.

Senator Klein moved the following amendment:

Amendment 1 (364342)(with title amendment)—On page 18, between lines 2 and 3, insert:

Section 9. Section 828.122, Florida Statutes, is amended to read:

828.122 Fighting or baiting animals; offenses; penalties.—

(1) This act may be cited as “The Animal Fighting Act.”

(2) As used in this section:

(a) “Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds.

(b) “Person” means every natural person, firm, copartnership, association, or corporation.

(3) Any person who commits any of the following acts is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Baiting, or using any animal for the purpose of fighting or baiting any other animal.

(b) Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal.

(c) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

(d) *Performing any service or act to facilitate animal baiting or fighting, including refereeing, advertising animal baiting or fighting, or serving as security for or a stakeholder of any money wagered on animal fighting or baiting.*

~~(4) Any person who willfully commits any of the following acts is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:~~

~~(e)(a) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or~~

~~(f)(b) Attending the fighting or baiting of animals.~~

(5) *A circuit judge who orders the seizure of an animal may require that it be impounded at an animal shelter or other undisclosed location where it can be humanely housed until its final disposition is determined. The law enforcement agency that seizes the animal shall remand the animal to the county animal shelter. The county animal shelter is entitled to receive reimbursement of its costs from the owner or possessor of the animal.*

(6) *If an animal shelter or other location is unavailable, a court may order the animal impounded on the property of its owner or possessor and shall order such person to provide all necessary care for the animal and allow regular inspections of the animal by any persons designated by the court. Any person so ordered may not dispose of the animal without court authorization.*

(7) *The final disposition of an animal seized under this section shall be determined by a county court pursuant to s. 828.073.*

(8) *If an animal kept or used in violation of this section is found by a circuit court to be unable to humanely survive until a custody hearing, until the final disposition of the charges, or until a court orders forfeiture, or if other circumstances warrant, the court may order the animal euthanized.*

~~(5) Whenever an indictment is returned or an information is filed charging a violation of s. 828.12 or of this section and, in the case of an information, a magistrate finds probable cause that a violation has occurred, the court shall order the animals seized and shall provide for appropriate and humane care or disposition of the animals. This provi-~~

~~sion shall not be construed as a limitation on the power to seize animals as evidence at the time of arrest.~~

~~(9)(6) This section does The provisions of subsection (3) and paragraph (4)(b) shall not apply to:~~

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s. 828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(d) Any person violating s. 828.121.

(e) Any person using ~~dogs~~ animals to hunt wild hogs or to retrieve domestic hogs *pursuant to customary hunting or agricultural practices.*

~~(10)(7) Nothing in this section shall be construed to prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.~~

~~(Redesignate subsequent sections.)~~

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: amending s. 828.122, F.S.; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties;

On motion by Senator Sebesta, further consideration of **CS for CS for SB 2058** with pending **Amendment 1** was deferred.

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term “layoff”; defining the term “firefighter” and “law enforcement or correctional officer”; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary pe-

riod for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Agency for Workforce Innovation; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

—as amended May 1 was read the third time by title.

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

Amendment 1 (260636)—On page 36, delete line 22 and insert: are amended to read and subsection (7) of that section is repealed:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

THE PRESIDENT PRESIDING

On motion by Senator Garcia, **CS for SB 466** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Crist	Laurent	Silver
Bronson	Diaz de la Portilla	Lee	Smith
Brown-Waite	Garcia	Meek	Sullivan
Burt	Geller	Peaden	Villalobos
Campbell	Holzendorf	Posey	Wasserman Schultz
Carlton	Horne	Pruitt	Webster
Clary	King	Sanderson	
Constantine	Klein	Saunders	
Cowin	Latvala	Sebesta	

Nays—7

Dawson	Jones	Miller	Rossin
Dyer	Lawson	Mitchell	

MOTION

On motion by Senator Garcia, the House was requested to concur in **CS for SB 466**, and in the event the House refused to concur, a conference committee was requested.

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Cowin, **SB 1394** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 968—A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Clary, further consideration of **SB 968** as amended was deferred.

SB 66—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Sullivan, **SB 66** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Lawson	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea to Nay—King

RECONSIDERATION OF BILL

On motion by Senator Sullivan, the Senate reconsidered the vote by which **SB 66** as amended passed this day.

Pending further consideration of **SB 66** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 795** was withdrawn from the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

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

CS for HB 795—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

—a companion measure, was substituted for **SB 66** as amended and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 795** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	

Nays—2

King Webster

Vote after roll call:

Yea—Holzendorf

CS for SB 1256—A bill to be entitled An act relating to nursing education; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the

Legislature an implementation plan detailing the impact and cost of any such proposed rule change; providing an effective date.

—was read the third time by title.

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

Amendment 1 (731672)(with title amendment)—On page 1, between lines 22 and 23, insert:

Section 2. Subsection (1) and paragraph (a) of subsection (7) of section 240.4075, Florida Statutes, are amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, birth centers, federally sponsored community health centers, and teaching hospitals, *family practice teaching hospitals, and specialty children's hospitals* by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07, *family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. If, in any given fiscal quarter, there are insufficient funds in the trust fund to grant all eligible applicants' requests, awards must be based on the following priority by employer: county health departments, federally sponsored community health centers, state-operated medical and health care facilities, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, specialty children's hospitals as described in s. 409.9119, and other hospitals, birthing centers, or nursing homes where the match is required.*

Section 3. Paragraph (b) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(4) Credit for repayment of a scholarship shall be as follows:

(b) Eligible health care facilities include state-operated medical or health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07, *nursing homes, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119.* The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

Section 4. *All the statutory powers, duties, and functions and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Nursing Student Loan Forgiveness Program are transferred from the Department of Education to the Department of Health by a type two transfer as defined in section 20.06, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health;

On motion by Senator Campbell, **CS for SB 1256** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

RECESS

On motion by Senator Lee, the Senate recessed at 11:57 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:10 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 268** and **CS for SB 1628** was deferred.

On motion by Senator Garcia—

SJR 1700—A joint resolution proposing the creation of Section 7 of Article VIII of the State Constitution, relating to amending certain county charters by special law.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (970902)(with title amendment)—Delete everything after the enacting clause and insert:

That the following amendment to Section 6 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

**ARTICLE VIII
LOCAL GOVERNMENT**

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) **ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) **CONSOLIDATION AND HOME RULE.** Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain

The Senate resumed consideration of—

CS for CS for SB 2058—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay for boarding during certain hearings and appeals and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 828.055, F.S.; authorizing additional drugs for which permits may be issued for the capture or euthanasia of animals; amending s. 828.058, F.S.; requiring chemical immobilization training, which training must be approved by the Board of Veterinary Medicine; amending s. 828.03, F.S.; requiring training for certain agents of counties or societies that may prosecute violators; amending s. 828.073, F.S.; authorizing officers and agents of municipalities to take actions with respect to animals in distress and officers and agents of counties; amending s. 828.27, F.S.; redefining the term “animal control officer”; increasing training requirements; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (364342)** by Senator Klein was withdrawn.

On motion by Senator Sebesta, **CS for CS for SB 2058** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—None

**MOTIONS RELATING TO
COMMITTEE REFERENCE**

On motion by Senator Lee, by two-thirds vote **HB 629** and **HB 855** were withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the Local Bill Calendar; and **HB 853** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar; and by two-thirds vote placed on the Local Bill Calendar.

in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the *Miami-Dade Metropolitan Dade County Home Rule Charter*, heretofore or hereafter adopted by the electors of *Miami-Dade Dade County* pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended. *However, notwithstanding any provision of Article VIII, Section 11, of the Constitution of 1885, as amended, or any limitations under this subsection, the Miami-Dade County Home Rule Charter may be amended or revised by special law approved by the electors of Miami-Dade County and, if approved, shall be deemed an amendment or revision of the charter by the electors of Miami-Dade County.*

(f) **DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) **DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VIII, SECTION 6
AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME

RULE CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—Proposing an amendment to the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by special law approved by a vote of the electors of Miami-Dade County and to conform references to the county's current name.

And the title is amended as follows:

Delete everything before the enacting clause and insert: Senate Joint Resolution No. 1700 A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

Pursuant to Rule 4.19, **SJR 1700** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2214**, **CS for SJR 2236** and **CS for SB 1562** was deferred.

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Sullivan:

Amendment 1 (460434)—On page 3, line 25, delete “shall” and insert: *may shall*

On motion by Senator Sullivan, further consideration of **SB 330** with pending **Amendment 1** was deferred.

SENATOR SILVER PRESIDING

On motion by Senator Latvala—

CS for CS for SB 442—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the division to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for committee meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors; authorizing the board to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the park; providing certain exceptions; specifying procedures for payments upon approval of the corporation; providing a penalty; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 442** to **CS for CS for HB 411**.

Pending further consideration of **CS for CS for SB 442** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 411** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Regulated Industries.

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

CS for CS for HB 411—A bill to be entitled An act relating to mobile homes; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; establishing responsibilities for such administrative entity; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 442** as amended and by two-thirds vote read the second time by title.

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

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

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms “participating manufacturer,” “outdoor advertising,” and “transit advertisements”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be

participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—which was previously considered May 1 with pending **Amendment 1 (924410)** by Senator Brown-Waite.

Senators Latvala and Brown-Waite offered the following substitute amendment which was moved by Senator Latvala and adopted:

Amendment 2 (330308)(with title amendment)—On page 6, line 17 through page 8, line 9, delete those lines and insert:

(5) Beginning July 1, 2001, \$10 million of the funds collected from the supplemental permit fee on cigarettes as created by SB 2214 or similar legislation becoming law in 2001, shall be transferred to the Florida Comprehensive Health Association created in s. 627.6488, for coverage of new participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2000 persons.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 9-14, delete those lines and insert: manufacturer; providing for a transfer of funds collected from the supplemental permit fee or cigarettes to the Florida Comprehensive Health Association for coverage of new participation; providing for a portion of

The vote was:

Yeas—17

Bronson	Dyer	Latvala	Sebesta
Brown-Waite	Geller	Lawson	Sullivan
Burt	Holzendorf	Lee	
Carlton	King	Mitchell	
Cowin	Klein	Peaden	

Nays—16

Campbell	Jones	Posey	Silver
Crist	Laurent	Pruitt	Smith
Diaz de la Portilla	Meek	Sanderson	Villalobos
Garcia	Miller	Saunders	Webster

RECONSIDERATION OF AMENDMENT

On motion by Senator Lawson, the Senate reconsidered the vote by which **Amendment 2** was adopted.

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** with pending **Amendment 1** and **Amendment 2** was deferred.

On motion by Senator Burt—

CS for SJR 2236—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 2236** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1562—A bill to be entitled An act relating to public-records exemptions; creating s. 569.215; providing that proprietary confidential business information used to negotiate or verify annual tobacco settlement payments are exempt from public records requirements; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1562** was placed on the calendar of Bills on Third Reading.

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

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (460434)** by the Committee on Health, Aging and Long-Term Care was adopted.

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (650710)(with title amendment)—On page 3, between lines 27 and 28, insert:

Section 3. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.512, Florida Statutes, shall not stand repealed on January 7, 2003, as scheduled by that subsection, but such section is revived and readopted.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: abrogating the repeal of s. 240.512, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute;

Pursuant to Rule 4.19, **SB 330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

CS for CS for SB 268—A bill to be entitled An act relating to DNA testing and analysis; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data banks's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 268** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1920—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 320.0805, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing for its purposes; providing for funding the trust fund; providing for legislative review and termination or re-creation of the trust fund; creating s. 320.08051, F.S.; providing for the levy of a surcharge on mobile home license taxes; amending s. 320.081, F.S.; providing for the collection and distribution of the license tax surcharge; amending s. 723.007, F.S.; providing for imposition of a surcharge on annual fees paid by mobile home park owners; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use

of the mobile home park in which the homeowner is required to move; providing certain exceptions; providing a contingent effective date.

—was read the second time by title.

MOTION

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

Senator Crist moved the following amendment which was adopted:

Amendment 1 (351172)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 723.06115, Florida Statutes, is created to read:

723.06115 Florida Mobile Home Relocation Trust Fund.—

(1) *There is established within the Department of Business and Professional Regulation the Florida Mobile Home Relocation Trust Fund, to be used by the department for the purpose of funding the administration and operations of the Florida Mobile Home Relocation Corporation. All interest earned from the investment or deposit of moneys in the trust fund shall be deposited in the trust fund. The trust fund shall be funded from the moneys collected by the department under s. 723.06116 from mobile home park owners who change the use of their mobile home parks and by other appropriated funds.*

(2) *Moneys in the Florida Mobile Home Relocation Trust Fund may be expended only:*

(a) *To pay the administration costs of the Florida Mobile Home Relocation Corporation; and*

(b) *To carry out the purposes and objectives of the Florida Mobile Home Relocation Corporation by making payments to mobile home owners under the relocation program.*

Section 2. *In accordance with Section 19(f)(2), Article III of the State Constitution, the Florida Mobile Home Relocation Trust Fund shall, unless terminated sooner, be terminated on July 1, 2005. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.*

Section 3. Section 723.06116, Florida Statutes, is created to read:

723.06116 Payments to the Florida Mobile Home Relocation Trust Fund.—

(1) *If a mobile home owner is required to move due to a change in use of the land comprising a mobile home park as set forth in s. 723.061(1)(d), the mobile home park owner shall, upon such change in use, pay to the department for deposit in the Florida Mobile Home Relocation Trust Fund \$2,000 for each single-section mobile home and \$2,500 for each multisection mobile home for which a mobile home owner has made application for payment of moving expenses.*

(2) *A mobile home park owner is not required to make the payment prescribed in subsection (1), nor is the mobile home owner entitled to compensation under s. 723.0612, when:*

(a) *The mobile home park owner moves a mobile home owner to another space in the mobile home park or to another mobile home park at the park owner's expense;*

(b) *A mobile home owner is vacating the premises and has informed the mobile home park owner or manager before the change in use notice has been given; or*

(c) *A mobile home owner abandons the mobile home as set forth in s. 723.0612(8).*

Section 4. *There is hereby appropriated to the Florida Mobile Home Relocation Trust Fund the sum of \$500,000 of nonrecurring revenues from the General Revenue Fund.*

Section 5. This act shall take effect on the effective date of Committee Substitute for Committee Substitute for Senate Bill 442, but it shall

not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for SB 1920** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 456—A bill to be entitled An act relating to public records; amending s. 288.1226, F.S.; abrogating the scheduled repeal of a public records exemption for trade secrets and for the identity of respondents to marketing or advertising research projects of the Florida Tourism Industry Marketing Corporation; eliminating an obsolete reference to legislative review; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 456** to **HB 393**.

Pending further consideration of **SB 456** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 393** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 393—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 456** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 393** was placed on the calendar of Bills on Third Reading.

SB 344—A bill to be entitled An act relating to water and wastewater systems; reenacting s. 350.0611, F.S., relating to duties and powers of the Public Counsel; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment:

Amendment 1 (422502)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 367.171, Florida Statutes, is amended to read:

367.171 Effectiveness of this chapter.—

(8) Each county which is excluded from the provisions of this chapter shall regulate the rates of all utilities in that county which would otherwise be subject to regulation by the commission pursuant to s. 367.081(1), (2), (3), and (6). The county shall not regulate the rates or

charges of any system or facility which would otherwise be exempt from commission regulation pursuant to s. 367.022(2). For this purpose the county or its agency shall proceed as though the county or agency is the commission. ~~In all proceedings conducted by a county or its agency under the authority of this chapter, the provisions of ss. 120.569 and 120.57 shall apply.~~

Section 2. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission *and in proceedings before counties pursuant to s. 367.171(8)*. The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission *or the counties*, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission *or the counties* and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission *or the counties*, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission *or the counties* which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission *or the counties* available to any other attorney representing parties in a proceeding before the commission *or the counties*;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission *or the counties*, or of any hearing examiner designated by the commission *or the counties*, in the name of the state or its citizens;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions; *and*

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; providing an effective date.

On motion by Senator Brown-Waite, further consideration of **SB 344** with pending **Amendment 1** was deferred.

CS for SB 436—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination under s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing an effective date.

—was read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 436** was deferred.

On motion by Senator Pruitt—

CS for CS for SB 478—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term “public school member” for purposes of the system; amending s. 121.091, F.S.; providing retirement benefits payable to public school members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 478** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, the Senate resumed consideration of—

SB 344—A bill to be entitled An act relating to water and wastewater systems; reenacting s. 350.0611, F.S., relating to duties and powers of the Public Counsel; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (422502)** by Senator Brown-Waite was withdrawn.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2 (265016)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 367.171, Florida Statutes, is amended to read:

367.171 Effectiveness of this chapter.—

(8) Each county which is excluded from the provisions of this chapter shall regulate the rates of all utilities in that county which would otherwise be subject to regulation by the commission pursuant to s. 367.081(1), (2), (3), and (6). The county shall not regulate the rates or charges of any system or facility which would otherwise be exempt from commission regulation pursuant to s. 367.022(2). For this purpose the county or its agency shall proceed as though the county or agency is the commission. ~~In all proceedings conducted by a county or its agency under the authority of this chapter, the provisions of ss. 120.569 and 120.57 shall apply.~~

Section 2. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission *and in proceedings before counties pursuant to s. 367.171(8)*. The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission *or the counties*, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission *or the counties* and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission *or the counties*, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission *or the counties* which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission *or the counties* available to any other attorney representing parties in a proceeding before the commission *or the counties*;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission *or the counties*, or of any hearing examiner designated by the commission *or the counties*, in the name of the state or its citizens;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any

matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions; *and*

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens.

Section 3. Section 367.0816, Florida Statutes, is amended to read:

367.0816 Recovery of rate case expenses.—The amount of rate case expense determined by the commission pursuant to the provisions of this chapter to be recovered through a public utilities rate shall be apportioned for recovery over a period of 4 years. *At the conclusion of the recovery period, the rate of the public utility shall be reduced immediately by the amount of rate case expense previously included in rates.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; amending s. 367.0816, F.S.; requiring a reduction in the rate case expense that is apportioned by a public utility at the conclusion of the recovery period; providing an effective date.

Pending further consideration of **SB 344** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 41** was withdrawn from the Committee on Regulated Industries.

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

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—a companion measure, was substituted for **SB 344** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 41** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 422—A bill to be entitled An act relating to prekindergarten early-intervention programs; amending s. 230.2305, F.S.; requiring the Florida Partnership for School Readiness to make recommendations to expand the prekindergarten early-intervention program to provide access to at-risk 4-year old children on a fee basis; requiring a report; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 422** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 878—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending such coverage at cost to part-time instructional personnel; providing an effective date.

—was read the second time by title.

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

Amendment 1 (391402)(with title amendment)—On page 2, lines 1-10, delete those lines and insert:

(2)(a) *Beginning July 1, 2001, educator professional liability coverage for all instructional personnel, as defined by s. 228.041(9), who are full-time personnel, as defined by the district school board policy, shall be provided by specific appropriations under the General Appropriations Act.*

(b) *Beginning July 1, 2001, educator professional liability coverage shall be extended at cost to all instructional personnel, as defined by s. 228.041(9), who are part-time personnel, as defined by the district school board policy, and choose to participate in the state provided program.*

(c) *Beginning July 1, 2001, educator professional liability coverage shall be extended at cost to all administrative personnel, as defined by s. 228.041(10), who choose to participate in the state provided program.*

And the title is amended as follows:

On page 1, line 10, after “personnel” insert: and to all administrative personnel

Pursuant to Rule 4.19, **SB 878** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 988—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 988** to **CS for HB 1633**.

Pending further consideration of **CS for SB 988** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 1633** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Sullivan—

CS for HB 1633—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing Department of Education duties relating to identification of student learning gains; providing an effective date.

—a companion measure, was substituted for **CS for SB 988** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1633** was placed on the calendar of Bills on Third Reading.

SB 1278—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; requiring the Department of Children and Family Services to develop an electronic data system, to compile specified information, and to transmit that information in an annual report to the Legislature; amending s. 228.041, F.S., relating to definitions; correcting a cross-reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—was read the second time by title.

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

Amendment 1 (912822)(with title amendment)—On page 4, between lines 18 and 19, insert a new section:

Section 5. *The sum of \$251,000 in nonrecurring Temporary Assistance for Needy Families (TANF) funds is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to develop an electronic data transfer system.*

(Redesignate subsequent section.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Burt, further consideration of **SB 1278** as amended was deferred.

On motion by Senator Rossin—

CS for SB 492—A bill to be entitled An act relating to the offense of possessing a firearm at school; amending s. 230.235, F.S.; requiring that a child found to have committed the act of bringing a firearm to school, to any school function, or onto any school-sponsored transportation be assigned to a disciplinary program or second-chance school; requiring that the court retain jurisdiction over the child during the expulsion period; providing that sanctions pursuant to s. 985.231, F.S., apply if the child fails to comply with the requirements of the disciplinary program or second-chance school; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 492** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 872—A bill to be entitled An act relating to the Florida Retirement System; amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; adding specified classes of members employed within a correctional or forensic facility or institution; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term “approved provider” for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member’s optional program account to the defined benefit plan; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; providing effective dates.

—was read the second time by title.

Senator Sanderson moved the following amendments which were adopted:

Amendment 1 (245002)—On page 14, lines 28-30, delete those lines and insert: *account balances and transactions; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education.* Private sector companies

Amendment 2 (111714)(with title amendment)—On page 15, line 3 through page 16, line 3, delete those lines and insert:

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, at the employee’s discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move to the defined benefit program, the employee must transfer from his or her Public Employee Optional Retirement Program account and from other employee moneys as necessary, a sum representing the present value of that employee’s accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program ~~all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.~~ *Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.*

3. *Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee’s actuarial accrued liability.*

4. *Employees’ ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base.*

During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: providing for amortization of any unfunded liability;

Senators Sanderson and Pruitt offered the following amendments which were moved by Senator Sanderson and adopted:

Amendment 3 (052946)—On page 17, delete line 6 and insert: *account balances and transactions, if these services are authorized by the board as part of the contract.*

Amendment 4 (662082)—On page 18, delete line 12 and insert: *more bundled providers each of whom may offer multiple who offer*

Amendment 5 (064970)—On page 19, line 16, delete “shall” and insert: *may*

Amendment 6 (571756)—On page 20, line 7, delete “applicable”

Amendment 7 (380066)—On page 20, delete line 8 and insert: *regulations applicable to the provider, as well as the applicable rules and guidelines of*

Amendment 8 (982380)—On page 20, line 26, delete “regulatory”

Senator Webster moved the following amendment which was adopted:

Amendment 9 (625064)(with title amendment)—On page 20, line 31, insert:

Section 4. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member’s average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 5. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding;

MOTION

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

Senator Holzendorf moved the following amendment which was adopted:

Amendment 10 (853260)(with title amendment)—On page 20, line 31, insert:

Section 4. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers’ Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) Effective July 1, 2001 ~~1997~~, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers’ Class. Such election shall be made between July 1, 2001 ~~1997~~, and December 31, 2001 ~~1997~~, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, following the semicolon (;) insert: amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers’ Class;

Senators Sanderson and Pruitt offered the following amendment which was moved by Senator Sanderson and adopted:

Amendment 11 (743904)—On page 16, delete line 7 and insert: *services if those services cannot be competitively and contractually provided*

Pursuant to Rule 4.19, **CS for SB 872** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1278—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; requiring the Department of Children and Family Services to develop an electronic data system, to compile specified information, and to transmit that information in an annual report to the Legislature; amending s. 228.041, F.S., relating to definitions; correcting a cross-reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **SB 1278** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 277** was withdrawn from the Committees on Education; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Burt—

CS for HB 277—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—a companion measure, was substituted for **SB 1278** as amended and read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (154096)(with title amendment)—On page 4, between lines 19 and 20, insert:

Section 5. *The sum of \$251,000 in nonrecurring Temporary Assistance for Needy Families (TANF) funds is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to develop an electronic data transfer system.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing an appropriation;

Pursuant to Rule 4.19, **CS for HB 277** as amended was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Burt—

CS for SB 388—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; conforming references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; amending s. 947.12, F.S.; providing for members of the parole qualifications committee to be reimbursed for per diem and travel expenses; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 388** to **CS for HB 245**.

Pending further consideration of **CS for SB 388** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 245** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

CS for HB 245—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act of 2001”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for

automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

—a companion measure, was substituted for **CS for SB 388** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 245** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson, consideration of **SB 918** was deferred.

On motion by Senator King—

CS for CS for SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1624** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2224—A bill to be entitled An act relating to the Department of Labor and Employment Security; transferring the Division of Workers’ Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers’ compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; providing for certain employees of the division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; transferring various functions, powers, duties, personnel, and assets relating to the Unemployment Appeals Commission to the Agency for Workforce Innovation; transferring various functions, powers, duties, personnel, and assets relating to the Public Employee Relations Commission to the Department of Management Services; transferring the Office of Information Services and related resources of the Department of Labor and Employment Security to the State Technology Office; providing for substitution of a successor agency as a party to judicial and administrative proceedings; transferring the administration of child labor laws to the Department of Business and Professional Regulation; transferring certain functions of the Office of the Secretary, the Office of Administrative Services, and the Office of General Counsel of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; transferring other workplace regulation functions to the Department of Business and Professional Regulation; providing for the continuation of contracts and agreements; making appropriations; amending s. 20.13, F.S.; creating the Division of Workers’ Compensation in the Department of Insurance; amending s. 440.015, F.S.; designating state agencies to administer the workers’ compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.205, 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125,

440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.25, 440.271, 440.345, 440.35, 440.381, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.012, 450.191, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.4416, F.S.; transferring the Workers' Compensation Oversight Board from the Department of Labor and Employment Security to the Department of Insurance; revising the membership and appointment of board members; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; repealing s. 20.171, F.S.; abolishing the Department of Labor and Employment Security; providing severability; providing legislative intent; providing effective dates.

—was read the second time by title.

On motion by Senator Clary, further consideration of **CS for CS for SB 2224** was deferred.

On motion by Senator Peaden—

CS for SB 1680—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender's anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring the Department of Children and Family Services to detain sexually violent predators in a secure facility segregated from other patients; providing an effective date.

—was read the second time by title.

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

On motion by Senator Crist—

CS for SB 2012—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, consideration of **CS for CS for SB 2178** was deferred.

On motion by Senator King—

CS for CS for SB 738—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the T. Mark Schmidt Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator King and adopted:

Amendment 1 (115788)—On page 6, lines 1-4, delete those lines and insert:

(5) The members of the advisory committee shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061, while in the performance of their official duties.

Amendment 2 (821690)—On page 10, line 5 and on page 12, line 17, after "state" insert: *, except as otherwise permitted by the managing state or federal agency*

Amendment 3 (422924)—On page 17, line 16, delete "17" and insert: *16*

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator King:

Amendment 4 (824008)—On page 20, line 22, after "residents," insert: *off-highway vehicles used for agricultural purposes, or off-highway vehicles rented for use on public beaches by concessionaires who are franchised by the public entities controlling those beaches,*

Senator King moved the following substitute amendment which was adopted:

Amendment 5 (053020)—On page 20, line 22, after "residents," insert: *off-highway vehicles in use for specific agricultural purposes, or off-highway vehicles rented for use on public beaches by concessionaires who are franchised by the public entities controlling those beaches*

Senator King moved the following amendments which were adopted:

Amendment 6 (422550)—On page 23, line 9, delete "14" and insert: *13*

Amendment 7 (020086)—On page 25, line 8, delete "4 through 21" and insert: *3 through 20*

Pursuant to Rule 4.19, **CS for CS for SB 738** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, consideration of **CS for CS for SB 1092** was deferred.

On motion by Senator Diaz de la Portilla—

SB 486—A bill to be entitled An act relating to public records; amending s. 288.1066, F.S.; abrogating the scheduled repeal of a public records exemption for specified business information received under the qualified defense contractor and qualified target industry tax refund programs; eliminating obsolete references to the Department of Commerce; making the listing of tax information covered by the public records exemption consistent with the program's terms and conditions; providing confidentiality for information concerning taxes paid by businesses while participating in the programs; providing confidentiality for information concerning jobs created and wages paid by such businesses; providing for future repeal and legislative review; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 486** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1188, SB 1958, SB 1906** and **SB 2126** was deferred.

On motion by Senator Diaz de la Portilla—

SB 454—A bill to be entitled An act relating to public records; amending s. 288.12295, F.S.; abrogating the scheduled expiration of a public records exemption for the identity of donors or prospective donors to the direct-support organization authorized to promote the sports industry and amateur athletics; eliminating an obsolete reference to legislative review; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 454** to **HB 387**.

Pending further consideration of **SB 454** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 387** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 387—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 454** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 387** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 2028—A bill to be entitled An act relating to production of certain records and other productions as a result of a subpoena, order, or warrant; creating s. 92.605, F.S.; defining terms; providing an exemption; providing requirements for production of records by an out-of-state corporation upon issuance of a subpoena, court order, or search warrant pertaining to such records; providing requirements for out-of-state corporations seeking to quash a subpoena or warrant; requiring out-of-state corporations to verify the authenticity of records such corporations are required to produce; providing requirements for the production of certain records by certain Florida corporations; providing that a cause of

action does not arise against any out-of-state or Florida corporation or other specified persons for production of certain records, information, facilities, or assistance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2028** was placed on the calendar of Bills on Third Reading.

CS for SB 1926—A bill to be entitled An act relating to workers' compensation; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in the definition of the term "casual"; excluding certain sports officials from the definition of the term "employee"; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring the employee to provide information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as the "response to petition"; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for a carrier that is uncertain of its obligations to provide benefits or compensation; waiving hearing requirements under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report in certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge of Compensation Claims; amending s. 440.34, F.S.; providing for a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; conforming cross-references; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring legislative approval before modifying the number or location of the judges or mediators; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; revising Judicial Code of Conduct requirements; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to

initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; eliminating injury report; revising reporting requirements; transferring reporting responsibilities from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.593, F.S., providing enforcement authority relating to electronic reporting; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending ss. 489.114, 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (685782)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 61.14, Florida Statutes, is amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(8)(a) *When reviewing and approving any lump-sum settlement under s. 440.20(11)(a) and (b), a judge of compensation claims must consider whether the settlement serves the interests of the worker and the worker's family, including, but not limited to, whether the settlement provides for appropriate recovery of any child-support arrearage.*

(b) *In accordance with Notwithstanding the provisions of s. 440.22, any compensation due or that may become due an employee under chapter 440 is exempt from garnishment, attachment, execution, and assignment of income, except for the purposes of enforcing child or spousal support obligations.*

Section 2. Paragraph (a) of subsection (2) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

(2) Income shall be determined on a monthly basis for the obligor and for the obligee as follows:

(a) Gross income shall include, but is not limited to, the following items:

1. Salary or wages.
2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.
3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.

4. Disability benefits.
5. *All workers' ~~worker's~~ compensation benefits and settlements.*
6. Unemployment compensation.
7. Pension, retirement, or annuity payments.
8. Social security benefits.
9. Spousal support received from a previous marriage or court ordered in the marriage before the court.
10. Interest and dividends.
11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.
12. Income from royalties, trusts, or estates.
13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.
14. Gains derived from dealings in property, unless the gain is non-recurring.

Section 3. Paragraph (b) of subsection (1) and subsection (4) of section 112.3145, Florida Statutes, are amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, *the Deputy Chief Judge of Compensation Claims*, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(4) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. Each local officer

shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the commission. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than the last day of each calendar quarter, for the previous calendar quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term "representation before any agency" does not include appearances before any court or *the Deputy Chief Judge Judges of Compensation Claims* or judges of compensation claims or representations on behalf of one's agency in one's official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

Section 4. Subsection (1) of section 120.65, Florida Statutes, is amended to read:

120.65 Administrative law judges.—

(1) The Division of Administrative Hearings within the Department of Management Services shall be headed by a director who shall be appointed by the Administration Commission and confirmed by the Senate. The director, who shall also serve as the chief administrative law judge, and any deputy chief administrative law judge must possess the same minimum qualifications as the administrative law judges employed by the division. *The Deputy Chief Judge of Compensation Claims must possess the minimum qualifications established in s. 440.45(2) and shall report to the director.* The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of Management Services shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 5. Paragraph (i) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as *the Deputy Chief Judge of Compensation Claims or as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Division of Administrative Hearings* ~~Department of Labor and Employment Security.~~

2. In lieu of participating in the Senior Management Service Class, *the Deputy Chief Judge of Compensation Claims or a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).*

Section 6. Paragraph (e) of subsection (3) of section 381.004, Florida Statutes, is amended to read:

381.004 HIV testing.—

(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(e) Except as provided in this section, the identity of any person upon whom a test has been performed and test results are confidential and exempt from the provisions of s. 119.07(1). No person who has obtained

or has knowledge of a test result pursuant to this section may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

1. The subject of the test or the subject's legally authorized representative.

2. Any person, including third-party payors, designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative. The test subject may in writing authorize the disclosure of the test subject's HIV test results to third party payors, who need not be specifically identified, and to other persons to whom the test subject subsequently issues a general release of medical information. A general release without such prior written authorization is not sufficient to release HIV test results.

3. An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee participates in the administration or provision of patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information. The department shall adopt a rule defining which persons have a need to know pursuant to this subparagraph.

4. Health care providers consulting between themselves or with health care facilities to determine diagnosis and treatment. For purposes of this subparagraph, health care providers shall include licensed health care professionals employed by or associated with state, county, or municipal detention facilities when such health care professionals are acting exclusively for the purpose of providing diagnoses or treatment of persons in the custody of such facilities.

5. The department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law.

6. A health facility or health care provider which procures, processes, distributes, or uses:

a. A human body part from a deceased person, with respect to medical information regarding that person; or

b. Semen provided prior to July 6, 1988, for the purpose of artificial insemination.

7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews pursuant to chapters 395 and 766.

8. Authorized medical or epidemiological researchers who may not further disclose any identifying characteristics or information.

9. A person allowed access by a court order which is issued in compliance with the following provisions:

a. No court of this state shall issue such order unless the court finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future human immunodeficiency virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records.

b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially in documents not filed with the court.

c. Before granting any such order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he or she is not already a party.

d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

10. A person allowed access by order of a judge of compensation claims of the Division of ~~Administrative Hearings Workers' Compensation of the Department of Labor and Employment Security~~. A judge of compensation claims shall not issue such order unless he or she finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means.

11. Those employees of the department or of child-placing or child-caring agencies or of family foster homes, licensed pursuant to s. 409.175, who are directly involved in the placement, care, control, or custody of such test subject and who have a need to know such information; adoptive parents of such test subject; or any adult custodian, any adult relative, or any person responsible for the child's welfare, if the test subject was not tested under subparagraph (b)2. and if a reasonable attempt has been made to locate and inform the legal guardian of a test result. The department shall adopt a rule to implement this subparagraph.

12. Those employees of residential facilities or of community-based care programs that care for developmentally disabled persons, pursuant to chapter 393, who are directly involved in the care, control, or custody of such test subject and who have a need to know such information.

13. A health care provider involved in the delivery of a child can note the mother's HIV test results in the child's medical record.

14. Medical personnel or nonmedical personnel who have been subject to a significant exposure during the course of medical practice or in the performance of professional duties, or individuals who are the subject of the significant exposure as provided in subparagraphs (h)10., 11., and 13.

15. The medical examiner shall disclose positive HIV test results to the department in accordance with rules for reporting and controlling the spread of disease.

Section 7. Subsection (4), paragraph (d) of subsection (14), and paragraph (c) of subsection (16) of section 440.02, Florida Statutes, are amended to read:

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

(4) "Casual" as used in this section ~~refers shall be taken to refer~~ only to employments ~~for when the work that is anticipated contemplated is~~ to be completed in ~~not exceeding~~ 10 working days or less, without regard to the number of persons employed, and ~~at a when the total labor cost of such work is less than \$500 \$100.~~

(14)

(d) "Employee" does not include:

1. An independent contractor, if:

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

b. The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;

c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;

d. The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

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

perform and is or could be held liable for a failure to complete the work or services;

f. The independent contractor receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis;

g. The independent contractor may realize a profit or suffer a loss in connection with performing work or services;

h. The independent contractor has continuing or recurring business liabilities or obligations; and

i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.

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

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

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

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

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

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

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

7. Any officer of a corporation who elects to be exempt from this chapter.

8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

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

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

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

(16)

(c) "Employment" does not include service performed by or as:

1. Domestic servants in private homes.
2. Agricultural labor performed on a farm in the employ of a bona fide farmer, or association of farmers, *that who* employs 5 or fewer regular employees and *that who* employs fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.
3. Professional athletes, such as professional boxers, wrestlers, baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motorsports teams competing in a motor racing event as defined in s. 549.08.
4. Labor under a sentence of a court to perform community services as provided in s. 316.193.
5. *State prisoners or county inmates, except those performing services for private employers or those enumerated in s. 948.03(8)(a).*

Section 8. Subsection (2) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(2) Benefits are not payable in respect of the disability or death of any employee covered by the Federal Employer's Liability Act, the Longshoremen's and Harbor Worker's Compensation Act, the Defense Base Act, or the Jones Act.

Section 9. Section 440.1025, Florida Statutes, is created to read:

440.1025 *Consideration of public employer workplace safety program in rate-setting; program requirements; rulemaking.—For a public employer to be eligible for receipt of specific identifiable consideration under s. 627.0915 for a workplace safety program in the setting of rates, the public employer must have a workplace safety program. At a minimum, the program must include a written safety policy and safety rules, and make provision for safety inspections, preventative maintenance, safety training, first-aid, accident investigation, and necessary record keeping. For purposes of this section, "public employer" means "any agency within state, county, or municipal government employing individuals for salary, wages, or other remuneration." The Division may promulgate rules for insurers to utilize in determining public employer compliance with the requirements of this section.*

Section 10. Paragraph (b) of subsection (3) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(3) Whoever violates any provision of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) ~~It is shall~~ be unlawful for any attorney or other person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association to receive any fee or other consideration or any gratuity from a person on account of services rendered for a person in connection with any proceedings arising under this chapter, unless such fee, consideration, or gratuity is approved by a judge of compensation claims or by the *Deputy* Chief Judge of Compensation Claims.

Section 11. Subsection (1) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(1) No compensation shall be allowed for the first 7 days of the disability, except benefits provided for in s. 440.13. However, if the injury results in disability of more than 21 days, compensation shall be allowed from the commencement of the disability. All weekly compensation payments, except for the first payment, shall be paid by check or, if authorized by the employee, deposited directly into the employee's account at a financial institution. As used in this subsection, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h).

Section 12. Paragraph (a) of subsection (3) and paragraphs (b) and (c) of subsection (4) of section 440.13, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of that section, to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(f) *Upon the written request of the employee, the carrier shall give the employee the opportunity for one change of physician during the course of treatment for any one accident. The employee shall be entitled to select another physician from among not fewer than three carrier-authorized physicians who are not professionally affiliated.*

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The division shall adopt rules to implement the certification of health care providers. ~~As a one-time prerequisite to obtaining certification, the division shall require each physician to demonstrate proof of completion of a minimum 5-hour course that covers the subject areas of cost containment, utilization control, ergonomics, and the practice parameters adopted by the division governing the physician's field of practice. The division shall coordinate with the Agency for Health Care Administration, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Optometric Association, the Florida Dental Association, and other health professional organizations and their respective boards as deemed necessary by the Agency for Health Care Administration in complying with this subsection. No later than October 1, 1994, the division shall adopt rules regarding the criteria and procedures for approval of courses and the filing of proof of completion by the physicians.~~

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH DIVISION.—

(b) *Upon the request of the Division of Workers' Compensation, each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment, or care, and attendance of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the Division of Workers' Compensation pursuant to rules adopted by the division. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the division for the copies. Each such health care provider*

shall provide to the division ~~any additional~~ information about the remedial treatment, care, and attendance ~~which that~~ the division reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 456.057 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, *an authorized qualified rehabilitation provider*, or the attorney for the employer or carrier ~~either of them~~, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the division to one or more of the penalties set forth in paragraph (8)(b).

Section 13. Paragraphs (a) and (b) of subsection (2) of section 440.134, Florida Statutes, are amended to read:

440.134 Workers' compensation managed care arrangement.—

(2)(a)(b) ~~Effective January 1, 1997,~~ The employer ~~may~~ shall, subject to the terms and limitations specified elsewhere in this section and chapter, furnish to the employee solely through managed care arrangements such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery requires.

(b)(a) The agency shall authorize an insurer to offer or utilize a workers' compensation managed care arrangement after the insurer files a completed application along with the payment of a \$1,000 application fee, and upon the agency's being satisfied that the applicant has the ability to provide quality of care consistent with the prevailing professional standards of care and the insurer and its workers' compensation managed care arrangement otherwise meets the requirements of this section. No insurer may offer or utilize a managed care arrangement without such authorization. The authorization, unless sooner suspended or revoked, shall automatically expire 2 years after the date of issuance unless renewed by the insurer. The authorization shall be renewed upon application for renewal and payment of a renewal fee of \$1,000, provided that the insurer is in compliance with the requirements of this section and any rules adopted hereunder. An application for renewal of the authorization shall be made 90 days prior to expiration of the authorization, on forms provided by the agency. The renewal application shall not require the resubmission of any documents previously filed with the agency if such documents have remained valid and unchanged since their original filing.

Section 14. Subsection (5) is added to section 440.14, Florida Statutes, to read:

440.14 Determination of pay.—

(5)(a) *If the lost wages from concurrent employment are used in calculating the average weekly wage, the employee is responsible for providing information concerning the loss of earnings from the concurrent employment.*

(b) *The employee waives any entitlement to interest, penalties, and attorney's fees during the period in which the employee has not provided information concerning the loss of earnings from concurrent employment. Carriers are not subject to penalties by the division under s. 440.20(8)(b) and (c) for unpaid compensation related to concurrent employment during the period in which the employee has not provided information concerning the loss of earnings from concurrent employment.*

Section 15. Subsection (7) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(7) Every carrier shall file with the division within 21 days after the issuance of a policy or contract of insurance such policy information as

the division ~~requires may require~~, including notice of whether the policy is a minimum premium policy. Notice of cancellation or expiration of a policy as set out in s. 440.42(3) shall be mailed to the division in accordance with rules ~~adopted promulgated~~ by the division under chapter 120. *The division may contract with a private entity for the collection of policy information required to be filed by carriers under this subsection and the receipt of notices of cancellation or expiration of a policy required to be filed by carriers under s. 440.42(3). The submission of policy information or notices of cancellation or expiration to the contracted private entity satisfies the filing requirements of this subsection and s. 440.42(3).*

Section 16. Subsections (1), (2), (5), and (8) of section 440.192, Florida Statutes, are amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Subject to s. 440.191, any employee who has not received a benefit to which the employee believes she or he is entitled under this chapter shall ~~file by certified mail, or by electronic means approved by the Deputy Chief Judge, with the Office of the Judges of Compensation Claims a petition for benefits which meets the requirements of this section. The division shall inform employees of the location of the Office of the Judges of Compensation Claims for purposes of filing a petition for benefits. The employee shall also serve copies of the petition for benefits by certified mail, or by electronic means approved by the Deputy Chief Judge, upon the employer and, the employer's carrier, and the division in Tallahassee a petition for benefits that meets the requirements of this section. The Deputy Chief Judge shall refer the petitions to the judges of compensation claims. The division shall refer the petition to the Office of the Judges of Compensation Claims.~~

(2) Upon receipt, the Office of the Judges of Compensation Claims shall review each petition and shall dismiss each petition or any portion of such a petition, upon the judge's ~~its~~ own motion or upon the motion of any party, that does not on its face specifically identify or itemize the following:

(a) Name, address, telephone number, and social security number of the employee.

(b) Name, address, and telephone number of the employer.

(c) A detailed description of the injury and cause of the injury, including the location of the occurrence *and the date or dates of the accident.*

(d) A detailed description of the employee's job, work responsibilities, and work the employee was performing when the injury occurred.

(e) The time period for which compensation *and the specific classification of compensation were* ~~was~~ not timely provided.

(f) Date of maximum medical improvement, character of disability, and specific statement of all benefits or compensation that the employee is seeking.

(g) All *specific* travel costs to which the employee believes she or he is entitled, including dates of travel and purpose of travel, means of transportation, and mileage *and including the date the request for mileage was filed with the carrier and a copy of the request filed with the carrier.*

(h) Specific listing of all medical charges alleged unpaid, including the name and address of the medical provider, the amounts due, and the specific dates of treatment.

(i) The type or nature of treatment care or attendance sought and the justification for such treatment.

(j) Specific explanation of any other disputed issue that a judge of compensation claims will be called to rule upon.

The dismissal of any petition or portion of such a petition under this section is without prejudice and does not require a hearing.

(5) All motions to dismiss must state with particularity the basis for the motion. The judge of compensation claims shall enter an order upon such motions without hearing, unless good cause for hearing is shown. When any petition or portion of a petition is dismissed for lack of specificity under this subsection, the claimant must be allowed 20 days after the

date of the order of dismissal in which to file an amended petition. Any grounds for dismissal for lack of specificity under this section *which are* not asserted within 30 days after receipt of the petition for benefits are thereby waived.

(8) Within 14 days after receipt of a petition for benefits by certified mail, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days from receipt of the petition or file a *response to petition notice of denial* with the Office of the Judges of Compensation Claims ~~division~~. The carrier must list all benefits requested but not paid and explain its justification for nonpayment in the *response to petition notice of denial*. A carrier that does not deny compensability in accordance with s. 440.20(4) is deemed to have accepted the employee's injuries as compensable, unless it can establish material facts relevant to the issue of compensability that could not have been discovered through reasonable investigation within the 120-day period. The carrier shall provide copies of the *response notice* to the filing party, employer, and claimant by certified mail.

Section 17. Paragraph (a) of subsection (1) and subsections (4), (6), and (11) of section 440.20, Florida Statutes, are amended to read:

440.20 Time for payment of compensation; penalties for late payment.—

(1)(a) Unless it denies compensability or entitlement to benefits, the carrier shall pay compensation directly to the employee as required by ss. 440.14, 440.15, and 440.16, in accordance with the obligations set forth in such sections. *If authorized by the employee, the carrier's obligation to pay compensation directly to the employee is satisfied when the carrier directly deposits, by electronic transfer or other means, compensation into the employee's account at a financial institution. As used in this paragraph, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h). Compensation by direct deposit is considered paid on the date the funds become available for withdrawal by the employee.*

(4) If the carrier is uncertain of its obligation to provide benefits or compensation, it may initiate payment without prejudice and without admitting liability. The carrier shall immediately and in good faith commence investigation of the employee's entitlement to benefits under this chapter and shall admit or deny compensability within 120 days after the initial provision of compensation or benefits *as required under subsection (2) or s. 440.192(8)*. Upon commencement of payment *as required under subsection (2) or s. 440.192(8)*, the carrier shall provide written notice to the employee that it has elected to pay all or part of the claim pending further investigation, and that it will advise the employee of claim acceptance or denial within 120 days. A carrier that fails to deny compensability within 120 days after the initial provision of benefits or payment of compensation *as required under subsection (2) or s. 440.192(8)* waives the right to deny compensability, unless the carrier can establish material facts relevant to the issue of compensability that it could not have discovered through reasonable investigation within the 120-day period. *The initial provision of compensation or benefits, for purposes of this subsection, means the first installment of compensation or benefits to be paid by the carrier under subsection (2) or pursuant to a petition for benefits under s. 440.192(8).*

(6) If any installment of compensation for death or dependency benefits, disability, permanent impairment, or wage loss payable without an award is not paid within 7 days after it becomes due, as provided in subsection (2), subsection (3), or subsection (4), there shall be added to such unpaid installment a punitive penalty of an amount equal to 20 percent of the unpaid installment or \$5, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4) or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 7 days after it became due and the claimant concludes the prosecution of the claim before a judge of compensation claims without having specifically claimed additional compensation in the nature of a penalty under this section, the claimant will be deemed to have acknowledged that, owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived the right to claim such penalty. However, during the course of a hearing, the judge of compensation claims shall on her or his own motion raise the question of whether such penalty should be awarded or excused. The division may assess without

a hearing the punitive penalty against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. The insurance policy cannot provide that this sum will be paid by the carrier if the division or the judge of compensation claims determines that the punitive penalty should be made by the employer rather than the carrier. Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee *by check or, if authorized by the employee, by direct deposit into the employee's account at a financial institution. As used in this subsection, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h).*

(11)(a) *When a claimant is not represented by counsel*, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the *employer receives notice date* of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) *When a claimant is not represented by counsel*, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made by the Rehabilitation Section of the Division of Workers' Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. ~~When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump-sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days after the filing of such joint petition and stipulation without a hearing, unless the judge of compensation claims determines, in her or his discretion, that additional testimony is needed before such settlement can be approved or~~

disapproved and so notifies the parties. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) *Notwithstanding s. 440.21(2), when a claimant is represented by counsel, the claimant may waive all rights to any and all benefits under this chapter by entering into a settlement agreement releasing the employer and the carrier from liability for workers' compensation benefits in exchange for a lump-sum payment to the claimant. The settlement agreement requires approval by the judge of compensation claims only as to the attorney's fees paid to the claimant's attorney by the claimant. The parties need not submit any information or documentation in support of the settlement, except as needed to justify the amount of the attorney's fees. Neither the employer nor the carrier is responsible for any attorney's fees relating to the settlement and release of claims under this section. Payment of the lump-sum settlement amount must be made within 14 days after the date the judge of compensation claims mails the order approving the attorney's fees. Any order entered by a judge of compensation claims approving the attorney's fees as set out in the settlement under this subsection is not considered to be an award and is not subject to modification or review. The judge of compensation claims shall report these settlements to the Deputy Chief Judge in accordance with the requirements set forth in paragraphs (a) and (b). Settlements entered into under this subsection are valid and apply to all dates of accident.*

(d) *With respect to any payment provision under this chapter, a judge of compensation claims must consider whether any and all benefits, including settlements, provide for appropriate recovery of any child support arrearage.*

(e) This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

Section 18. Section 440.22, Florida Statutes, is amended to read:

440.22 Assignment and exemption from claims of creditors.—No assignment, release, or commutation of compensation or benefits due or payable under this chapter except as provided by this chapter shall be valid, and such compensation and benefits shall be exempt from all claims of creditors, and from levy, execution and attachments or other remedy for recovery or collection of a debt, which exemption may not be waived. *However, the exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony.*

Section 19. Subsections (1), (2), (3), and (4) and paragraph (b) of subsection (5) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(1) Within 21 days after a petition for benefits is filed under s. 440.192, a mediation conference concerning such petition shall be held. Within 7 days after such petition is filed, the judge of compensation claims shall notify the interested parties that a mediation conference concerning such petition will be held. Such notice shall give the date, time, and location of the mediation conference. Such notice may be served personally upon the interested parties or may be sent to the interested parties by mail. *The claimant or the adjuster of the employer or carrier may, at the mediator's discretion, attend the mediation conference by telephone or, if agreed to by the parties, other electronic means.*

(2) Any party who participates in a mediation conference shall not be precluded from requesting a hearing following the mediation conference should both parties not agree to be bound by the results of the mediation conference. A mediation conference is required to be held unless this requirement is waived by the Deputy Chief Judge. No later

than 3 days prior to the mediation conference, all parties must submit any applicable motions, including, but not limited to, a motion to waive the mediation conference, to the judge of compensation claims.

(3) Such mediation conference shall be conducted informally and does not require the use of formal rules of evidence or procedure. Any information from the files, reports, case summaries, mediator's notes, or other communications or materials, oral or written, relating to a mediation conference under this section obtained by any person performing mediation duties is privileged and confidential and may not be disclosed without the written consent of all parties to the conference. Any research or evaluation effort directed at assessing the mediation program activities or performance must protect the confidentiality of such information. Each party to a mediation conference has a privilege during and after the conference to refuse to disclose and to prevent another from disclosing communications made during the conference whether or not the contested issues are successfully resolved. This subsection and paragraphs (4)(a) and (b) shall not be construed to prevent or inhibit the discovery or admissibility of any information that is otherwise subject to discovery or that is admissible under applicable law or rule of procedure, except that any conduct or statements made during a mediation conference or in negotiations concerning the conference are inadmissible in any proceeding under this chapter. The Deputy Chief Judge shall select a mediator. The mediator shall be employed on a full-time basis by the Office of the Judges of Compensation Claims. A mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the Deputy Chief Judge. Adjunct mediators may be employed by the Office of the Judges of Compensation Claims on an as-needed basis and shall be selected from a list prepared by the Deputy Chief Judge. An adjunct mediator must be independent of all parties participating in the mediation conference. An adjunct mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the Deputy Chief Judge. An adjunct mediator shall have access to the office, equipment, and supplies of the judge of compensation claims in each district. In the event both parties agree, the results of the mediation conference shall be binding and neither party shall have a right to appeal the results. In the event either party refuses to agree to the results of the mediation conference, the results of the mediation conference as well as the testimony, witnesses, and evidence presented at the conference shall not be admissible at any subsequent proceeding on the claim. The mediator shall not be called in to testify or give deposition to resolve any claim for any hearing before the judge of compensation claims. The employer may be represented by an attorney at the mediation conference if the employee is also represented by an attorney at the mediation conference.

(4)(a) If, on the 10th day following commencement of mediation, the questions in dispute have not been resolved, the judge of compensation claims shall hold a pretrial hearing. The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the pretrial hearing by mail. At the pretrial hearing, the judge of compensation claims shall, subject to paragraph (b), set a date for the final hearing that allows the parties at least 30 days to conduct discovery unless the parties consent to an earlier hearing date.

(b) The final hearing must be held and concluded within 45 days after the pretrial hearing. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. *The written consent of the claimant must be obtained before any request is granted for an additional continuance after the initial continuance has been granted.*

(c) The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the final hearing, served upon the interested parties by mail.

(d) The hearing shall be held in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. If the injury occurred without the state and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will, in the discretion of the Deputy Chief Judge, be the most convenient for a hearing. The hearing shall be conducted by a judge of compensation claims, who shall, within 30 44 days after final hearing or

closure of the hearing record, unless otherwise agreed by the parties, ~~enter a final order on the merits of the disputed issues determine the dispute in a summary manner. The judge of compensation claims may enter an abbreviated final order in cases in which compensability is not disputed. Either party may request separate findings of fact and conclusions of law.~~ At such hearing, the claimant and employer may each present evidence in respect of such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of compensation claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the Office of the *Judges of Compensation Claims* ~~division~~ at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(f) Each judge of compensation claims is required to submit a special report to the *Deputy Chief Judge* in each contested workers' compensation case in which the case is not determined within 30 14 days of final hearing or *closure of the hearing record*. Said form shall be provided by the *director of the Division of Administrative Hearings* ~~Chief Judge~~ and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. ~~The Chief Judge shall compile these special reports into an annual public report to the Governor, the Secretary of Labor and Employment Security, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.~~

~~(g) Judges of compensation claims shall adopt and enforce uniform local rules for workers' compensation.~~

~~(g)(h)~~ Notwithstanding any other provision of this section, the judge of compensation claims may require the appearance of the parties and counsel before her or him without written notice for an emergency conference where there is a bona fide emergency involving the health, safety, or welfare of an employee. An emergency conference under this section may result in the entry of an order or the rendering of an adjudication by the judge of compensation claims.

~~(h)(i)~~ To expedite dispute resolution and to enhance the self-executing features of the Workers' Compensation Law, the *Deputy Chief Judge* shall make provision by rule or order for the resolution of appropriate motions by judges of compensation claims without oral hearing upon submission of brief written statements in support and opposition, and for expedited discovery and docketing.

~~(i)(j)~~ To further expedite dispute resolution and to enhance the self-executing features of the system, those petitions filed in accordance with s. 440.192 that involve a claim for benefits of \$5,000 or less shall, in the absence of compelling evidence to the contrary, be presumed to be appropriate for expedited resolution under this paragraph; and any other claim filed in accordance with s. 440.192, upon the written agreement of both parties and application by either party, may similarly be resolved under this paragraph. For purposes of expedited resolution pursuant to this paragraph, the *Deputy Chief Judge* shall make provision by rule or order for expedited and limited discovery and expedited docketing in such cases. At least 15 days prior to hearing, the parties shall exchange and file with the judge of compensation claims a pretrial outline of all issues, defenses, and witnesses on a form ~~adopted promulgated~~ by the *Deputy Chief Judge*; provided, in no event shall such hearing be held without 15 days' written notice to all parties. No pretrial hearing shall be held. The judge of compensation claims shall limit all argument and presentation of evidence at the hearing to a maximum of 30 minutes, and such hearings shall not exceed 30 minutes in length. Neither party shall

be required to be represented by counsel. The employer or carrier may be represented by an adjuster or other qualified representative. The employer or carrier and any witness may appear at such hearing by telephone. The rules of evidence shall be liberally construed in favor of allowing introduction of evidence.

(5)

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. ~~The Office of the Judges of Compensation Claims division shall adopt promulgate~~ rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties, including the division and the Office of the General Counsel, Department of Labor and Employment Security, in Tallahassee. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the division, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the division to pay record costs and filing fees from the Workers' Compensation Trust Fund pending final disposition of the costs of appeal. The division may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record. ~~In the event the insolvency petition is denied, the judge of compensation claims may enter an order requiring the petitioner to reimburse the division for costs incurred in opposing the petition, including investigation and travel expenses.~~

Section 20. Section 440.271, Florida Statutes, is amended to read:

440.271 Appeal of order of judge of compensation claims.—Review of any order of a judge of compensation claims entered pursuant to this chapter shall be by appeal to the District Court of Appeal, First District. *To promote consistency and uniformity in the application of this chapter, the District Court of Appeal, First District, shall establish a specialized division to hear all appeals of orders of judges of compensation claims. The court may structure the division to hear workers' compensation cases exclusively or in addition to other appeals.* Appeals shall be filed in accordance with rules of procedure prescribed by the Supreme Court for review of such orders. The division shall be given notice of any proceedings pertaining to s. 440.25, regarding indigency, or s. 440.49, regarding the Special Disability Trust Fund, and shall have the right to intervene in any proceedings.

Section 21. Subsection (2) of section 440.29, Florida Statutes, is amended to read:

440.29 Procedure before the judge of compensation claims.—

(2) Hearings before the judge of compensation claims shall be open to the public, and the *Deputy Chief Judge* is authorized to designate the manner in which particular types of hearings are recorded and reported

and, when necessary, to contract for the reporting of such hearings. The Deputy Chief Judge shall arrange for the preparation of a record of the hearings and other proceedings before judges of compensation claims, as necessary, and is authorized to allow for the attendance of court reporters at hearings, for preparation of transcripts of testimony, for copies of any instrument, and for other reporting or recording services. The Deputy Chief Judge may charge the same fees allowed by law or court rule to reporters, persons preparing transcripts, or clerks of courts of this state for like services.

Section 22. Paragraph (b) of subsection (3) of section 440.34, Florida Statutes, is amended to read:

440.34 Attorney's fees; costs.—

(3) If the claimant should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the attorney's fees of the claimant. A claimant shall be responsible for the payment of her or his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(b) In any case in which the employer or carrier files a *response to petition notice of denial* with the *Office of the Judges of Compensation Claims division* and the injured person has employed an attorney in the successful prosecution of the claim; or

In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), (c), and (d), the judge of compensation claims must only consider only such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), (c), and (d).

Section 23. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of attorney's fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the *Office of the Judges of Compensation Claims division* as the *Office of the Judges of Compensation Claims division* requires by rule. The *Office of the Judges of Compensation Claims division* shall annually summarize such data in a report to the Workers' Compensation Oversight Board.

Section 24. Paragraphs (b), (c), and (f) of subsection (1) of section 440.38, Florida Statutes, are amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(1) Every employer shall secure the payment of compensation under this chapter:

(b) By furnishing satisfactory proof to the division of its financial ability to pay such compensation individually and on behalf of its subsidiary and affiliated companies with employees in this state and receiving an authorization from the division to pay such compensation directly in accordance with the following provisions:

1. The division may, ~~as a condition to such authorization, require an such employer to deposit with in a depository designated by the division a qualifying security deposit. The division shall determine the type and amount of the qualifying security deposit and shall either an indemnity bond or securities, at the option of the employer, of a kind and in an amount determined by the division and subject to such conditions as the division may prescribe conditions for the qualifying security deposit, which shall include authorization for to the division to call the qualifying security deposit in the case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this chapter. In addition, the division shall require, as a condition to authorization to self-insure, proof that the employer has provided for competent personnel with whom to deliver benefits and to provide a safe working environment. Further, the division shall require such employer to carry reinsurance at levels that will ensure the actuarial soundness of such employer in accordance with rules promulgated by the division. The division may by rule require that, in the event of an individual self-insurer's insolvency, such qualifying security deposits indemnity bonds, securities, and reinsurance policies are shall be payable to the Florida Self-Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385. Any employer securing compensation in accordance with the provisions of this paragraph shall~~

be known as a self-insurer and shall be classed as a carrier of her or his own insurance.

2. If the employer fails to maintain the foregoing requirements, the division shall revoke the employer's authority to self-insure, unless the employer provides to the division the certified opinion of an independent actuary who is a member of the American Society of Actuaries as to the actuarial present value of the employer's determined and estimated future compensation payments based on cash reserves, using a 4-percent discount rate, and a qualifying security deposit equal to 1.5 times the value so certified. The employer shall thereafter annually provide such a certified opinion until such time as the employer meets the requirements of subparagraph 1. The qualifying security deposit shall be adjusted at the time of each such annual report. Upon the failure of the employer to timely provide such opinion or to timely provide a security deposit in an amount equal to 1.5 times the value certified in the latest opinion, the division shall then revoke such employer's authorization to self-insure, and such failure shall be deemed to constitute an immediate serious danger to the public health, safety, or welfare sufficient to justify the summary suspension of the employer's authorization to self-insure pursuant to s. 120.68.

3. Upon the suspension or revocation of the employer's authorization to self-insure, the employer shall provide to the division and to the Florida Self-Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385 the certified opinion of an independent actuary who is a member of the American Society of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the member exercised the privilege of self-insurance, using a discount rate of 4 percent. The employer shall provide such an opinion at 6-month intervals thereafter until such time as the latest opinion shows no remaining value of claims. With each such opinion, the employer shall deposit with the division a qualifying security deposit in an amount equal to the value certified by the actuary. The association has a cause of action against an employer, and against any successor of the employer, who fails to timely provide such opinion or who fails to timely maintain the required security deposit with the division. The association shall recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the employer exercised the privilege of self-insurance, together with attorney's fees. For purposes of this section, the successor of an employer means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the employer.

4. A qualifying security deposit shall consist, at the option of the employer, of:

a. Surety bonds, in a form and containing such terms as prescribed by the division, issued by a corporation surety authorized to transact surety business by the Department of Insurance, and whose policyholders' and financial ratings, as reported in A.M. Best's Insurance Reports, Property-Liability, are not less than "A" and "V", respectively.

~~b.—Certificates of deposit with financial institutions, the deposits of which are insured through the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.~~

~~b.e. Irrevocable letters of credit in favor of the division issued by financial institutions located within this state, the deposits of which are insured through the Federal Deposit Insurance Corporation described in sub-subparagraph b.~~

~~d.—Direct obligations of the United States Treasury backed by the full faith and credit of the United States.~~

~~e.—Securities issued by this state and backed by the full faith and credit of this state.~~

5. The qualifying security deposit shall be held by the division, ~~or by a depository authorized by the division,~~ exclusively for the benefit of workers' compensation claimants. The security shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of compensation under this chapter. No surety bond may be terminated, and no *letter of credit* ~~other qualifying security~~ may be allowed to *expire lapse*, without 90 days' prior notice to the division and deposit by the self-insuring employer of *some other qualifying security deposit* of equal value within 10 business

days after such notice. Failure to provide such notice or failure to timely provide qualifying replacement security after such notice shall constitute grounds for the division to call or sue upon the surety bond; or to act with respect to other pledged security in any manner necessary to preserve its value for the purposes intended by this section, including the exercise *its* of rights under a letter of credit. ~~Current self-insured employers must comply with this section on or before December 31, 2001, or upon the maturity of existing security deposits, whichever occurs later; the sale of any security at then prevailing market rates, or the withdrawal of any funds represented by any certificate of deposit forming part of the qualifying security deposit.~~ The division may specify by rule the amount of the qualifying security deposit required prior to authorizing an employer to self-insure and the amount of net worth required for an employer to qualify for authorization to self-insure;

(c) By entering into a contract with a public utility under an approved utility-provided self-insurance program as set forth in s. 624.46225 440-571 in effect as of July 1, 1983. The division shall adopt rules to implement this paragraph;

(f) By entering into a contract with an individual self-insurer under an approved individual self-insurer-provided self-insurance program as set forth in s. 624.46225. The division may adopt rules to *administer* implement this subsection.

Section 25. Subsections (3), (5), (6), and (7) of section 440.44, Florida Statutes, are amended to read:

440.44 Workers' compensation; staff organization.—

(3) EXPENDITURES.—The division and the *director of the Division of Administrative Hearings* ~~Chief Judge~~ shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books; for telephone services and WATS lines; for books of reference, periodicals, equipment, and supplies; and for printing and binding as may be necessary in the administration of this chapter. All expenditures in the administration of this chapter shall be allowed and paid as provided in s. 440.50 upon the presentation of itemized vouchers therefor approved by the division or the *director of the Division of Administrative Hearings* ~~Chief Judge~~.

(5) OFFICE.—The division and the *Deputy Chief Judge* shall maintain and keep open during reasonable business hours an office, which shall be provided in the Capitol or some other suitable building in the City of Tallahassee, for the transaction of business under this chapter, at which office the official records and papers shall be kept. The office shall be furnished and equipped. The division, any judge of compensation claims, or the *Deputy Chief Judge* may hold sessions and conduct hearings at any place within the state. *The Office of the Judges of Compensation Claims shall maintain the 17 district offices, 31 judges of compensation claims, and 31 mediators as they exist on June 30, 2001.*

(6) SEAL.—The division *and*, the judges of compensation claims, ~~and the Chief Judge~~ shall have a seal upon which shall be inscribed the words "State of Florida Department of *Insurance Labor and Employment Security—Seal*" ~~and "Division of Administrative Hearings—Seal,"~~ respectively.²

(7) DESTRUCTION OF OBSOLETE RECORDS.—The division is expressly authorized to provide by regulation for and to destroy obsolete records of the division ~~and commission~~. *The Division of Administrative Hearings is expressly authorized to provide by regulation for and to destroy obsolete records of the Office of the Judges of Compensation Claims.*

Section 26. Section 440.442, Florida Statutes, is amended to read:

440.442 Code of Judicial Conduct.—The *Deputy Chief Judge*, and judges of compensation claims shall observe and abide by the Code of Judicial Conduct as *adopted by the Florida Supreme Court* ~~provided in this section~~. Any material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of *the Deputy such* Chief Judge, or judge of compensation claims by the Governor.

~~(1) A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.—An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself or~~

~~herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this code should be construed and applied to further that objective.~~

~~(2) A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS OR HER ACTIVITIES.—~~

~~(a) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.~~

~~(b) A judge should not allow his or her personal relationships to influence his or her judicial conduct or judgment. A judge should not lend the prestige of the office to advance the private interest of others; nor convey or authorize others to convey the impression that they are in a special position to influence him or her. A judge should not testify voluntarily as a character witness.~~

~~(3) A JUDGE SHOULD PERFORM THE DUTIES OF OFFICE IMPARTIALLY AND DILIGENTLY.—The judicial duties of a judge take precedence over all his or her other activities. The judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards with respect to adjudicative responsibilities apply:~~

~~(a) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.~~

~~(b) A judge should maintain order and decorum in proceedings.~~

~~(c) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he or she must deal in an official capacity, and should request similar conduct of lawyers, and of his or her staff, court officials, and others subject to his or her direction and control.~~

~~(4) A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE.—A judge, subject to the proper performance of his or her judicial duties, may engage in the following quasi-judicial activities, if in doing so he or she does not cast doubt on his or her capacity to decide impartially on any issue that may come before him or her:~~

~~(a) Speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.~~

~~(b) Appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.~~

~~(c) Serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice and assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fundraising activities.~~

~~(d) Make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.~~

~~(5) A JUDGE SHOULD REGULATE EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL DUTIES.—~~

~~(a) Avocational activities.—A judge may write, lecture, teach, and speak on nonlegal subjects, and engage in the arts, sports, or other social and recreational activities, if such avocational activities do not detract from the dignity of the office or interfere with the performance of judicial duties.~~

~~(b) Civil and charitable activities.—A judge may not participate in civic and charitable activities that reflect adversely upon his or her impartiality or interfere with the performance of his or her duties. A judge may serve as an officer, director, trustee, or nonlegal advisory of an educational, religious, charitable, fraternal, or civic organization not~~

conducted for the economic or political advantage of its members, subject to the following limitations:

1.—A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or her or will be regularly engaged in adversary proceedings in any court.

2.—A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of the office for that purpose, but may be listed as an officer, director, or trustee of such an organization. A judge should not be a speaker or a guest of honor at any organization's fundraising events, but may attend such events.

3.—A judge should not give investment advice to such an organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

(c) ~~Financial activities.—~~

1.—A judge should refrain from financial and business dealings that tend to reflect adversely on his or her impartiality, interfere with the proper performance of his or her judicial duties, exploit his or her judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

2.—Subject to the requirements of subsection (1), a judge in an individual or corporate capacity may hold and manage investments, including real estate, and engage in other remunerative activity, but should not serve as an officer, director, manager, advisor, or employee of any business, except a closely held family business that does not conflict with subsection (1).

3.—A judge should manage his or her investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as the judge can do so without serious financial detriment, he or she should divest himself or herself of investments and other financial interests that might require frequent disqualifications.

4.—A judge should not accept a gift, bequest, favor, or loan from anyone except as follows:

a.—A judge may accept a gift incident to a public testimonial to him or her; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

b.—A judge may accept ordinary hospitality; a gift, bequest, favor, or loan from a relative; a wedding or an engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

e.—A judge may accept any other gift, bequest, favor, or loan exceeding \$100 only if the donor is not a party or other person whose interests have recently come or may likely come before him or her in the immediate future.

5.—A judge should make a reasonable effort to be informed about the personal financial interests of members of his or her family residing in the judge's household and shall report any gift, bequest, favor, or loan received thereby of which he or she has knowledge and which tends to reflect adversely on his or her impartiality, in the same manner as he or she reports compensation in subsection (6).

6.—For the purpose of this section, "member of his or her family residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of his or her family, who resides in the judge's household.

7.—A judge is not required by this section to disclose his or her income, debts, or investments, except as provided in subsections (3) and (6).

8.—Information required by a judge in which his or her judicial capacity should not be used or disclosed by the judge in financial dealings or for any other purpose not related to his or her judicial duties.

(6) **FISCAL MATTERS OF JUDGES.**—Fiscal matters of a judge should be conducted in a manner that will not give the appearance of

influence or impropriety. A judge should regularly file public reports as required by s. 8, Art. II of the State Constitution, and should publicly report gifts.

(a) ~~Compensation for quasi-judicial and extrajudicial services and reimbursement of expenses.—A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extrajudicial activities permitted by this section, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the impression of impropriety subject to the following restrictions:~~

1.—~~Compensation: Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.~~

2.—~~Expense reimbursement: Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, to his or her spouse. Any payment in excess of such an amount is compensation.~~

(b) ~~Public financial reporting.—~~

1.—~~Income and assets: A judge shall file such public reports as may be required by law for all public officials to comply fully with the provisions of s. 8, Art. II of the State Constitution. The form for public financial disclosure shall be that recommended or adopted by the Florida Commission on Ethics for use by all public officials. The form shall be filed in the office of the Commission on Ethics on the date prescribed by law.~~

2.—~~Gifts: A judge shall file a public report of all gifts which are required to be disclosed under Canons 5D(5)(h) and 6B(2) of the Code of Judicial Conduct. The report of gifts received in the preceding calendar year shall be filed in the office of the Commission on Ethics on or before July 1 of each year.~~

Section 27. Section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1)(a) There is hereby created the Office of the Judges of Compensation Claims within the Department of ~~Management Services Labor and Employment Security~~. The Office of the Judges of Compensation Claims shall be headed by ~~the Deputy a Chief Judge of Compensation Claims. The Deputy Chief Judge shall report to the director of the Division of Administrative Hearings. The Deputy Chief Judge shall be appointed by the Governor for a term of 4 years from a list of three names submitted by the statewide nominating commission created under subsection (2). The Deputy Chief Judge must demonstrate prior administrative experience and possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the Deputy Chief Judge will be the same as for reappointment of a judge of compensation claims. The office shall be a separate budget entity and the director of the Division of Administrative Hearings Chief Judge shall be its agency head for all purposes. The Department of Management Services Labor and Employment Security shall provide administrative support and service to the office to the extent requested by the director of the Division of Administrative Hearings Chief Judge but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including, but not limited to, personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.~~

(b) ~~The current term of the Chief Judge of Compensation Claims shall expire October 1, 2001. Effective October 1, 2001, the position of Deputy Chief Judge of Compensation Claims is created.~~

(2)(a) The Governor shall appoint full-time judges of compensation claims to conduct proceedings as required by this chapter or other law. No person may be nominated to serve as a judge of compensation claims unless he or she has been a member of The Florida Bar in good standing for the previous 5 years and is experienced knowledgeable in the practice of law of workers' compensation. No judge of compensation claims shall engage in the private practice of law during a term of office.

(b) Except as provided in paragraph (c), the Governor shall appoint a judge of compensation claims from a list of three persons nominated

by a statewide nominating commission. The statewide nominating commission shall be composed of the following:

1. Five members, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are engaged in the practice of law. On July 1, 1999, the term of office of each person appointed by the Board of Governors of The Florida Bar to the commission expires. The Board of Governors shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term;

2. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. On July 1, 1999, the term of office of each person appointed by the Governor to the commission expires. The Governor shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term; and

3. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. On October 1, 1999, the term of office of each person appointed to the commission by its other members expires. A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, each member shall be appointed for a 4-year term.

A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the public.

(c) Each judge of compensation claims shall be appointed for a term of 4 years, but during the term of office may be removed by the Governor for cause. Prior to the expiration of a judge's term of office, the statewide nominating commission shall review the judge's conduct and determine whether the judge's performance is satisfactory. *Effective July 1, 2002, in determining whether a judge's performance is satisfactory, the commission shall consider the extent to which the judge has met the requirements of this chapter, including, but not limited to, the requirements of ss. 440.192(2), 440.25(1) and (4)(a)-(f), 440.34(2), and 440.442.* If the judge's performance is deemed satisfactory, the commission shall report its finding to the Governor no later than 6 months prior to the expiration of the judge's term of office. The Governor shall review the commission's report and may reappoint the judge for an additional 4-year term. If the Governor does not reappoint the judge, the Governor shall inform the commission. The judge shall remain in office until the Governor has appointed a successor judge in accordance with paragraphs (a) and (b). If a vacancy occurs during a judge's unexpired term, the statewide nominating commission does not find the judge's performance is satisfactory, or the Governor does not reappoint the judge, the Governor shall appoint a successor judge for a term of 4 years in accordance with paragraph (b).

(d) *The Governor may appoint any attorney who has at least 5 years of experience in the practice of law in this state to serve as a judge of compensation claims pro hac vice in the absence or disqualification of any full-time judge of compensation claims or to serve temporarily as an additional judge of compensation claims in any area of the state in which the Governor determines that a need exists for such an additional judge. However, an attorney who is so appointed by the Governor may not serve for a period of more than 120 successive days.*

(e) *The director of the Division of Administrative Hearings may receive or initiate complaints, conduct investigations, and dismiss com-*

plaints against the Deputy Chief Judge and the judges of compensation claims on the basis of the Code of Judicial Conduct. The director may recommend to the Governor the removal of the Deputy Chief Judge or a judge of compensation claims or recommend the discipline of a judge whose conduct during his or her term of office warrants such discipline. For purposes of this section, the term "discipline" includes reprimand, fine, and suspension with or without pay. At the conclusion of each investigation, the director shall submit preliminary findings of fact and recommendations to the judge of compensation claims who is the subject of the complaint. The judge of compensation claims has 20 days within which to respond to the preliminary findings. The response and the director's rebuttal to the response must be included in the final report submitted to the Governor.

~~(3) The Chief Judge shall select from among the full time judges of the office two or more judges to rotate as docketing judges. Docketing judges shall review all claims for benefits for consistency with the requirements of this chapter and the rules of procedure, including, but not limited to, specificity requirements, and shall dismiss any claim that fails to comport with such rules and requirements. The docketing judge shall not dismiss any claim with prejudice without offering the parties an opportunity to appear and present argument. The Chief Judge may as he or she deems appropriate expand the duties of the docketing judges to include resolution without hearing of other types of procedural and substantive matters, including resolution of fee disputes.~~

~~(3)(4) The Chief Judge shall have the discretion to require mediation and to designate qualified persons to act as mediators in any dispute pending before the judges of compensation claims and the division. The Deputy Chief Judge shall coordinate with the Director of the Division of Workers' Compensation to establish a mandatory mediation program to facilitate early and efficient resolution of disputes arising under this chapter and to establish training and continuing education for new and sitting judges.~~

~~(4)(5) The Office of the Judges of Compensation Claims shall adopt promulgate rules to effect the purposes of this section. Such rules shall include procedural rules applicable to workers' compensation claim resolution and uniform criteria for measuring the performance of the office, including, but not limited to, the number of cases assigned and disposed, the age of pending and disposed cases, timeliness of decisionmaking, extraordinary fee awards, and other data necessary for the judicial nominating commission to review the performance of judges as required in paragraph (2)(c) performance indicators. The workers' compensation rules of procedure approved by the Supreme Court shall apply until the rules adopted promulgated by the Office of the Judges of Compensation Claims pursuant to this section become effective.~~

~~(5)(6) Not later than December 1 of each year, the Office of the Judges of Compensation Claims and the Division of Workers' Compensation shall jointly issue a written report to the Governor, the House of Representatives, and the Senate, The Florida Bar, and the statewide nominating commission summarizing the amount, cost, and outcome of all litigation resolved in the previous fiscal prior year, summarizing the disposition of mediation conferences, the number of mediation conferences held, the number of continuances granted for mediations and final hearings, the number and outcome of litigated cases, the amount of attorney's fees paid in each case according to order year and accident year, and the number of final orders not issued within 30 days after the final hearing or closure of the hearing record, applications and motions for mediation conferences and recommending changes or improvements to the dispute resolution elements of the Workers' Compensation Law and regulations. If the Deputy Chief Judge finds that judges generally are unable to meet a particular statutory requirement for reasons beyond their control, the Deputy Chief Judge shall submit such findings and any recommendations to the Legislature.~~

Section 28. Section 440.47, Florida Statutes, is amended to read:

440.47 Travel expenses.—The Deputy Chief Judge, judges of compensation claims, and employees of the department shall be reimbursed for travel expenses as provided in s. 112.061. Such expenses shall be sworn to by the person who incurred the same and shall be allowed and paid as provided in s. 440.50 upon the presentation of vouchers therefor approved by the director of the Division of Administrative Hearings Chief Judge or the department, whichever is applicable.

Section 29. Section 440.59, Florida Statutes, is amended to read:

440.59 Reporting requirements.—

(1) The department of Labor and Employment Security shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

~~(2) The Division of Workers' Compensation of the Department of Labor and Employment Security shall complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in workers' compensation claims. The analysis shall be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The division shall distribute to each employer and self-insurer in the state covered by the Workers' Compensation Law the data relevant to its workforce. The report shall also be distributed to the insurers authorized to write workers' compensation insurance in the state.~~

(2)(3) The division shall annually prepare a closed claim report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation on or before September 15 of each year. The closed claim report shall include, but not be limited to, an analysis of all claims closed during the preceding year as to the date of accident, age of the injured employee, occupation of the injured employee, type of injury, body part affected, type and duration of indemnity benefits paid, permanent impairment rating, medical benefits identified by type of health care provider, and type and cost of any rehabilitation benefits provided.

(3)(4) The division shall prepare an annual report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year. The annual report shall include a status report on all cases involving work-related injuries in the previous 10 years. The annual report shall include, but not be limited to, the number of open and closed cases, the number of cases receiving various types of benefits, and the cash and medical benefits paid between the date of injury and the evaluation date, ~~the number of litigated cases, and the amount of attorney's fees paid in each case.~~

~~(5) The Chief Judge must prepare an annual report summarizing the disposition of mediation conferences and must submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year.~~

Section 30. Section 440.593, Florida Statutes, is amended to read:

440.593 Electronic reporting.—

(1) The division may establish ~~by rule~~ an electronic reporting system ~~requiring or authorizing whereby~~ an employer or carrier is required to submit ~~required forms, reports, or other information electronically rather than by other means filing otherwise required forms or reports.~~ The division may ~~by rule~~ establish different deadlines for ~~submitting forms, reports, or reporting~~ information to the division, or to its authorized agent, via the electronic reporting system than are otherwise required ~~when reporting information by other means.~~

(2) ~~The division may require any carrier to submit data electronically, either directly or through a third-party vendor, and may require~~

~~any carrier or vendor submitting data to the division electronically to be certified by the division. The division may specify performance requirements for any carrier or vendor submitting data electronically.~~

~~(3) The division may revoke the certification of any carrier or vendor determined by the division to be in noncompliance with performance standards prescribed by rule for electronic submissions.~~

~~(4) The division may assess a civil penalty, not to exceed \$500 for each violation, as prescribed by rule.~~

~~(5) The division is authorized to adopt rules to administer this section.~~

Section 31. Section 489.114, Florida Statutes, is amended to read:

489.114 Evidence of workers' compensation coverage.—*Except as provided in s. 489.115(5)(d)*, any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate, registration, or certificate of authority of the contractor, provide to the Construction Industry Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Labor and Employment Security receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that such cancellation has occurred or that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation shall result solely from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine as provided by rule. The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate, registration, or certificate of authority of the contractor under the provisions of s. 489.129.

Section 32. Paragraph (d) is added to subsection (5) of section 489.115, Florida Statutes, to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(5)

(d) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the board.

Section 33. Section 489.510, Florida Statutes, is amended to read:

489.510 Evidence of workers' compensation coverage.—*Except as provided in s. 489.515(3)(b)*, any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Electrical Contractors' Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Labor and Employment Security receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that such cancellation has occurred or that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation shall

result solely from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine as provided by rule. The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533.

Section 34. Subsection (3) of section 489.515, Florida Statutes, is amended to read:

489.515 Issuance of certificates; registrations.—

(3)(a) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the board attesting to the fact that the applicant has obtained both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random audit method.

(b) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the board.

Section 35. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the Division of Workers' Compensation of the Department of Labor and Employment Security or implement a safety program pursuant to provisions of the rating plan approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security or implement both a drug-free workplace program and a safety program. The Division of Safety may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound; and must state the savings anticipated to result from such drug-testing and safety programs.

Section 36. Paragraph (p) of subsection (4) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(4)

(p) Neither the plan nor any member of the board of governors is liable for monetary damages to any person for any statement, vote, decision, or failure to act, regarding the management or policies of the plan, unless:

1. The member breached or failed to perform her or his duties as a member; and

2. The member's breach of, or failure to perform, duties constitutes:

a. A violation of the criminal law, unless the member had reasonable cause to believe her or his conduct was *not* unlawful. A judgment or other final adjudication against a member in any criminal proceeding for violation of the criminal law estops that member from contesting the fact that her or his breach, or failure to perform, constitutes a violation of the criminal law; but does not estop the member from establishing that she or he had reasonable cause to believe that her or his conduct was lawful or had no reasonable cause to believe that her or his conduct was unlawful;

b. A transaction from which the member derived an improper personal benefit, either directly or indirectly; or

c. Recklessness or any act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. For purposes of this sub-subparagraph, the term "recklessness" means the acting, or omission to act, in conscious disregard of a risk:

(I) Known, or so obvious that it should have been known, to the member; and

(II) Known to the member, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such act or omission.

Section 37. Effective July 1, 2001, section 627.914, Florida Statutes, is amended to read:

627.914 Reports of information by workers' compensation insurers required.—

(1) The department shall ~~adopt promulgate~~ rules and statistical plans ~~that must which shall~~ thereafter be used by each insurer ~~and self-insurance fund as defined in s. 624.461~~ in the recording and reporting of loss, expense, and claims experience, in order that the experience of all insurers and ~~self-insurance funds~~ ~~self-insurers~~ may be made available at least annually in such form and detail as may be necessary to aid the department in determining whether Florida experience for workers' compensation insurance is sufficient for establishing rates.

(2) ~~Any insurer authorized to write a policy of workers' compensation insurance shall transmit the following information to the department each year with its annual report, and such information shall be reported on a net basis with respect to reinsurance for nationwide experience and on a direct basis for Florida experience:~~

- ~~(a) Premiums written;~~
- ~~(b) Premiums earned;~~
- ~~(c) Dividends paid or credited to policyholders;~~
- ~~(d) Losses paid;~~
- ~~(e) Allocated loss adjustment expenses;~~
- ~~(f) The ratio of allocated loss adjustment expenses to losses paid;~~
- ~~(g) Unallocated loss adjustment expenses;~~
- ~~(h) The ratio of unallocated loss adjustment expenses to losses paid;~~
- ~~(i) The total of losses paid and unallocated and allocated loss adjustment expenses;~~
- ~~(j) The ratio of losses paid and unallocated and allocated loss adjustment expenses to premiums earned;~~
- ~~(k) The number of claims outstanding as of December 31 of each year;~~
- ~~(l) The total amount of losses unpaid as of December 31 of each year;~~
- ~~(m) The total amount of allocated and unallocated loss adjustment expenses unpaid as of December 31 of each year; and~~
- ~~(n) The total of losses paid and allocated loss adjustment expenses and unallocated loss adjustment expenses, plus the total of losses unpaid as of December 31 of each year and loss adjustment expenses unpaid as of December 31 of each year.~~

(3) ~~A report of the information required in subsection (2) shall be filed no later than April 1 of each year and shall include the information for the preceding year ending December 31. All reports shall be on a calendar-accident year basis, and each calendar-accident year shall be reported at eight stages of development.~~

(2)(4) Each insurer ~~and self-insurance fund~~ authorized to write a policy of workers' compensation insurance shall transmit the following

information for paragraphs (a), (b), (d), and (e) annually on both Florida experience and nationwide experience separately:

- (a) Payrolls by classification.
- (b) Manual premiums by classification.
- (c) Standard premiums by classification.
- (d) Losses by classification and injury type.
- (e) Expenses.

A report of this information shall be filed no later than July April 1 of each year. All reports shall be filed in accordance with standard reporting procedures for insurers, which procedures have received approval by the department, and shall contain data for the most recent policy period available. A statistical or rating organization may be used by insurers and self-insurance funds to report the data required by this section. The statistical or rating organization shall report each data element in the aggregate only for insurers and self-insurance funds required to report under this section who elect to have the rating organization report on their behalf. Such insurers and self-insurance funds shall be named in the report.

~~(3)(5) Individual self-insurers as defined authorized to transact workers' compensation insurance as provided in s. 440.02 shall report only Florida data as prescribed in paragraphs (a)-(e) of subsection (2) (4) to the Division of Workers' Compensation of the Department of Labor and Employment Security.~~

(a) The Division of Workers' Compensation shall publish the dates and forms necessary to enable individual self-insurers to comply with this section.

~~(b) The Division of Workers' Compensation shall report the information collected under this section to the Department of Insurance in a manner prescribed by the department.~~

~~(b)(e) A statistical or rating organization may be used by individual self-insurers for the purposes of reporting the data required by this section and calculating experience ratings.~~

~~(4)(6) The department shall provide a summary of information provided pursuant to subsection subsections (2) and (4) in its annual report.~~

Section 38. (1) *The Office of the Judges of Compensation Claims is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Division of Administrative Hearings of the Department of Management Services.*

(2) *Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for coding or entering data contained within final orders issued by the judges of compensation claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.*

(3) *Ten positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for receiving and preparing docketing orders for the petitions for benefits and for receiving and entering data related to the petitions for benefits are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.*

(4) *Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for financial management, accounting, and budgeting for the Office of the Judges of Compensation Claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.*

Section 39. Except as otherwise provided herein, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross-reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to

initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

On motion by Senator King, further consideration of **CS for SB 1926** as amended was deferred.

On motion by Senator Diaz de la Portilla—

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (124472)—On page 2, line 2, after "331," insert: *the Florida Commercial Space Finance Corporation created in part III of chapter 331,*

Amendment 2 (932088)—On page 5, line 28, after the period (.) insert: *Furthermore, disclosure of financial or financing records during negotiations between private and public entities would discourage economic development in general, and have a negative impact on increasing the number of high technology, high paying jobs in the state.*

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 3 (635802)—In title, on page 1, line 5, after the comma (,) insert: *the Florida Commercial Space Financing Corporation and*

Pursuant to Rule 4.19, **SB 484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 822—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 287.058, F.S.; clarifying current requirement that contractor on certain state contracts must allow access to public records unless the records are exempt; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing for binding arbitration in fee disputes; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; amending s. 86.091, F.S.; providing that the State of Florida, the Governor, any state department, agency, officer, or employee shall not be made a party in certain proceedings; amending s. 16.01, F.S.; clarifying that certain provisions are not intended to authorize the joinder of the Attorney General as party; amending s. 48.121, F.S.; clarifying that the section is not intended to authorize the joinder of the Attorney General or a state attorney as a party; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management Trust Fund; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (095390)(with title amendment)—On page 12, line 19 through page 13, line 14, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 25-29, delete and insert: *state or its agencies;* amending s. 16.01

MOTION

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

Senator Dyer moved the following amendment which was adopted:

Amendment 2 (132760)(with title amendment)—On page 17, between lines 3 and 4, insert:

Section 12. Section 45.051, Florida Statutes, is amended to read:

45.051 Execution of supersedeas bond when required of the state or its political subdivisions.—

(1) When a supersedeas bond is required by the appellate court under Rule 9.310(b)(2), Florida Rules of Appellate Procedure or an appeal or other proceeding is taken in any court and there is no court rule or statute exempting the parties from giving supersedeas, cost, or other required bond, the parties are authorized to make and execute the required bond with a corporate surety thereon duly licensed to do business in this state. The premium or other cost for the bond may be paid from the general necessary and regular appropriation of the party taking the appeal, in the case of the state or any of its officers, boards, commissions or other agencies, and from the county general fund, district school general fund, or otherwise as the case may be, in the case of a political subdivision of the state or any of its officers, boards, commissions or other agencies. The officers of the state and its political subdivisions and

the executive officers of their boards, commissions, and other agencies aforesaid, are authorized to make and execute the bonds on behalf of the parties.

(2) *In connection with an appeal taken by a state employee or official of a judgment against that employee or official in an individual capacity, as part of the legal defense being provided by the state risk management program, the Division of Risk Management may enter into an indemnification agreement for the purpose of securing an appellate supersedeas bond, provided that, under any such agreement, the liability of the State of Florida is limited to the amount of the judgment being appealed and any costs imposed by law or the appropriate court.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after the first semicolon (;) insert: amending s. 45.051, F.S.; authorizing the Division of Risk Management to enter into indemnification agreements for supersedeas bonds;

Senator Dyer moved the following amendment which failed:

Amendment 3 (654318)(with title amendment)—On page 16, between lines 3 and 4, insert:

Section 11. *The Secretary of the Department of Lottery shall submit to the State Board of Administration, the Florida Senate, and the Florida House of Representatives, a report on the assessment of liquidated damages on the contract between the department and the on-line vendor. Such proposal shall include an analysis of any delays in the installation and operation of the on-line system and any periods when the on-line system was either inoperable or operating below performance. The report shall also include an estimate of liquidated damages based on the contract and the total sum of funds available for deposit in the Education Enhancement Trust Fund. The secretary shall not enter into any final agreement on the assessment of liquidated damages until such time as the report is submitted.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: requiring a report by the Secretary of the Department of Lottery;

Pursuant to Rule 4.19, **CS for SB 822** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

CS for CS for SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing a penalty; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the department to adopt rules and prescribe forms; amending s. 509.221, F.S.; providing for regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Wasserman Schultz:

Amendment 1 (152608)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 501.144, Florida Statutes, is created to read:

501.144 *Florida Infant Crib Safety Act.*—

(1) **SHORT TITLE.**—*This section may be cited as the “Florida Infant Crib Safety Act.”*

(2) **DEFINITIONS.**—*As used in this section, the term:*

(a) *“Commercial user” means a dealer pursuant to s. 212.06(2), or any person who is in the business of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting full-size or non-full-size cribs. The term includes a child care facility, family day care home, large family child care home, and specialized child care facility for the care of mildly ill children, licensed by the Department of Children and Family Services or local licensing agencies.*

(b) *“Crib” means a bed or containment designed to accommodate an infant.*

(c) *“Department” means the Department of Agriculture and Consumer Services.*

(d) *“Full-size crib” means a full-size baby crib as defined in 16 C.F.R. part 1508, relating to requirements for full-size baby cribs.*

(e) *“Infant” means a person less than 35 inches tall and less than 3 years of age.*

(f) *“Non-full-size crib” means a non-full-size baby crib as defined in 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.*

(g) *“Transient public lodging establishment” means any hotel, motel, resort condominium, transient apartment, roominghouse, bed and breakfast inn, or resort dwelling, as defined in s. 509.242.*

(3) **PROHIBITED PRACTICES.**—

(a) *A commercial user may not manufacture, remanufacture, retrofit, sell, contract to sell or resell, lease, or sublet a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b).*

(b) *No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b). Further, violation of this section by a transient public lodging establishment is a violation of chapter 509 and is subject to the penalties set forth in s. 509.261.*

(c) *A violation of this section is a deceptive and unfair trade practice and constitutes a violation of part II of chapter 501, the Florida Deceptive and Unfair Trade Practices Act.*

(4) **PRESUMPTION AS UNSAFE; CRITERIA.**—

(a) *A crib is presumed to be unsafe under this section if it does not conform to all of the following:*

1. *16 C.F.R. part 1303, relating to ban of lead-containing paint and certain consumer products bearing lead-containing paint; 16 C.F.R. part 1508, relating to requirements for full-size baby cribs; and 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.*

2. *American Society for Testing and Materials Voluntary Standards F966-96, F1169-99, and F1822-97.*

3. *Rules adopted by the department which incorporate amendments or supplements to the regulations or standards described in subparagraphs 1. and 2.*

(b) *Cribs are unsafe which have any of the following dangerous features or characteristics:*

1. *Corner posts that extend more than 1/16 of an inch.*

2. *Spaces between side slats more than 2 3/8 inches.*

3. *A mattress support that can be easily dislodged from any point of the crib. A mattress segment can be easily dislodged if it cannot with-*

stand at least a 25-pound upward force from underneath the crib. For portable folding cribs, this subparagraph shall not apply to mattress supports or mattress segments that are designed to allow the crib to be folded, provided that the crib is equipped with latches that work automatically to prevent the unintentional collapse of the crib.

4. Cutout designs on the end panels.
5. Rail-height dimensions that do not conform to the following:
 - a. The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches.
 - b. The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches.
6. Upon completion of assembly, any screw, bolt, or hardware that is loose and not secured.
7. Any sharp edge, point, or rough surface or any wood surface that is not smooth and free from splinters, splits, or cracks.
8. A tear in mesh or fabric sides for a non-full-size crib.
9. With respect to portable folding cribs, latches that do not work automatically to prevent the unintentional collapse of the crib.
10. Crib sheets used on mattresses must be sized to match the mattress size.

(5) **EXEMPTIONS; CIVIL IMMUNITY.—**

(a) A crib that is clearly not intended for use by an infant, including, but not limited to, a toy or display item, is exempt from this section if the crib is accompanied, at the time of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting by a notice to be furnished by the commercial user on forms prescribed by the department declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

(b) A commercial user, other than a child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children, that has complied with the notice requirements set forth under paragraph (a) is immune from civil liability resulting from the use of a crib, notwithstanding the provisions of this section.

(6) **PENALTY.—**

(a) A commercial user, other than a commercial user subject to the penalties provided in paragraph (b) or paragraph (c), that willfully and knowingly violates subsection (3) commits a misdemeanor of the first degree, punishable by a fine of not more than \$10,000 and imprisonment for a term of not more than 1 year.

(b) A transient public lodging establishment that violates subsection (3) shall be subject to the penalties set forth in s. 509.261.

(c) A child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children that violates subsection (3) shall be subject to the penalties set forth in ss. 402.301-402.319.

(7) **PUBLIC EDUCATION MATERIALS AND PROGRAMS.—**The Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services may collaborate with any public agency or private sector entity to prepare public education materials or programs designed to inform parents, child care providers, commercial users, and any other person or entity that is likely to place unsafe cribs in the stream of commerce of the dangers posed by secondhand, hand-me-down, or heirloom cribs that do not conform to the standards set forth in this section or that have any of the dangerous features or characteristics set forth in this section.

(8) **RULEMAKING AUTHORITY.—**The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 2. Subsection (10) is added to section 509.221, Florida Statutes, to read:

509.221 Sanitary regulations.—

(10) No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because it is not in conformity with the requirements of s. 501.144.

Section 3. Section 509.032, Florida Statutes, is reenacted to read:

509.032 Duties.—

(1) **GENERAL.—**The division shall carry out all of the provisions of this chapter and all other applicable laws and rules relating to the inspection or regulation of public lodging establishments and public food service establishments for the purpose of safeguarding the public health, safety, and welfare. The division shall be responsible for ascertaining that an operator licensed under this chapter does not engage in any misleading advertising or unethical practices.

(2) **INSPECTION OF PREMISES.—**

(a) The division has responsibility and jurisdiction for all inspections required by this chapter. The division has responsibility for quality assurance. Each licensed establishment shall be inspected at least biannually and at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall establish a system to determine inspection frequency. Public lodging units classified as resort condominiums or resort dwellings are not subject to this requirement, but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan which improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II or part III of chapter 400.

(b) For purposes of performing required inspections and the enforcement of this chapter, the division has the right of entry and access to public lodging establishments and public food service establishments at any reasonable time.

(c) Public food service establishment inspections shall be conducted to enforce provisions of this part and to educate, inform, and promote cooperation between the division and the establishment.

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part.

(e)1. Relating to facility plan approvals, the division may establish, by rule, fees for conducting plan reviews and may grant variances from construction standards in hardship cases, which variances may be less restrictive than the provisions specified in this section or the rules adopted under this section. A variance may not be granted pursuant to this section until the division is satisfied that:

- a. The variance shall not adversely affect the health of the public.
- b. No reasonable alternative to the required construction exists.
- c. The hardship was not caused intentionally by the action of the applicant.

2. The division's advisory council shall review applications for variances and recommend agency action. The division shall make arrangements to expedite emergency requests for variances, to ensure that such requests are acted upon within 30 days of receipt.

3. The division shall establish, by rule, a fee for the cost of the variance process. Such fee shall not exceed \$150 for routine variance requests and \$300 for emergency variance requests.

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each coin-operated amusement machine that is operated on the premises of a licensed establishment is properly registered with the Department of Revenue. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location a coin-operated amusement machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(i).

(g) In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.

(3) **SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.**—The division shall:

(a) Prescribe sanitary standards which shall be enforced in public food service establishments.

(b) Inspect public lodging establishments and public food service establishments whenever necessary to respond to an emergency or epidemiological condition.

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendor owners and operators participating in each event, and the current license numbers of all public food service establishments participating in each event. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, including the food-recovery brochure developed under s. 570.0725.

3.a. A public food service establishment or other food vendor must obtain a license from the division for each temporary food service event in which it participates.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events of 3 days or less in duration.

(4) **STOP-SALE ORDERS.**—The division may stop the sale, and supervise the proper destruction, of any food or food product when the director or the director's designee determines that such food or food product represents a threat to the public safety or welfare. If the operator of a public food service establishment licensed under this chapter has

received official notification from a health authority that a food or food product from that establishment has potentially contributed to any instance or outbreak of food-borne illness, the food or food product must be maintained in safe storage in the establishment until the responsible health authority has examined, sampled, seized, or requested destruction of the food or food product.

(5) **REPORTS REQUIRED.**—The division shall send the Governor a written report, which shall state, but not be limited to, the total number of inspections conducted by the division to ensure the enforcement of sanitary standards, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, and any recommendations for improved inspection procedures. The division shall also keep accurate account of all expenses arising out of the performance of its duties and all fees collected under this chapter. The report shall be submitted by September 30 following the end of the fiscal year.

(6) **RULEMAKING AUTHORITY.**—The division shall adopt such rules as are necessary to carry out the provisions of this chapter.

(7) **PREEMPTION AUTHORITY.**—The regulation of public lodging establishments and public food service establishments, the inspection of public lodging establishments and public food service establishments for compliance with the sanitation standards adopted under this section, and the regulation of food safety protection standards for required training and testing of food service establishment personnel are preempted to the state. This subsection does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.022.

Section 4. Section 402.3031, Florida Statutes, is created to read:

402.3031 Infant crib safety.—No child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children shall offer or provide for use a full-size or non-full-size crib that is not in conformity with the requirements of s. 501.144. The department shall enforce the provisions of this section and may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 5. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; providing an effective date.

WHEREAS, the disability and death of infants resulting from injuries sustained in crib accidents are a serious threat to the public health, safety, and welfare of the people of the state, and

WHEREAS, the design and construction of an infant crib must ensure that it is safe, and a parent or caregiver has a right to believe that an infant crib in use is a safe containment in which to place an infant, and

WHEREAS, more than 13,000 infants are injured in unsafe cribs every year, and

WHEREAS, prohibiting the manufacture, remanufacture, retrofitting, sale, contracting to sell or resell, leasing, or subletting of unsafe infant cribs, particularly unsafe secondhand, hand-me-down, or heirloom cribs, will reduce injuries and deaths caused by cribs, and

WHEREAS, it is the intent of the Legislature to reduce the occurrence of injuries and deaths to infants as a result of unsafe cribs that do not conform to modern safety standards by making it illegal to manufacture, remanufacture, retrofit, sell, contract to sell or resell, lease, or sublet, any full-size or non-full-size crib that is unsafe, and

WHEREAS, it is the intent of the Legislature to encourage public and private collaboration in disseminating materials relative to the safety of infant cribs to parents, child care providers, and those individuals who would be likely to sell, donate, or otherwise provide to others unsafe infant cribs, NOW, THEREFORE,

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

Amendment 1A (552086)—On page 3, lines 18-20, delete those lines and insert:

3. Rules adopted by the department which implement the provisions of this subsection.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 856** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer's intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the Office Of Program Policy Analysis and Government Accountability to conduct an examination of the batterer's intervention programs; specifying requirements of the study; requiring consultation with key stakeholders; providing for phase I and phase II reports to the Legislature; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.; amending the list of subject matter to be included in the department's annual report to the Legislature on the status of domestic violence cases; providing an appropriation for districtwide joint training of domestic violence center and child protection staff; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 858** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 804** was deferred.

On motion by Senator Dawson—

CS for SB 1056—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the list of eligible children to include otherwise eligible children for whom the state is paying a relative caregiver payment; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; amending ss. 240.235, 240.35, F.S.; exempting certain children in the custody of a relative from payment of postsecondary undergraduate fees; requiring the Department of Children and Family Services to contract for a study of relative caregiver families; requiring a report to be submitted to the Department of Children and Family Services and the Legislature; providing an effective date.

—was read the second time by title.

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

Amendment 1 (571126)—On page 2, delete line 10 and insert: successfully be able to be placed by the dependency court in

Pursuant to Rule 4.19, **CS for SB 1056** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1312—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; amending s. 154.02, F.S.; requiring that certain moneys in each County Health Department Trust Fund be set aside and used for specified purposes; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background-screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the department to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; revising provisions relating to pharmacy wholesaler permits; amending s. 742.10, F.S.; requiring a voluntary acknowledgement of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 383.14, F.S.; specifying that screenings for specified medical disorders must be performed by the state Public Health Laboratory; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; amending s. 509.049, F.S.; revising provisions relating to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment:

Amendment 1 (874776)(with title amendment)—On page 35, between lines 22 and 23, insert:

Section 26. Paragraph (e) of subsection (5) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, “county public general hospital” means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(e) ~~The Health Policy Authority, created by the county commission, shall adopt and implement a health care plan for indigent health care services. A governing board, agency, or authority shall be chartered by the county commission upon this act becoming law. The governing board, agency, or authority shall adopt and implement a health care plan for indigent health care services. The governing board, agency, or authority shall consist of no more than seven and no fewer than five members appointed by the county commission. The members of the governing board, agency, or authority shall be at least 18 years of age and residents of the county. No member may be employed by or affiliated with a health care provider or the public health trust, agency, or authority responsible for the county public general hospital. The following community organizations shall each appoint a representative to a nominating committee: the South Florida Hospital and Healthcare Association, the Miami Dade County Public Health Trust, the Dade County Medical Association, the Miami Dade County Homeless Trust, and the Mayor of Miami Dade County. This committee shall nominate between 10 and 14 county citizens for the governing board, agency, or authority. The slate shall be presented to the county commission and the county commission shall confirm the top five to seven nominees, depending on the size of the governing board. Until such time as the governing board, agency, or authority is created, the funds provided for in subparagraph (d)2. shall be placed in a restricted account set aside from other county funds and not disbursed by the county for any other purpose.~~

1. The plan shall divide the county into a minimum of four and maximum of six service areas, with no more than one participant hospital per service area. The county public general hospital shall be designated as the provider for one of the service areas. Services shall be provided through participants’ primary acute care facilities.

2. The plan and subsequent amendments to it shall fund a defined range of health care services for both indigent persons and the medically poor, including ~~primary care, preventive care, hospital emergency room care, and hospital care necessary to stabilize the patient.~~ For the purposes of this section, “stabilization” means stabilization as defined in s. 397.311(30). ~~Where consistent with these objectives, the plan may include services rendered by physicians, clinics, community hospitals, and alternative delivery sites, as well as at least one regional referral hospital per service area.~~ The plan shall provide that agreements negotiated between the governing board, agency, or authority and providers shall recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care to draw down federal funds where appropriate, and require cost containment, including, but not limited to, case management. From the funds specified in subparagraphs (d)1. and 2. for indigent health care services, service providers shall receive reimbursement at a Medicaid rate. ~~to be determined by the governing board, agency, or authority created pursuant to this paragraph for the initial emergency room visit, and a member per month fee or capitation for those members enrolled in their~~

~~service area, as compensation for the services rendered following the initial emergency visit. Except for provisions of emergency services, upon determination of eligibility, enrollment shall be deemed to have occurred at the time services were rendered. The provisions for specific reimbursement of emergency services shall be repealed on July 1, 2001, unless otherwise reenacted by the Legislature. The capitation amount or rate shall be determined prior to program implementation by an independent actuarial consultant. In no event shall the such reimbursement rates exceed the Medicaid rate. The plan must also provide that any hospitals owned and operated by government entities on or after the effective date of this act must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to any meeting of the governing board, agency, or authority the subject of which is budgeting resources for the retention of charity care, as that term is defined in the rules of the Agency for Health Care Administration. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service and delivery funding.~~

3. The plan’s benefits shall be made available to all county residents currently eligible to receive health care services as indigents or medically poor as defined in paragraph (4)(d).

~~4. Eligible residents who participate in the health care plan shall receive coverage for a period of 12 months or the period extending from the time of enrollment to the end of the current fiscal year, per enrollment period, whichever is less.~~

~~4.5. At the end of each fiscal year, the Health Policy governing board, agency, or Authority shall prepare an audit that reviews the budget of the plan, delivery of services, and quality of services, and makes recommendations to increase the plan’s efficiency. The audit shall take into account participant hospital satisfaction with the plan and assess the amount of poststabilization patient transfers requested, and accepted or denied, by the county public general hospital.~~

Section 27. Section 11 of chapter 2000-312, Laws of Florida, is amended to read:

Section 11. The provisions of this act shall be reviewed by the Legislature prior to October 1, 2006 2005, and shall be repealed on that date unless otherwise reenacted by the Legislature.

And the title is amended as follows:

On page 3, line 5, after the second semicolon (;) insert: amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions;

On motion by Senator Saunders, further consideration of **CS for CS for SB 1312** with pending **Amendment 1** was deferred.

Consideration of **SB 1314** was deferred.

On motion by Senator Bronson—

CS for CS for SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; encouraging the release and feeding of certain quail; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (090946)(with title amendment)—On page 19, between lines 7 and 8, insert:

Section 8. Paragraph (b) of subsection (4) of section 372.57, Florida Statutes, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany each application for a lifetime license for a resident 12 years of age or younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(4) In addition to any license required by this chapter, the following permits and fees for certain hunting, fishing, and recreational uses, and the activities authorized thereby, are:

(b)1. Management area permits to hunt, fish, or otherwise use for outdoor recreational purposes, land owned, leased, or managed by the commission or the State of Florida for the use and benefit of the commission, up to \$25 annually. Permits, and fees thereof, for short-term use of land which is owned, leased, or managed by the commission may be established by rule of the commission for any activity on such lands. Such permits and fees may be in lieu of or in addition to the annual management area permit. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission shall have obtained the written consent of the owner or primary custodian of such lands.

2. A recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlockonee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for this permit shall be based upon economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. ~~On property currently in the private landowner payment program, the prior year's landowner payment shall be used to augment the recreational user permit fee so as to decrease the permit fee for the users of that property.~~ One minor dependent child, 16 years old or under, per permittee may hunt under the supervision of the permittee and is exempt from the permit fee. The spouse and dependent children of a permittee are exempt from the permit fee when engaged in outdoor recreational activities other than hunting in the company of the permittee. Notwithstanding any other provision of this chapter, there are no other exclusions, exceptions, or exemptions from this permit fee. The recreational user permit fee, less an administrative permit fee of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 372.57, F.S.; deleting requirements for the use of certain fees to subsidize the private landowner payment program;

Pursuant to Rule 4.19, **CS for CS for SB 1204** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1458** was deferred.

On motion by Senator Geller—

CS for SB 1528—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural field crops; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (272510)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 604.60, Florida Statutes, is created to read:

604.60 Damage or destruction of agricultural crops; civil action.—

(1) Any private, public, or commercial agricultural grower or producer who grows or produces any agricultural product, as defined in s. 468.382(7), for personal, research, or commercial purposes or for testing or research purposes in a product development program conducted in conjunction or coordination with a private research facility, a university, or any federal, state, or local government agency who suffers damages as a result of another person's willful and knowing damage or destruction of any such agricultural product has a cause of action for damages equal to double the amount of the value of the product damaged or destroyed, including the cost of any experimental product replication, and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages. In awarding damages under this section, the courts shall consider the market value of the product prior to damage or destruction, and production, research, testing, replacement, and product development costs directly related to the product that has been damaged or destroyed as part of the value of the product. The prevailing party in any action brought pursuant to this section is entitled to an award of reasonable attorney's fees and court costs.

Section 2. Section 810.09, Florida Statutes, is amended to read:

810.09 Trespass on property other than structure or conveyance.—

(1)(a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011; or

2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass,

commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term "unenclosed curtilage" means the unenclosed land or grounds, and any outbuildings, that are directly

and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he or she is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and that the person to be taken into custody and detained has committed or is committing such violation. In the event a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention in compliance with the requirements of this paragraph does not result in criminal or civil liability for false arrest, false imprisonment, or unlawful detention.

(d) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed is a construction site that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

(e) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: "THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

(f) *The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."*

(g)(f) Any person who in taking or attempting to take any animal described in s. 372.001(3) or (4), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "potentially lethal projectile" includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties.

(3) As used in this section, the term "authorized person" or "person authorized" means any owner, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner, or his or her agent, to communicate an order to leave the property in the case of a threat to public safety or welfare.

Section 3. For the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 260.0125, Florida Statutes, is reenacted to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(5)

(b) Such notices must comply with s. 810.011(5) and shall constitute a warning to unauthorized persons to remain off the private property and not to depart from the designated greenway or trail. Any person who commits such an unauthorized entry commits a trespass as provided in s. 810.09.

Section 4. For the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 810.011, Florida Statutes, is reenacted to read:

810.011 Definitions.—As used in this chapter:

(5)

(b) It shall not be necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to trespass on enclosed lands.

Section 5. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1528** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1542—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting certain transfers of homestead real property that involve spouses and that create a tenancy by the entireties from the tax on deeds and other instruments relating to real property or interests therein; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; clarifying that said tax does not apply to contracts and related documents for selling the residence of an employee relocating at the employer's direction; providing an effective date.

—was read the second time by title.

On motion by Senator Sebesta, further consideration of **CS for SB 1542** was deferred.

Consideration of **CS for SB 1560** was deferred.

On motion by Senator Sanderson—

CS for SB 1466—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendments which were adopted:

Amendment 1 (090126)—On page 2, line 28, delete “October 1” and insert: *October 2*

Amendment 2 (862538)—On page 3, lines 10-14, delete those lines and insert:

(e) Any person who knows that he or she is not entitled to obtain information made confidential by this section and who obtains or attempts to obtain such information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Pursuant to Rule 4.19, **CS for SB 1466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Laurent—

CS for CS for SB 1664—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1664** to **HB 1635**.

Pending further consideration of **CS for CS for SB 1664** as amended, on motion by Senator Laurent, by two-thirds vote **HB 1635** was withdrawn from the Committees on Natural Resources; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Laurent—

HB 1635—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1664** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1635** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1720** was deferred.

SB 1738—A bill to be entitled An act relating to expedited permitting; amending s. 288.109, F.S.; specifying that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System; providing that the 60-day period for application approval or denial under the system does not apply to certain applications; removing provisions that provide for a waiver of development permit fees for a specified period when an agency begins accepting applications through the system; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Peaden moved the following amendment:

Amendment 1 (345644)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.—

(1) On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete notice required by law shall be published. The Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.

(2) The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: “Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published.”

(3) No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.

Section 2. Subsections (20), (21) and (22) of section 287.012, Florida Statutes, are created to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) “Invitation to negotiate” means a written solicitation that calls for responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

(21) “Request for a quote” means a solicitation that calls for pricing information for purposes of competitively selecting and procuring commodities and contractual services from qualified or registered vendors.

(22) “Information Technology” means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze,

evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

Section 3. Paragraph (d) of subsection (2) is created; paragraphs (b) and (c) of subsection (4), paragraphs (a) and (b) of subsection (5), paragraph (a) of subsection (16) and subsection (17) of section 287.042, Florida Statutes, are amended, and a new paragraph (f) of subsection (4) is created to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)

(d) *The terms, conditions, and specifications of a request for proposal, invitation to bid, or invitation to negotiate, including any provisions governing the methods for ranking proposals, awarding contracts, reserving rights of further negotiation, or the modification of amendment of any contract, are subject to challenge only by filing a protest within 72 hours after the notice of the terms, conditions, or specifications as provided in s. 120.57(3)(b).*

(4)

(b) Development of procedures for the releasing of requests for proposals, *requests for quotes*, invitations to bid, *invitations to negotiate*, and other competitive acquisitions which procedures shall include, but are not limited to, notice by publication in the Florida Administrative Weekly, on Government Services Direct, or by mail at least 10 days before the date set for submittal of proposals or bids. The Office of Supplier Diversity may consult with agencies regarding the development of bid distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 288.703.

(c) Development of procedures for the receipt and opening of bids, *responses, quotes*, or proposals by an agency. Such procedures shall provide the Office of Supplier Diversity an opportunity to monitor and ensure that the contract award is consistent with the *requirements of s. 287.09451 original request for proposal or invitation to bid, in accordance with s. 287.0945(6), and subject to the review of bid responses within standard timelines.*

(f) *Development of procedures to be used by an agency for issuing invitations to bid, invitations to negotiate, requests for proposal, requests for quote, or other competitive procurement processes.*

(5)(a) To prescribe the methods of securing competitive sealed bids, *responses, quotes*, and proposals. *Such methods may include, but are not limited to, procedures for identifying vendors; setting qualifications; evaluating responses, bids, and proposals; ranking respondents and proposers; selecting invitees and proposers; and conducting negotiations, or negotiating and awarding commodity and contractual services contracts, unless otherwise provided by law.*

(b) To prescribe, *in consultation with the State Technology Office by September 1, 1995*, procedures for procuring *information technology and information technology consultant services* which provide for public announcement and qualification, competitive selection, competitive negotiation, contract award, and prohibition against contingent fees. Such procedures shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities *or*, information technology *resources, or services* that can be used by multiple agencies. However, the department shall consult with the State Technology Office on joint agreements that involve the purchase of information technology *resources*. Agencies entering into joint purchasing agreements with the department *or the State Technology Office* shall authorize the department *or the State Technology Office* to contract for such purchases on their behalf.

(17)(a) To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, when it is determined to be cost-effective and

in the best interest of the state, to enter into a written agreement authorizing a state agency to make purchases under a contract approved by the department and let by the Federal Government, another state, or a political subdivision.

(b) *For contracts pertaining to the provision of information technology, the State Technology Office, in consultation with the department, shall assess the technological needs of a particular agency, evaluate the contracts, and determine whether to enter into a written agreement with the letting federal, state, or political subdivision body to provide information technology for a particular agency.*

Section 4. A new subsection (3) is created and subsequent subsections are renumbered, present subsections (3) and (22) are amended and subsection (23) of section 287.057, Florida Statutes, is created:

287.057 Procurement of commodities or contractual services.—

(3) *If an agency determines that the use of an invitation to bid or a request for a proposal is not practical, commodities or contractual services may be procured by an invitation to negotiate or provided by a request for a quote.*

(4)(3) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, ~~or~~ competitive sealed proposals, *or responses to an invitation to negotiate or a request for a quote unless:*

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relating to the emergency action to the department. A copy of the statement shall be furnished to the Comptroller with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the department.

(b) Purchasing agreements and contracts executed by the department or by agencies under authority delegated by the department in writing are excepted from bid requirements.

(c) Commodities or contractual services available only from a single source may be excepted from the bid requirements if it is determined that such commodities or services are available only from a single source and such determination is documented. However, if such contract is for an amount greater than the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall file a certification of conditions and circumstances with the department and shall obtain the prior approval of the department. The failure of the department to approve or disapprove the request of an agency for prior approval within 21 days after receiving such request or within 14 days after receiving from the agency additional materials requested by the department shall constitute prior approval of the department. To the greatest extent practicable, but no later than 45 days after authorizing the exception in writing, the department shall combine single-source procurement authorizations for identical information technology resources for which the purchase price exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR, and shall negotiate and execute volume purchasing agreements for such procurements on behalf of the agencies.

(d) When it is in the best interest of the state, the Secretary of Management Services or his or her designee may authorize the Support Program to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

(e) Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are excepted from competitive sealed bid and competitive sealed proposal requirements and shall be procured pursuant to an established fee schedule or by any other method which ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall annually file with the department a description of the purchases and methods of procurement.

(f) The following contractual services and commodities are not subject to the competitive sealed bid requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.
9. Family placement services.
10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.
11. Training and education services provided to injured employees pursuant to s. 440.49(1).
12. Contracts entered into pursuant to s. 337.11.
13. Services or commodities provided by governmental agencies.

(g) Continuing education events or programs that are offered to the general public and for which fees have been collected that pay all expenses associated with the event or program are exempt from competitive sealed bidding.

(22)(a) The State Technology Office of the department shall develop a program for on-line procurement of commodities and contractual services. *To enable the state to promote open competition and to leverage its buying power, executive state agencies shall participate in the on-line procurement program, and other agencies may participate in the program.* Only bidders prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. The State Technology Office may contract for equipment and services necessary to develop and implement on-line procurement.

(b) The State Technology Office, *in consultation with the department, shall may* adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for pre-qualifying bidders.
2. Establishing the procedures for conducting on-line procurement.
3. Establishing the criteria for eligible commodities and contractual services.
4. Establishing the procedures for providing access to on-line procurement.
5. *Determining the criteria warranting any exceptions to participation in the on-line procurement program.*

(c) *The Department of Management Services and the State Technology Office may collect fees for the use of the on-line procurement systems. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the Department of Management Services and the State Technology Office. For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.*

(23)(a) *The State Technology Office shall establish, in consultation with the department, state strategic information technology alliances for the acquisition and use of information technology and related material with prequalified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.*

(b) *In consultation with and under contract to the State Technology Office, the state strategic information technology alliances shall design, develop, and deploy projects providing the information technology needed to collect, store, and process the state's data and information, provide connectivity, and integrate and standardize computer networks and information systems of the state.*

(c) *The partners in the state strategic information technology alliances shall be industry leaders with demonstrated experience in the public and private sectors.*

(d) *The State Technology Office, in consultation with the Department of Management Services, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the state strategic information technology alliances.*

Section 5. Section 287.0731, Florida Statutes, is amended to read:

287.0731 Team for contract negotiations.—Contingent upon funding in the General Appropriations Act, the Department of Management Services, *in consultation with the State Technology Office,* shall establish a permanent team for contract negotiations including a chief negotiator, to specialize in the procurement of information technology resources.

Section 6. Subsections (1), (2), (6), and (8) of section 288.109, Florida Statutes, are amended, subsection (10) is deleted and subsequent subsections are renumbered to read:

288.109 One-Stop Permitting System.—

(1) ~~By January 1, 2001 2000,~~ *the State Technology Office Department of Management Services* must establish and implement an Internet site for the One-Stop Permitting System. The One-Stop Permitting System Internet site shall provide individuals and businesses with information concerning development permits; guidance on what development permits are needed for particular projects; permit requirements; and who may be contacted for more information concerning a particular development permit for a specific location. ~~The office department~~ shall design and construct the Internet site and may competitively procure and contract for services to develop the site. In designing and constructing the Internet site, ~~the office department~~ must solicit input from potential users of the site.

(2) The ~~office department~~ shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the ~~office department~~ shall implement, in the most timely manner possible, the capabilities described in this subsection. The ~~office department~~ shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The ~~office department~~ may competitively procure and contract for services to develop such capabilities.

(6) The ~~office department~~ may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has expired. *The 60-day period for approving or denying a complete application does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. However, the reviewing agency shall make a good-faith effort to act on such permit applications within 60 days.*

(10) ~~Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and the High-Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 7. Section 288.1092, Florida Statutes, is amended to read:

288.1092 One-Stop Permitting System Grant Program.—There is created within the ~~State Technology Office Department of Management Services~~ the One-Stop Permitting System Grant Program. The purpose of the grant program is to encourage counties to coordinate and integrate the development of the county's permitting process with the One-Stop Permitting System. The ~~office department~~ shall review grant applications and, subject to available funds, if a county is certified as a Quick Permitting County under s. 288.1093, shall award a grant of up to \$50,000 to provide for such integration. The ~~office department~~ must review a grant application for consistency with the purpose of the One-Stop Permitting System to provide access to development permit information and application forms. Grants shall be issued on a first-come, first-served basis to qualified Quick Permitting Counties. The grant moneys may be used to purchase software, hardware, or consulting services necessary for the county to create an interface with the One-Stop Permitting System. Grant moneys may not be used to pay administrative costs. The grant application must specify what items or services the county intends to purchase using the grant moneys, the amount of each of the items or services to be purchased, and how the items or services are necessary for the county to create an interface with the One-Stop Permitting System.

Section 8. Section 288.1093, Florida Statutes, is amended to read:

288.1093 Quick Permitting County Designation Program.—

(1) There is established within the ~~State Technology Office Department of Management Services~~ the Quick Permitting County Designation Program. To be designated as a Quick Permitting County, the chair of the board of county commissioners of the applying county must certify to the ~~office Department of Management Services~~ that the county meets the criteria specified in subsection (3).

(2) As used in this section, the term "development permitting" includes permits and approvals necessary for the physical location of a business, including, but not limited to:

- (a) Wetland or environmental resource permits.
- (b) Surface water management permits.
- (c) Stormwater permits.
- (d) Site plan approvals.
- (e) Zoning and comprehensive plan amendments.
- (f) Building permits.
- (g) Transportation concurrency approvals.
- (h) Wastewater permits.

(3) In order to qualify for a Quick Permitting County designation, a county must certify to the ~~office department~~ that the county has implemented the following best-management practices:

- (a) The establishment of a single point of contact for a business seeking assistance in obtaining a permit;
- (b) The selection of high-priority projects for accelerated permit review;
- (c) The use of documented preapplication meetings following standard procedures;
- (d) The maintenance of an inventory of sites suitable for high-priority projects;
- (e) The development of a list of consultants who conduct business in the county;
- (f) The evaluation and elimination of duplicative approval and permitting requirements within the county;
- (g) The commitment to participate, through the entry of an interlocal agreement for individual projects, in the expedited permit process set forth in s. 403.973;
- (h) The development of a timetable for processing development permits and approvals; and
- (i) The use of interagency coordination to facilitate permit processing.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for

renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

Section 10. Paragraph (e) of subsection (1) of section 61.1826, Florida Statutes, is amended to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) **LEGISLATIVE FINDINGS.**—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(4)(3)(a).

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

Section 11. Subsection (1) of section 287.022, Florida Statutes, is amended to read:

287.022 Purchase of insurance.—

(1) Insurance, while not a commodity, nevertheless shall be purchased for all agencies by the department, except that agencies may purchase title insurance for land acquisition and may make emergency purchases of insurance pursuant to s. 287.057(4)(3)(a). The procedures for purchasing insurance, whether the purchase is made by the department or by the agencies, shall be the same as those set forth herein for the purchase of commodities.

Section 12. Subsection (5) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(5) Unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the Comptroller may waive the requirements of this section for services which are included in s. 287.057(4)(3)(f).

Section 13. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) **POWER TO CONTRACT.**—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(4)(3)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for

the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 14. Paragraph (a) of subsection (1) of section 394.47865, Florida Statutes, is amended to read:

394.47865 South Florida State Hospital; privatization.—

(1) The Department of Children and Family Services shall, through a request for proposals, privatize South Florida State Hospital. The department shall plan to begin implementation of this privatization initiative by July 1, 1998.

(a) Notwithstanding s. 287.057(13)(12), the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

Section 15. Subsections (1) and (5) of section 402.73, Florida Statutes, are amended to read:

402.73 Contracting and performance standards.—

(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(4)(3)(f), the department must competitively procure any contract for client services when any of the following occurs:

(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.

(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is \$300,000 or more.

(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.

Section 16. Paragraph (c) of subsection (5) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(5) **USE OF CONTRACTS.**—Regional workforce boards shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(4)(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.

Section 17. Paragraph (d) of subsection (2) of section 455.2177, Florida Statutes, is amended to read:

455.2177 Monitoring of compliance with continuing education requirements.—

(2) If the compliance monitoring system required under this section is privatized, the following provisions apply:

(d) Upon the failure of a vendor to meet its obligations under a contract as provided in paragraph (a), the department may suspend the contract and enter into an emergency contract under s. 287.057(4)(3).

Section 18. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

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

Amendment 1A (365712)—On page 4, line 12, delete "*request for Quote*" and insert: *, request for quote*

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

Amendment 1B (344658)—On page 7, lines 4-7, delete those lines and insert: *invitation to bid or a request for a proposal will not result in the best value to the state, based on factors, including, but not limited to, price, quality, design, and workmanship, the agency may procure commodities and contractual services by an invitation to bid. An agency may procure commodities and contractual services by a request for a quote from vendors under contract with the department.*

On motion by Senator Bronson, further consideration of **SB 1738** with pending **Amendment 1** as amended was deferred.

CS for SB 1750—A bill to be entitled An act relating to economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 112.3133, F.S.; providing legislative findings and intent relating to the transfer of technology and conflicts of interest for public university employees; directing the State Board of Education to develop guidelines for public universities requiring disclosure of employees' significant financial interests; prescribing minimum requirements for such guidelines; defining the term "significant financial interests"; requiring public universities to enforce and oversee implementation of such guidelines; requiring a report; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 212.08, F.S.; revising the sales and use tax exemption for certain machinery and equipment to include machinery and equipment used by health technology facilities to produce health technology products, as defined, and machinery and equipment used in research and development or manufacturing in a health technology facility; expanding a sales tax exemption for clean-room building materials to include health-technology facilities; amending s. 220.02, F.S.; expressing legislative intent on the order in which a corporate income tax credit for certain education costs should be applied; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to conform to the creation of a corporate income tax credit for certain information technology education costs; creating s. 220.192, F.S.; authorizing a credit against corporate income tax for certain information technology education costs paid by an employer on behalf of an employee; providing eligibility and application requirements; providing for administration and expiration of the tax credit program; providing a definition; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; raising the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high-technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities.

ties; defining the term “digital media”; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Klein:

Amendment 1 (072184)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “Florida Emerging and Strategic Technologies Act.”*

Section 2. Section 121.155, Florida Statutes, is created to read:

121.155 Investments in support of economic development strategies; legislative findings and intent.—

(1) *The Legislature finds that:*

(a) *The recruitment, retention, and expansion of high-technology businesses are a principal economic development strategy of the state.*

(b) *High-technology businesses have the potential to contribute significantly to the prosperity of the state and its residents through the creation of employment opportunities and through the generation of revenues into the economy.*

(c) *A significant barrier to the growth of high-technology businesses in the state is caused by a lack of access to sources of capital to support the activities of such businesses.*

(d) *The Board of Administration, through the investment of funds of the System Trust Fund, has the ability to influence the availability of capital in the marketplace for businesses located in the state.*

(e) *The investment of funds of the System Trust Fund in a manner consistent with the economic development goals of the state enhances the prospects for fulfillment of such goals.*

(2) *It is the intent of the Legislature that the Board of Administration, consistent with sound investment policy and with the investment provisions set forth in ss. 215.44-215.53, maximize opportunities to invest and reinvest available funds of the System Trust Fund in a manner that is consistent with, and that supports fulfillment of, the economic development strategies of the state, including investing and reinvesting funds in support of the capital needs of emerging and strategic high-technology businesses located in the state. It is further the intent of the Legislature that the Board of Administration, in supporting fulfillment of the economic development strategies of the state, establish partnerships, where feasible, with venture capital firms designed to facilitate investment of venture capital in high-technology businesses located in this state.*

(3) *Staff of the Board of Administration shall regularly solicit information from Enterprise Florida, Inc., on those high-technology business sectors that research indicates have significant potential to contribute to the economic development of the state and shall provide such information to the Investment Advisory Council created under s. 215.444.*

(4) *As part of the annual report required under s. 215.44, the Board of Administration shall describe those investment activities during the year in furtherance of the findings and intent of this section.*

Section 3. Section 159.26, Florida Statutes, is amended to read:

159.26 Legislative findings and purposes.—The Legislature finds and declares that:

(1) *The agriculture, tourism, urban development, historic preservation, information technology, education, and health care industries, among others, are vital to the economy of the state and to the welfare of the people and need to be enhanced and expanded to improve the competitive position of the state;*

(2) *There is a need to enhance other economic activity in the state by attracting manufacturing development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the state,*

while providing through pollution control and otherwise for the health and safety of the people;

(3) *In order to improve the prosperity and welfare of the state and its inhabitants; to improve education, living conditions, and health care; to promote the preservation of historic structures; to promote the rehabilitation of enterprise zones; to promote improved transportation; to promote effective and efficient pollution control throughout the state; to promote the advancement of education and science and research in and the economic development of the state; to promote the advancement of information technology; and to increase purchasing power and opportunities for gainful employment, it is necessary and in the public interest to facilitate the financing of the projects provided for in this part and to facilitate and encourage the planning and development of these projects without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and*

(4) *The purposes to be achieved by such projects and the financing of them in compliance with the criteria and requirements of this part are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution.*

Section 4. Subsection (5) of section 159.27, Florida Statutes, is amended, and subsection (25) is added to that section to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(5) *“Project” means any capital project comprising an industrial or manufacturing plant, a research and development park, an information technology facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, and other facilities, including research and development facilities and information technology facilities, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, a social service center, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and*

restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, *information technology facility*, agricultural processing or storage facility, warehousing or distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, a correctional or detention facility, motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, pollution-control facility, hazardous or solid waste facility, social service center, or a mass commuting facility and any one or more combinations of the foregoing.

(25) "Information technology facility" means a building or structure, including infrastructure such as roads, power, water, network access points, and fiber optic cable leading to the structure, which is used to house businesses classified within the following codes of the North American Industry Classification System (NAICS): 334111 (electronic computer manufacturing), 334112 (computer storage device manufacturing), 334113 (computer terminal manufacturing), 334119 (other computer peripheral equipment manufacturing), 334613 (magnetic and optical recording media manufacturing), 334418 (printed circuit assembly manufacturing), 334411 (electron tube manufacturing), 334412 (bare printed circuit board manufacturing), 334413 (semiconductor and related device manufacturing), 334417 (electronic connector manufacturing), 334611 (software reproducing), 541512 (computer systems design services), 51421 (data processing services), 54191 (on-line information services), 811212 (computer and office machine repair and maintenance), 44312 (computer and software stores-retail), 541519 (other computer related services), 42143 (computer and computer peripheral equipment and software wholesalers), 51121 (software publishers), 541511 (custom computer programming services), and 61142 (computer training). The term also includes joint-use advanced digital media research and production facilities created pursuant to authority from the Legislature for the Office of Tourism, Trade, and Economic Development to administer a program facilitating the establishment and maintenance of such digital media facilities.

Section 5. Section 240.1055, Florida Statutes, is created to read:

240.1055 *Economic development mission.*—

(1) *The Legislature finds that the state system of postsecondary education contributes to the economic well-being of the state and its people through the education and training of individuals for employment, through research and development of technologies that have commercial applications, and through the provision of assistance to businesses based in this state. The Legislature further finds that the quality and activities of the state system of postsecondary education directly affect the success of state, regional, and local efforts to develop, recruit, retain, and expand businesses, particularly high-technology businesses, that create jobs and generate revenue. Therefore, as a fundamental component of the purpose and mission articulated in s. 240.105, the mission of the state system of postsecondary education is to complement, facilitate, and support the economic development strategies and goals of the state and its communities.*

(2) *In recognition and furtherance of the economic development mission of the state system of postsecondary education, it is the policy of the state to use the patent system and the technology-licensing operations of public universities to promote the use of inventions arising from funded research; to encourage to the maximum extent possible the participation of businesses based in this state in opportunities to commercialize technology; to promote collaboration between businesses in this state and universities; and to secure for the residents of this state enhanced returns on the intellectual property developed by public universities through funded research.*

Section 6. Section 240.710, Florida Statutes, is amended to read:

240.710 *Digital Media Education Coordination Group.*—

(1) *The Division of Universities of the Department of Education Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Division Department of Education, the State Board of Community Colleges, the Office of Tourism, Trade, and Economic Development, and the Articulation Coordinating Committee on the development of a plan to enhance*

Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:

(a) *Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.*

(b) *Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.*

(c) *Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.*

(2) *Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.*

~~(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by distance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.~~

~~(3)(4) The Digital Media Education Coordination Group shall submit an annual report of its activities with any recommendations for policy implementation or funding to the State Board of Education its plan to the President of the Senate and the Speaker of the House of Representatives no later than February 1 of each year January 1, 2001.~~

Section 7. Paragraph (a) of subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 *Economic Development Trust Fund.*—

(3)(a) *The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year 2000-2001 shall not exceed \$24 million. The state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 and each subsequent year shall not exceed \$30 million. The total state share of tax refund payments scheduled in all active certifications for each subsequent fiscal year shall not exceed \$35 million.*

Section 8. Paragraph (i) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 *High-impact business.*—

(6) **SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.**—

(i) *For the purposes of this subsection, the semiconductor a high-impact sector consists of the silicon technology sector and the information technology sector are that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this section subsection is designed. These sectors required and will create the kinds of economic sector and economy-wide benefits that justify the use of state resources as economic development incentives. Further, the use of state resources to encourage investment in these sectors is necessary to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations. For the purposes of this subsection and s. 220.191, the term "information technology sector" shall encompass, but not be limited to, the digital media sector as defined by Enterprise Florida, Inc., and approved by the Office of Tourism, Trade, and Economic Development.*

Section 9. Section 288.911, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.911, F.S., for present text.)

288.911 *Marketing campaign to promote high-technology industries.*—

(1) *Enterprise Florida, Inc., shall develop and implement a multifaceted marketing campaign to promote the existence and growth of high-technology industries in the state.*

(2) *The purpose of the marketing campaign shall be to inform businesses and individuals about the status of the high-technology businesses, workforce, infrastructure, and services in the state and to promote the state globally as an ideal location for high-technology business activity, in order to encourage the retention and growth of existing businesses, workers, and students in high-technology fields and to encourage the recruitment of new businesses, workers, and students in high-technology fields.*

(3) *Enterprise Florida, Inc., shall develop the marketing campaign in coordination and consultation with:*

- (a) *The Office of Tourism, Trade, and Economic Development;*
- (b) *The State Technology Office;*
- (c) *Workforce Florida, Inc.;*
- (d) *Local and regional economic development organizations; and*

(e) *Business organizations representing high-technology industries throughout the state, including, but not limited to, the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida. Enterprise Florida, Inc., shall solicit input from such business organizations on the themes to be emphasized and messages to be conveyed in the marketing campaign, in order to ensure that the campaign effectively targets the needs and interests of high-technology businesses, workers, and students.*

(4) *At a minimum, the marketing campaign must include creation of a brand identification for promoting the state as a location for high-technology industries and must include use of Internet websites to develop such brand identification and to provide information on the state's high-technology industries and the various programs and services available to assist such industries. Enterprise Florida, Inc., shall use the Internet-based system for information technology industry promotion and workforce recruitment required under s. 445.045 as one of the forums for distribution of the marketing campaign required under this section.*

(5) *The marketing campaign must be coordinated with and consistent with the existing economic development efforts of the state, and such campaign must be funded in part with resources from the private sector.*

Section 10. *The Legislature finds that the Information Services Technology Development Task Force created under chapter 99-354, Laws of Florida, performed an integral role in analyzing and recommending policies to facilitate the beneficial development and deployment of information technology on a statewide basis. It is the intent of the Legislature that, upon the dissolution of the task force effective July 1, 2001, the state solicit continued policy guidance and direction from a not-for-profit corporation created to advocate on behalf of information technology businesses and other high-technology businesses throughout the state and which does business under the name "itflorida.com, Inc." It further is the intent of the Legislature that the State Technology Office; the Office of Tourism, Trade, and Economic Development; and Enterprise Florida, Inc., facilitate the formation and initial operation of such corporation to the maximum extent feasible and that such organizations use the corporation as a resource for information and insights about the information technology industry and other high-technology industries.*

Section 11. *Effective upon this act becoming a law, section 288.9522, Florida Statutes, is created to read:*

288.9522 *Florida Research Consortium.*—

(1) **CREATION.**—*There is created the Florida Research Consortium, which shall be organized and operated as a not-for-profit corporation in compliance with chapter 617. The consortium shall serve as the principal entity for uniting businesses and research universities in the state in order to enhance economic development through the development and*

commercialization of science and technology and for targeting the activities of such universities toward fulfillment of the economic development goals of the state.

(2) **BOARD OF DIRECTORS.**—*The Florida Research Consortium shall be governed by a board of directors comprised of the following members:*

(a) *Ten chief executive officers of businesses based in this state who are appointed by the Governor. Initially, of the 10 chief executive officers, the Governor shall appoint 5 members for terms of 4 years, 3 members for terms of 3 years, and 2 members for terms of 2 years. Thereafter, the Governor shall appoint all members for terms of 4 years.*

(b) *Two chief executive officers of businesses based in this state who are appointed by the President of the Senate and who serve at the pleasure of the President.*

(c) *Two chief executive officers of businesses based in this state who are appointed by the Speaker of the House of Representatives and who serve at the pleasure of the Speaker.*

(d) *The presidents of the following research universities:*

1. *University of Florida;*
2. *Florida State University;*
3. *University of Central Florida;*
4. *University of South Florida;*
5. *Florida Atlantic University;*
6. *Florida International University;*
7. *Florida Agricultural and Mechanical University;*
8. *University of North Florida;*
9. *Florida Gulf Coast University;*
10. *University of West Florida; and*
11. *University of Miami.*

(e) *The president of Enterprise Florida, Inc.*

(f) *The president of Workforce Florida, Inc.*

(g) *One representative each from two not-for-profit research institutes located in the state which are not public or private universities, who are appointed by the Governor for terms of 4 years.*

(h) *The Governor or the Governor's designee, who shall serve as an ex-officio, nonvoting member.*

(i) *The Commissioner of Education or the commissioner's designee, who shall serve as an ex-officio, non-voting member.*

The voting members of the board of directors shall biennially elect one of the voting members of the board to serve as the chairman of the board. All members appointed under paragraphs (a), (b), (c), and (g) are subject to Senate confirmation.

(3) **PURPOSE.**—*The purpose of the Florida Research Consortium is to support economic development in the state by linking the research capabilities of member universities with the needs and activities of private businesses in the state and by fostering the development and growth of scientific and technology-based industry and commerce in this state.*

(4) **POWERS AND DUTIES.**—*The powers and duties of the board of directors of the Florida Research Consortium shall include, but not be limited to:*

(a) *Raising funds from nonstate sources to leverage any appropriations from the Legislature;*

(b) *Identifying three specific disciplines in science or technology which shall be the focus of the activities of the consortium, with such disciplines being narrowly defined and being viable areas of potential*

success for the state from an economic development and academic perspective;

(c) Developing and implementing strategies to recruit and retain pre-eminent researchers in science and technology-based disciplines to universities in the state, with such strategies including but not being limited to the endowment of faculty or research chairs at universities in the state in the disciplines identified under paragraph (b);

(d) Developing and implementing strategies to recruit and retain graduate and undergraduate students in science and technology-based disciplines to universities in the state;

(e) Assisting new and expanding science and technology-based businesses with their research, technology commercialization, capital, and workforce needs;

(f) Developing and implementing strategies to increase the state's share of research funds;

(g) Identifying statutory, regulatory, policy, or other barriers impeding the effective, efficient, and timely transfer of technology and commercialization of research from the university setting and proposing resolutions to such barriers, including reforms to university policies on issues such as conflicts of interest;

(h) Developing and implementing strategies to create a culture at member universities which promotes the conduct of applied research and the transfer of technology as fundamental activities of such universities;

(i) Developing measures to assess the performance of the technology transfer offices of the member universities in facilitating the transfer of technology to businesses in the state;

(j) Facilitating discussions, meetings, and other forms of communication among university researchers, faculty, administrators, and students; high technology businesses in the state; and economic-development professionals;

(k) Establishing and maintaining an Internet-based database for the marketing, publication, and exchange of information with the public and private sectors on basic, applied, and other research being conducted at universities in the state;

(1) Coordinating donations of equipment from high-technology businesses to secondary schools;

(m) Hiring an executive director and other staff for the Florida Research Consortium; and

(n) Meeting at least four times each calendar year, with the first meeting of the board of directors being held by July 1, 2001.

(5) ANNUAL REPORT.—

(a) By January 1 of each year, the Florida Research Consortium shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include specific recommendations regarding actions the state could take to enhance the commercialization of research and transfer of technologies from the universities and to enhance the role of universities in accomplishing the economic development goals of the state.

(b) By December 1 of each year, the technology transfer office of each university that is a member of the Florida Research Consortium shall report to the board of directors on the activities of the office during the year related to facilitating the transfer of technology to businesses and on its other activities related to building relationships between university researchers, faculty, students, and administrators and businesses in the state. The report must include information on the achievement by the office of the performance measures identified under paragraph (4)(i). The board of directors shall summarize the information provided by the technology transfer offices as part of the annual report by the board under paragraph (a).

Section 12. (1) The Legislature finds that promoting objectivity in research at public universities is important to ensure that conflicts of interest do not compromise the responsibility of faculty, researchers, staff,

and students to the state and the public educational institutions they represent. The Legislature also finds, however, that the transfer of technology from the university setting to the private sector produces economic development benefits for the state and its citizens and is a laudable public policy goal of the state. The Legislature further finds that such transfer of technology is facilitated by encouraging communication and relationships between university employees and business entities. Therefore, it is the intent of the Legislature that public universities in the state operate under policies and procedures that safeguard the public trust but that also facilitate the transfer of technology by not unduly burdening the building of relationships between university employees and business entities.

(2) The Florida Research Consortium shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, on the impact of existing statutes, regulations, policies, and procedures, as well as other factors the consortium identifies, on the transfer and commercialization of technology from the university setting to the private sector and on the ability of university faculty, researchers, other staff, and students to establish relationships with business entities emanating from research conducted at the universities. The report shall include specific recommendations for actions by the Legislature, universities, and state agencies to enhance and promote the transfer and commercialization of technology to produce economic development benefits for the state and its residents. At a minimum, this report must:

(a) Examine the code of ethics for public officers and employees under part III of chapter 112, Florida Statutes, to identify any specific provisions that impede the transfer and commercialization of technology and recommend any changes to the code that the consortium deems necessary to address such impediments.

(b) Assess the strengths and weaknesses of technology transfer and commercialization policies and practices of the member universities of the consortium and identify any exemplars.

(c) Review technology transfer and commercialization policies and practices in other states to identify models for potential adoption in this state.

(d) Examine federal statutes and regulations governing conflicts of interest and disclosure of significant financial interests by researchers who apply for or receive federal research funds and recommend whether comparable statutory or regulatory provisions should be adopted in this state.

(e) Analyze the provisions of the federal Bayh-Dole Act and related legislation and recommend whether any comparable provisions should be adopted in this state.

(f) Assess the advantages and disadvantages of adopting policies and practices related to the transfer and commercialization of technology on a statewide basis versus at the individual university level.

(3) The consortium shall solicit the participation in the preparation of this report of individuals who have expertise related to the transfer and commercialization of technology but who are not members of the consortium.

(4) This section shall take effect upon this act becoming a law.

Section 13. Section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(1) Workforce Florida, Inc., ~~The Department of Labor and Employment Security~~ shall be responsible for ~~facilitate efforts to ensure~~ the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) Workforce Florida, Inc., ~~The Department of Labor and Employment Security~~ shall coordinate with the State Technology Office and the

Agency for Workforce Innovation ~~Workforce Development Board of Enterprise Florida, Inc.~~, to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(3) Workforce Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the workforce information systems required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.

(4)(a) Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.

(b) Workforce Florida, Inc., may enter into an agreement with the State Technology Office, the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(c) Workforce Florida, Inc., may procure services necessary to implement the provisions of this section, provided, however, that it employs competitive processes, including requests for proposals, competitive negotiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.

(5) In furtherance of the requirements under this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.

Section 14. Pilot grant program for youth internships.—

(1) Subject to legislative appropriation, Workforce Florida, Inc., shall establish a pilot matching grant program that is designed to encourage high-technology businesses to employ, train, and mentor financially needy youth through internships completed under the direct supervision of the eligible business. Under this program, Workforce Florida, Inc., may award grants to an eligible business for the benefit of a named eligible youth. Part of the purpose of the program shall be to help financially needy youth acquire and develop information technology skills in order to help close the "digital divide."

(2) Grant funds awarded under this program shall be used to supplement the stipend of the eligible youth and must be matched by contributions from the eligible business. The maximum grant amount that may be awarded on behalf of a single eligible youth at one time is \$2,000. Workforce Florida, Inc., may establish limitations on the total number of internship grants that may be awarded to a single eligible business or that may be awarded on behalf of a single eligible youth.

(3) An eligible business under this program includes any sole proprietorship, firm, partnership, or corporation in this state that is in the information technology sector, health technology sector, or other high-technology sector that the board of directors of Workforce Florida, Inc., in consultation with Enterprise Florida, Inc., determines is strategically important to the economic development goals of the state.

(4) An eligible youth under this program includes a student between the ages of 15 and 18 who is currently enrolled at a high school in Florida and who has not been previously employed within the preceding 12 months by the eligible business, or a successor business, applying for matching funds under this program. The youth must be a member of a family that includes a parent with one or more minor children or a caretaker with one or more minor children and that is at risk of welfare dependency because the family's income does not exceed 200 percent of the federal poverty level.

(5)(a) As part of an application for funding under this program, an eligible business must submit an internship work plan that describes:

1. The work to be performed by the eligible youth;
2. The anticipated number of hours per week the eligible youth will work;
3. The total hourly stipend to be paid to eligible youth, with a description of the portion of the stipend proposed to be paid by the eligible business and the portion of the stipend proposed to be paid by the state;
4. The anticipated term of the internship;
5. The training and supervision to be provided by the eligible business, particularly in terms of skill development of the youth related to computers and other information technologies;
6. The impact of the grant funds on the ability of the eligible business to employ the eligible youth through the internship; and
7. The prospects for unsubsidized employment of the youth after the internship period concludes.

(b) An application for funding must also identify the eligible youth to be hired under the internship and include information to demonstrate that the eligible youth satisfies the requirements of subsection (4).

(6) Workforce Florida, Inc., shall establish guidelines governing the administration of this program which facilitate access to the program by businesses and shall establish criteria to be used in evaluating an application for funding and the internship plan accompanying the application as required under subsection (5). Such criteria must include, but need not be limited to:

- (a) The nature of the work to be performed by the eligible youth;
- (b) The potential experience and skills to be acquired by the eligible youth, particularly related to computers and other information technologies, as identified by Workforce Florida, Inc., which may help address the digital divide;
- (c) Whether the eligible business is classified in one of the business sectors identified by Enterprise Florida, Inc., as being strategically important to the economic development efforts of the state or is classified in a business sector identified as being strategically important to the particular regional or local area in which the business is located;
- (d) The supervision, training, and counseling to be provided to the eligible youth as part of the internship;
- (e) The demonstrated need of the eligible business and the amount of matching funds to be provided by the eligible business; and
- (f) The extent to which the internship has potential to result in permanent employment with the eligible business at the completion of the internship or anytime thereafter.

(7) Before allocating funds for any grant application under this program, Workforce Florida, Inc., shall execute a simplified grant agreement with the eligible business. Such agreement must include provisions for Workforce Florida, Inc., to have access to information about the performance of eligible youth upon completion of the internship.

(8) Workforce Florida, Inc., shall ensure that any forms or reports associated with this program which a business or individual is required to complete are as concise and simple to complete as practicable.

(9) Before the 2003 legislative session, Workforce Florida, Inc., shall prepare a report describing the outcomes of the pilot program authorized under this section. The report must include a recommendation as to whether the Legislature should continue to fund the program and on any changes necessary to enhance the program. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003.

Section 15. Joint-Use Advanced Digital-Media Research and Production Facilities.—

(1) *The Legislature finds that developments in digital media are having, and will continue to have, a profound effect on the state, its people, and its businesses in areas including, but not limited to, information technology, simulation technology, and film and entertainment production and distribution. The digital-media industry represents a strategic economic development opportunity for the state to become a global leader in this emerging and dynamic field. The ability of the state to succeed in developing the digital-media sector, however, depends upon having a workforce with skills necessary to meet the demands of the industry. The Legislature further finds that the convergence of media and the collaboration of businesses and multi-disciplinary academic research programs will enable this state to compete more successfully with other digital-media innovation centers around the country and around the world. Therefore, it is the intent of the Legislature to support the establishment and maintenance of joint-use advanced digital-media research and production facilities in the state to provide regional focal points for collaboration between research and education programs and digital-media industries.*

(2) *Subject to legislative appropriation, the Office of Tourism, Trade, and Economic Development is authorized to create and administer a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state. The office shall administer all facets of this program in cooperation and consultation with the Office of the Film Commissioner; Enterprise Florida, Inc.; Workforce Florida, Inc.; the Digital Media Education Coordination Group of the State University System; and a not-for-profit corporation that represents information technology businesses throughout the state.*

(3) *The purposes of a joint-use advanced digital-media research and production facility shall include:*

(a) *Creating opportunities for industry, academia, and government to benefit from student and researcher involvement in applied research and development projects and other projects related to digital media.*

(b) *Promoting paths to future employment for students participating in the activities of the facility.*

(c) *Contributing to the development of a skilled workforce to support the needs of the digital-media industry.*

(d) *Facilitating the transfer of research results to commercial and government applications.*

(e) *Integrating the efforts and activities of the diverse, high-technology industries in the state that are critical to the economic future of the state.*

(f) *Assisting producers, suppliers, and distributors to make the transition from well-established passive media infrastructure to a highly interactive and immersive media infrastructure.*

(g) *Performing other functions or activities designed to contribute to the success of the state in becoming a leader in the digital-media industry, as approved by the Office of Tourism, Trade, and Economic Development.*

(4) *In carrying out its responsibilities under this section, the Office of Tourism, Trade, and Economic Development:*

(a) *Shall develop a strategic plan for how joint-use advanced digital-media research and production facilities will be governed and for how such facilities will be funded in the long term. The office may contract for the preparation of the strategic plan required by this paragraph.*

(b) *May contract for the establishment of joint-use advanced digital-media research and production facilities. In identifying, approving, and executing such contracts, the office shall attempt to maximize the use and integration of existing facilities and programs in the state that are suitable for application as joint-use advanced digital-media facilities. Funds awarded under such contracts may be used to lease or refurbish existing facilities to create state-of-the-art digital-media design, production, and research laboratories that shall be shared by public and private educational institutions and industry partners.*

(c) *Shall ensure that funds appropriated for the program authorized in this section are expended in a manner consistent with the priority*

needs for developing the digital-media industry in this state, as identified by the organizations listed in subsection (2).

(d) *Shall require any entity or organization receiving state funding under this section to match such funding with non-state sources.*

(e) *Shall require any joint-use advanced digital-media research and production facility receiving state funds to submit for approval by the office a detailed plan for the operation of such facility. Such operating plan must, at a minimum, include provisions for the establishment of a tenant association, with representation by each tenant using the facility, and for the collection of annual dues from tenants to support the operation and maintenance of the facility.*

(f) *Shall require any joint-use advanced digital-media research and production facility receiving state funding to submit an annual report to the office by a date established by the office. Upon receipt of such annual reports, the office shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(g) *Shall establish guidelines and criteria governing the application for and receipt of funds under this section.*

(h) *May, as part of the annual report on the business climate of the state required under section 14.2015, Florida Statutes, recommend to the Legislature policies designed to enhance the effectiveness of the program for joint-use advanced digital-media research and production facilities or policies designed to otherwise promote the development of the digital-media industry in the state.*

(5) *For the purposes of this section, the term "digital media" is defined as a discipline based on the creative convergence of art, science, and technology for human expression, communication, and social interaction. The Office of Tourism, Trade, and Economic Development, in cooperation and consultation with the organizations identified in subsection (2), shall identify specific types of businesses or types of business activity to be included within the term "digital media."*

Section 16. (1) *In implementing the single, statewide computer-assisted student advising system required under section 240.2099, Florida Statutes, the Board of Regents and the State Board of Community Colleges may:*

(a) *Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and enforce their rights with respect thereto.*

(b) *Enter into binding agreements with organizations, corporations, or government entities to license, lease, assign, or otherwise give written consent to any person, firm, corporation, or agency for the use of the single, statewide, computer-assisted student advising system and collect royalties or any other consideration that the boards find proper.*

(c) *Sell or license any such work products and execute all instruments necessary to consummate the sale or license.*

(2) *The Board of Regents and the State Board of Community Colleges shall submit to the President of the Senate and the Speaker of the House of Representatives any agreement relating to this section. The President and Speaker may review the terms of the agreement and respond with comments for 30 days after receipt of an agreement; after that time, the agreement is binding.*

(3) *All or a portion of the proceeds derived from activities authorized under this section may be expended for developing the next generation of on-line student services, maintaining and operating the system, and acquiring statewide licenses for related software. Proceeds in excess of that necessary to support such expenditures may be deposited in the State Treasury to support need-based student aid or to support information technology infrastructure.*

Section 17. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$3 million in fiscal year 2001-2002 for a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state as provided in this act.*

Section 18. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$1.5*

million in fiscal year 2001–2002 for use by Enterprise Florida, Inc., in creating and implementing the marketing campaign for high–technology industry promotion as required under section 288.911, Florida Statutes.

Section 19. *The unexpended balance of funds from section 38 of chapter 2000–164, Laws of Florida, authorized to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point, is reappropriated for Fiscal Year 2001–2002 to the Department of Revenue for reimbursement of such sales tax payments as provided in section 212.08(5), Florida Statutes.*

Section 20. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$100,000 in fiscal year 2001–2002 for use by the Florida Research Consortium created under section 288.9522, Florida Statutes, for the purposes specified in such section.*

Section 21. *There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation the sum of \$200,000 in fiscal year 2001–2002 for use by Workforce Florida, Inc., in implementing the pilot matching grant program for youth internships as provided in this act. The source of these funds is the Temporary Assistance for Needy Families block grant.*

Section 22. Except as otherwise provided, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; creating the “Florida Emerging and Strategic Technologies Act”; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high–technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term “project” to include information technology facilities; defining the term “information technology facility”; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; raising the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high–impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high–technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not–for–profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high–technology fields, subject to legislative appropriation; specifying

the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint–use advanced digital–media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term “digital media”; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; providing effective dates.

WHEREAS, Enterprise Florida, Inc., has sector strategies devoted to Florida’s health technology industry and information technology industry, and

WHEREAS, the health technology industry and information technology industry represent valued and growing sectors of Florida’s economy, and

WHEREAS, these industries employ Floridians at high average wages, and

WHEREAS, these industries are dominated by small employers and entrepreneurs who look to the state, its communities, economic development organizations, and community colleges and universities to provide an environment that will nurture their development, and

WHEREAS, these industries have identified issues relating to workforce development, transfer of technology from universities, availability of capital, and economic development marketing and programs as affecting their viability and development, and

WHEREAS, the issues affecting the viability and development of these industries are also critical to other emerging and strategic high–technology industries that are critically important to the economic development of the state in the New Economy, and

WHEREAS, high–technology industries improve the quality of life for all Floridians, and

WHEREAS, the Florida Legislature recognizes the importance of high–technology industries to our state, NOW, THEREFORE,

On motion by Senator Klein, further consideration of **CS for SB 1750** with pending **Amendment 1** was deferred.

On motion by Senator Sullivan—

CS for SB 1966—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1966** to **HB 1429**.

Pending further consideration of **CS for SB 1966** as amended, on motion by Senator Sullivan, by two-thirds vote **HB 1429** was withdrawn from the Committees on Judiciary; and Health, Aging and Long-Term Care.

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

HB 1429—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

—a companion measure, was substituted for **CS for SB 1966** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1429** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 514—A bill to be entitled An act relating to public records; creating s. 817.569, F.S.; providing that it is a misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a misdemeanor of the first degree; providing that it is a felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 514** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by two-thirds vote **HB 403** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Villalobos—

HB 403—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s. 539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 804** and read the second time by title.

Pursuant to Rule 4.19, **HB 403** was placed on the calendar of Bills on Third Reading.

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

CS for SB 436—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination under s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement

Program in compliance with the Internal Revenue Code; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for SB 436** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **CS for HB 1385** was withdrawn from the Committee on Children and Families.

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

CS for HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2178** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1385** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Campbell—

CS for CS for SB 1092—A bill to be entitled An act relating to insurance fraud; providing legislative findings; creating s. 456.0375, F.S., relating to clinics; defining the term "clinic"; imposing registration requirements for certain clinics; providing for medical directors; providing for enforcement; amending s. 626.989, F.S., relating to Department of Insurance investigation of insurance fraud; revising immunity provisions; amending s. 627.732, F.S., relating to definitions; defining the terms "medically necessary" and "broker"; amending s. 627.736, F.S.; revising provisions relating to required personal injury protection benefits; deleting provisions specifying what medical payments insurance pays; revising provisions for charges for treatments; providing for pre-suit notice; amending s. 627.739, F.S.; providing circumstances for which an insurer is not required to pay any charge; amending s. 817.234, F.S.; revising provisions relating to false and fraudulent insurance claims; amending s. 817.505, F.S.; providing penalties; amending s. 324.021, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Campbell and failed:

Amendment 1 (761546)(with title amendment)—On page 28, line 9 through page 30, line 23, delete those lines and insert:

Section 7. Effective October 1, 2001, subsections (8) and (9) of section 817.234, Florida Statutes, are amended to read:

817.234 False and fraudulent insurance claims.—
 (8) It is unlawful for any person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association, to solicit or cause to be solicited any business from a person involved in a motor vehicle accident by any means of communication other than advertising directed to the public in or about city receiving hospitals, city and county receiving hospitals, county hospitals, justice courts, or municipal courts; in any public institution; in any public place; upon any public street or highway; in or about private hospitals, sanitariums, or any private institution; or upon private property of any character whatsoever for the purpose of making motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. Charges for any services rendered by a health care provider or attorney who violates this subsection in regard to the person for whom such services were rendered are noncompensable and unenforceable as a matter of law. Any person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) It is unlawful for any attorney to solicit any business relating to the representation of a person involved in a motor vehicle accident for the purpose of filing a motor vehicle tort claim or a claim for personal injury protection benefits required by s. 627.736. The solicitation by advertising of any business by an attorney relating to the representation of a person injured in a specific motor vehicle accident is prohibited by this section. Any attorney who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court finds probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to the appropriate state attorney a copy of the finding of probable cause and the report being filed in the matter. This section shall not be interpreted to prohibit advertising by attorneys which does not entail a solicitation as described in this subsection and which is permitted by the rules regulating The Florida Bar as promulgated by the Florida Supreme Court.

Section 8. Effective October 1, 2001, paragraphs (c), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.

Florida Statute	Felony Degree	Description
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in fire-fighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8) & (9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility). (e) LEVEL 5	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
316.1935(4)	2nd	Aggravated fleeing or eluding.	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs). (g) LEVEL 7
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
790.01(2)	3rd	Carrying a concealed firearm.	409.920(2)	3rd	Medicaid provider fraud.
790.162	2nd	Threat to throw or discharge destructive device.	456.065(2)	3rd	Practicing a health care profession without a license.
790.163	2nd	False report of deadly explosive.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.	458.327(1)	3rd	Practicing medicine without a license.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.	459.013(1)	3rd	Practicing osteopathic medicine without a license.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.	460.411(1)	3rd	Practicing chiropractic medicine without a license.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.	461.012(1)	3rd	Practicing podiatric medicine without a license.
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.	462.17	3rd	Practicing naturopathy without a license.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	463.015(1)	3rd	Practicing optometry without a license.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.	464.016(1)	3rd	Practicing nursing without a license.
812.131(2)(b)	3rd	Robbery by sudden snatching.	465.015(2)	3rd	Practicing pharmacy without a license.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	467.201	3rd	Practicing midwifery without a license.
817.234(11)(b)	2nd	<i>Insurance fraud; property value \$20,000 or more but less than \$100,000.</i>	468.366	3rd	Delivering respiratory care services without a license.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	483.901(9)	3rd	Practicing medical physics without a license.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	484.053	3rd	Dispensing hearing aids without a license.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	872.06	2nd	Abuse of a dead human body.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
784.081(1)	1st	Aggravated battery on specified official or employee.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
784.083(1)	1st	Aggravated battery on code inspector.	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
796.03	2nd	Procuring any person under 16 years for prostitution.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.			
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.			
812.131(2)(a)	2nd	Robbery by sudden snatching.			

And the title is amended as follows:

On page 1, line 24, delete "providing penalties;" and insert: ranking certain criminal offenses specified in s. 921.0022, F.S.;

Senator Campbell moved the following amendment:

Amendment 2 (255388)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Legislative findings.*—*The Legislature finds that the Florida Motor Vehicle No-Fault Law is intended to deliver medically necessary and appropriate medical care quickly and without regard to fault, and without undue litigation or other associated costs. The Legislature further finds that this intent has been frustrated at significant cost and harm to consumers by, among other things, fraud, medically inappropriate over-utilization of treatments and diagnostic services, inflated charges, and other practices on the part of a small number of health care providers and unregulated health care clinics, entrepreneurs, and attorneys. Many of these practices are described in the second interim report of the Fifteenth Statewide Grand Jury entitled "Report on Insurance Fraud Related to Personal Injury Protection." The Legislature hereby adopts and incorporates in this section by reference as findings the entirety of this Grand Jury report. The Legislature further finds insurance fraud related to personal injury protection takes many forms, including, but not limited to, illegal solicitation of accident victims; brokering patients among doctors, lawyers, and diagnostic facilities; unnecessary medical treatment of accident victims billed to insurers by clinics; billing of insurers by clinics for services not rendered; the intentional overuse or misuse of legitimate diagnostic tests; inflated charges for diagnostic tests or procedures arranged through brokers; and filing fraudulent motor vehicle tort lawsuits. As a result, the Legislature declares it necessary, among other things, to increase the punishment for certain offenses related to solicitation of accident victims and use of police reports, register certain clinics; subject certain diagnostic tests to maximum reimbursement allowances; prohibit the brokering of magnetic resonance imaging services; allow providers and insurers additional time to bill and pay claims in certain situations; require notification of insurers prior to initiating litigation for an overdue claim for benefits; and provide insurers with a civil cause of action for insurance fraud. The Legislature further declares the problem of fraud addressed in the Grand Jury report and in this act and matters connected therewith are matters of great public interest and importance to public health, safety, and welfare, and that the specific provisions of this act are the least-restrictive reasonable means by which to solve these problems.*

Section 2. Subsection (3) is added to section 119.10, Florida Statutes, to read:

119.10 Violation of chapter; penalties.—

(3) *Any person who willfully and knowingly violates s. 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 3. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 *Registration of certain clinics; requirements; discipline; exemptions.*—

(1)(a) *As used in this section, the term "clinic" means a business operating in a single structure or facility, or in a group of adjacent structures or facilities operating under the same business name or management, at which health care services are provided to individuals and which tender charges for reimbursement for such services.*

(b) *For purposes of this section, the term "clinic" does not include and the registration requirements herein do not apply to:*

1. *Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.*

2. *Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3).*

3. *Sole proprietorships, group practices, partnerships, or corporations that provide health care services by licensed health care practitioners pursuant to chapters 457, 458, 459, 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or parts I, III, X, XIII, or XIV of chapter 468, or s. 464.012, which are wholly owned by licensed health care practitioners or the licensed health care practitioner and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed*

therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the practitioner's license.

(2)(a) *Every clinic, as defined in paragraph (1)(a), must register, and must at all times maintain a valid registration, with the Department of Health. Each clinic location shall be registered separately even though operated under the same business name or management, and each clinic shall appoint a medical director or clinical director.*

(b) *The department shall adopt rules necessary to implement the registration program, including rules establishing the specific registration procedures, forms, and fees. Registration fees must be reasonably calculated to cover the cost of registration and must be of such amount that the total fees collected do not exceed the cost of administering and enforcing compliance with this section. Registration may be conducted electronically. The registration program must require:*

1. *The clinic to file the registration form with the department within 60 days after the effective date of this section or prior to the inception of operation. The registration expires automatically 2 years after its date of issuance and must be renewed biennially.*

2. *The registration form to contain the name, residence and business address, phone number, and license number of the medical director or clinical director for the clinic.*

3. *The clinic to display the registration certificate in a conspicuous location within the clinic readily visible to all patients.*

(3)(a) *Each clinic must employ or contract with a physician maintaining a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461 to serve as the medical director. However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a health care practitioner licensed under that chapter to serve as a clinical director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinical director if the services provided at the clinic are beyond the scope of that practitioner's license.*

(b) *The medical director or clinical director shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinical director shall:*

1. *Have signs identifying the medical director or clinical director posted in a conspicuous location within the clinic readily visible to all patients.*

2. *Ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license.*

3. *Review any patient referral contracts or agreements executed by the clinic.*

4. *Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.*

5. *Serve as the clinic records holder as defined in s. 456.057.*

6. *Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and rules adopted thereunder.*

7. *Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director shall take immediate corrective action.*

(c) *Any contract to serve as a medical director or a clinical director entered into or renewed by a physician or a licensed health care practitioner in violation of this section is void as contrary to public policy. This section shall apply to contracts entered into or renewed on or after October 1, 2001.*

(d) *The department, in consultation with the boards, shall adopt rules specifying limitations on the number of registered clinics and licenses for which a medical director or a clinical director may assume respon-*

sibility for purposes of this section. In determining the quality of supervision a medical director or a clinical director can provide, the department shall consider the number of clinic employees, clinic location, and services provided by the clinic.

(4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section, but that is not so registered, are unlawful charges and therefore are noncompensable and unenforceable.

(b) Any person establishing, operating, or managing an unregistered clinic otherwise required to be registered under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any licensed health care practitioner who violates this section is subject to discipline in accordance with chapter 456 and the respective practice act.

(d) The department shall revoke the registration of any clinic registered under this section for operating in violation of the requirements of this section or the rules adopted by the department.

(e) The department shall investigate allegations of noncompliance with this section and the rules adopted pursuant to this section.

Section 4. Paragraph (c) of subsection (4) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(4)

(c) In the absence of fraud or bad faith, a person is not subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports, without malice, or furnishing other information, without malice, required by this section or required by the department or division under the authority granted in this section, and no civil cause of action of any nature shall arise against such person:

1. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from law enforcement officials, their agents, or employees;

2. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from other persons subject to the provisions of this chapter; or

3. For any such information furnished in reports to the department, the division, the National Insurance Crime Bureau, or the National Association of Insurance Commissioners, or any local, state, or federal enforcement officials or their agents or employees; or

4. For other actions taken in cooperation with any of the agencies or individuals specified in this paragraph in the lawful investigation of suspected fraudulent insurance acts.

Section 5. Section 627.732, Florida Statutes, is amended to read:

627.732 Definitions.—As used in ss. 627.730-627.7405, the term:

(1) “Broker” means any person not possessing a license under chapter 395, chapter 400, chapter 458, chapter 459, chapter 460, chapter 461, or chapter 641 who charges or receives compensation for any use of medical equipment and is not the 100-percent owner or the 100-percent lessee of such equipment. For purposes of this section, such owner or lessee may be an individual, a corporation, a partnership, or any other entity and any of its 100-percent-owned affiliates and subsidiaries. For purposes of this subsection, the term “lessee” means a long-term lessee under a capital or operating lease, but does not include a part-time lessee. The term “broker” does not include a hospital or physician management company whose medical equipment is ancillary to the practices managed, a debt collection agency, or an entity that has contracted with the insurer to obtain a discounted rate for such services; nor does the term include a management company that has contracted to provide general management services for a licensed physician or health care facility and whose compensation is not materially affected by the usage or frequency of usage

of medical equipment or an entity that is 100-percent owned by one or more hospitals or physicians.

(2) “Medically necessary” refers to a medical service or supply that a prudent physician would provide for the purpose of preventing, diagnosing, or treating an illness, injury, disease, or symptom in a manner that is:

(a) In accordance with generally accepted standards of medical practice;

(b) Clinically appropriate in terms of type, frequency, extent, site, and duration; and

(c) Not primarily for the convenience of the patient, physician, or other health care provider.

(3)(1) “Motor vehicle” means any self-propelled vehicle with four or more wheels which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semitrailer designed for use with such vehicle and includes:

(a) A “private passenger motor vehicle,” which is any motor vehicle which is a sedan, station wagon, or jeep-type vehicle and, if not used primarily for occupational, professional, or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type.

(b) A “commercial motor vehicle,” which is any motor vehicle which is not a private passenger motor vehicle.

The term “motor vehicle” does not include a mobile home or any motor vehicle which is used in mass transit, other than public school transportation, and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit authority, or a political subdivision of the state.

(4)(2) “Named insured” means a person, usually the owner of a vehicle, identified in a policy by name as the insured under the policy.

(5)(3) “Owner” means a person who holds the legal title to a motor vehicle; or, in the event a motor vehicle is the subject of a security agreement or lease with an option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purposes of ss. 627.730-627.7405.

(6)(4) “Relative residing in the same household” means a relative of any degree by blood or by marriage who usually makes her or his home in the same family unit, whether or not temporarily living elsewhere.

(7)(5) “Recovery agent” means any person or agency who is licensed as a recovery agent or recovery agency and authorized under s. 324.202 to seize license plates.

Section 6. Subsections (1), (4), (5), (7), and (8) of section 627.736, Florida Statutes, and paragraph (b) of subsection (6) of that section, are amended, and subsections (11) and (12) are added to that section, to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to the provisions of subsection (2) and paragraph (4)(d), to a limit of \$10,000 for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) Medical benefits.—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices, and medically necessary ambulance, hospital, and nursing services. Such benefits shall also include necessary remedial treatment and services recognized and permitted under the laws of the state for an injured person who relies upon spiritual means through prayer alone for healing, in accordance with his or

her religious beliefs; however, this sentence does not affect the determination of what other services or procedures are medically necessary.

(b) Disability benefits.—Sixty percent of any loss of gross income and loss of earning capacity per individual from inability to work proximately caused by the injury sustained by the injured person, plus all expenses reasonably incurred in obtaining from others ordinary and necessary services in lieu of those that, but for the injury, the injured person would have performed without income for the benefit of his or her household. All disability benefits payable under this provision shall be paid not less than every 2 weeks.

(c) Death benefits.—Death benefits of \$5,000 per individual. The insurer may pay such benefits to the executor or administrator of the deceased, to any of the deceased's relatives by blood or legal adoption or connection by marriage, or to any person appearing to the insurer to be equitably entitled thereto.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and no such insurer shall require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such required benefits. Insurers may not require that property damage liability insurance in an amount greater than \$10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. Any insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice shall be deemed to have violated part X of chapter 626, and such violation shall constitute an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance; and any such insurer committing such violation shall be subject to the penalties afforded in such part, as well as those which may be afforded elsewhere in the insurance code.

(4) BENEFITS; WHEN DUE.—Benefits due from an insurer under ss. 627.730-627.7405 shall be primary, except that benefits received under any workers' compensation law shall be credited against the benefits provided by subsection (1) and shall be due and payable as loss accrues, upon receipt of reasonable proof of such loss and the amount of expenses and loss incurred which are covered by the policy issued under ss. 627.730-627.7405. When the Agency for Health Care Administration provides, pays, or becomes liable for medical assistance under the Medicaid program related to injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle, benefits under ss. 627.730-627.7405 shall be subject to the provisions of the Medicaid program.

(a) An insurer may require written notice to be given as soon as practicable after an accident involving a motor vehicle with respect to which the policy affords the security required by ss. 627.730-627.7405.

(b) Personal injury protection insurance benefits paid pursuant to this section shall be overdue if not paid within 30 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. *When an insurer pays only a portion of a claim or rejects a claim, the insurer shall include with the partial payment or rejection an itemized specification of each item that the insurer had reduced, omitted, or declined to pay and any information that the insurer desires the claimant to consider related to the medical necessity of the denied treatment or to explain the reasonableness of the reduced charge, provided that this shall not limit the introduction of evidence at trial; and the insurer shall include the name and address of the person to whom the claimant should respond and a claim number to be referenced in future correspondence.* However, notwithstanding the fact that written notice has been furnished to the insurer, any payment shall not be deemed overdue when the insurer has reasonable proof to establish that the insurer is not responsible for the payment, notwithstanding that written notice has been furnished to the insurer. For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if

not so posted, on the date of delivery. *This paragraph does not preclude or limit the ability of the insurer to assert that the claim was unrelated, was not medically necessary, or was unreasonable or that the amount of the charge was in excess of that permitted under, or in violation of, subsection (5). Such assertion by the insurer may be made at any time, including after payment of the claim or after the 30-day time period for payment set forth in this paragraph.*

(c) All overdue payments shall bear simple interest at the rate established by the Comptroller under s. 55.03 or the rate established in the insurance contract, whichever is greater, for the year in which the payment became overdue, calculated from the date the insurer was furnished with written notice of the amount of covered loss. *Interest shall be due at the time payment of the overdue claim is made of 10 percent per year.*

(d) The insurer of the owner of a motor vehicle shall pay personal injury protection benefits for:

1. Accidental bodily injury sustained in this state by the owner while occupying a motor vehicle, or while not an occupant of a self-propelled vehicle if the injury is caused by physical contact with a motor vehicle.

2. Accidental bodily injury sustained outside this state, but within the United States of America or its territories or possessions or Canada, by the owner while occupying the owner's motor vehicle.

3. Accidental bodily injury sustained by a relative of the owner residing in the same household, under the circumstances described in subparagraph 1. or subparagraph 2., provided the relative at the time of the accident is domiciled in the owner's household and is not himself or herself the owner of a motor vehicle with respect to which security is required under ss. 627.730-627.7405.

4. Accidental bodily injury sustained in this state by any other person while occupying the owner's motor vehicle or, if a resident of this state, while not an occupant of a self-propelled vehicle, if the injury is caused by physical contact with such motor vehicle, provided the injured person is not himself or herself:

a. The owner of a motor vehicle with respect to which security is required under ss. 627.730-627.7405; or

b. Entitled to personal injury benefits from the insurer of the owner or owners of such a motor vehicle.

(e) If two or more insurers are liable to pay personal injury protection benefits for the same injury to any one person, the maximum payable shall be as specified in subsection (1), and any insurer paying the benefits shall be entitled to recover from each of the other insurers an equitable pro rata share of the benefits paid and expenses incurred in processing the claim.

~~(f) Medical payments insurance, if available in a policy of motor vehicle insurance, shall pay the portion of any claim for personal injury protection medical benefits which is otherwise covered but is not payable due to the coinsurance provision of paragraph (1)(a), regardless of whether the full amount of personal injury protection coverage has been exhausted. The benefits shall not be payable for the amount of any deductible which has been selected.~~

~~(f)(g)~~ It is a violation of the insurance code for an insurer to fail to timely provide benefits as required by this section with such frequency as to constitute a general business practice.

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and supplies accommodations rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment, if the insured receiving such treatment or his or her guardian has countersigned the invoice, bill, or claim form approved by the Department of Insurance upon which such charges are to be paid for as having actually been rendered, to the best knowledge of the insured or his or her guardian. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, or supplies accommodations in cases involving no insurance. ~~provided that~~

(b)1. An insurer or insured is not required to pay a claim made by a broker or by a person making a claim on behalf of a broker.

2. Charges for medically necessary cephalic thermograms, and peripheral thermograms, spinal ultrasounds, extremity ultrasounds, video fluoroscopy, and surface electromyography shall not exceed the maximum reimbursement allowance for such procedures as set forth in the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

3. Payments by an insurer for medically necessary nerve conduction testing when done in conjunction with a needle electromyography procedure and both are performed and billed solely by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 who is also certified by the American Board of Electrodiagnostic Medicine or by a board recognized by the American Board of Medical Specialties or who holds diplomate status with the American Chiropractic Neurology Board or its predecessors shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida.

4. Payments by an insurer for medically necessary nerve conduction testing that does not meet the requirements of subparagraph 3. shall not exceed the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

5. Effective upon this act becoming a law and before November 1, 2001, payments for magnetic resonance imaging services shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001. Beginning November 1, 2001, payments for magnetic resonance imaging services shall not exceed 175 percent of the allowable amount under Medicare Part B for year 2001, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida, except that payments for magnetic resonance imaging services provided in facilities accredited by the American College of Radiology or the Joint Commission on Accreditation of Healthcare Organizations shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida. This paragraph does not apply to charges for magnetic resonance imaging services and nerve conduction testing for inpatients and emergency services and nerve conduction testing for inpatients and emergency services and care as defined in chapter 395 rendered by facilities licensed under chapter 395.

(c)(b) With respect to any treatment or service, other than medical services billed by a hospital or other provider for emergency services as defined in s. 395.002 or inpatient services rendered at a hospital-owned facility, the statement of charges must be furnished to the insurer by the provider and may not include, and the insurer is not required to pay, charges for treatment or services rendered more than 35 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis under this paragraph, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 75 60 days before the postmark date of the statement. The injured party is not liable for, and the provider shall not bill the injured party for, charges that are unpaid because of the provider's failure to comply with this paragraph. Any agreement requiring the injured person or insured to pay for such charges is unenforceable. If, however, the insured fails to furnish the provider with the correct name and address of the insured's personal injury protection insurer, the provider has 35 days from the date the provider obtains the correct information to furnish the insurer with a statement of the charges. The insurer is not required to pay for such charges unless the provider includes with the statement documentary evidence that was provided by the insured during the 35-day period demonstrating that the provider reasonably relied on erroneous information from the insured and either:

1. A denial letter from the incorrect insurer; or
2. Proof of mailing, which may include an affidavit under penalty of perjury, reflecting timely mailing to the incorrect address or insurer.

For emergency services and care as defined in s. 395.002 rendered in a hospital emergency department or for transport and treatment rendered by an ambulance provider licensed pursuant to part III of chapter 401, the provider is not required to furnish the statement of charges within the time periods established by this paragraph; and the insurer shall not

be considered to have been furnished with notice of the amount of covered loss for purposes of paragraph (4)(b) until it receives a statement complying with paragraph (e) (5)(d), or copy thereof, which specifically identifies the place of service to be a hospital emergency department or an ambulance in accordance with billing standards recognized by the Health Care Finance Administration. Each notice of insured's rights under s. 627.7401 must include the following statement in type no smaller than 12 points:

BILLING REQUIREMENTS.—Florida Statutes provide that with respect to any treatment or services, other than certain hospital and emergency services, the statement of charges furnished to the insurer by the provider may not include, and the insurer and the injured party are not required to pay, charges for treatment or services rendered more than 35 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 75 60 days before the postmark date of the statement.

(d)(e) Every insurer shall include a provision in its policy for personal injury protection benefits for binding arbitration of any claims dispute involving medical benefits arising between the insurer and any person providing medical services or supplies if that person has agreed to accept assignment of personal injury protection benefits. The provision shall specify that the provisions of chapter 682 relating to arbitration shall apply. The prevailing party shall be entitled to attorney's fees and costs. For purposes of the award of attorney's fees and costs, the prevailing party shall be determined as follows:

1. When the amount of personal injury protection benefits determined by arbitration exceeds the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the claimant is the prevailing party.

2. When the amount of personal injury protection benefits determined by arbitration is less than the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the insurer is the prevailing party.

3. When neither subparagraph 1. nor subparagraph 2. applies, there is no prevailing party. For purposes of this paragraph, the amount of the offer or claim at arbitration is the amount of the last written offer or claim made at least 30 days prior to the arbitration.

4. In the demand for arbitration, the party requesting arbitration must include a statement specifically identifying the issues for arbitration for each examination or treatment in dispute. The other party must subsequently issue a statement specifying any other examinations or treatment and any other issues that it intends to raise in the arbitration. The parties may amend their statements up to 30 days prior to arbitration, provided that arbitration shall be limited to those identified issues and neither party may add additional issues during arbitration.

(e)(d) All statements and bills for medical services rendered by any physician, hospital, clinic, or other person or institution shall be submitted to the insurer on a Health Care Finance Administration 1500 form, UB 92 forms, or any other standard form approved by the department for purposes of this paragraph. All billings for such services shall, to the extent applicable, follow the Physicians' Current Procedural Terminology (CPT) in the year in which services are rendered. No statement of medical services may include charges for medical services of a person or entity that performed such services without possessing the valid licenses required to perform such services. For purposes of paragraph (4)(b), an insurer shall not be considered to have been furnished with notice of the amount of covered loss or medical bills due unless the statements or bills comply with this paragraph.

(6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal

injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, dates, and costs of such treatment of the injured person *and why the items identified by the insurer were reasonable in amount and medically necessary*, together with a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained and identifying which portion of the expenses for such treatment or services was incurred as a result of such bodily injury, and produce forthwith, and permit the inspection and copying of, his or her or its records regarding such history, condition, treatment, dates, and costs of treatment; *provided that this shall not limit the introduction of evidence at trial.* Such sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief." No cause of action for violation of the physician-patient privilege or invasion of the right of privacy shall be permitted against any physician, hospital, clinic, or other medical institution complying with the provisions of this section. The person requesting such records and such sworn statement shall pay all reasonable costs connected therewith. If an insurer makes a written request for documentation or information under this paragraph within 30 29 days after having received notice of the amount of a covered loss under paragraph (4)(a), *the amount or the partial amount which is the subject of the insurer's inquiry shall become overdue if the insurer does not pay the insurer shall pay the amount or partial amount of covered loss to which such documentation relates* in accordance with paragraph (4)(b) or within 10 days after the insurer's receipt of the requested documentation or information, whichever occurs later. For purposes of this paragraph, the term "receipt" includes, but is not limited to, inspection and copying pursuant to this paragraph. *Any insurer that requests documentation or information pertaining to reasonableness of charges or medical necessity under this paragraph without a reasonable basis for such requests as a general business practice is engaging in an unfair trade practice under the insurance code.*

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the municipality where the insured is receiving treatment, or in a location reasonably accessible to the insured, which, for purposes of this paragraph, means any location within the municipality in which the insured resides, or any location within 10 miles by road of the insured's residence, provided such location is within the county in which the insured resides. If the examination is to be conducted in a location reasonably accessible to the insured, and if there is no qualified physician to conduct the examination in a location reasonably accessible to the insured, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits. An insurer may not withdraw payment of a treating physician without the consent of the injured person covered by the personal injury protection, unless the insurer first obtains a *valid* report by a physician licensed under the same chapter as the treating physician whose treatment authorization is sought to be withdrawn, stating that treatment was not reasonable, related, or necessary. *A valid report is one that is prepared and signed by the physician examining the injured person or reviewing the treatment records of the injured person and is factually supported by the examination and treatment records if reviewed and that has not been modified by anyone other than the physician. The physician preparing the report must be in active practice, unless the physician is physically disabled. Active practice means that during the 3 years immediately preceding the date of the physical examination or review of the treatment records the physician must have devoted professional time to the active clinical practice of evaluation, diagnosis, or treatment of medical conditions or to the instruction of students in an accredited health professional school or accredited residency program or a clinical research program that is affil-*

ated with an accredited health professional school or teaching hospital or accredited residency program.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him or her a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out the examining physician's findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled, upon request, to receive from the person examined every written report available to him or her or his or her representative concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered, or by taking the deposition of the examiner, the person examined waives any privilege he or she may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined, or may thereafter examine, him or her in respect to the same mental or physical condition. If a person unreasonably refuses to submit to an examination, the personal injury protection carrier is no longer liable for subsequent personal injury protection benefits.

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY'S FEES.—With respect to any dispute under the provisions of ss. 627.730-627.7405 between the insured and the insurer, or between an assignee of an insured's rights and the insurer, the provisions of s. 627.428 shall apply, except as provided in subsection (11).

(11) DEMAND LETTER.—

(a) *As a condition precedent to filing any action for an overdue claim for benefits under paragraph (4)(b), the insurer must be provided with written notice of an intent to initiate litigation; provided, however, that, except with regard to a claim or amended claim or judgment for interest only which was not paid or was incorrectly calculated, such notice is not required for an overdue claim that the insurer has denied or reduced, nor is such notice required if the insurer has been provided documentation or information at the insurer's request pursuant to subsection (6). Such notice may not be sent until the claim is overdue, including any additional time the insurer has to pay the claim pursuant to paragraph (4)(b).*

(b) *The notice required shall state that it is a "demand letter under s. 627.736(11)" and shall state with specificity:*

1. *The name of the insured upon which such benefits are being sought.*

2. *The claim number or policy number upon which such claim was originally submitted to the insurer.*

3. *To the extent applicable, the name of any medical provider who rendered to an insured the treatment, services, accommodations, or supplies that form the basis of such claim; and an itemized statement specifying each exact amount, the date of treatment, service, or accommodation, and the type of benefit claimed to be due. A completed Health Care Finance Administration 1500 form, UB 92, or successor forms approved by the Secretary of the U.S. Department of Health and Human Services may be used as the itemized statement.*

(c) *Each notice required by this section must be delivered to the insurer by U.S. certified or registered mail, return receipt requested. Such postal costs shall be reimbursed by the insurer if so requested by the provider in the notice, when the insurer pays the overdue claim. Such notice must be sent to the person and address specified by the insurer for the purposes of receiving notices under this section, on the document denying or reducing the amount asserted by the filer to be overdue. Each licensed insurer, whether domestic, foreign, or alien, may file with the department designation of the name and address of the person to whom notices pursuant to this section shall be sent when such document does not specify the name and address to whom the notices under this section are to be sent or when there is no such document. The name and address on file with the department pursuant to s. 624.422 shall be deemed the authorized representative to accept notice pursuant to this section in the event no other designation has been made.*

(d) *If, within 7 business days after receipt of notice by the insurer, the overdue claim specified in the notice is paid by the insurer together with applicable interest and a penalty of 10 percent of the overdue amount paid by the insurer, subject to a maximum penalty of \$250, no action for nonpayment or late payment may be brought against the insurer. To the*

extent the insurer determines not to pay the overdue amount, the penalty shall not be payable in any action for nonpayment or late payment. For purposes of this subsection, payment shall be treated as being made on the date a draft or other valid instrument that is equivalent to payment is placed in the United States mail in a properly addressed, postpaid envelope, or if not so posted, on the date of delivery. The insurer shall not be obligated to pay any attorney's fees if the insurer pays the claim within the time prescribed by this subsection.

(e) The applicable statute of limitation for an action under this section shall be tolled for a period of 15 business days by the mailing of the notice required by this subsection.

(f) Any insurer making a general business practice of not paying valid claims until receipt of the notice required by this section is engaging in an unfair trade practice under the insurance code.

(12) **CIVIL ACTION FOR INSURANCE FRAUD.**—An insurer shall have a cause of action against any person convicted of, or who, regardless of adjudication of guilt, pleads guilty or nolo contendere to insurance fraud under s. 817.234, patient brokering under s. 817.505, or kickbacks under s. 456.054, associated with a claim for personal injury protection benefits in accordance with s. 627.736. An insurer prevailing in an action brought under this subsection may recover compensatory, consequential, and punitive damages subject to the requirements and limitations of part II of chapter 768, and attorney's fees and costs incurred in litigating a cause of action against any person convicted of, or who, regardless of adjudication of guilt, pleads guilty or nolo contendere to insurance fraud under s. 817.234, patient brokering under s. 817.505, or kickbacks under s. 456.054, associated with a claim for personal injury protection benefits in accordance with s. 627.736.

Section 7. Effective October 1, 2001, subsections (8) and (9) of section 817.234, Florida Statutes, are amended to read:

817.234 False and fraudulent insurance claims.—

(8) It is unlawful for any person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association, to solicit or cause to be solicited any business from a person involved in a motor vehicle accident by any means of communication other than advertising directed to the public in or about city receiving hospitals, city and county receiving hospitals, county hospitals, justice courts, or municipal courts; in any public institution; in any public place; upon any public street or highway; in or about private hospitals, sanitariums, or any private institution; or upon private property of any character whatsoever for the purpose of making motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. Charges for any services rendered by a health care provider or attorney who violates this subsection in regard to the person for whom such services were rendered are noncompensable and unenforceable as a matter of law. Any person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) It is unlawful for any attorney to solicit any business relating to the representation of a person involved in a motor vehicle accident for the purpose of filing a motor vehicle tort claim or a claim for personal injury protection benefits required by s. 627.736. The solicitation by advertising of any business by an attorney relating to the representation of a person injured in a specific motor vehicle accident is prohibited by this section. Any attorney who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court finds probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to the appropriate state attorney a copy of the finding of probable cause and the report being filed in the matter. This section shall not be interpreted to prohibit advertising by attorneys which does not entail a solicitation as described in this subsection and which is permitted by the rules regulating The Florida Bar as promulgated by the Florida Supreme Court.

Section 8. Effective October 1, 2001, paragraphs (c), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
(c) LEVEL 3		
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in fire-fighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8) & (9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
316.1935(4)	2nd	Aggravated fleeing or eluding.	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.			(g) LEVEL 7
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
790.01(2)	3rd	Carrying a concealed firearm.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
790.162	2nd	Threat to throw or discharge destructive device.	409.920(2)	3rd	Medicaid provider fraud.
790.163	2nd	False report of deadly explosive.	456.065(2)	3rd	Practicing a health care profession without a license.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.	458.327(1)	3rd	Practicing medicine without a license.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.	459.013(1)	3rd	Practicing osteopathic medicine without a license.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.	460.411(1)	3rd	Practicing chiropractic medicine without a license.
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.	461.012(1)	3rd	Practicing podiatric medicine without a license.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	462.17	3rd	Practicing naturopathy without a license.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.			
812.131(2)(b)	3rd	Robbery by sudden snatching.			
812.16(2)	3rd	Owning, operating, or conducting a chop shop.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
463.015(1)	3rd	Practicing optometry without a license.	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
464.016(1)	3rd	Practicing nursing without a license.			
465.015(2)	3rd	Practicing pharmacy without a license.	796.03	2nd	Procuring any person under 16 years for prostitution.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.			
467.201	3rd	Practicing midwifery without a license.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
468.366	3rd	Delivering respiratory care services without a license.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
483.901(9)	3rd	Practicing medical physics without a license.			
484.053	3rd	Dispensing hearing aids without a license.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
			810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.131(2)(a)	2nd	Robbery by sudden snatching.
			812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	872.06	2nd	Abuse of a dead human body.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
784.081(1)	1st	Aggravated battery on specified official or employee.			
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.083(1)	1st	Aggravated battery on code inspector.			
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

Florida Statute	Felony Degree	Description
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

Section 9. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle which is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any bicycle or moped. However, the term “motor vehicle” shall not include any motor vehicle as defined in s. 627.732(3) ~~s. 627.732(1)~~ when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 10. *The sum of \$100,000 is appropriated from the registration fees collected from clinics pursuant to section 456.0375, Florida Statutes, to the Department of Health and one-half of one full-time-equivalent position is authorized for the purposes of regulating medical clinics pursuant to section 456.0375, Florida Statutes. These funds shall be deposited into the Medical Quality Assurance Trust Fund.*

Section 11. (1) Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

(2) Paragraphs (1)(a), (4)(b) and (c), and (7)(a) of s. 627.736, Florida Statutes, as amended by section 5 of this act, and the deletion of paragraph (4)(f) and redesignation of paragraph (4)(g) as (4)(f) by section 5 of this act shall apply to policies issued new or renewed on or after October 1, 2001.

(3) Paragraphs (5)(b) and (c) and subsection (6) of section 627.736, Florida Statutes, as amended by this act and subsection (11) of section 627.736, Florida Statutes, shall apply to treatment and services occurring on or after October 1, 2001, except that subsection (11) of section 627.736, Florida Statutes, shall apply to actions filed on or after the effective date of this act with regard to a claim or amended claim or judgment for interest only which was not paid or was incorrectly calculated.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; providing legislative findings; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; defining the term “clinic”; imposing registration requirements for certain clinics; providing for medical directors or clinical directors; providing duties and responsibilities of medical directors or clinical directors; authorizing the Department of Health to adopt rules for certain purposes; providing for enforcement; providing penalties; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; defining the terms “broker” and “medically necessary”; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions relating to interest on overdue claims; revising provisions for charges and payments for certain treatments; removing provisions specifying the use of medical payments insurance; making certain charges by a broker noncompensable; providing for a demand letter; providing demand letter requirements; providing for civil actions against certain persons; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 921.0022, F.S.; ranking certain criminal offenses specified in that section; amending s. 324.021, F.S.; correcting a cross-reference; providing an appropriation; providing effective dates.

Senator Campbell moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A (472602)—On page 2, line 11, delete “*motor vehicle tort*” and insert: *no-fault law*

Amendment 2B (130920)—On page 9, line 2, after the period (.) insert: *The term “broker” does not include a person or entity that certifies, upon request of an insurer, that:*

(a) *It is a clinic registered under s. 456.0375;*

(b) *It is a 100-percent owner of medical equipment; and*

(c) *The owner’s only part-time lease of medical equipment for personal injury protection patients is on a temporary basis not to exceed 30 days in a 12-month period, and such lease is solely for the purposes of necessary repair or maintenance of the 100-percent-owned medical equipment, or for patients for whom, because of physical size or claustrophobia, it is determined by the medical director or clinical director to be medically necessary that the test be performed in medical equipment that is open-style. The leased medical equipment cannot be used by patients who are not patients of the registered clinic for medical treatment of services. Any person or entity making a false certification under this subsection commits insurance fraud as defined in s. 817.234.*

Amendment 2C (745482)—On page 13, line 19, delete the words “*include with*” and insert: *provide at the time of*

Amendment 2D (721354)—On page 17, line 4 through page 18, line 9, delete those lines and insert:

3. *Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing when done in conjunction with a needle electromyography procedure and both are performed and billed solely by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 who is also certified by the American Board of Electrodiagnostic Medicine or by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or who holds diplomate status with the American Chiropractic Neurology Board or its predecessors shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida.*

4. *Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing that does not meet the requirements of subparagraph 3. shall not exceed the applicable fee schedule or other payment methodology established pursuant to s. 440.13.*

5. *Effective upon this act becoming a law and before November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging ser-*

vices shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered. Beginning November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 175 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida, except that allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services provided in facilities accredited by the American College of Radiology or the Joint Commission on Accreditation of Healthcare Organizations shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida. This paragraph does not apply to charges for magnetic resonance imaging services and nerve conduction testing for inpatients and emergency services and care as defined in chapter 395 rendered by facilities licensed under chapter 395.

Amendment 2E (725240)—On page 45, line 18-24, delete those lines and insert:

(2) Paragraphs (1)(a), and (c), and (7)(a) of section 627.736, Florida Statutes, as amended by section 6 of this act, and the deletion of paragraph (4)(f) and redesignation of paragraph (4)(g) as (4)(f) by section 6 of this act shall apply to policies issued new or renewed on or after October 1, 2001.

(3) Paragraphs (4)(b), (5)(b) and (c) and subsection (6) of

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1092** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1958—A bill to be entitled An act relating to public records exemptions; amending s. 440.45, F.S.; exempting from public record requirements certain information obtained by the Division of Administrative Hearings in investigating complaints against judges of compensation claims; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1958** was placed on the calendar of Bills on Third Reading.

SB 2126—A bill to be entitled An act relating to filings administered by the Department of State; providing legislative findings and intent; amending s. 679.401, F.S.; prescribing places of filing for secured transactions; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the Department of State; prescribing standards for the registry; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Garcia:

Amendment 1 (382074)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Legislative intent.*—

(1) *The Legislature has found that it is in the best interest of the people and businesses in the state to adopt Revised Article 9 of the Uniform Commercial Code as proposed by the National Conference of Commissioners on Uniform State Law, subject to certain modifications. Revised Article 9 (chapter 679, Florida Statutes) almost exclusively affects secured transactions and the relationships among secured creditors,*

debtors, or other creditors, and purchasers of personal property subject to a security interest. Both individuals and business entities are intended to benefit from the enactment of Revised Article 9.

(2) *Revised Article 9 is intended to create a more straightforward and efficient system for documenting the perfection, amendment, continuance, termination, assignment, and transfer of security interests, requiring less governmental involvement than that which is necessary under existing law. Under Revised Article 9, states may delegate their historical administrative and operational responsibilities over financing-statement filings to a nongovernmental entity. This principle accords with the Legislature's policy of reducing government's detailed regulation and involvement with private commerce and business transactions. Consistent with other revisions to current chapter 679, Florida Statutes, adopted by this act, the requirement for exclusive administration and operations by the state of the system of filing and maintaining documents evidencing secured transactions no longer exists. However, the fulfillment of the duties of the filing office and filing officer remain essential to the uninterrupted flow of secured transactions, and the State of Florida retains ownership of all records filed and maintained under chapter 679, Florida Statutes, and databases evidencing such documents, and the Secretary of State retains governmental oversight over the private filing agency to which the filing office's and filing officer's duties under Revised Article 9 are transferred. The Legislature, therefore, enacts this act as part of chapter 679, Florida Statutes.*

Section 2. Subsections (1) and (5) of section 679.401, Florida Statutes, are amended to read:

679.401 Place of filing; erroneous filing; removal of collateral.—

(1) The proper place to file in order to perfect a security interest is as follows:

(a) If the collateral is farm products, or accounts, or general intangibles arising from or relating to the sale of farm products by a farmer, by recording:

1. In the office of the clerk of the circuit court in the county of the debtor's place of business if he or she has one, in the county of the debtor's chief executive office if he or she has more than one place of business, otherwise in the county of the debtor's residence; or

2. If the debtor is not a resident of this state, in the office of the clerk of the circuit court in the county where the collateral is located; and

3. In addition, if the collateral is crops, in the office of the clerk of the circuit court in the county where the land is located on which the crops are growing or to be grown.

(b) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or is accounts subject to s. 679.103(5) or is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded.

(c) In all other cases, by filing ~~under the Florida Secured Transaction Registry in the office of the Department of State.~~

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is ~~under the Florida Secured Transaction Registry in the office of the Department of State.~~

Section 3. Section 679.4015, Florida Statutes, is created to read:

679.4015 *Florida Secured Transaction Registry.*—

(1) *The Florida Secured Transaction Registry is the centralized database in which all initial financing statements, amendments, assignments, and other statements of change authorized to be filed under this chapter are filed and maintained and from which they are retrieved. The Florida Secured Transaction Registry shall include the date and other information pertaining to Uniform Commercial Code Records filed with the Secretary of State and effective under this chapter before October 1, 2001, or filed with the Secretary of State or with the private filing agency or UCC filing agent as authorized in this section after October 1, 2001. Consistent with s. 679.401, this section does not apply to initial financing statements, amendments, assignments, and other statements of change filed under this chapter with an office of the clerk of the circuit court.*

(2) Except as otherwise provided in this section, the duties of the filing office and filing officer under this chapter may be performed by an entity that is qualified to transact business in this state (the private filing agency) and that has entered into a written contract with the Department of State satisfying the minimum requirements provided in this section. The private filing agency, among its other duties conferred by contract or this part, shall have the responsibility for acting as the filing officer under this chapter and overseeing the continued existence and maintenance of the Florida Secured Transaction Registry.

(3) The Secretary of State, or the private filing agency if authorized by the Secretary of State in the contract or another writing, may enter into a separate contract approved by the Secretary of State and satisfying the minimum requirements provided in this section with another entity qualified to transact business in this state (the UCC filing agent) for the purpose of physically performing the filing officer's duties under this part. However, the private filing agency, unless displaced by the Secretary of State or a subsequent private filing agency, shall remain the filing office under this chapter.

(4) Upon the effective date of the contract with the private filing agency or on October 31, 2001, whichever is later, the Secretary of State and the Department of State, respectively, shall cease acting as the filing officer and filing office under this part, although the Secretary of State shall retain authority and powers as otherwise provided in this section or by other applicable law.

(5) The Secretary of State shall immediately develop and issue a request for qualifications seeking qualified entities to perform the duties of the private filing agency and UCC filing agent under this part. The qualifications and any contract must, at a minimum, require:

(a) The creation and maintenance of a central filing, recording, retrieval, and response system as part of the Florida Secured Transaction Registry which is capable of satisfying the filing-officer and filing-office requirements under this chapter, which system must be comparable and compatible with the filing system in existence immediately prior to the effective date of this section to the fullest extent possible as determined by the Secretary of State.

(b) Continuous and easy access by the public, including review at no charge through the Internet or such other substitute medium as is acceptable to the Secretary of State, of all UCC records filed and maintained by the Department of State under this chapter as of the effective date of this section and of all UCC records filed and maintained after the effective date of this section, subject to any requirements or limitations of chapter 119 and this chapter.

(c) Record maintenance in compliance with this part and chapter 119.

(d) Oversight by the Secretary of State, including compliance audits of the performance standards described in subsection (7).

(e) Maintenance of the current level of filing fees and procedures for the deposit of revenues, net of operating costs, consistent with chapter 15.

(f) A bond by the private filing agency and UCC filing agent in an amount acceptable to the Secretary of State.

(6) Except as otherwise provided in a contract approved by the Secretary of State, the private filing agency and UCC filing agent are not liable to any person harmed by their failure to comply with the filing-officer or filing-office requirements under this chapter unless such failure is due to specific acts or omissions done recklessly or committed knowingly and with malicious intent, and then only to the extent that such acts or omissions directly and proximately cause ascertainable damages.

(7) The Secretary of State shall develop performance standards to ensure that the Florida Secured Transaction Registry and its central filing system implemented and maintained by the private filing agency or UCC filing agent are accurate and complete and that the system implemented and maintained satisfies the responsibilities of the filing office and filing officer under this chapter and meets the needs of various persons and entities using or affected by the filing system.

(8) Any contract between the Secretary of State and the private filing agency or UCC filing agent or between the private filing agency and the UCC filing agent is not assignable, absolutely or for security, or otherwise

transferable without the express written consent of the Secretary of State, which consent may be withheld in his or her sole and absolute discretion.

(9) The Secretary of State shall, as soon as practicable, either assume temporarily or permanently the duties of the filing office and filing officer under this chapter or assign the duties of the filing office and filing officer under this chapter to a new private filing agency or UCC filing agent, as applicable, which meets the requirements of this section and which enters into a new contract with the Secretary of State satisfying the requirements of this section:

(a) If:

1. A private filing agency or UCC filing agent has not been approved by the Secretary of State and a contract required by this section has not been executed;

2. The private filing agency or UCC filing agent ceases, is unable, or fails to perform the duties of the filing office or filing officer which are required under this chapter or which are provided for in any contract, as determined by the Secretary of State in accordance with the terms of the contract; or

3. An assignee for the benefit of creditors is appointed for the private filing agency or UCC filing agent or its assets or a receiver is appointed for the private filing agency or UCC filing agent or its assets other than by the Secretary of State; and

(b) Notwithstanding:

1. That a bankruptcy case or other insolvency proceeding has been commenced by the private filing agency or UCC filing agent; or

2. That an involuntary bankruptcy case or other insolvency proceeding has been commenced against the private filing agency or UCC filing agent and the case or proceeding has not been dismissed within 5 business days after the petition's filing.

(10) Immediately upon the occurrence of an event described in subsection (9)(a)1. or 3. or (b), any rights of the private filing agency or UCC filing agent, as applicable, pertaining to the contract or otherwise with respect to this chapter shall terminate without any further action being required. Upon the occurrence of an event described in subsection (9)(a)2., any rights of the private filing agency or UCC filing agent, as applicable, pertaining to the contract or otherwise with respect to this chapter may terminate, in the discretion of the Secretary of State, upon written notice to the private filing agency or UCC filing agent.

(11) If required by the Secretary of State, any contract with the private filing agency or UCC filing agent entered into pursuant to this section must provide that any exclusive rights of the private filing agency and UCC filing agent terminate automatically without further action upon any default under the contract, even if the default is capable of being cured under law.

(12) The Florida Secured Transaction Registry; databases, source or object codes, and any software relating to the Florida Secured Transaction Registry and system for central filing under this part and all information contained in any of the foregoing; all documents and records, in whatever form or medium, filed with, created by, or maintained by the private filing agency or UCC filing agent under this chapter, including all UCC records and any other records or documents relating to the UCC records, in whatever form or medium, whether existing prior to the effective date of this section or thereafter (collectively, the UCC filing office materials and records), shall be and remain the sole and exclusive property of the state, and upon demand the originals and all copies are subject to immediate return by the private filing agency or UCC filing agent, as applicable, to the Secretary of State upon the occurrence of any of the events enumerated in subsection (9). The Secretary of State also has the right to inspect at any time and make copies of the UCC filing office materials and records, and the cost shall be borne as provided in the contracts with or approved by the Secretary of State. Neither the private filing agency nor UCC filing agent shall have or acquire any rights in the Florida Secured Transaction Registry or the UCC filing office materials and records, and neither of them may sell, license, lease, donate, copyright, patent, trademark, pledge, or otherwise transfer any of the UCC filing office materials and records to any person or entity, except as authorized in writing by the Secretary of State.

(13) *To the extent permitted by its contract with the Secretary of State and provided that the procedures for certification required by the Secretary of State are complied with, the private filing agency and UCC filing agent are authorized to certify any of the UCC records for purposes of admissibility in a state or federal court or other tribunal proceeding, upon request by a authenticated record and payment of a service charge in the amount permitted in the contract with the private filing agency and UCC filing agent, as applicable. Such certified record constitutes a public record under s. 90.803(8).*

(14) *The private filing agency and UCC filing agent are subject to the exclusive original jurisdiction of the Circuit Court of Leon County for any litigation between or among the Secretary of State, the private filing agency, and the UCC filing agent. The Secretary of State is entitled to emergency injunctive relief if the private filing agency or UCC filing agent or its agents or employees fail to turn over any of the UCC filing office materials and records or otherwise fail to comply with their contracts or with the filing officer's or filing office's duties under this part.*

(15) *As used in this part in this connection with carrying out the filing office's and filing officer's duties assigned to them under this chapter, the terms "Florida Secretary of State," "Secretary of State," or "Secretary" also refer to the private filing agency or UCC filing agent, as applicable.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to filings administered by the Department of State; providing legislative findings and intent; amending s. 679.401, F.S.; prescribing methods for filing security interests; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the Department of State and Secretary of State; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; providing an effective date.

The Committee on Governmental Oversight and Productivity recommended the following amendment to **Amendment 1** which was moved by Senator Garcia and failed:

Amendment 1A (230420)—On page 6, between lines 22 and 23, insert:

(7) *Pursuant to chapter 287, the Secretary of State has the authority to determine and select the most qualified respondents to the request for qualifications as the private filing agency or UCC filing agent under this section and to negotiate and enter into one or more contracts as provided in this section.*

(Redesignate subsequent sections.)

The Committee on Appropriations recommended the following amendments to **Amendment 1** which were moved by Senator Garcia and failed:

Amendment 1B (594068)(with title amendment)—On page 10, after line 20, insert:

Section 4. Section 285.20, Florida Statutes, is created to read:

285.20 Tribal Secured Transactions Filing Offices.--

(1) *If the respective governing bodies of the Seminole Tribe of Florida or the Miccosukee Tribe of Indians shall adopt or enact a law or ordinance governing secured transactions arising within or relating to the reservation of such tribe in this state, and if such tribal law or ordinance authorizes financing statements and other records relating to secured transactions to be filed:*

(a) *with the Department of State or such other central filing office as may be established from time to time under the Uniform Commercial Code of this state, then the Department of State or other central filing office, including any private secured transaction registry that may be designated as such in this state, shall accept and process such filings made under the tribal secured transactions law in accordance with this section and the provisions of chapter 679; and*

(b) *with the office of the clerk of circuit court in any county of this state in which the tribal secured transactions law requires a local filing, then*

such county filing office shall accept and process such filings made under such tribal law in accordance with this section and the provisions of chapter 28.

(2) *The filing office shall not be required to accept any financing statements or other records communicated for filing under a tribal secured transactions law unless they satisfy the same filing requirements then applicable to financing statements and other records communicated to that filing office under the Uniform Commercial Code of this state, including the payment of the same filing, processing or recording charges or fees then charged by that filing office for filing or recording comparable financing statements and other records under the Uniform Commercial Code of this state.*

(3) *The filing office shall maintain and index its records of all financing statements or other records filing with that filing office under the tribal secured transactions law together with and in the same manner as its records of financing statements and other records filed under the Uniform Commercial Code of this state. The filing office shall not be required to record or index separately, or otherwise segregate in any manner, any such filings made under the tribal secured transactions law from other filings made under the Uniform Commercial Code of this state. In all respects the filing office shall have the same duties and responsibilities with respect to filings made under the tribal secured transactions law as with respect to filings made under the Uniform Commercial Code of this state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 10, after the semicolon (;) insert: creating s. 285.20, F.S.; establishing the Tribal Secured Transaction Filing Offices;

Amendment 1C (323408)—In title, on page 10, line 31 and on page 11, line 1, delete those lines and insert: An act relating to the Department of State; providing legislative

The question recurred on **Amendment 1** which failed.

On motion by Senator Garcia, further consideration of **SB 2126** was deferred.

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

CS for SB 1926—A bill to be entitled An act relating to workers' compensation; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in the definition of the term "casual"; excluding certain sports officials from the definition of the term "employee"; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring the employee to provide information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as the "response to petition"; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit

under certain circumstances; providing procedural guidelines for a carrier that is uncertain of its obligations to provide benefits or compensation; waiving hearing requirements under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report in certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge of Compensation Claims; amending s. 440.34, F.S.; providing for a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; conforming cross-references; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring legislative approval before modifying the number or location of the judges or mediators; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; revising Judicial Code of Conduct requirements; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; eliminating injury report; revising reporting requirements; transferring reporting responsibilities from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.593, F.S., providing enforcement authority relating to electronic reporting; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 489.114, 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—which was previously considered and amended this day.

Pending further consideration of **CS for SB 1926** as amended, on motion by Senator King, by two-thirds vote **CS for HB 1803** was withdrawn from the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating

commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—a companion measure, was substituted for **CS for SB 1926** as amended and by two-thirds vote read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (624680)(with title amendment)—On page 45, line 21 through page 46, line 6, delete Section 20 and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 20-23, delete those lines and insert: the Deputy Chief Judge; amending s.

Amendment 2 (841526)—On page 63, line 28, delete "440.192(2)"

Amendment 3 (884646)—On page 39, lines 2, 7, 10, and 14, delete "Deputy Chief Judge" and insert: *Director of the Division of Administrative Hearings* ~~Chief Judge~~

Amendment 4 (105312)—On page 36, lines 28-31, delete those lines and insert:

(d) *With respect to any lump-sum settlement under this subsection, a judge of compensation must consider at the time of the settlement, whether the settlement allocation provides for the appropriate recovery of child support arrearages.*

Senator Holzendorf moved the following amendment which was adopted:

Amendment 5 (175950)—On page 47, line 6, after "petition" insert: *denying benefits*

Pursuant to Rule 4.19, **CS for HB 1803** as amended was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 1312—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; amending s. 154.02, F.S.; requiring that certain moneys in each County Health Department Trust Fund be set aside and used for specified purposes; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background-screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016,

382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the department to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; revising provisions relating to pharmacy wholesaler permits; amending s. 742.10, F.S.; requiring a voluntary acknowledgement of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 383.14, F.S.; specifying that screenings for specified medical disorders must be performed by the state Public Health Laboratory; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; amending s. 509.049, F.S.; revising provisions relating to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (874776)** by Senator Silver was withdrawn.

Senator Saunders moved the following amendments which were adopted:

Amendment 2 (833208)(with title amendment)—On page 35, delete line 23 and insert:

Section 26. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 3, delete line 6 and insert: providing effective dates.

Amendment 3 (532064)—On page 33, line 3, before "Subsection (1)" insert: *Effective June 1, 2001,*

Pursuant to Rule 4.19, **CS for CS for SB 1312** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1458—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; exempting certain records that come into the possession of the Department of Insurance pursuant to insurer receiver-ship proceedings from inspection or disclosure as public records in order to protect the privacy interests of insureds; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1458** was placed on the calendar of Bills on Third Reading.

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

CS for SB 1542—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting certain transfers of homestead real property that involve spouses and that create a tenancy by the entireties from the tax on deeds and other instruments relating

to real property or interests therein; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; clarifying that said tax does not apply to contracts and related documents for selling the residence of an employee relocating at the employer's direction; providing an effective date.

—which was previously considered this day.

Senators Silver, Klein, Jones, Pruitt, Horne and Wasserman Schultz offered the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (735672)—On page 3, line 9-11, delete those lines and insert: *act are not subject to refund.*

The vote was:

Yeas—23

Brown-Waite	Dyer	Latvala	Saunders
Burt	Geller	Lawson	Silver
Carlton	Holzendorf	Meek	Smith
Clary	Horne	Miller	Villalobos
Cowin	Jones	Mitchell	Wasserman Schultz
Dawson	Klein	Pruitt	

Nays—14

Mr. President	Diaz de la Portilla	Lee	Sebesta
Bronson	Garcia	Peaden	Webster
Campbell	King	Posey	
Constantine	Laurent	Sanderson	

Vote after roll call:

Nay—Crist

Pursuant to Rule 4.19, **CS for SB 1542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1560—A bill to be entitled An act relating to the Department of Environmental Protection; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring that the Department of Environmental Protection, the State Technology Office, and the Department of State submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Peaden moved the following amendment:

Amendment 1 (153700)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.—

(1) *On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such*

notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete notice required by law shall be published. The Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.

(2) *The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."*

(3) *No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.*

Section 2. Subsections (20), (21) and (22) of section 287.012, Florida Statutes, are created to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) *"Invitation to negotiate" means a written solicitation that calls for responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.*

(21) *"Request for a quote" means a solicitation that calls for pricing information for purposes of competitively selecting and procuring commodities and contractual services from qualified or registered vendors.*

(22) *"Information Technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.*

Section 3. Paragraph (d) of subsection (2) is created; paragraphs (b) and (c) of subsection (4), paragraphs (a) and (b) of subsection (5), paragraph (a) of subsection (16) and subsection (17) of section 287.042, Florida Statutes, are amended, and a new paragraph (f) of subsection (4) is created to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)

(d) *The terms, conditions, and specifications of a request for proposal, invitation to bid, or invitation to negotiate, including any provisions governing the methods for ranking proposals, awarding contracts, reserving rights of further negotiation, or the modification of amendment of any contract, are subject to challenge only by filing a protest within 72 hours after the notice of the terms, conditions, or specifications as provided in s. 120.57(3)(b).*

(4)

(b) Development of procedures for the releasing of requests for proposals, *requests for quotes*, invitations to bid, *invitations to negotiate*, and other competitive acquisitions which procedures shall include, but are not limited to, notice by publication in the Florida Administrative Weekly, on Government Services Direct, or by mail at least 10 days before the date set for submittal of proposals or bids. The Office of Supplier Diversity may consult with agencies regarding the development of bid distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 288.703.

(c) Development of procedures for the receipt and opening of bids, *responses*, *quotes*, or proposals by an agency. Such procedures shall provide the Office of Supplier Diversity an opportunity to monitor and ensure that the contract award is consistent with the *requirements of s. 287.09451 original request for proposal or invitation to bid, in accordance with s. 287.0945(6), and subject to the review of bid responses within standard timelines.*

(f) *Development of procedures to be used by an agency for issuing invitations to bid, invitations to negotiate, requests for proposal, requests for quote, or other competitive procurement processes.*

(5)(a) To prescribe the methods of securing competitive sealed bids, *responses*, *quotes*, and proposals. *Such methods may include, but are not limited to, procedures for identifying vendors; setting qualifications; evaluating responses, bids, and proposals; ranking respondents and proposers; selecting invitees and proposers; and conducting negotiations, or negotiating and awarding commodity and contractual services contracts, unless otherwise provided by law.*

(b) To prescribe, *in consultation with the State Technology Office by September 1, 1995*, procedures for procuring *information technology and information technology consultant services* which provide for public announcement and qualification, competitive selection, competitive negotiation, contract award, and prohibition against contingent fees. Such procedures shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities *or*, information technology *resources, or services* that can be used by multiple agencies. However, the department shall consult with the State Technology Office on joint agreements that involve the purchase of information technology *resources*. Agencies entering into joint purchasing agreements with the department *or the State Technology Office* shall authorize the department *or the State Technology Office* to contract for such purchases on their behalf.

(17)(a) To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, when it is determined to be cost-effective and in the best interest of the state, to enter into a written agreement authorizing a state agency to make purchases under a contract approved by the department and let by the Federal Government, another state, or a political subdivision.

(b) *For contracts pertaining to the provision of information technology, the State Technology Office, in consultation with the department, shall assess the technological needs of a particular agency, evaluate the contracts, and determine whether to enter into a written agreement with the letting federal, state, or political subdivision body to provide information technology for a particular agency.*

Section 4. A new subsection (3) is created and subsequent subsections are renumbered, present subsections (3) and (22) are amended and subsection (23) of section 287.057, Florida Statutes, is created:

287.057 Procurement of commodities or contractual services.—

(3) *If an agency determines that the use of an invitation to bid or a request for a proposal is not practical, commodities or contractual services may be procured by an invitation to negotiate or provided by a request for a quote.*

(4)(~~3~~) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, ~~or~~ competitive sealed proposals, *or responses to an invitation to negotiate or a request for a quote unless:*

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relating to the emergency action to the department. A copy of the statement shall be furnished to the Comptroller with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the department.

(b) Purchasing agreements and contracts executed by the department or by agencies under authority delegated by the department in writing are excepted from bid requirements.

(c) Commodities or contractual services available only from a single source may be excepted from the bid requirements if it is determined that such commodities or services are available only from a single source and such determination is documented. However, if such contract is for an amount greater than the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall file a certification of conditions and circumstances with the department and shall obtain the prior approval of the department. The failure of the department to approve or disapprove the request of an agency for prior approval within 21 days after receiving such request or within 14 days after receiving from the agency additional materials requested by the department shall constitute prior approval of the department. To the greatest extent practicable, but no later than 45 days after authorizing the exception in writing, the department shall combine single-source procurement authorizations for identical information technology resources for which the purchase price exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR, and shall negotiate and execute volume purchasing agreements for such procurements on behalf of the agencies.

(d) When it is in the best interest of the state, the Secretary of Management Services or his or her designee may authorize the Support Program to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

(e) Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are excepted from competitive sealed bid and competitive sealed proposal requirements and shall be procured pursuant to an established fee schedule or by any other method which ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall annually file with the department a description of the purchases and methods of procurement.

(f) The following contractual services and commodities are not subject to the competitive sealed bid requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.

7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.

9. Family placement services.

10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

11. Training and education services provided to injured employees pursuant to s. 440.49(1).

12. Contracts entered into pursuant to s. 337.11.

13. Services or commodities provided by governmental agencies.

(g) Continuing education events or programs that are offered to the general public and for which fees have been collected that pay all expenses associated with the event or program are exempt from competitive sealed bidding.

(22)(a) ~~The State Technology Office of the department shall develop a program for on-line procurement of commodities and contractual services. To enable the state to promote open competition and to leverage its buying power, executive state agencies shall participate in the on-line procurement program, and other agencies may participate in the program. Only bidders prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. The State Technology Office may contract for equipment and services necessary to develop and implement on-line procurement.~~

(b) The State Technology Office, *in consultation with the department, shall may* adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for pre-qualifying bidders.
2. Establishing the procedures for conducting on-line procurement.
3. Establishing the criteria for eligible commodities and contractual services.
4. Establishing the procedures for providing access to on-line procurement.
5. *Determining the criteria warranting any exceptions to participation in the on-line procurement program.*

(c) *The Department of Management Services and the State Technology Office may collect fees for the use of the on-line procurement systems. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the Department of Management Services and the State Technology Office. For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may*

negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.

(23)(a) *The State Technology Office shall establish, in consultation with the department, state strategic information technology alliances for the acquisition and use of information technology and related material with prequalified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.*

(b) *In consultation with and under contract to the State Technology Office, the state strategic information technology alliances shall design, develop, and deploy projects providing the information technology needed to collect, store, and process the state's data and information, provide connectivity, and integrate and standardize computer networks and information systems of the state.*

(c) *The partners in the state strategic information technology alliances shall be industry leaders with demonstrated experience in the public and private sectors.*

(d) *The State Technology Office, in consultation with the Department of Management Services, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the state strategic information technology alliances.*

Section 5. Section 287.0731, Florida Statutes, is amended to read:

287.0731 Team for contract negotiations.—Contingent upon funding in the General Appropriations Act, the Department of Management Services, *in consultation with the State Technology Office*, shall establish a permanent team for contract negotiations including a chief negotiator, to specialize in the procurement of information technology resources.

Section 6. Subsections (1), (2), (6), and (8) of section 288.109, Florida Statutes, are amended, subsection (10) is deleted and subsequent subsections are renumbered to read:

288.109 One-Stop Permitting System.—

(1) ~~By January 1, 2001 2000, the State Technology Office Department of Management Services must establish and implement an Internet site for the One-Stop Permitting System. The One-Stop Permitting System Internet site shall provide individuals and businesses with information concerning development permits; guidance on what development permits are needed for particular projects; permit requirements; and who may be contacted for more information concerning a particular development permit for a specific location. The office department shall design and construct the Internet site and may competitively procure and contract for services to develop the site. In designing and constructing the Internet site, the office department must solicit input from potential users of the site.~~

(2) ~~The office department shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the office department shall implement, in the most timely manner possible, the capabilities described in this subsection. The office department shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The office department may competitively procure and contract for services to develop such capabilities.~~

(6) ~~The office department may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.~~

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has

expired. *The 60-day period for approving or denying a complete application does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. However, the reviewing agency shall make a good-faith effort to act on such permit applications within 60 days.*

(10) ~~Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and the High-Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 7. Section 288.1092, Florida Statutes, is amended to read:

288.1092 One-Stop Permitting System Grant Program.—There is created within the ~~State Technology Office Department of Management Services~~ the One-Stop Permitting System Grant Program. The purpose of the grant program is to encourage counties to coordinate and integrate the development of the county's permitting process with the One-Stop Permitting System. The ~~office department~~ shall review grant applications and, subject to available funds, if a county is certified as a Quick Permitting County under s. 288.1093, shall award a grant of up to \$50,000 to provide for such integration. The ~~office department~~ must review a grant application for consistency with the purpose of the One-Stop Permitting System to provide access to development permit information and application forms. Grants shall be issued on a first-come, first-served basis to qualified Quick Permitting Counties. The grant moneys may be used to purchase software, hardware, or consulting services necessary for the county to create an interface with the One-Stop Permitting System. Grant moneys may not be used to pay administrative costs. The grant application must specify what items or services the county intends to purchase using the grant moneys, the amount of each of the items or services to be purchased, and how the items or services are necessary for the county to create an interface with the One-Stop Permitting System.

Section 8. Section 288.1093, Florida Statutes, is amended to read:

288.1093 Quick Permitting County Designation Program.—

(1) There is established within the ~~State Technology Office Department of Management Services~~ the Quick Permitting County Designation Program. To be designated as a Quick Permitting County, the chair of the board of county commissioners of the applying county must certify to the ~~office Department of Management Services~~ that the county meets the criteria specified in subsection (3).

(2) As used in this section, the term "development permitting" includes permits and approvals necessary for the physical location of a business, including, but not limited to:

- (a) Wetland or environmental resource permits.
- (b) Surface water management permits.
- (c) Stormwater permits.
- (d) Site plan approvals.
- (e) Zoning and comprehensive plan amendments.
- (f) Building permits.
- (g) Transportation concurrency approvals.
- (h) Wastewater permits.

(3) In order to qualify for a Quick Permitting County designation, a county must certify to the ~~office department~~ that the county has implemented the following best-management practices:

- (a) The establishment of a single point of contact for a business seeking assistance in obtaining a permit;
- (b) The selection of high-priority projects for accelerated permit review;
- (c) The use of documented preapplication meetings following standard procedures;
- (d) The maintenance of an inventory of sites suitable for high-priority projects;
- (e) The development of a list of consultants who conduct business in the county;
- (f) The evaluation and elimination of duplicative approval and permitting requirements within the county;
- (g) The commitment to participate, through the entry of an interlocal agreement for individual projects, in the expedited permit process set forth in s. 403.973;
- (h) The development of a timetable for processing development permits and approvals; and
- (i) The use of interagency coordination to facilitate permit processing.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

Section 10. Paragraph (e) of subsection (1) of section 61.1826, Florida Statutes, is amended to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(4)(~~g~~)(a).

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

Section 11. Subsection (1) of section 287.022, Florida Statutes, is amended to read:

287.022 Purchase of insurance.—

(1) Insurance, while not a commodity, nevertheless shall be purchased for all agencies by the department, except that agencies may purchase title insurance for land acquisition and may make emergency purchases of insurance pursuant to s. 287.057(4)(~~g~~)(a). The procedures for purchasing insurance, whether the purchase is made by the department or by the agencies, shall be the same as those set forth herein for the purchase of commodities.

Section 12. Subsection (5) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(5) Unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the Comptroller may waive the requirements of this section for services which are included in s. 287.057(4)(~~g~~)(f).

Section 13. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) **POWER TO CONTRACT.**—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(4)(~~g~~)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 14. Paragraph (a) of subsection (1) of section 394.47865, Florida Statutes, is amended to read:

394.47865 South Florida State Hospital; privatization.—

(1) The Department of Children and Family Services shall, through a request for proposals, privatize South Florida State Hospital. The department shall plan to begin implementation of this privatization initiative by July 1, 1998.

(a) Notwithstanding s. 287.057(13)(~~12~~), the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

Section 15. Subsections (1) and (5) of section 402.73, Florida Statutes, are amended to read:

402.73 Contracting and performance standards.—

(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(4)(~~g~~)(f), the department must competitively procure any contract for client services when any of the following occurs:

(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.

(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is \$300,000 or more.

(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.

Section 16. Paragraph (c) of subsection (5) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(5) **USE OF CONTRACTS.**—Regional workforce boards shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(4)(~~g~~)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.

Section 17. Paragraph (d) of subsection (2) of section 455.2177, Florida Statutes, is amended to read:

455.2177 Monitoring of compliance with continuing education requirements.—

(2) If the compliance monitoring system required under this section is privatized, the following provisions apply:

(d) Upon the failure of a vendor to meet its obligations under a contract as provided in paragraph (a), the department may suspend the contract and enter into an emergency contract under s. 287.057(4)(~~g~~).

Section 18. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of

Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross-references; providing an effective date.

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

Amendment 1A (640422)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Paragraph (d) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(4)

(d) The court, or the administrative law judge in the case of a proceeding under chapter 120, shall promptly conduct an evidentiary hearing on the application for an award of attorney's fees and shall issue a judgment, or a final order in the case of an administrative law judge. The final order of an administrative law judge is reviewable in accordance with the provisions of s. 120.68. If the court affirms the award of attorney's fees and costs in whole or in part, it may, in its discretion, award additional attorney's fees and costs for the appeal.

1. No award of attorney's fees and costs shall be made in any case in which the state agency was a nominal party.

2. No award of attorney's fees and costs for an action initiated by a state agency shall exceed \$50,000 ~~\$15,000~~.

Section 2. Paragraph (e) of subsection (2) of section 120.569, Florida Statutes, is amended to read:

120.569 Decisions which affect substantial interests.—

(2)

(e)1. *Every pleading, written motion, and other paper filed in a proceeding must be signed by at least one attorney or qualified representative of record in the attorney's or qualified representative's individual name, or, if the party is not represented by an attorney or qualified representative, the pleading, written motion, or other paper must be signed by the party. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney, qualified representative, or party.*

2. *By presenting a pleading, written motion, or other paper, whether by signing, filing, submitting, or later advocating, an attorney, qualified representative, or unrepresented party is certifying that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:*

a. *The pleading, written motion, or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;*

b. *The claims, defenses, and other legal contentions contained in the pleading, written motion, or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;*

c. *The allegations and other factual contentions have evidentiary support or, if specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and*

d. *The denials of factual contentions are warranted on the evidence or, if specifically identified, are reasonably based on a lack of information or belief.*

3. *If, after notice and a reasonable opportunity to respond, the presiding officer determines that subparagraph 2. has been violated, the presiding officer may impose an appropriate sanction against the person who signed it, the represented party, or both, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees. However:*

a. *Monetary sanctions may not be awarded against a represented party for a violation of sub-subparagraph 2.b.*

b. *Monetary sanctions may not be awarded under this paragraph based on a violation of discovery rules.*

c. *This paragraph does not authorize the award of sanctions against any person who comments on or objects to a draft permit during an authorized period for public comment or at a public hearing.*

4. *Sanctions under this paragraph may be initiated at any time after the initiation of a proceeding either by motion or on the presiding officer's own initiative. A motion shall describe the specific conduct alleged to violate subparagraph 2. The motion shall be served upon the attorney or qualified representative of a party or an unrepresented party against whom such sanctions are sought and shall be filed with the presiding officer. However, such motion shall not be acted upon by the presiding officer or called up for hearing by the movant unless, within 14 days after service of the motion or such other period as the presiding officer may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. A presiding officer's own initiative to impose sanctions may be undertaken only after entering an order describing the specific conduct that appears to violate subparagraph 2. and directing the attorney or qualified representative of a party or the unrepresented party to show cause why subparagraph 2. has not been violated. When imposing sanctions, the presiding officer shall describe the conduct determined to constitute a violation of subparagraph 2. and explain the basis for the sanction imposed. ~~All pleadings, motions, or other papers filed in the proceeding must be signed by the party, the party's attorney, or the party's qualified representative. The signature constitutes a certificate that the person has read the pleading, motion, or other paper and that, based upon reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay, or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the presiding officer shall impose upon the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.~~*

Section 3. Paragraphs (c) and (e) of subsection (1) of section 120.595, Florida Statutes, are amended to read:

120.595 Attorney's fees.—

(1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION 120.57(1).—

(c) In proceedings pursuant to s. 120.57(1), and upon motion, the administrative law judge shall determine whether any party participated in the proceeding for an improper purpose as defined by this subsection and s. 120.569(2)(c). In making such determination, the administrative law judge shall consider whether the nonprevailing adverse party has participated in two or more other such proceedings involving the same prevailing party and the same project as an adverse party and in which such two or more proceedings the nonprevailing adverse party did not establish either the factual or legal merits of its position, and shall consider whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings. In such event, it shall be rebuttably presumed that the nonprevailing adverse party participated in the pending proceeding for an improper purpose.

(e) For the purpose of this subsection:

1. "Improper purpose" means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity.

2. "Costs" has the same meaning as the costs allowed in civil actions in this state as provided in chapter 57.

3. "Nonprevailing adverse party" means a party that has failed to have substantially changed the outcome of the proposed or final agency action which is the subject of a proceeding. In the event that a proceeding results in any substantial modification or condition intended to resolve the matters raised in a party's petition, it shall be determined that the party having raised the issue addressed is not a nonprevailing adverse party. The recommended order shall state whether the change is substantial for purposes of this subsection. In no event shall the term "nonprevailing party" or "prevailing party" be deemed to include any party that has intervened in a previously existing proceeding to support the position of an agency.

Section 4. Subsection (1) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, have the exclusive authority to review any order or rule of a water management district, other than a rule relating to an internal procedure of the district, *an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57, or a rule that has been adopted after issuance of an order resulting from an evidentiary hearing held under s. 120.56, to ensure consistency with the provisions and purposes of this chapter.* Subsequent to the legislative ratification of the delineation methodology pursuant to s. 373.421(1), this subsection also shall apply to an order of the department, or a local government exercising delegated authority, pursuant to ss. 373.403-373.443, except an order pertaining to activities or operations subject to conceptual plan approval pursuant to chapter 378 or an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57.

(a) Such review may be initiated by the department or by a party to the proceeding below by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. For the purposes of this section, the term "party" means any affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of this chapter, ~~or any person who participated as a party in a proceeding instituted pursuant to chapter 120.~~ In order for the commission to accept a request for review initiated by a party below, with regard to a specific order, four members of the commission must determine on the basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. Review of an order may also be accepted if four members of the commission determine that the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent. The party requesting the com-

mission to review an order must allege with particularity, and the commission must find, that:

1. The order is in conflict with statutory requirements; or
2. The order is in conflict with the requirements of a duly adopted rule.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based solely on the record below. If there was no evidentiary administrative proceeding below, the facts contained in the proposed agency action, including any technical staff report, shall be deemed undisputed. The matter shall be heard by the commission not more than 60 days after receipt of the request for review, unless waived by the parties.

(c) If the Land and Water Adjudicatory Commission determines that a rule of a water management district is not consistent with the provisions and purposes of this chapter, it may require the water management district to initiate rulemaking proceedings to amend or repeal the rule. If the commission determines that an order is not consistent with the provisions and purposes of this chapter, the commission may rescind or modify the order or remand the proceeding for further action consistent with the order of the Land and Water Adjudicatory Commission only if the commission determines that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. In the case of an order which does not itself substantially affect natural resources of statewide or regional significance, but which raises issues of policy that have regional or statewide significance from the standpoint of agency precedent, the commission may direct the district to initiate rulemaking to amend its rules to assure that future actions are consistent with the provisions and purposes of this chapter without modifying the order.

(d) In a review under this section of a construction permit issued pursuant to a conceptual permit under part IV, which conceptual permit is issued after July 1, 1993, a party to the review may not raise an issue which was or could have been raised in a review of the conceptual permit under this section.

(e) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(f) The Florida Land and Water Adjudicatory Commission may adopt rules to set forth its procedures for reviewing an order or rule of a water management district consistent with the provisions of this section.

(g) For the purpose of this section, it shall be presumed that activity authorized by an order will not affect resources of statewide or regional significance if the proposed activity:

1. Occupies an area less than 10 acres in size, and
2. Does not create impervious surfaces greater than 2 acres in size, and
3. Is not located within 550 feet of the shoreline of a named body of water designated as Outstanding Florida Waters, and
4. Does not adversely affect threatened or endangered species.

This paragraph shall not operate to hold that any activity that exceeds these limits is presumed to affect resources of statewide or regional significance. The determination of whether an activity will substantially affect resources of statewide or regional significance shall be made on a case-by-case basis, based upon facts contained in the record below.

Section 5. Subsection (5)(a) of section 403.412, Florida Statutes, is amended to read:

403.412 Environmental Protection Act.—

(5)(a) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing,

polluting, or otherwise injuring the air, water, or other natural resources of the state.

(b) *Citizen initiation of a proceeding under s. 120.569 or s. 120.57 shall not be authorized by paragraph (a), but shall be governed by the provisions of chapter 120.*

(c) *However, a nonprofit corporation or association organized in whole or in part to promote conservation, to protect the environment or other biological values, or to preserve historical sites may petition to initiate a proceeding under s. 120.569 or s. 120.57 with regard to an agency action or a proposed agency action in any administrative, licensing, or other proceedings described in paragraph (a) without demonstrating that its substantial interests have been or will be determined, if:*

1. *Such corporation or association was in existence at least 1 year before the filing of the application to license or permit an activity, conduct, or product which resulted in the agency action or proposed agency action that is the subject of the petition;*

2.a. *Such corporation or association has an office for the transaction of its customary business or owns real property, within the same county where the activity, conduct, or product to be permitted or licensed is located, or*

b. *At least 25 members of the corporation or association reside or own real property within the same county where the activity, conduct, or product to be permitted or licensed is located; and*

3. *Such corporation or association files a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 24, delete line 7 and insert: An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act;

Senator Peaden moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B (582680)—On page 4, line 12, delete "request for Quote" and insert: , request for quote

Amendment 1C (265758)—On page 7, lines 4-7, delete those lines and insert: *invitation to bid or a request for a proposal will not result in the best value to the state, based on factors, including, but not limited to, price, quality, design, and workmanship, the agency may procure commodities and contractual services by an invitation to negotiate. An agency may procure commodities and contractual services by a request for a quote from vendors under contract with the department.*

On motion by Senator Peaden, further consideration of **CS for SB 1560** with pending **Amendment 1** as amended was deferred.

On motion by Senator King—

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1720** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 1738—A bill to be entitled An act relating to expedited permitting; amending s. 288.109, F.S.; specifying that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System; providing that the 60-day period for application approval or denial under the system does not apply to certain applications; removing provisions that provide for a waiver of development permit fees for a specified period when an agency begins accepting applications through the system; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; providing an effective date.

—with pending **Amendment 1 (345644)** by Senator Peaden as amended.

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

Amendment 1C (793004)—On page 7, lines 4-7, delete those lines and insert: *invitation to bid or a request for a proposal will not result in the best value to the state, based on factors, including, but not limited to, price, quality, design, and workmanship, the agency may procure commodities and contractual services by an invitation to negotiate. An agency may procure commodities and contractual services by a request for a quote from vendors under contract with the department.*

On motion by Senator Bronson, further consideration of **SB 1738** with pending **Amendment 1** as amended was deferred.

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

CS for SB 1750—A bill to be entitled An act relating to economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 112.3133, F.S.; providing legislative findings and intent relating to the transfer of technology and conflicts of interest for public university employees; directing the State Board of Education to develop guidelines for public universities requiring disclosure of employees' significant financial interests; prescribing minimum requirements for such guidelines; defining the term "significant financial interests"; requiring public universities to enforce and oversee implementation of such guidelines; requiring a report; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 212.08, F.S.; revising the sales and use tax exemption for certain machinery and equipment to include machinery and equipment used by health technology facilities to produce health technology products, as defined, and machinery and equipment used in research and development or manufacturing in a health technology facility; expanding a sales tax exemption for clean-room building materials to include health-technology facilities; amending s. 220.02, F.S.; expressing legislative intent on the order in which a corporate income tax credit for certain education costs should be applied; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to conform to the creation of a corporate income tax credit for certain information technology education costs; creating s. 220.192, F.S.; authorizing a credit against corporate income tax for certain information technology education costs paid by an employer on behalf of an employee; providing eligibility and application requirements; providing for administration and expiration of the tax credit program; providing a definition; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent;

amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; raising the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high-technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; providing appropriations; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (072184)** by Committee on Finance and Taxation failed.

Senator Klein moved the following amendment which was adopted:

Amendment 2 (684552)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Florida Emerging and Strategic Technologies Act."*

Section 2. Section 121.155, Florida Statutes, is created to read:

121.155 Investments in support of economic development strategies; legislative findings and intent.—

(1) *The Legislature finds that:*

(a) *The recruitment, retention, and expansion of high-technology businesses are a principal economic development strategy of the state.*

(b) *High-technology businesses have the potential to contribute significantly to the prosperity of the state and its residents through the creation of employment opportunities and through the generation of revenues into the economy.*

(c) *A significant barrier to the growth of high-technology businesses in the state is caused by a lack of access to sources of capital to support the activities of such businesses.*

(d) *The State Board of Administration, through the investment of funds of the System Trust Fund, has the ability to influence the availability of capital in the marketplace for businesses located in the state.*

(e) *The investment of funds of the System Trust Fund in a manner consistent with the economic development goals of the state enhances the prospects for fulfillment of such goals.*

(2) *It is the intent of the Legislature that the State Board of Administration, consistent with sound investment policy and with the investment*

provisions set forth in ss. 215.44-215.53, maximize opportunities to invest and reinvest available funds of the System Trust Fund in a manner that is consistent with, and that supports fulfillment of, the economic development strategies of the state, including investing and reinvesting funds in support of the capital needs of emerging and strategic high-technology businesses located in the state. It is further the intent of the Legislature that the State Board of Administration, in supporting fulfillment of the economic development strategies of the state, establish partnerships, where feasible, with venture capital firms designed to facilitate investment of venture capital in high-technology businesses located in this state.

(3) *Staff of the State Board of Administration shall regularly solicit information from Enterprise Florida, Inc., on those high-technology business sectors that research indicates have significant potential to contribute to the economic development of the state and shall provide such information to the Investment Advisory Council created under s. 215.444.*

(4) *As part of the annual report required under s. 215.44, the State Board of Administration shall describe those investment activities during the year in furtherance of the findings and intent of this section.*

Section 3. Section 159.26, Florida Statutes, is amended to read:

159.26 Legislative findings and purposes.—The Legislature finds and declares that:

(1) *The agriculture, tourism, urban development, historic preservation, information technology, education, and health care industries, among others, are vital to the economy of the state and to the welfare of the people and need to be enhanced and expanded to improve the competitive position of the state;*

(2) *There is a need to enhance other economic activity in the state by attracting manufacturing development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the state, while providing through pollution control and otherwise for the health and safety of the people;*

(3) *In order to improve the prosperity and welfare of the state and its inhabitants; to improve education, living conditions, and health care; to promote the preservation of historic structures; to promote the rehabilitation of enterprise zones; to promote improved transportation; to promote effective and efficient pollution control throughout the state; to promote the advancement of education and science and research in and the economic development of the state; to promote the advancement of information technology; and to increase purchasing power and opportunities for gainful employment, it is necessary and in the public interest to facilitate the financing of the projects provided for in this part and to facilitate and encourage the planning and development of these projects without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and*

(4) *The purposes to be achieved by such projects and the financing of them in compliance with the criteria and requirements of this part are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution.*

Section 4. Subsection (5) of section 159.27, Florida Statutes, is amended, and subsection is added to that section to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(5) *"Project" means any capital project comprising an industrial or manufacturing plant, a research and development park, an information technology facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility,*

a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, and other facilities, including research and development facilities and information technology facilities, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, a social service center, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, information technology facility, agricultural processing or storage facility, warehousing or distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, a correctional or detention facility, motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, pollution-control facility, hazardous or solid waste facility, social service center, or a mass commuting facility and any one or more combinations of the foregoing.

(25) "Information technology facility" means a building or structure, including infrastructure such as roads, power, water, network access points, and fiber optic cable leading to the structure, which is used to house businesses classified within the following codes of the North American Industry Classification System (NAICS): 334111 (electronic computer manufacturing), 334112 (computer storage device manufacturing), 334113 (computer terminal manufacturing), 334119 (other computer peripheral equipment manufacturing), 334613 (magnetic and optical recording media manufacturing), 334418 (printed circuit assembly manufacturing), 334411 (electron tube manufacturing), 334412 (bare printed circuit board manufacturing), 334413 (semiconductor and related device manufacturing), 334417 (electronic connector manufacturing), 334611 (software reproducing), 541512 (computer systems design services), 541421 (data processing services), 541491 (on-line information services), 811212 (computer and office machine repair and maintenance), 44312 (computer and software stores-retail), 541519 (other computer related services), 42143 (computer and computer peripheral equipment and software wholesalers), 51121 (software publishers), 541511 (custom computer programming services), and 61142 (computer training). The term also includes joint-use advanced digital media research and production facilities created pursuant to authority from the Legislature for the Office of Tourism, Trade, and Economic Development to administer a program facilitating the establishment and maintenance of such digital media facilities.

Section 5. Subsection (10) of section 159.705, Florida Statutes, is amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(10) Other provisions of law to the contrary notwithstanding, to acquire by lease, without consideration, purchase, or option any lands owned, administered, managed, controlled, supervised, or otherwise protected by the state or any of its agencies, departments, boards, or commissions for the purpose of establishing a research and development park, subject to being first designated a research and development authority under the provisions of ss. 159.701-159.7095. The authority may cooperate with state and local political subdivisions and with private profit and nonprofit entities to implement the public purposes set out in s. 159.701. Such cooperation may include agreements for the use of the resources of state and local political subdivisions, agencies, or entities on a fee-for-service basis or on a cost-recovery basis. A project that is located in a research and development park and is financed under the provisions of the Florida Industrial Development Financing Act may be operated by a research and development authority, a state university, a Florida community college, or a governmental agency, provided that the purpose and operation of such project is consistent with the purposes and policies enumerated in ss. 159.701-159.7095.

Section 6. Section 240.1055, Florida Statutes, is created to read:

240.1055 Economic development mission.—

(1) The Legislature finds that the state system of postsecondary education contributes to the economic well-being of the state and its people through the education and training of individuals for employment, through research and development of technologies that have commercial applications, and through the provision of assistance to businesses based in this state. The Legislature further finds that the quality and activities of the state system of postsecondary education directly affect the success of state, regional, and local efforts to develop, recruit, retain, and expand businesses, particularly high-technology businesses, that create jobs and generate revenue. Therefore, as a fundamental component of the purpose and mission articulated in s. 240.105, the mission of the state system of postsecondary education is to complement, facilitate, and support the economic development strategies and goals of the state and its communities.

(2) In recognition and furtherance of the economic development mission of the state system of postsecondary education, it is the policy of the state to use the patent system and the technology-licensing operations of public universities to promote the use of inventions arising from funded research; to encourage to the maximum extent possible the participation of businesses based in this state in opportunities to commercialize technology; to promote collaboration between businesses in this state and universities; and to secure for the residents of this state enhanced returns on the intellectual property developed by public universities through funded research.

Section 7. Section 240.710, Florida Statutes, is amended to read:

240.710 Digital Media Education Coordination Group.—

(1) The Division of Universities of the Department of Education, or the division's successor entity, Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Division Department of Education, the State Board of Community Colleges, the Office of Tourism, Trade, and Economic Development, and the Articulation Coordinating Committee on the development of a plan to enhance Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:

(a) Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.

(b) Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.

(c) Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.

(2) Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.

~~(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by distance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.~~

(3)(4) The Digital Media Education Coordination Group shall submit an annual report of its activities with any recommendations for policy implementation or funding to the State Board of Education its plan to the President of the Senate and the Speaker of the House of Representatives no later than February 1 of each year January 1, 2001.

Section 8. Paragraph (a) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year 2000-2001 shall not exceed \$24 million. ~~The state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 may and each subsequent year shall not exceed \$30 million. The total for each subsequent fiscal year may not exceed \$35 million.~~

Section 9. Paragraph (i) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(i) For the purposes of this subsection, ~~the semiconductor a high-impact sector consists of the silicon technology sector and the information technology sector are that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this section subsection is designed. These sectors required and will create the kinds of economic sector and economy-wide benefits that justify the use of state resources as economic development incentives. Further, the use of state resources to encourage investment in these sectors is necessary to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations. For the purposes of this subsection and s. 220.191, the term "information technology sector" shall encompass, but not be limited to, the digital media sector as defined by Enterprise Florida, Inc., and approved by the Office of Tourism, Trade, and Economic Development.~~

Section 10. *The Legislature finds that the Information Services Technology Development Task Force created under chapter 99-354, Laws of Florida, performed an integral role in analyzing and recommending policies to facilitate the beneficial development and deployment of information technology on a statewide basis. It is the intent of the Legislature that, upon the dissolution of the task force effective July 1, 2001, the state solicit continued policy guidance and direction from a not-for-profit corporation created to advocate on behalf of information technology businesses and other high-technology businesses throughout the state and which does business under the name "itflorida.com, Inc." It further is the intent of the Legislature that the State Technology Office; the Office of Tourism, Trade, and Economic Development; and Enterprise Florida, Inc., facilitate the formation and initial operation of such corporation to the maximum extent feasible and that such organizations use the corporation as a resource for information and insights about the information technology industry and other high-technology industries.*

Section 11. Effective upon this act becoming a law, section 288.9522, Florida Statutes, is created to read:

288.9522 Florida Research Consortium.—

(1) CREATION; INTENT.—

(a) *There is created the Florida Research Consortium, which shall be organized and operated as a not-for-profit corporation in compliance with chapter 617. The consortium shall serve as an entity for uniting businesses and universities in the state in order to enhance economic development through the development and commercialization of science and technology and for targeting the activities of such universities toward fulfillment of the economic development goals of the state.*

(b) *It is the intent of the Legislature that the Florida Research Consortium complement, and not supplant, any elements of the governance structure for the state system of post-secondary education. It further is the intent of the Legislature that the consortium operate as a private corporation and not as an agency of state government. It also is the intent of the Legislature that the state provide a framework for and facilitate the creation and initial operation of the consortium, but that ultimately the consortium function as a dynamic, independent entity that identifies and implements activities to fulfill strategies developed by its board of directors.*

(2) BOARD OF DIRECTORS.—*The Florida Research Consortium shall be governed by a board of directors comprised of the following members:*

(a) *Ten chief executive officers of businesses based in this state who are appointed by the Governor. Initially, of the 10 chief executive officers, the Governor shall appoint 5 members for terms of 4 years, 3 members for terms of 3 years, and 2 members for terms of 2 years. Thereafter, the Governor shall appoint all members for terms of 4 years.*

(b) *Two chief executive officers of businesses based in this state who are appointed by the President of the Senate and who serve at the pleasure of the President.*

(c) *Two chief executive officers of businesses based in this state who are appointed by the Speaker of the House of Representatives and who serve at the pleasure of the Speaker.*

(d) *The presidents of the following universities:*

1. *University of Florida;*
2. *Florida State University;*
3. *University of Central Florida;*
4. *University of South Florida;*
5. *Florida Atlantic University;*
6. *Florida International University;*
7. *Florida Agricultural and Mechanical University;*
8. *University of North Florida;*
9. *Florida Gulf Coast University;*
10. *University of West Florida; and*
11. *University of Miami.*

(e) *The president of Enterprise Florida, Inc.*

(f) *The president of Workforce Florida, Inc.*

(g) *One representative each from two not-for-profit research institutes located in the state which are not public or private universities, who are appointed by the Governor for terms of 4 years.*

(h) *The Governor or the Governor's designee, who shall serve as an ex-officio, nonvoting member.*

(i) *The Commissioner of Education or the commissioner's designee, who shall serve as an ex-officio, non-voting member.*

The voting members of the board of directors shall biennially elect one of the voting members of the board to serve as the chairman of the board. All members appointed under paragraphs (a), (b), (c), and (g) are subject to Senate confirmation.

(3) *PURPOSE.*—*The purpose of the Florida Research Consortium is to support economic development in the state by linking the research capabilities of member universities with the needs and activities of private businesses in the state and by fostering the development and growth of scientific and technology-based industry and commerce in this state.*

(4) *POWERS AND DUTIES.*—*The powers and duties of the board of directors of the Florida Research Consortium shall include, but not be limited to:*

(a) *Raising funds from nonstate sources to leverage any appropriations from the Legislature;*

(b) *Identifying three specific disciplines in science or technology which shall be the focus of the activities of the consortium, with such disciplines being narrowly defined and being viable areas of potential success for the state from an economic development and academic perspective;*

(c) *Developing and implementing strategies to recruit and retain pre-eminent researchers in science and technology-based disciplines to universities in the state, with such strategies including but not being limited to the endowment of faculty or research chairs at universities in the state in the disciplines identified under paragraph (b);*

(d) *Developing and implementing strategies to recruit and retain graduate and undergraduate students in science and technology-based disciplines to universities in the state;*

(e) *Assisting new and expanding science and technology-based businesses with their research, technology commercialization, capital, and workforce needs;*

(f) *Developing and implementing strategies to increase the state's share of research funds;*

(g) *Identifying statutory, regulatory, policy, or other barriers impeding the effective, efficient, and timely transfer of technology and commercialization of research from the university setting and proposing resolutions to such barriers, including reforms to university policies on issues such as conflicts of interest;*

(h) *Developing and implementing strategies to create a culture at member universities which promotes the conduct of applied research and the transfer of technology as fundamental activities of such universities;*

(i) *Developing measures to assess the performance of the technology transfer offices of the member universities in facilitating the transfer of technology to businesses in the state;*

(j) *Facilitating discussions, meetings, and other forms of communication among university researchers, faculty, administrators, and students; high technology businesses in the state; and economic-development professionals;*

(k) *Establishing and maintaining an Internet-based database for the marketing, publication, and exchange of information with the public and private sectors on basic, applied, and other research being conducted at universities in the state;*

(1) *Coordinating donations of equipment from high-technology businesses to secondary schools;*

(m) *Hiring an executive director and other staff for the Florida Research Consortium; and*

(n) *Meeting at least four times each calendar year, with the first meeting of the board of directors being held by July 1, 2001.*

(5) *ANNUAL REPORT.*—

(a) *By January 1 of each year, the Florida Research Consortium shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include specific recommendations regarding actions the state could take to enhance the commercialization of research and transfer of technologies from the universities and to enhance the role of universities in accomplishing the economic development goals of the state.*

(b) *By December 1 of each year, the technology transfer office of each university that is a member of the Florida Research Consortium shall report to the board of directors on the activities of the office during the year related to facilitating the transfer of technology to businesses and on its other activities related to building relationships between university researchers, faculty, students, and administrators and businesses in the state. The report must include information on the achievement by the office of the performance measures identified under paragraph (4)(i). The board of directors shall summarize the information provided by the technology transfer offices as part of the annual report by the board under paragraph (a).*

Section 12. (1) *Enterprise Florida, Inc., shall provide staff support to the Florida Research Consortium created under section 288.9522, Florida Statutes, to assist the board of directors of the consortium with the initial organization and operation of the consortium, until such time as the board of directors of the consortium hires an executive director or other staff.*

(2) *This section shall take effect upon this act becoming a law.*

Section 13. (1) *The Legislature finds that promoting objectivity in research at public universities is important to ensure that conflicts of interest do not compromise the responsibility of faculty, researchers, staff, and students to the state and the public educational institutions they represent. The Legislature also finds, however, that the transfer of technology from the university setting to the private sector produces economic development benefits for the state and its citizens and is a laudable public policy goal of the state. The Legislature further finds that such transfer of technology is facilitated by encouraging communication and relationships between university employees and business entities. Therefore, it is the intent of the Legislature that public universities in the state operate under policies and procedures that safeguard the public trust but that also facilitate the transfer of technology by not unduly burdening the building of relationships between university employees and business entities.*

(2) *The Florida Research Consortium created under section 288.9522, Florida Statutes, shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, on the impact of existing statutes, regulations, policies, and procedures, as well as other factors the consortium identifies, on the transfer and commercialization of technology from the university setting to the private sector and on the ability of university faculty, researchers, other staff, and students to establish relationships with business entities emanating from research conducted at the universities. The report shall include specific recommendations for actions by the Legislature, universities, and state agencies to enhance and promote the transfer and commercialization of technology to produce economic development benefits for the state and its residents. At a minimum, this report must:*

(a) *Examine the code of ethics for public officers and employees under part III of chapter 112, Florida Statutes, to identify any specific provisions that impede the transfer and commercialization of technology and recommend any changes to the code that the consortium deems necessary to address such impediments.*

(b) *Assess the strengths and weaknesses of technology transfer and commercialization policies and practices of the member universities of the consortium and identify any exemplars.*

(c) *Review technology transfer and commercialization policies and practices in other states to identify models for potential adoption in this state.*

(d) *Examine federal statutes and regulations governing conflicts of interest and disclosure of significant financial interests by researchers who apply for or receive federal research funds and recommend whether comparable statutory or regulatory provisions should be adopted in this state.*

(e) *Analyze the provisions of the federal Bayh-Dole Act and related legislation and recommend whether any comparable provisions should be adopted in this state.*

(f) *Assess the advantages and disadvantages of adopting policies and practices related to the transfer and commercialization of technology on a statewide basis versus at the individual university level.*

(3) *The consortium shall solicit the participation in the preparation of this report of individuals who have expertise related to the transfer and commercialization of technology but who are not members of the consortium.*

(4) *This section shall take effect upon this act becoming a law.*

Section 14. Section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(1) ~~Workforce Florida, Inc., The Department of Labor and Employment Security shall be responsible for directing facilitate efforts to ensure~~ the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) ~~Workforce Florida, Inc., The Department of Labor and Employment Security shall coordinate with the State Technology Office and the Agency for Workforce Innovation Workforce Development Board of Enterprise Florida, Inc., to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.~~

(3) *Workforce Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the workforce information systems required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.*

(4)(a) *Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.*

(b) *Workforce Florida, Inc., may enter into an agreement with the State Technology Office, the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.*

(c) *Workforce Florida, Inc., may procure services necessary to implement the provisions of this section, provided, however, that it employs competitive processes, including requests for proposals, competitive negotiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.*

(5) *In furtherance of the requirements under this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.*

(6) *In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.*

Section 15. Pilot grant program for youth internships.—

(1) *Subject to legislative appropriation, Workforce Florida, Inc., shall establish a pilot matching grant program that is designed to encourage*

high-technology businesses to employ, train, and mentor financially needy youth through internships completed under the direct supervision of the eligible business. Under this program, Workforce Florida, Inc., may award grants to an eligible business for the benefit of a named eligible youth. Part of the purpose of the program shall be to help financially needy youth acquire and develop information technology skills in order to help close the "digital divide."

(2) *Grant funds awarded under this program shall be used to supplement the stipend of the eligible youth and must be matched by contributions from the eligible business. The maximum grant amount that may be awarded on behalf of a single eligible youth at one time is \$2,000. Workforce Florida, Inc., may establish limitations on the total number of internship grants that may be awarded to a single eligible business or that may be awarded on behalf of a single eligible youth.*

(3) *An eligible business under this program includes any sole proprietorship, firm, partnership, or corporation in this state that is in the information technology sector, health technology sector, or other high-technology sector that the board of directors of Workforce Florida, Inc., in consultation with Enterprise Florida, Inc., determines is strategically important to the economic development goals of the state.*

(4) *An eligible youth under this program includes a student between the ages of 15 and 18 who is currently enrolled at a high school in Florida and who has not been previously employed within the preceding 12 months by the eligible business, or a successor business, applying for matching funds under this program. The youth must be a member of a family that includes a parent with one or more minor children or a caretaker with one or more minor children and that is at risk of welfare dependency because the family's income does not exceed 200 percent of the federal poverty level.*

(5)(a) *As part of an application for funding under this program, an eligible business must submit an internship work plan that describes:*

1. *The work to be performed by the eligible youth;*
2. *The anticipated number of hours per week the eligible youth will work;*
3. *The total hourly stipend to be paid to eligible youth, with a description of the portion of the stipend proposed to be paid by the eligible business and the portion of the stipend proposed to be paid by the state;*
4. *The anticipated term of the internship;*
5. *The training and supervision to be provided by the eligible business, particularly in terms of skill development of the youth related to computers and other information technologies;*
6. *The impact of the grant funds on the ability of the eligible business to employ the eligible youth through the internship; and*
7. *The prospects for unsubsidized employment of the youth after the internship period concludes.*

(b) *An application for funding must also identify the eligible youth to be hired under the internship and include information to demonstrate that the eligible youth satisfies the requirements of subsection (4).*

(6) *Workforce Florida, Inc., shall establish guidelines governing the administration of this program which facilitate access to the program by businesses and shall establish criteria to be used in evaluating an application for funding and the internship plan accompanying the application as required under subsection (5). Such criteria must include, but need not be limited to:*

- (a) *The nature of the work to be performed by the eligible youth;*
- (b) *The potential experience and skills to be acquired by the eligible youth, particularly related to computers and other information technologies, as identified by Workforce Florida, Inc., which may help address the digital divide;*
- (c) *Whether the eligible business is classified in one of the business sectors identified by Enterprise Florida, Inc., as being strategically important to the economic development efforts of the state or is classified in a business sector identified as being strategically important to the particular regional or local area in which the business is located;*

(d) The supervision, training, and counseling to be provided to the eligible youth as part of the internship;

(e) The demonstrated need of the eligible business and the amount of matching funds to be provided by the eligible business; and

(f) The extent to which the internship has potential to result in permanent employment with the eligible business at the completion of the internship or anytime thereafter.

(7) Before allocating funds for any grant application under this program, Workforce Florida, Inc., shall execute a simplified grant agreement with the eligible business. Such agreement must include provisions for Workforce Florida, Inc., to have access to information about the performance of eligible youth upon completion of the internship.

(8) Workforce Florida, Inc., shall ensure that any forms or reports associated with this program which a business or individual is required to complete are as concise and simple to complete as practicable.

(9) Before the 2003 legislative session, Workforce Florida, Inc., shall prepare a report describing the outcomes of the pilot program authorized under this section. The report must include a recommendation as to whether the Legislature should continue to fund the program and on any changes necessary to enhance the program. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003.

(10) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.

Section 16. *Joint-Use Advanced Digital-Media Research and Production Facilities.*—

(1) The Legislature finds that developments in digital media are having, and will continue to have, a profound effect on the state, its people, and its businesses in areas including, but not limited to, information technology, simulation technology, and film and entertainment production and distribution. The digital-media industry represents a strategic economic development opportunity for the state to become a global leader in this emerging and dynamic field. The ability of the state to succeed in developing the digital-media sector, however, depends upon having a workforce with skills necessary to meet the demands of the industry. The Legislature further finds that the convergence of media and the collaboration of businesses and multi-disciplinary academic research programs will enable this state to compete more successfully with other digital-media innovation centers around the country and around the world. Therefore, it is the intent of the Legislature to support the establishment and maintenance of joint-use advanced digital-media research and production facilities in the state to provide regional focal points for collaboration between research and education programs and digital-media industries.

(2) Subject to legislative appropriation, the Office of Tourism, Trade, and Economic Development is authorized to create and administer a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state. The office shall administer all facets of this program in cooperation and consultation with the Office of the Film Commissioner; Enterprise Florida, Inc.; Workforce Florida, Inc.; the Digital Media Education Coordination Group of the State University System; and a not-for-profit corporation that represents information technology businesses throughout the state.

(3) The purposes of a joint-use advanced digital-media research and production facility shall include:

(a) Creating opportunities for industry, academia, and government to benefit from student and researcher involvement in applied research and development projects and other projects related to digital media.

(b) Promoting paths to future employment for students participating in the activities of the facility.

(c) Contributing to the development of a skilled workforce to support the needs of the digital-media industry.

(d) Facilitating the transfer of research results to commercial and government applications.

(e) Integrating the efforts and activities of the diverse, high-technology industries in the state that are critical to the economic future of the state.

(f) Assisting producers, suppliers, and distributors to make the transition from well-established passive media infrastructure to a highly interactive and immersive media infrastructure.

(g) Performing other functions or activities designed to contribute to the success of the state in becoming a leader in the digital-media industry, as approved by the Office of Tourism, Trade, and Economic Development.

(4) In carrying out its responsibilities under this section, the Office of Tourism, Trade, and Economic Development:

(a) Shall develop a strategic plan for how joint-use advanced digital-media research and production facilities will be governed and for how such facilities will be funded in the long term. The office may contract for the preparation of the strategic plan required by this paragraph.

(b) May contract for the establishment of joint-use advanced digital-media research and production facilities. In identifying, approving, and executing such contracts, the office shall attempt to maximize the use and integration of existing facilities and programs in the state that are suitable for application as joint-use advanced digital-media facilities. Funds awarded under such contracts may be used to lease or refurbish existing facilities to create state-of-the-art digital-media design, production, and research laboratories that shall be shared by public and private educational institutions and industry partners.

(c) Shall ensure that funds appropriated for the program authorized in this section are expended in a manner consistent with the priority needs for developing the digital-media industry in this state, as identified by the organizations listed in subsection (2).

(d) Shall require any entity or organization receiving state funding under this section to match such funding with non-state sources.

(e) Shall require any joint-use advanced digital-media research and production facility receiving state funds to submit for approval by the office a detailed plan for the operation of such facility. Such operating plan must, at a minimum, include provisions for the establishment of a tenant association, with representation by each tenant using the facility, and for the collection of annual dues from tenants to support the operation and maintenance of the facility.

(f) Shall require any joint-use advanced digital-media research and production facility receiving state funding to submit an annual report to the office by a date established by the office. Upon receipt of such annual reports, the office shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(g) Shall establish guidelines and criteria governing the application for and receipt of funds under this section.

(h) May, as part of the annual report on the business climate of the state required under section 14.2015, Florida Statutes, recommend to the Legislature policies designed to enhance the effectiveness of the program for joint-use advanced digital-media research and production facilities or policies designed to otherwise promote the development of the digital-media industry in the state.

(5) For the purposes of this section, the term “digital media” is defined as a discipline based on the creative convergence of art, science, and technology for human expression, communication, and social interaction. The Office of Tourism, Trade, and Economic Development, in cooperation and consultation with the organizations identified in subsection (2), shall identify specific types of businesses or types of business activity to be included within the term “digital media.”

Section 17. The Office of Tourism, Trade, and Economic Development, the Office of the Film Commissioner, and the Digital Media Education Coordination Group shall jointly report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2001, on recommended funding levels for the program to facilitate establishment

and maintenance of joint-use advanced digital-media research and production facilities as authorized by this act. The report must include options based on different funding levels and information on the number and types of facilities that the organizations estimate could be established under each funding option. The report also must include an assessment of the long-term costs associated with operating such facilities and an assessment of non-state funding sources that could be accessed to support establishment and maintenance of such facilities.

Section 18. (1) *In implementing the single, statewide computer-assisted student advising system required under section 240.2099, Florida Statutes, the Board of Regents and the State Board of Community Colleges may:*

(a) *Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and enforce their rights with respect thereto.*

(b) *Enter into binding agreements with organizations, corporations, or government entities to license, lease, assign, or otherwise give written consent to any person, firm, corporation, or agency for the use of the single, statewide, computer-assisted student advising system and collect royalties or any other consideration that the boards find proper.*

(c) *Sell or license any such work products and execute all instruments necessary to consummate the sale or license.*

(2) *The Board of Regents and the State Board of Community Colleges shall submit to the President of the Senate and the Speaker of the House of Representatives any agreement relating to this section. The President and Speaker may review the terms of the agreement and respond with comments for 30 days after receipt of an agreement; after that time, the agreement is binding.*

(3) *All or a portion of the proceeds derived from activities authorized under this section may be expended for developing the next generation of on-line student services, maintaining and operating the system, and acquiring statewide licenses for related software. Proceeds in excess of that necessary to support such expenditures may be deposited in the State Treasury to support need-based student aid or to support information technology infrastructure.*

Section 19. *The unexpended balance of funds from section 38 of chapter 2000-164, Laws of Florida, authorized to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point, is reappropriated for Fiscal Year 2001-2002 to the Department of Revenue for reimbursement of such sales tax payments as provided in section 212.08(5), Florida Statutes.*

Section 20. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$100,000 in fiscal year 2001-2002 for use by the Florida Research Consortium created under section 288.9522, Florida Statutes, for the purposes specified in such section.*

Section 21. *There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation the sum of \$200,000 in fiscal year 2001-2002 for use by Workforce Florida, Inc., in implementing the pilot matching grant program for youth internships as provided in this act. The source of these funds is the Temporary Assistance for Needy Families block grant.*

Section 22. Except as otherwise provided, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information

technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; providing effective dates.

WHEREAS, Enterprise Florida, Inc., has sector strategies devoted to Florida's health technology industry and information technology industry, and

WHEREAS, the health technology industry and information technology industry represent valued and growing sectors of Florida's economy, and

WHEREAS, these industries employ Floridians at high average wages, and

WHEREAS, these industries are dominated by small employers and entrepreneurs who look to the state, its communities, economic develop-

ment organizations, and community colleges and universities to provide an environment that will nurture their development, and

WHEREAS, these industries have identified issues relating to workforce development, transfer of technology from universities, availability of capital, and economic development marketing and programs as affecting their viability and development, and

WHEREAS, the issues affecting the viability and development of these industries are also critical to other emerging and strategic high-technology industries that are critically important to the economic development of the state in the New Economy, and

WHEREAS, high-technology industries improve the quality of life for all Floridians, and

WHEREAS, the Florida Legislature recognizes the importance of high-technology industries to our state, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for SB 1750** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

LOCAL BILL CALENDAR

SB 510—A bill to be entitled An act relating to Volusia County; directing the Board of County Commissioners to issue a certificate of public convenience and necessity to an applicant for licensure as a basic life support or advanced life support service that will operate in a municipality within the county that has a population greater than 30,000 upon request of the municipality, under specified conditions; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **SB 510** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

On motion by Senator Miller, by two-thirds vote **HB 559** was withdrawn from the Committees on Education; and Rules and Calendar.

On motion by Senator Miller—

HB 559—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

—a companion measure, was substituted for **SB 1270** and read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 559** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brown-Waite	Campbell	Clary
Bronson	Burt	Carlton	Constantine

Cowin	Horne	Meek	Saunders
Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster

Nays—None

SB 1888—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida; converting said act as amended to an ordinance of the City of Pensacola; revising definitions; revising provisions relating to designation of employee contributions; revising provisions relating to refund of contributions with less than 10 years of credited service; revising provisions relating to disability injury or illness in line of duty and for disability injury or illness not in the line of duty; revising provisions relating to other benefit provisions; providing for protection of benefits from legal process; revising provisions for investment of funds; providing for repeal of conflicting laws; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (525918)(with title amendment)—On page 8, line 29 through page 9, line 12, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 1, lines 17 and 18, delete those lines and insert: provisions; revising

Amendment 2 (363950)—On page 11, lines 25-27, delete those lines and insert:

Section 9. *Chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida, as amended by this act is converted to an ordinance of the City of Pensacola on the*

On motion by Senator Peaden, by two-thirds vote **SB 1888** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 1892—A bill to be entitled An act relating to the Civil Service System of the City of Pensacola, Escambia County, Florida; converting chapter 84-510, Laws of Florida, as amended by chapters 88-537, 86-447, and 90-473, Laws of Florida, into an ordinance of the City of Pensacola; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **SB 1892** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 1990—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 3(B), chapter 23559, Laws of Florida, 1945, as amended; providing for membership in Division B of the General Employees' Retirement Plan; amending s. 7, chapter 23559, Laws of Florida, 1945, as amended; providing for certain employees to elect to receive credit in the General Employees' Retirement Plan under certain conditions; amending s. 17, chapter 23559, Laws of Florida, 1945, as amended; providing for certain elective officers, department heads, and appointive officers to elect to receive credit in the General Employees' Retirement Plan under certain conditions; repealing chapter 86-405, Laws of Florida, and all other laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **SB 1990** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 1996—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for an increase in the accrual of benefits from 2.5 percent to 2.75 percent for each year of service; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (170520)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. The City of Tampa is authorized and empowered to enter into a supplemental contract with each and every firefighter or police officer who was an active or contributing member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on or after the date this act becomes a law, or who may hereafter enter into a pension contract with the City, amending Section 2(D), Section 6(3), and Section 27 of the City of Tampa Firefighters and Police Officers Pension Contract as prescribed by Section 28-17 of the City of Tampa Code [Ordinance No. 4746-A, enacted September 30, 1969], as amended by section 28-19 of the City of Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974] pursuant to chapter 74-613, Laws of Florida, as further amended by chapter 92-231, Laws of Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws of Florida, and chapter 2000-485, Laws of Florida, to read:

Section 2(D) *Except as provided by subparagraph 2(B)(4) and subparagraph 27(B)(2), the employees covered under this contract shall contribute at the rates set forth below, based upon all of their earnings during each twelve month period commencing on October 1, which contributions shall be deducted from said earnings before the same are paid and shall be promptly deposited in the Fund:*

Earnings in Twelve-Month Period Commencing October 1	Employee Contribution Rate
First \$4,000	6%
Next 1,000	7%
Next 1,000	8%
Next 1,000	9%
Next 1,000	10%
Next 1,000	11%
Next 1,000	12%
Next 2,500	15%
Excess over \$12,500	25%

If the City's rate of contribution, pursuant to Section 2(B), should exceed forty per centum (40%), the employee contribution scale above shall be increased in the ratio of the City's contribution rate, pursuant to Section 2(B), to 40 percent.

Commencing for earnings paid the first pay date after January 1, 2002, all mandatory employee contributions to the Fund shall be picked-up and paid by the City. Such contributions, although designated as employee contributions, will be paid by the City in lieu of contributions by the employee. The contributions so assumed shall be treated as tax-deferred employer "pick-up" contributions pursuant to Section 414(h) of the Internal Revenue Code. Members shall not have the option of receiving the contributed amounts directly instead of having such contributions paid by the City to the Fund.

Section 6(3) That the portfolio, representing the principal or surplus funds of the Pension Fund may be invested in the following securities or other property, real or personal, including, but without being limited to, bonds, notes, or other evidences of indebtedness issued, or assumed or guaranteed in whole or in part by the United States or any of its agencies or instrumentalities; or by the ~~Dominion of Canada or any of its provinces, cities or municipal corporations;~~ any foreign government or political subdivisions or agencies thereof; or by the State of Florida, or by any county, city, school district, municipal corporation, or other political subdivision of the State of Florida, both general and revenue obligations; in mortgages and other interests in realty; or in such corporation bonds, notes, or other evidences of indebtedness, and corporation stocks including common and preferred stocks, of any corporation created or existing under the laws of the United States or any of the states of the United States, or ~~of the Dominion of Canada, of any foreign government or political subdivisions or agencies thereof,~~ provided that in making each and all of such investments the Board of Trustees shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own funds, not in regard to speculation but in regard to the permanent disposition of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as probable safety of their capital; provided, however, that not more than sixty-five per centum (65%) of said fund, based on the total book value of all investments held, shall be invested at any given time in common stocks, and that not more than five per centum (5%) of said fund shall be invested at any given time in the preferred and common, or either, stock of any one corporation and its affiliates *and that not more than ten per centum (10%) of said fund, based on the total book value of all investments held, shall be invested at any given time in the bonds, notes or other evidences of indebtedness of any foreign government or political subdivisions or agencies thereof or corporations created or existing under the laws thereof.*

Section 27. **13TH CHECK PROGRAM.**—Notwithstanding any other provisions of this contract, and subject to the provisions of this section, the 13th Check Program is a program which authorizes the Board of Trustees to establish and make a supplemental pension distribution ~~commencing in January 1999, and in January of each year thereafter,~~ pursuant to the following terms and conditions:

(A) *Eligibility.*—The following persons shall be eligible for the supplemental pension distribution payable *no later than June 30, 2002, and each June 30 annually thereafter:* ~~in January of each year:~~

(1) All retired members who have terminated employment as a firefighter or police officer in the fire department or police department, respectively, who, on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made, were eligible to receive pension benefits for at least 1 year. For purposes of this section only, a DROP participant shall be considered a retired member and, during the DROP calculation period, a DROP participant shall be eligible for the 13th check benefit, provided that, on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made, such DROP participant had participated in the DROP for at least 1 year;

(2) All qualifying spouses who were eligible to receive pension benefits pursuant to Section 8 or Section 9 for at least 1 year on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made; and

(3) All qualifying surviving spouses, who on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made, were eligible for receipt of Section 8 or Section 9 benefits but who have not received such pension benefits for at least 1 year provided that the deceased member was eligible for receipt of pension benefits on October 1 of the prior year.

(B) *13th Check Account.*—

(1) There is hereby created a 13th check account within the Fund, which shall consist of those employees' contributions set forth in subparagraph 27(B)(2) ~~and the City's contributions set forth in subparagraph 27(B)(3)~~ in excess of those contributions otherwise required by Section 2 for the normal annual cost of benefits, other than benefits arising from post retirement adjustments made pursuant to Section 23 and other than benefits arising from the 13th Check Program, plus any interest earnings thereon *up to and including September 30, 2001. Effective for earnings paid on the first pay date after October 1, 2001, employee contributions to the 13th Check Account shall cease, and the 13th Check Account shall be funded by investment returns in excess of 10% (limited to 3%) on the base plan liabilities for persons eligible for the 13th check. For purposes of this Section, the "base plan" shall mean those assets of the Fund excluding the Post Retirement Adjustment Account, DROP account assets, and the 13th check account. The amount available for the 13th check shall be calculated as of fiscal year end commencing September 30, 2001 for the fiscal year ending September 30, 2001 for payment no later than June 30, 2002, and each June 30 annually thereafter; provided, however, the calculation of the amount payable no later than June 30, 2002, shall include employee contributions to the 13th check account for earnings paid through the last pay date immediately prior to October 1, 2001. The City shall not be required to make contributions toward the 13th check program.*

(2) Notwithstanding any other provision of this contract, commencing October 1, 1998, employees covered under this contract shall continue to contribute pursuant to Section 2 at the rates required for employees to fund the normal annual cost of benefits, other than benefits arising from post retirement adjustments made pursuant to Section 23 and other than benefits arising from the 13th check program made pursuant to this section, plus an additional 100 percent of 9.874 percent of the full scale contribution rate (FSCR) set forth in Section 2(D) to the 13th check program. *Employee contributions to the 13th check shall cease effective for earnings paid on the last pay date immediately prior to October 1, 2001.*

(3) ~~Notwithstanding any other provision of this contract, the City shall contribute:~~

(a) ~~An amount required to fund the normal annual cost of benefits, other than benefits arising from post retirement adjustments made pursuant to Section 23 and other than benefits arising from the 13th check program made pursuant to this section, plus;~~

(b) ~~Commencing October 1, 2001, to the 13th check program, 134 percent of 9.874 percent of the full scale contribution rate (FSCR) for employees set forth in Section 2(D); provided, however, if the sum of the City's contribution for the normal annual cost of benefits plus the 134 percent of 9.874 percent of the full scale contribution rate (FSCR) is greater than 134 percent of 28.789 percent of the full scale contribution rate (FSCR), then the City's contribution to the 13th check program shall be the positive difference between 134 percent of 28.789 percent of the full scale contribution rate (FSCR) and the amount set forth in~~

~~subparagraph 27(B)(3)(a) 134 percent of the normal annual cost of benefits of the full scale contribution rate (FSCR) for employees set forth in Section 2(D), but no less than 134 percent of 3 percent of the full scale contribution rate (FSCR).~~

(4) ~~Notwithstanding any other provision of this contract, the City's contributions to the 13th check program shall not require the City to make additional contributions to the 13th check program to reimburse the 13th check account for the contributions the City would have otherwise made to the 13th check program had it contributed thereto for the period of October 1, 1998, through September 30, 2001.~~

(C) *Amount of the 13th Check.*—The amount of the 13th check shall be determined as follows:

(1)(a) The amount of the 13th check shall be the same for all retired members, regardless of years of service, age, years retired, or monthly installment.

(b) All eligible surviving spouses shall be entitled to 50 percent of what the eligible retired member would have received but for death.

(c) If a retired member is eligible on October 1 but dies before payment of the 13th check by ~~in the following June 30 January~~, the retired member's spouse shall receive the full amount of the payment, and if there is no surviving spouse, the retired member's designated beneficiary or beneficiaries, or if none, the retired member's estate shall receive the payment.

(2) The Board of Trustees shall establish by rule adopted no later than *May 31, 2002, and each May 31 thereafter, December 15, 1998*, the amount of the 13th check *funded pursuant to Section 27(B)(1)*, subject to the following:

(a) The amount of the 13th check, or a method for calculating the amount of the 13th check in a manner that is definitely determinable and in accordance with the requirements of the Internal Revenue Code applicable to a qualified governmental plan; and

(b) Certification by the Fund's actuary that the amount of the payment will be funded on a sound actuarial basis as required by Section 14, Article X of the State Constitution.

(D) *Conflict of Laws.*—To the extent that any provision of this section is in conflict with sections 112.60-112.67, Florida Statutes, or those provisions of chapters 175 and 185, Florida Statutes, that apply to local law plans established by municipal ordinance or special act, or provisions of Florida Statutes made applicable to pension funds established by special act, or to the extent that any provision of this section would result in the loss of tax exempt status of the Pension Fund, the Board of Trustees is hereby delegated the authority to adopt by rules changes to this section in order to comply with said laws, which shall have the force of law and shall be considered part of this pension contract.

(E) *Administration of Program.*—The Board of Trustees shall make such rules as are necessary for the effective and efficient administration of this section, provided that such rules are not inconsistent with the terms of any collective bargaining agreement entered into by the City and the certified bargaining agents for firefighters and police officers concerning the 13th Check Program. Notwithstanding any other provision of this section to the contrary, any provision of this section shall be construed and administered in such manner that such program will qualify as a qualified governmental pension plan under existing or hereafter enacted provisions of the Internal Revenue Code of the United States, and the Board of Trustees may adopt any rule to accomplish the purpose of this section as is necessary to retain tax qualification, which rules shall have the force of law and shall be considered part of this pension contract.

Section 2. This act is only an enabling act, and the execution by the City of Tampa of the aforesaid supplemental contract and entitlement to the pension benefits referred to in this act for all firefighters and police officers, regardless of whether or not in the respective certified bargaining unit for firefighters or police officers, is contingent upon contractual agreement through the collective bargaining process between the City of Tampa and each of the respective certified bargaining agents for firefighters and police officers.

Section 3. The City of Tampa Firefighters and Police Officers Pension Contract as prescribed by Section 28-17 of the City of Tampa Code

[Ordinance No. 4746-A, enacted September 30, 1969], as amended by Section 28-19 of the City of Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974], pursuant to chapter 74-613, Laws of Florida; as further amended by Ordinance No. 89-314, enacted December 21, 1989, and approved, ratified, validated, and confirmed by chapter 90-391, Laws of Florida; and as further amended by chapter 92-231, Laws of Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws of Florida, and chapter 2000-485, Laws of Florida, is in all other respects approved, ratified, validated, and confirmed.

Section 4. The benefits provided for herein by Section 1 and the changes to the pension contract provided for herein by Section 1 for active and contributing members on the date this act becomes a law shall be made available in one supplemental pension contract, and a member shall not be permitted to select some of said benefits and reject others of said benefits. Any active or contributing member on the date this act becomes a law who fails to sign said supplemental pension contract before October 1, 2001, shall be forever barred from receiving said benefits and shall not be required to make any contributions required as a result of such benefits. However, any person who becomes a member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on or after the date this act becomes a law, shall be required as a condition of membership into said pension fund to sign a pension contract which includes the provisions of Section 1, and shall be required to make the contributions required as a result of such benefits.

Section 5. Notwithstanding the provisions of Section 1, the distribution of the 13th check commencing no later than June 30, 2002, shall be payable within 30 days of receipt of a favorable determination letter from the Internal Revenue Service that the revised 13th check program does not adversely impact the tax qualification of the plan, but no earlier than June 30, 2002.

Section 6. If the City of Tampa enters into a supplemental pension contract as provided in Section 1 of this act, each retired firefighter and retired police officer who is living on the date this act becomes a law, and each member who retires or dies after this act becomes a law, but before October 1, 2001, and each qualifying surviving spouse, who is living on the date this act becomes a law, is entitled to receive the same benefits from the 13th check account upon the same basis as if the member's contract had been supplemented in the manner provided by Section 1 of this act before the member's separation from service; provided however said retired firefighter, retired police officer and eligible surviving spouse as a condition of participation in the 13th check program shall be subject to the provisions of Section 6(3) and Section 24 of the pension contract.

Section 7. This act shall take effect upon becoming a law. And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for an employer pick-up provision so that employee pension contributions can be made on a pre-tax basis; providing for additional authorized investments; restructuring the 13th Check Program; providing an effective date.

On motion by Senator Crist, by two-thirds vote **SB 1996** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Horne	Meek
Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson

Saunders	Silver	Sullivan	Wasserman Schultz
Sebesta	Smith	Villalobos	Webster
Nays—None			

On motion by Senator Crist, consideration of **SB 1998** was deferred.

SB 2274—A bill to be entitled An act relating to Broward County; authorizing local governments in the county to grant an exception from the concurrency requirement for transportation facilities under s. 163.3180, F.S., for certain developments; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendments which were moved by Senator Dawson and adopted:

Amendment 1 (404324)—On page 1, line 18, delete "or" and insert: *and*

Amendment 2 (105798)—On page 1, line 22 of the bill, after the period (.) insert: *The local government also must have considered the proposed development's impacts on the Florida Intrastate Highway System, as defined in section 338.001, Florida Statutes.*

On motion by Senator Dawson, by two-thirds vote **SB 2274** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

DISCLOSURE

I am a salaried employee of, and the Director of Career Placement for, the Health Professions Division of Nova Southeastern University.

Senate Bill 2274 and its companion bill, HB 869, are local bills that authorize local governments in Broward County to grant an exemption from concurrency requirements for transportation facilities for certain developments.

In an abundance of caution, pursuant to Senate Rule 1.39, I am disclosing that SB 2274 (2001) and/or its companion, HB 869 (2001), could be construed to be of special benefit to my employer.

Once disclosed, it is my duty to vote on final passage of either of these local bills, pursuant to Senate Rule 1.20.

Debbie Wasserman Schultz,
32nd District

SB 2276—A bill to be entitled An act relating to Broward County, Florida; amending chapter 2000-475, Laws of Florida; providing for deannexation of certain lands from the Town of Davie; providing for annexation of certain lands into the Town of Southwest Ranches; providing for the transfer of all public roads and rights-of-way on the Broward County Road System lying within the corporate boundaries of the Town of Southwest Ranches as of June 6, 2000; excluding certain portions of Sheridan Street and Griffin Road from the transfer; providing for confirmation of corporate existence of the Town of Southwest Ranches on June

6, 2000; providing for retroactive application; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2276** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 2296—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality standards for reuse systems; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **SB 2296** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 2304—A bill to be entitled An act relating to Lee County and the City of Fort Myers; amending section 4, chapter 98-488, Laws of Florida, as amended; providing for the addition of a special election that may be conducted by the city for the interlocal agreement approval referendum; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **SB 2304** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 2310—A bill to be entitled An act relating to the City of Pompano Beach, Broward County; amending chapter 2000-476, Laws of Florida; providing for an interlocal agreement which would include provisions to jointly fund program infrastructure improvements between the City of

Pompano Beach and Broward County, provided the city is not limited in its ability to receive anticipated utility taxes, franchise fees, or other fees; providing that calculations of population census of the City of Pompano Beach begin with the fiscal year 2000 and include all new residents added to the city as a result of chapter 2000-476, Laws of Florida; providing for retroactive application to September 15, 2000; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2310** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

Consideration of **SB 2326** was deferred.

SB 2340—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing for land use and zoning designations; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2340** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 2342—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale; providing for annexation of the unincorporated area known as Melrose Park; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing legislative intent; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2342** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Dawson	Holzendorf
Bronson	Clary	Diaz de la Portilla	Horne
Brown-Waite	Constantine	Dyer	Jones
Burt	Cowin	Garcia	King
Campbell	Crist	Geller	Klein

Latvala	Miller	Rossin	Smith
Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster

Nays—None

SB 2354—A bill to be entitled An act relating to the Manatee County Mosquito Control District; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for formation as an independent special district; providing boundaries of the district; providing for the election of commissioners and operation of the district in accordance with ch. 388, F.S.; providing for district powers, functions, and duties; providing for construction and effect; providing for an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **SB 2354** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

On motion by Senator Miller, consideration of **SB 2356** and **SB 2358** was deferred.

SB 2374—A bill to be entitled An act relating to Broward County; extending the corporate limits of the Town of Lauderdale-By-The-Sea; prescribing procedures for calculating revenues attributable to utility taxes, utility franchise fees, and other franchise fees; providing for the town to collect franchise fees and utility taxes collected by the county from a specified unincorporated area; providing for an interlocal agreement between Broward County and the Town of Lauderdale-By-The-Sea; providing for the effective date of annexation; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2374** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 2382—A bill to be entitled An act relating to Broward County; providing for codification of special laws regarding special districts pursuant to section 189.429, F.S., relating to the Sunshine Water Control District; a special district in Broward County; providing legislative in-

tent; amending, repealing, codifying, and reenacting the special act related to the district; declaring the District to be an independent special district; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2382** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 115—A bill to be entitled An act relating to the City of Marathon, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 115** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—1

Dawson

CS for HB 479—A bill to be entitled An act relating to the Rainbow Lakes Estates Municipal Service District, an independent special district of the State of Florida in Marion and Levy Counties; codifying the district's charter, chapter 69-1298, Laws of Florida, as amended, pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Rainbow Lakes Estates Municipal Service District as a single act; repealing all prior special acts related to the Rainbow Lakes Estates Municipal Service District; providing an effective date.

—was read the second time by title. On motion by Senator Mitchell, by two-thirds vote **CS for HB 479** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Horne	Meek
Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson

Saunders Silver Sullivan Wasserman Schultz
 Sebesta Smith Villalobos Webster
 Nays—None

HB 585—A bill to be entitled An act relating to Martin County; amending sections 1, 2, 3, and 4 of chapter 65-1906, Laws of Florida, as amended; revising authority of the Board of County Commissioners to levy a tax for indigent health care; revising the name of the fund into which the tax is paid; revising the uses of the fund; revising requirements relating to disbursements from the fund and unexpended balances in the fund; revising the name of the review board and the hospital board; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 585** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 763—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; authorizing the board to sell tangible personal property related to its utility services under certain circumstances; providing for salaries of board members to be set by resolution; authorizing the board to extend beyond the limits of Monroe County any public utilities under its jurisdiction under certain circumstances; providing for issuance of refunding revenue bonds by the board; authorizing the board to issue commercial paper notes and variable rate bonds and enter into interest rate swap transactions; revising notice provisions relating to sale of bonds; providing for sale of bonds at competitive or negotiated sale rather than public sale; revising eligibility requirements for a special utility rate; authorizing the board to make expenditures for advertising the utility system; authorizing the board to expend funds for emergency purchases; changing a time period for delivery of annual audits to the City Commission of the City of Key West; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 763** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 775—A bill to be entitled An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent

mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 775** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 777—A bill to be entitled An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver's license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 777** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 799—A bill to be entitled An act relating to the Barron Water Control District, an independent special district in Glades County and

Hendry County, codifying the District's charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting the special laws relating to the Barron Water Control District as a single act; declaring the status of the District; providing for the corporate life of the District and the term of office of the supervisors of the District; repealing chapters 84-436 and 2000-416, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 799** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 845—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 845** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 847—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; providing for codification of special laws relating to the Dog Island Conservation District; providing legislative intent; codifying and reenacting chapters 75-374, 79-461, and 84-430, Laws of Florida; providing for the repeal of all prior special acts related to the Dog Island Conservation District; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 847** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Dyer	King
Bronson	Constantine	Garcia	Klein
Brown-Waite	Cowin	Geller	Latvala
Burt	Crist	Holzendorf	Laurent
Campbell	Dawson	Horne	Lawson
Carlton	Diaz de la Portilla	Jones	Lee

Meek	Posey	Saunders	Sullivan
Miller	Pruitt	Sebesta	Villalobos
Mitchell	Rossin	Silver	Wasserman Schultz
Peaden	Sanderson	Smith	Webster

Nays—None

HB 849—A bill to be entitled An act relating to Pinellas County; amending chapter 80-585, Laws of Florida, as amended; increasing the number of members of the Emergency Medical Services Authority required for a quorum from three to four; correcting terminology; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 849** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 851—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending subsection (10) of section 5, relating to facilitating an employee advisory committee, subsection (2) of section 6, relating to an employee advisory committee, subsection (3) of section 7, relating to reimbursement for services to indigents, and section 9, relating to parking and office facilities of chapter 96-449, Laws of Florida; providing that those subsections and section are applicable only when a hospital is operated by the hospital authority; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 851** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 857—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Highland Glades Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying and reenacting special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 8885 (1921) and 89-466, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 859—A bill to be entitled An act relating to Gladeview Water Control District, an independent special tax district in Palm Beach County; providing legislative intent; codifying, reenacting, amending, and repealing special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 863—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; increasing the board of supervisors to a total of five members; providing for elections by electors residing within the district; providing for regular and special board meetings instead of landowner meetings; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 863** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 867—A bill to be entitled An act relating to Hillsborough County; providing that, notwithstanding any provision of general law, the Hillsborough County Tourist Development Council shall consist of 11 members; providing that the chair of the county governing board, or a designee, serves on the council; providing that an elected municipal official shall be appointed to the council from each municipality within the county; providing that seven members shall be persons involved in the tourist industry; providing that the additional members shall be appointed within 30 days of the effective date of this act; providing that terms of current members are not interrupted by change to council composition; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 867** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 873—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 16 of chapter 24981, Laws of Florida, as amended, relating to the West Palm Beach Police Pension Fund; revising the provision for age and service requirements for retirement; revising the provisions for early retirement; revising the provisions of the share accounts related to death of a member; revising the provisions of the deferred retirement option plan; revising the death benefit provisions; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 873** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 879—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; providing for codification of special laws relating to the South Indian River Water Control District; amending, codifying, reenacting, and repealing all prior special acts; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 879** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brown-Waite	Campbell	Clary
Bronson	Burt	Carlton	Constantine

Cowin	Horne	Meek	Saunders
Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster

Nays—None

HB 885—A bill to be entitled An act relating to Hillsborough County; amending chapter 98-499, Laws of Florida, relating to liens authorized by ordinance in favor of hospitals providing medical care, treatment, or maintenance to a patient, and in favor of the County when it pays for medical care, treatment, or maintenance of a patient; providing definitions; providing optional and mandatory components, both substantive and procedural, of any such implementing ordinance including establishing limitations on lien amounts, and providing for the treatment of other claims, noneconomic damages, and attorney's fees; requiring the ordinance to provide identical procedural remedies to hospitals and the County; providing for an offset for the cost of an insurance policy resulting in payment of any part of the lien amount; barring a lienholder or the lienholder's legal representative from additional compensation from the patient and others in relation to the charges covered by a lien; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 885** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 887—A bill to be entitled An act relating to Okaloosa County; amending chapter 99-478, Laws of Florida, relating to the Ocean City-Wright Fire Control District; providing for the annexation of certain unincorporated areas of Okaloosa County into the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 887** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 891—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged

lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city's acquisition of the pier situated upon the leased lands; providing additional terms of the lease; prohibiting transfer of lease without legislative action; providing for severability; requiring written submission of acceptance of terms to the Department of Environmental Protection; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 891** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—1

Saunders

HB 897—A bill to be entitled An act relating to Clay County; providing for codification of special acts pursuant to s. 189.429, F.S., relating to the Clay County Development Authority, an independent special district; providing legislative intent; codifying, reenacting, and amending chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida; providing for minimum charter requirements; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after effective date of act; providing an effective date.

—was read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 897** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 901—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapters 89-439 and 91-362, Laws of Florida, relating to the Council of the City of Jacksonville and the City of Jacksonville Environmental Protection Board, notwithstanding the board's scheduled expiration on October 1, 2001; providing for the use of procedures under chapter 120, Florida Statutes, including the hiring of administrative law judges, for proceedings involving air or water pollution in which the board seeks to impose a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 901** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 903—A bill to be entitled An act relating to the Consolidated City of Jacksonville; creating and establishing separate airport and seaport authorities; providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure; providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees; establishing the separate authorities as county authorities; providing for participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer of assets and liabilities from the Jacksonville Port Authority to the separate seaport and airport authorities and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing certain existing local laws relative to the creation and operation of the Jacksonville Port Authority; providing for conforming amendments to sections 18.07 and 24.04, of chapter 92-341, Laws of Florida, being the Charter of the City of Jacksonville, to replace references to the Jacksonville Port Authority with references to the Jacksonville Seaport Authority and the Jacksonville Airport Authority; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 903** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 905—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 905** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brown-Waite	Campbell	Clary
Bronson	Burt	Carlton	Constantine

Cowin	Horne	Meek	Saunders
Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster

Nays—None

HB 911—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising certain death benefits; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 911** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 917—A bill to be entitled An act relating to Palm Beach County; amending chapter 90-445, Laws of Florida, as amended; providing for the uniform implementation, interpretation, and enforcement of building code requirements pursuant to the Florida Building Code; providing and amending definitions; providing for enforcement; providing for repeal of conflicting laws; providing for interpretation of codes and revision; deleting provisions relating to appointments; providing for authority for building code amendments; providing for amending provisions for product and system evaluation, including application fees and revocation and renewal of product and system compliance; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 917** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 919—A bill to be entitled An act relating to Escambia County; codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 919** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 927—A bill to be entitled An act relating to Pinellas Park Water Management District, Pinellas County; providing for codification of special laws relating to Pinellas Park Water Management District pursuant to s. 189.429, F.S.; providing legislative intent; amending, repealing, codifying, and reenacting special acts relating to the district; providing a title; providing definitions; providing for creation of the Pinellas Park Water Management District Authority and amendment of its charter; providing for a governing body for the authority; providing for reimbursement of expenses pursuant to s. 112.061, F.S.; providing duties and powers; providing for a budget; providing boundaries of the authority; providing for elections and referenda; providing for amendment of authority boundaries; providing tax exemptions; providing construction and effect; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 927** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 929—A bill to be entitled An act relating to the Rupert J. Smith Law Library of Saint Lucie County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to the Rupert J. Smith Law Library of Saint Lucie County; providing legislative intent; codifying, amending, and reenacting chapter 57-1790, Laws of Florida, as amended; declaring the district to be an independent special district; providing a district charter; repealing chapters 57-1790, 71-895, 83-512, and 88-516, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 929** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Horne	Meek
Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson

Saunders	Silver	Sullivan	Wasserman Schultz
Sebesta	Smith	Villalobos	Webster

Nays—None

HB 931—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, reenacting, amending, and repealing special acts relating to the Coral Springs Improvement District; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 931** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 937—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 4 of chapter 15425, Laws of Florida, 1931, as amended; providing for clarification of the qualifications for a candidate for election to or appointment to fill a vacancy on the city council; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 937** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 939—A bill to be entitled An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 939** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 941—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; clarifying exemptions provided in the Charter of the City of Jacksonville to the civil service status of designated positions; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 941** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 943—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 943** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 945—A bill to be entitled An act relating to the Solid Waste Authority of Palm Beach County, a dependent special district in Palm Beach County; codifying the Authority's charter, chapter 75-473, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Solid Waste Authority of Palm Beach County as a single act; providing a short title; providing declaration of legislative intent; providing for application to incorporated and unincorporated areas; providing definitions; providing purposes and powers; providing exemption from

taxation; providing prohibition, permits, and penalty; providing enforcement; providing injunctive relief; providing judicial review; providing severability; repealing all prior special acts related to the Authority; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 945** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 975—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending s. 8, ch. 67-2070, Laws of Florida, as amended; increasing the threshold for requiring bids for the purchase of property and services; amending s. 3, ch. 67-2070, Laws of Florida, as amended; including additional property under the jurisdiction of the authority; amending s. 4, ch. 67-2070, Laws of Florida, as amended; providing that an affirmative vote of a majority of the members present at a meeting where there is a quorum shall be necessary for any action by the board; providing an effective date.

—was read the second time by title. On motion by Senator Laurent, by two-thirds vote **HB 975** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for HB 979—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Clary offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (421154)(with title amendment)—On page 10, lines 8-29, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, delete line 21

On motion by Senator Peaden, by two-thirds vote **CS for HB 979** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1037—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; specifying that the rates provided in the schedule of non-ad valorem assessments are caps on the rates that may be levied without legislative approval; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1037** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1041—A bill to be entitled An act relating to the Fort Myers Beach Mosquito Control District, Lee County; providing legislative intent; providing for codification of the special acts relating to the District pursuant to s. 189.429, F.S.; codifying, reenacting, and amending all prior special acts relating to the District; codifying the several county resolutions relating to the District; providing a District charter; repealing all prior special acts relating to the District; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1041** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1115—A bill to be entitled An act relating to Brevard County; providing for codification of existing special laws relating to the creation, powers, and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, as provided in chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, except as amended by this act; providing legislative purpose; amending definitions of “District,” “general obligation bonds,” and “revenue bonds”; amending scope of revenue sources allowed to be bonded; clarifying provisions relating to liens, collection, and foreclosure to include special assessments and stormwater management user fees; amending liability of District where lands are made available to public for outdoor recreational purposes, as defined therein; providing editorial revisions; establishing obstruction or impeding of a drainage canal or watercourse as a criminal offense; providing for civil damages for obstruction and impeding drainage canal or watercourse; amending, codifying, reenacting, and repealing chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida; re-creating the District and re-creating and reenacting the charter; providing an effective date.

—was read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 1115** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1125—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality limitations for reuse systems; provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

—was read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1125** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1183—A bill to be entitled An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments;

providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1183** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1785—A bill to be entitled An act relating to the City of Satellite Beach, Brevard County; amending s. 1 of the city’s charter; redefining the boundaries of the city; providing an effective date.

—was read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 1785** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1815—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of “disciplinary action”; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1815** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1851—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire

Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1851** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1855—A bill to be entitled An act relating to the Holiday Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1857—A bill to be entitled An act relating to Tri-Par Estates Park and Recreation District, Sarasota County; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Horne	Meek
Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson

Saunders Silver Sullivan Wasserman Schultz
 Sebesta Smith Villalobos Webster
 Nays—None

HB 1859—A bill to be entitled An act relating to Collier County; amending ch. 67-1246, Laws of Florida; amending the scope of the act to authorize a county hearing examiner program; amending definitions; amending the functions, powers, and duties of the planning commissions; amending provisions relating to supplementing and amending the zoning ordinance; amending the powers and duties of the board of zoning appeals; amending provisions relating to appeal from a decision of an administrative official; providing the procedure for establishing a county hearing examiner program; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1887—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1887** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1897—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing that this act does not abrogate current obligations and liabilities; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1897** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1899—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than “no-wake” speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1899** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 1903—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

—was read the second time by title.
 Senator Peaden moved the following amendment which was adopted:

Amendment 1 (414840)(with title amendment)—On page 4, line 15 through page 5, line 3, delete those lines and insert:

7.2 Option to Withdraw from Civil Service. Upon the effective date of this act, the Supervisor of Elections, the Tax Collector, the Property Appraiser, the Clerk of the Court, and the District School Board may elect by a majority vote of the governing body, or for the four county constitutional officers specified herein, by written notice to the Civil Service Board, to withdraw from the Civil Service system, in which case the local board or county constitutional officer shall be exempt from the provisions of chapter 83-405, Laws of Florida, as amended in all its parts. ~~Additional Positions Eligible for Exemption. In addition to those positions described in paragraphs (a) through (s) in subsection 7.1, the following positions may, by rule of the Board, also be exempt from the career Civil Service:~~

And the title is amended as follows:
 On page 1, lines 6 and 7, delete those lines and insert: withdrawal of certain constitutional officers and the District School Board

On motion by Senator Peaden, by two-thirds vote **HB 1903** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea to nay—Clary

HB 629—A bill to be entitled An act relating to Citrus County; specifying rights of certain employees and appointees of the Citrus County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for career appeals boards; providing for appeals procedures; providing an effective date.

—was read the second time by title. On motion by Senator Mitchell, by two-thirds vote **HB 629** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 855—A bill to be entitled An act relating to Citrus County; amending chapter 99-442, Laws of Florida, the charter of the Citrus County Hospital Board; reducing the time a member may hold office on the board; revising borrowing authority of the board; revising provisions relating to indebtedness of the board; revising a provision relating to outstanding bonds payable from ad valorem taxes; repealing an obsolete provision; providing an effective date.

—was read the second time by title. On motion by Senator Mitchell, by two-thirds vote **HB 855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

HB 853—A bill to be entitled An act relating to Pinellas County; providing for the composition of members of the Pinellas County Tourist

Development Council appointed pursuant to section 125.0104, Florida Statutes, the “Local Option Tourist Development Act”; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 853** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 778, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

House Amendment 1 (525319)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *Civil immunity.*—A person who in good faith reports information or takes action in connection with a lawyer assistance program or a person who receives information in connection with a lawyer assistance program is immune from civil liability for reporting the information, taking the action, or taking no action, provided that such person has acted in good faith and without malice.

Section 2. *Presumption of good faith.*—A member of a lawyer assistance program or a person reporting information to a lawyer assistance program is presumed to have acted in good faith and without malice. A person alleging lack of good faith has the burden of proving bad faith and malice.

Section 3. *Persons entitled to immunity.*—The civil immunity provided for in this act shall be liberally construed to accomplish the purposes of this act. The persons entitled to immunity under this act include:

(1) *Florida Lawyers Assistance, Inc., and other lawyer assistance programs approved by the Florida Supreme Court or The Florida Bar which provide assistance to attorneys who may be impaired because of abuse of alcohol or other drugs or because of any other physical or mental infirmity causing impairment.*

(2) *A member, employee, or agent of the program, association, or nonprofit corporation.*

(3) *A person who reports or provides information to the program concerning an impaired legal professional, including, but not limited to,*

a person designated to monitor or supervise the course of treatment or rehabilitation of an impaired professional.

Section 4. Information subject to privilege.—All privileged information, whether attorney-client, work product, or otherwise, in any form, furnished to the lawyer assistance program shall remain privileged.

Section 5. Confidentiality of records, proceedings, and communications.—The records, proceedings, and all communications by and between an individual seeking assistance and the lawyer assistance program shall be deemed confidential and shall not be subject to disclosure or available for court subpoena. This section does not prevent the subpoena of business records that are otherwise available through subpoena, nor does this section preclude release or disclosure of information or communications by the lawyer assistance program when such disclosure is mandated or required as a condition or precondition for entry in the program. Such records are not to be construed as privileged merely because they have been maintained by a lawyer assistance program.

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: everything before the enacting clause and insert in lieu thereof: A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to privilege; providing for the confidentiality of certain records, proceedings, and communications; providing an effective date.

On motion by Senator Rossin, the Senate concurred in the House amendment.

CS for SB 778 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1166, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1166—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

House Amendment 1 (050087)—On page 1, lines 23 and 24 remove from the bill: *State Board of Administration* and insert in lieu thereof: *department*

On motion by Senator Sebesta, the Senate concurred in the House amendment.

SB 1166 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1214, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

House Amendment 1 (483633)(with title amendment)—remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (7) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(7) PROTOTYPE REGION.—

(c) The department is authorized to contract for children’s services with a lead agency in each county of the prototype area, except that the lead agency contract may cover more than one county when it is determined that such coverage will provide more effective or efficient services.

The duties of the lead agency shall include, but not necessarily be limited to:

1. Directing and coordinating the program and children's services within the scope of its contract.
2. ~~Providing or contracting for the provision of core services, including intake and eligibility, assessment, service planning, and case management. However, a lead agency may obtain approval from the department to provide core services, including intake and eligibility, assessment, service planning, and case management, upon a finding by the department that such lead agency is the only appropriate organization within the service district capable of providing such service or services within the department's quality assurance and performance standards.~~
3. Creating a service provider network capable of delivering the services contained in client service plans, which shall include identifying the necessary services, the necessary volume of services, and possible utilization patterns and negotiating rates and expectations with providers.
4. Managing and monitoring of provider contracts and subcontracts.
5. Developing and implementing an effective bill payment mechanism to ensure all providers are paid in a timely fashion.
6. Providing or arranging for administrative services necessary to support service delivery.
7. Utilizing departmentally approved training and meeting departmentally defined credentials and standards.
8. Providing for performance measurement in accordance with the department's quality assurance program and providing for quality improvement and performance measurement.
9. Developing and maintaining effective interagency collaboration to optimize service delivery.
10. Ensuring that all federal and state reporting requirements are met.
11. Operating a consumer complaint and grievance process.
12. Ensuring that services are coordinated and not duplicated with other major payors, such as the local schools and Medicaid.
13. Any other duties or responsibilities defined in s. 409.1671 related to community-based care.

Section 2. Present subsection (15) of section 39.402, Florida Statutes, is redesignated as subsection (16), subsection (9) is amended and a new subsection (15) is added to that section, to read:

(9) At any shelter hearing, *the department shall provide to the court a recommendation for scheduled contact between the child and parents, if appropriate. T* the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child. *If visitation is ordered but will not commence within 72 hours of the shelter hearing, the department shall provide justification to the court.*

(10) The shelter hearing order shall contain a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to ensure the protection of the child in the home when such services are necessary for the child's health and safety.

(11) If a child is placed in a shelter pursuant to a court order following a shelter hearing, the court shall require in the shelter hearing order that the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The shelter order shall also require the parents to

provide to the department and any other state agency or party designated by the court, within 28 days after entry of the shelter order, the financial information necessary to accurately calculate child support pursuant to s. 61.30.

(12) In the event the shelter hearing is conducted by a judge other than the juvenile court judge, the juvenile court judge shall hold a shelter review on the status of the child within 2 working days after the shelter hearing.

(13) A child may not be held in a shelter under an order so directing for more than 60 days without an adjudication of dependency. A child may not be held in a shelter for more than 30 days after the entry of an order of adjudication unless an order of disposition has been entered by the court.

(14) The time limitations in this section do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or legal custodian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents or legal custodians; however, the petitioner shall continue regular efforts to provide notice to the parents or legal custodians during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(15) *The department at the conclusion of the shelter hearing, shall make available to parents or legal custodians seeking voluntary services, any referral information necessary for participation in such identified services. The parents' or legal custodians' participation in the services shall not be considered an admission or other acknowledgement of the allegations in the shelter petition.*

(16)(15) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. Such hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing, and every 15 days thereafter until the child is released from shelter status.

Section 3. Present subsections (5), (6), and (7) of section 39.521, Florida Statutes are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

39.521 Disposition hearings; powers of disposition.—

(5)(a) *In districts 4, 11, and 12 and in the Suncoast Region of the department and, except as provided in s. 39.407, any child 11 years of age or older who has been in licensed family foster care for 6 months or longer and who is then moved more than once must be assessed for placement in licensed residential group care. The assessment procedures shall be conducted by the department or its agent and shall incorporate and address current and historical information from any psychological testing or evaluation that has occurred; current and historical information from the guardian ad litem, if one has been assigned; current and historical information from any current therapist, teacher, or other professional*

who has knowledge of the child and has worked with the child; information regarding the placement of any siblings of the child and the impact of the child's placement in residential group care on the child's siblings; the circumstances necessitating the moves of the child while in family foster care and the recommendations of the former foster families, if available; the status of the child's case plan and a determination as to the impact of placing the child in residential group care on the goals of the case plan; the age, maturity, and desires of the child concerning placement; the availability of any less restrictive, more family-like setting for the child in which the foster parents have the necessary training and skills for providing a suitable placement for the child; and any other information concerning the availability of suitable residential group care. If such placement is determined to be appropriate as a result of this procedure, the child must be placed in residential group care, if available.

(b) The results of the assessment described in paragraph (a) and the actions taken as a result of the assessment must be included in the next judicial review of the child. At each subsequent judicial review, the court must be advised in writing of the status of the child's placement, with special reference regarding the stability of the placement and the permanency planning for the child.

(c) Any residential group care facility that receives children under the provisions of this subsection shall establish special permanency teams dedicated to overcoming the special permanency challenges presented by this population of children. Each facility shall report to the department its success in achieving permanency for children placed by the department in its care at intervals that allow the current information to be provided to the court at each judicial review for the child.

(d) This subsection does not prohibit the department from assessing and placing children who do not meet the criteria in paragraph (a) in residential group care if such placement is the most appropriate placement for such children.

(e) By December 1 of each year beginning in 2001, the department shall report to the Legislature on the placement of children in licensed residential group care during the year, including the criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, and the number of children who were not placed. The department shall maintain data specifying the number of children who were referred to licensed residential child care for whom placement was unavailable and the counties in which such placement was unavailable. The department shall include this data in its report to the Legislature due on December 1, so that the Legislature may consider this information in developing the General Appropriations Act.

(f) The provisions of this subsection shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

Section 4. Subsection (1) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its privatization of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the

provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, means family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee Counties. Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. The secretary of the department may authorize more than one eligible lead community-based provider within a single county when to do so will result in more effective delivery of foster care and related services. To compete for a privatization project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.
2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.
3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services.
4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.
5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.
6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.
7. The ability to maintain eligibility to receive all federal child welfare funds, including Title IV-E and IV-A funds, currently being used by the Department of Children and Family Services.

(c)1. *If attempts to competitively procure services through an eligible lead community-based provider as defined in paragraph (b) do not produce a capable and willing agency, the department shall develop a plan in collaboration with the local community alliance. The plan must detail how the community will continue to implement privatization through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. In the absence of a community alliance, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments.*

2.1. The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be privatized pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such privatization is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly reduced by the cost of maintaining such insurance.

3.2. The Legislature further finds that, by requiring the following minimum levels of insurance, children in privatized foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.

(d) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (b), or its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of \$1 million per claim/\$3 million per incident in general liability insurance coverage. In any tort action brought against such an eligible lead community-based provider, net economic damages shall be limited to \$1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(e) The liability of an eligible lead community-based provider described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such providers shall extend as well to each employee of the provider when such employee is acting in furtherance of the provider's business. Such immunities shall not be applicable to a provider or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same provider when each is operating in the furtherance of the provider's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a provider shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(f) Any subcontractor of an eligible lead community-based provider, as defined in paragraph (b), which is a direct provider of foster care and

related services to children and families, and its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of \$1 million per claim \$3 million per incident in general liability insurance coverage. In any tort action brought against such subcontractor, net economic damages shall be limited to \$1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

(g) The liability of a subcontractor of an eligible lead community-based provider that is a direct provider of foster care and related services as described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such subcontractor provider shall extend as well to each employee of the subcontractor when such employee is acting in furtherance of the subcontractor's business. Such immunities shall not be applicable to a subcontractor or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same subcontractor when each is operating in the furtherance of the subcontractor's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a subcontractor shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(h) The Legislature is cognizant of the increasing costs of goods and services each year and recognizes that fixing a set amount of compensation actually has the effect of a reduction in compensation each year. Accordingly, the conditional limitations on damages in this section shall be increased at the rate of 5 percent each year, prorated from the effective date of this paragraph to the date at which damages subject to such limitations are awarded by final judgment or settlement.

Section 5. Section 409.1676, Florida Statutes, is created to read:

409.1676 Comprehensive residential services to children who have extraordinary needs.—

(1) *It is the intent of the Legislature to provide comprehensive residential services, including residential care, case management, and other services, to children in the child protection system who have extraordinary needs, such as serious behavioral problems or having been determined to be without the options of either reunification with family or adoption. These services are to be provided in a residential group care setting by a not-for-profit corporation or a local government entity under a contract with the Department of Children and Family Services or by a lead agency as described in s. 409.1671. These contracts should be designed to provide an identified number of children with access to a full array of services for a fixed price.*

(2) *As used in this section, the term:*

(a) *“Residential group care” means a living environment for children who have been adjudicated dependent and are expected to be in foster care for at least 6 months with 24-hour-awake staff or live-in group home parents or staff. Beginning July 1, 2001, all facilities must be appropriately licensed in this state, and they must be accredited by July 1, 2005.*

(b) *“Serious behavioral problems” means behaviors of children who have been assessed by a licensed master's-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or s. 394.492(7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.*

(3) *The department, in accordance with a specific appropriation for this program, shall contract with a not-for-profit corporation, a local*

government entity, or the lead agency that has been established in accordance with s. 409.1671 for the performance of residential group care services described in this section in, at a minimum, districts 4, 11, 12, and the Suncoast Region of the Department of Children and Family Services and with a not-for-profit entity serving children from multiple districts. A lead agency that is currently providing residential care may provide this service directly with the approval of the local community alliance. The department or a lead agency may contract for more than one site in a county if that is determined to be the most effective way to achieve the goals set forth in this section.

(4) The lead agency, the contracted not-for-profit corporation, or the local government entity is responsible for a comprehensive assessment, residential care, transportation, behavioral health services, recreational activities, clothing, supplies and miscellaneous expenses associated with caring for these children, for necessary arrangement for or provision of educational services, and for assuring necessary and appropriate health and dental care.

(5) The department may transfer all casework responsibilities for children served under this program to the entity that provides this service, including case management and development and implementation of a case plan in accordance with current standards for child protection services. When the department establishes this program in a community that has a lead agency as described in s. 409.1671, the casework responsibilities must be transferred to the lead agency.

(6) This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from earning federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.

(7) The lead agency, not-for-profit corporation, or local government entity has the legal authority for children served under this program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to co-sign loans and insurance for the child, to sign for medical treatment, and to authorize other such activities.

(8) The department shall provide technical assistance as requested and contract-management services.

(9) The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

Section 6. Section 409.1677, Florida Statutes, is created to read:

409.1677 Model comprehensive residential services programs.—

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

(a) "Residential group care" means a living environment for children who have been adjudicated dependent and are expected to be in foster care for a minimum of 6 months with 24-hour-awake staff or live-in group home parents or staff. Beginning July 1, 2001, all facilities must be appropriately licensed in this state, and they must be accredited by July 1, 2005.

(b) "Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or s. 394.492(7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.

(2) The department shall establish a model comprehensive residential services program in Dade and Manatee Counties through a contract with the designated lead agency established in accordance with s. 409.1671 or with a private entity capable of providing residential group care and home-based care and experienced in the delivery of a range of services to foster children, if no lead agency exists. These model programs are to serve that portion of eligible children within each county which is specified in the contract, based on funds appropriated, to include a full array of services for a fixed price. The private entity or lead agency is responsible for all programmatic functions necessary to carry out the intent of this section.

(3) Each model must include:

(a) A focus on serving the full range of children in foster care, including those who have specialized needs, such as children who are unlikely to be reunited with their families or placed in adoptive homes; sibling groups; children who have serious behavioral problems; and children who are victims of sexual abuse.

(b) For each child who is in care, the provision of or arrangements for a comprehensive assessment; residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; educational services; necessary and appropriate health and dental care; legal services; and aftercare services.

(c) A commitment and ability to find and use innovative approaches to address the problems in the traditional foster care system, such as high caregiver turnover, disrupted and multiple placements, runaway behavior, and abusive or nontherapeutic care.

(d) The provision of a full range of residential services tailored to the individual needs of each child in care, including group homes for initial assessment and for stabilization; professional and traditional foster homes; residential group care provided in a setting that is homelike and provides care in residences housing no more than 12 children and staffed with full-time, appropriately trained house parents; and independent living apartments. The programs are designed for children who must enter the foster care system, but the use of placement with relatives as part of a child's care is encouraged.

(e) The provision of the full range of administrative services necessary to operate the program.

(f) Specific eligibility criteria established in the contract, including a "no-reject-no-eject" commitment with the described eligible children, unless the court determines that the placement is not in a child's best interest.

(g) An ability, through its trained, multidisciplinary staff, to facilitate the achievement of the permanency goals of the children who are in care.

(h) The design and utilization of a retired-volunteer mentor program that would make use of the skills of retired individuals in helping to meet the needs of both the children in care and their caregivers.

(i) The willingness and ability to assume financial risk for the care of children referred to the program under the contract.

(j) The willingness and ability to serve as a research and teaching laboratory for departmental and community-based care programs throughout the state in an effort to improve the quality of foster care.

(4) This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from earning federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.

(5) The lead agency, not-for-profit corporation, or local government entity has the legal authority for children served under this program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to co-sign loans and insurance for the child, to sign for medical treatment, and to authorize other such activities.

(6) The department shall provide technical assistance as requested and contract-management services.

(7) The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

Section 7. Section 409.1679, Florida Statutes, is created to read:

409.1679 Additional requirements, effective date, reimbursement methodology, and evaluation.—

(1) *The programs established under ss. 409.1676 and 409.1677 are to be operational within 6 months after those sections take effect, and, beginning 1 month after this section takes effect and continuing until full operation of those programs is realized, the department shall provide to the Legislature monthly written status reports on the progress toward implementing those programs.*

(2) *The programs established under ss. 409.1676 and 409.1677 must be included as part of the annual evaluation currently required under s. 409.1671. With respect to these specific programs and models, the annual evaluation must be conducted by an independent third party and must include, by specific site, the level of attainment of the targeted outcomes listed in subsection (3). The evaluation of the model programs must include, at a minimum, an assessment of their cost-effectiveness, of their ability to successfully implement the assigned program elements, and of their attainment of performance standards that include legislatively established standards for similar programs and other standards determined jointly by the department and the providers and stated in a contract.*

(3) *Each program established under ss. 409.1676 and 409.1677 must meet the following expectations, which must be included in its contracts with the department or lead agency:*

(a) *No more than 10 percent of the children served may move from one living environment to another, unless the child is returned to family members or is moved, in accordance with the treatment plan, to a less-restrictive setting. Each child must have a comprehensive transitional plan that identifies the child's living arrangement upon leaving the program and specific steps and services that are being provided to prepare for that arrangement. Specific expectations as to the time period necessary for the achievement of these permanency goals must be included in the contract.*

(b) *Each child must receive a full academic year of appropriate educational instruction. No more than 10 percent of the children may be in more than one academic setting in an academic year, unless the child is being moved, in accordance with an educational plan, to a less-restrictive setting. Each child must demonstrate academic progress and must be performing at grade level or at a level commensurate with a valid academic assessment.*

(c) *Siblings must be kept together in the same living environment 100 percent of the time, unless that is determined by the provider not to be in the children's best interest. When siblings are separated in placement, the decision must be reviewed and approved by the court within 30 days.*

(d) *The program must experience a caregiver turnover rate and an incidence of child runaway episodes which are at least 50 percent below the rates experienced in the rest of the state.*

(e) *In addition to providing a comprehensive assessment, the program must provide, 100 percent of the time, any or all of the following services that are indicated through the assessment: residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; necessary arrangements for or provision of educational services; and necessary and appropriate health and dental care.*

(f) *The children who are served in this program must be satisfied with the services and living environment.*

(g) *The caregivers must be satisfied with the program.*

(4) *Notwithstanding the provisions of s. 409.141, the Department of Children and Family Services shall fairly and reasonably reimburse the programs established under ss. 409.1676 and 409.1677 based on a prospective per-diem rate, which must be specified annually in the General Appropriations Act. Funding for these programs shall be made available from resources appropriated and identified in the General Appropriations Act.*

Section 8. Present paragraph (j) of subsection (5) of section 409.175, Florida Statutes, is redesignated as paragraph (k), paragraphs (h) and (i) of that subsection are amended, and a new paragraph (j) is added to that subsection, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(5)

(h) Upon determination that the applicant meets the state minimum licensing requirements, the department shall issue a license without charge to a specific person or agency at a specific location. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any person at the home or agency has failed the required screening. The license is non-transferable. A copy of the license shall be displayed in a conspicuous place. *Except as provided in paragraph (j), the license is valid for 1 year from the date of issuance, unless the license is suspended or revoked by the department or is voluntarily surrendered by the licensee. The license is the property of the department.*

(i) A license issued for the operation of a family foster home or agency, unless sooner suspended, revoked, or voluntarily returned, will expire automatically 1 year from the date of issuance *except as provided in paragraph (j)*. Ninety days prior to the expiration date, an application for renewal shall be submitted to the department by a licensee who wishes to have the license renewed. A license shall be renewed upon the filing of an application on forms furnished by the department if the applicant has first met the requirements established under this section and the rules promulgated hereunder.

(j) *The department may issue a license that is valid for longer than 1 year but no longer than 3 years to a family foster home that:*

1. *Has maintained a license with the department as a family foster home for at least the 3 previous consecutive years;*
2. *Remains in good standing with the department; and*
3. *Has not been the subject of a report of child abuse or neglect with any findings of maltreatment.*

A family foster home that has been issued a license valid for longer than 1 year must be monitored and visited as frequently as one that has been issued a 1-year license. The department reserves the right to reduce a licensure period to 1 year at any time.

(k)† The department may not license summer day camps or summer 24-hour camps. However, the department shall have access to the personnel records of such facilities to ensure compliance with the screening requirements.

Section 9. Paragraph (a) of subsection (2) of section 409.176, Florida Statutes, amended to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(1)(a) A residential child-caring agency or family foster home may not receive a child for continuing full-time care or custody, and a residential child-caring agency may not place a child for full-time continuing care or custody in a family foster home, unless it has first registered with an association that is certified by a Florida statewide child care organization which was in existence on January 1, 1984, and which publishes, and requires compliance with, its standards and files copies thereof with the department as provided in paragraph (5)(b). For purposes of this section, such an association shall be referred to as the "qualified association."

(b) For the purposes of this section, the terms "child," "family foster home," "screening," and "residential child-caring agency" are defined as provided in s. 409.175(2), and the terms "personnel," "operator," and "owner" as they pertain to "residential child-caring agency" are defined as provided in s. 409.175.

(c) As used in this section, the term "facility" means a residential child-caring agency or a family foster home.

(2)(a) Registration shall consist of annually filing with the qualified association, on forms provided by the qualified association, the name and address of the facility; the capacity of, and the number of children being cared for in, the facility; the names and addresses of the officers and the board of directors or other governing body of the organization, if applicable; the name of the officer or person in charge of the facility; and proof that the facility is in compliance with the minimum fire, health, sanitary, and safety standards required by applicable state law or local ordinance, *and the uniform fire safety standards required by*

chapter 633, and in compliance with the requirements for screening of personnel in s. 409.175 and chapter 435. A separate registration form shall be filed for each such facility.

(b) As part of the registration application, each child-caring agency and each family foster home shall annually provide to the qualified association the names and ages of children being cared for in the facility; the names of children who have been received from out of state or who have been sent out of state during the past calendar year; the names of children who have left the facility during the past year, the lengths of their stays, and the nature of the placements; the names of all personnel; and proof that the facility is in compliance with published minimum standards that are filed with the department under the provisions of paragraph (5)(b). The agency shall also attest to the good moral character of the personnel of the facility by providing proof of compliance with the screening requirements of s. 409.175 and chapter 435 and provide the name of any member of the staff having a prior felony conviction.

(c) Upon verification that all requirements for registration have been met, the qualified association shall issue without charge a certificate of registration valid for 1 year.

Section 10. Section 435.045, Florida Statutes, is amended to read:

435.045 Requirements for *placement of dependent children prospective foster or adoptive parents.*—

(1)(a) Unless an election provided for in subsection (2) is made with respect to the state, the department *is authorized to shall* conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any *person being considered by the department for placement of a child subject to a placement decision pursuant to ch. 39, Florida Statutes. prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. s. 671, are to be made.* Approval shall not be granted:

1. In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

2. In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(b) Notwithstanding paragraph (a), the department may place a child in a foster home which otherwise meets licensing requirements if state and local criminal records checks do not disqualify the applicant and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.

(c) Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.

(2) For purposes of this section, and ss. 39.401(3) and 39.521(1)(d), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inappli-

able to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

Section 11. Section 784.081, Florida Statutes, is amended to read:

784.081 Assault or battery on specified officials or employees; reclassification of offenses.—Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any elected official or employee of: a school district; a private school; the Florida School for the Deaf and the Blind; a university developmental research school; a state university or any other entity of the state system of public education, as defined in s. 228.041; ~~or~~ an employee or protective investigator of the Department of Children and Family Services; or an employee of a lead community-based provider and its direct service contract providers, when the person committing the offense knows or has reason to know the identity or position or employment of the victim, the offense for which the person is charged shall be reclassified as follows:

(1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

Section 12. *Status report on the child protection program.*—

(1) *The Office of Program Policy Analysis and Government Accountability shall provide the Legislature with a report on the status of the child protection program. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President of the Senate, the minority leaders of each house of the Legislature, and the appropriate substantive committees of each house of the Legislature, no later than February 1, 2002.*

(2) *The status report shall contain, at a minimum:*

(a) *The most current statistical information from the abuse hotline.*

(b) *The most current data on the number of abuse and neglect cases that are not closed within 60 days, by district.*

(c) *Reasons cases are not closed, by district.*

(d) *The turnover rate of the child protective investigator staff, by district.*

(e) *Strategies to retain child protective investigator staff.*

(f) *Factors that are creating caseload increases in district 7 and other districts, including strategies to address these factors.*

(g) *The most current statistical information concerning the number of foster homes recruited, the number of additional foster homes needed, and the description of the department's effort to recruit foster homes.*

(h) *The department's progress in implementing the HomeSafeNet information system.*

(i) *The progress made in implementing the recommendations of the Office of Program Policy Analysis and Government Accountability in the March 2001 justification review of the child protection program.*

Section 13. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2 after the semicolon, through page 2, line 31 remove from the title of the bill: all said lines and insert in lieu thereof: amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.402, F.S.; requiring department recommend visitation schedule; requiring department provide information regarding services and providing that participation in services not be considered admission of allegations; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed

for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term "related services"; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 409.176, F.S., providing for compliance with uniform fire safety standards; amending s. 435.045, F.S., relating to placement of dependent children, authorizing department to conduct criminal records checks; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; requiring the Office of Program Policy Analysis and Government Accountability to provide the Legislature with a report on the status of the child protection program; providing an effective date.

On motion by Senator Peaden, the Senate concurred in the House amendment.

CS for CS for SB 1214 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1200, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1200—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities;

providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

House Amendment 1 (460713)(with title amendment)—On page 2, line 13, after the period, insert: *Residents who are the subject of or identified in incident reports or other related records shall be entitled to receive a copy of those documents upon request.*

And the title is amended as follows:

On page 1, line 12, after the semicolon, insert: providing that certain residents shall be entitled to receive a copy of described documents;

House Amendment 2 (852967)—On page 2, line 25, remove from the bill: *October 1* and insert in lieu thereof: *October 2*

House Amendment 3 (363089)—On page 3, line 16, remove from the bill: all of said line and insert in lieu thereof: that Senate Bill 1202 or similar legislation creating internal

On motion by Senator Brown-Waite, the Senate refused to concur in **House Amendment 1** and the House was requested to recede and concurred in **House Amendments 2 and 3.**

SB 1200 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for HB 293.

John B. Phelps, Clerk

CS for HB 293—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms "early stage technology business" and "qualified distribution"; defining the terms "Program One" and "Program Two"; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

On motion by Senator Latvala, **CS for HB 293** was returned to the House as requested.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Sanderson, by two-thirds vote **SB 918** was removed from the Special Order Calendar and withdrawn from further consideration.

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

SB 2126—A bill to be entitled An act relating to filings administered by the Department of State; providing legislative findings and intent; amending s. 679.401, F.S.; prescribing places of filing for secured transactions; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the Department of State; prescribing standards for the registry; providing an effective date.

—which was previously considered this day.

An amendment was considered and adopted to conform **SB 2126** to **HB 1157**.

Pending further consideration of **SB 2126** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1157** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1157—A bill to be entitled An act relating to the Department of State; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation; amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.809, F.S.; revising membership of the Florida Intergovernmental Relations Foundation; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; providing effective dates.

—a companion measure, was substituted for **SB 2126** as amended and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (201348)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (6) and (7) of section 15.16, Florida Statutes, are redesignated as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(6) *Notwithstanding s. 865.09(3)(d), the Department of State may waive the requirement that a person advertise the intention to register a fictitious name if the department indexes the fictitious name registration in a central database available to the public on the Internet.*

Section 2. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. ~~Florida law enforcement agencies shall inform the Department of State when such arrest or incarceration occurs. The secretary in turn shall notify the appropriate foreign governmental official. The secretary shall annually report on the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.~~

Section 3. Effective October 1, 2001, paragraph (c) of subsection (1) and subsection (5) of section 679.401, Florida Statutes, are amended to read:

679.401 Place of filing; erroneous filing; removal of collateral.—

(1) The proper place to file in order to perfect a security interest is as follows:

(c) In all other cases, by filing *under the Florida Secured Transaction Registry in the office of the Department of State.*

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is *under the Florida Secured Transaction Registry the office of the Department of State.*

Section 4. Section 679.4015, Florida Statutes, is created to read:

679.4015 *Florida Secured Transaction Registry.*—

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

(a) *“Florida Secured Transaction Registry” or “registry” means the central database in which all initial financing statements, amendments, assignments, and other statements of change authorized to be filed under this chapter are filed, maintained, and retrieved. The term does not apply to documents that are filed under this chapter with the clerk of a circuit court.*

(b) *“Department” means the Department of State.*

(c) *“Materials and records” includes, but is not limited to, databases, source or object codes, and any software relating to the Florida Secured Transaction Registry or other filing system under this chapter, regardless of the original source of its creation or maintenance.*

(2) *The department shall perform the duties of the filing office and filing officer under this chapter until October 1, 2001, or until the effective date of a contract executed by the department for the performance of these duties, whichever occurs later. At that time, the department shall cease serving as the filing office and filing officer under this chapter, and thereafter, except to the extent the department may reclaim those duties under paragraph (3)(d), the department is not responsible for the performance of the duties of the filing office or filing officer under this chapter, including determinations of whether filings under this chapter satisfy the requirements of law.*

(3) *The department shall immediately develop and issue a request for qualifications seeking capable entities to perform the duties currently being performed by the department as the filing office and filing officer under this chapter.*

(a) *The qualifications shall, at a minimum, provide for the organization and maintenance of the Florida Secured Transaction Registry in a matter that:*

1. *Is comparable and compatible with the department’s current filing system.*

2. *Is open to the public and accessible through the Internet, to permit the review of all current filings of the department and all future filings in the registry, in compliance with chapter 119.*

3. *Provides for oversight and compliance audits by the department.*

4. *Requires records maintenance in compliance with this chapter and chapter 119.*

5. *Maintains the current level of filing fees and procedures for the deposit of revenues with the department as specified in chapter 15, net of operating costs.*

(b) *Under chapter 287, the department has the authority to determine and select the most qualified respondents to the request for qualifications and to negotiate and enter into one or more contracts as provided in this section.*

(c) *The contract may not be assignable or otherwise transferable without the express written consent of the department.*

(d) *Notwithstanding the terms and conditions of the contract, the department and the state retain sole and exclusive ownership of the materials and records in the registry, have the right to inspect and make copies of the materials and records in the registry, and have the right to*

immediately reclaim and take possession and control of the original materials and records in the registry if an entity under contract with the department does not, or cannot, perform the terms and conditions of the contract for any reason or commences an insolvency proceeding. If the department reclaims control of the materials and records in the registry, the department shall provide for the uninterrupted fulfillment of the duties of the filing office and filing officer under this chapter. The department is entitled to injunctive relief if an entity fails to turn over the materials and records upon demand, and the Circuit Court for Leon County, Florida, has exclusive original jurisdiction over any disputes pertaining to this section or any contract executed under this section.

(4) The department retains authority under this chapter to approve the forms required to be filed under this chapter. If authorized by the contract with the department, the entity performing the duties of the filing office may certify a copy of a financing statement, or an amendment thereto, which shall be admissible in a state or federal court or in a proceeding before any other tribunal.

(5) The department shall develop performance standards to ensure that the Florida Secured Transaction Registry is accurate and complete and that the users thereof are being well-served. Periodically, the department shall verify that these performance standards are being met or modified as may be needed from time to time.

Section 5. Section 901.26, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 901.26, F.S., for present text.)

901.26 Arrest and detention of foreign nationals.—Failure to provide consular notification under the Vienna Convention on Consular Relations or other bilateral consular conventions shall not be a defense in any criminal proceeding against any foreign national and shall not be cause for the foreign national's discharge from custody.

Section 6. (1) The Coastal Management Program of the Department of Community Affairs and the Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Coastal Management Program and the Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of Community Affairs should consider these responsibilities to be a priority of the Florida Coastal Management Program, and implementation of this act should be a priority in the use of coastal management funds.

(2) The Department of Community Affairs and the Department of State shall request in their annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Community Affairs may assist the Division of Historical Resources in projects to accomplish lighthouse identification, assessment, restoration, and interpretation.

(3) There are appropriated in fiscal year 2001-2002 the sums of \$50,000 from nonrecurring general revenue to the Department of State and \$50,000 from nonrecurring general revenue to the Department of Community Affairs to implement the study required by this section.

(4) This section shall take effect upon this act becoming a law.

Section 7. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and

incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation; providing effective dates.

Pursuant to Rule 4.19, **HB 1157** as amended was placed on the calendar of Bills on Third Reading.

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

CS for SB 1560—A bill to be entitled An act relating to the Department of Environmental Protection; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring that the Department of Environmental Protection, the State Technology Office, and the Department of State submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (153700)** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1560** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1738—A bill to be entitled An act relating to expedited permitting; amending s. 288.109, F.S.; specifying that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System; providing that the 60-day period for application approval or denial under the system does not apply to certain applications; removing provisions that provide for a waiver of development permit fees for a specified period when an agency begins accepting applications through the system; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; providing an effective date.

—with pending **Amendment 1 (345644)** by Senator Peaden as amended.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bronson, the Senate reconsidered the vote by which **Amendment 1B** was adopted. **Amendment 1B** was withdrawn.

The question recurred on **Amendment 1** as amended which was adopted.

Pursuant to Rule 4.19, **SB 1738** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

SENATOR SILVER PRESIDING

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Howard C. Forman who was present in the chamber.

On motion by Senator Diaz de la Portilla, the Senate resumed consideration of—

CS for CS for SB 2008—A bill to be entitled An act relating to economic development; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a misdemeanor penalty for failing to provide such documentation or maintain certain records; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for the calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding the purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.980, F.S.; providing that grants by the Office of Tourism, Trade, and Economic Development to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; creating the “New Product Transfer Enhancement Act”; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term “project” to include information technology facilities; defining the term “information technology facility”; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising

duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term “digital media”; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; authorizing the Office of Tourism, Trade, and Economic Development to use a portion of funds appropriated for the Rural Community Development Revolving Loan Fund for loan activities on behalf of small citrus growers; providing effective dates.

—which was previously considered this day.

MOTION

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

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

Amendment 2 (373610)(with title amendment)—On page 56, between lines 5 and 6, insert:

Section 33. Section 341.821, Florida Statutes, is created to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the “Florida High-Speed Rail Authority,” hereinafter referred to as the “authority.”

(2)(a) *The governing board of the authority shall consist of nine voting members appointed as follows:*

1. *Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.*

2. *Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.*

3. *Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.*

(b) *The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. Initial appointments must be made within 30 days after the effective date of this act.*

(c) *A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.*

(d) *The Secretary of Transportation shall be a nonvoting ex officio member of the board.*

(e) *The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.*

(f) *The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.*

(3) *Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.*

(4) *The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.*

Section 34. Section 341.822, Florida Statutes, is created to read:

341.822 *Powers and duties.—*

(1)(a) *The authority created and established by this act shall plan, administer, and manage the preliminary engineering and preliminary environmental assessment of the intrastate high-speed rail system in the state, hereinafter referred to as "intrastate high-speed rail."*

(b) *The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may not incur debt.*

(c) *The authority shall have perpetual succession as a body politic and corporate.*

(d) *The authority is authorized to seek federal matching funds or any other funds to fulfill the requirements of this act.*

(e) *The authority may employ an executive director, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.*

Section 35. (1) *The following criteria shall apply in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this act:*

(a) *The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;*

(b) *The initial segments of the system will be developed and operated between St. Petersburg, Tampa, and Orlando, with future service to Miami;*

(c) *The authority is to develop a model that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, and operation of the system;*

(2) *The authority shall make recommendations concerning:*

(a) *The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;*

(b) *The preferred routes between the cities designated in paragraph (1)(b);*

(c) *The preferred locations for the stations in the cities designated in paragraph (1)(b);*

(d) *The preferred locomotion technology to be employed from constitutional choices of monorail, fixed guideway, or magnetic levitation;*

(e) *Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and*

(f) *Any other issues the authority deems relevant to the development of a high-speed rail system.*

(3) *When preparing the operating plan, the authority shall include:*

(a) *The frequency of service between the cities designated in paragraph (1)(b);*

(b) *The proposed fare structure for passenger and freight service;*

(c) *Proposed trip times, system capacity, passenger accommodations, and amenities;*

(d) *Methods to ensure compliance with applicable environmental standards and regulations;*

(e) *A marketing plan, including strategies that can be employed to enhance the utilization of the system;*

(f) *A detailed planning-level ridership study;*

(g) *Consideration of nonfare revenues that may be derived from:*

1. *The sale of development rights at the stations;*

2. *License, franchise, and lease fees;*

3. *Sale of advertising space on the trains or in the stations; and*

4. *Any other potential sources deemed appropriate.*

(h) *An estimate of the total cost of the entire system, including, but not limited to, the costs to:*

1. *Design and build the stations and monorail, fixed guideway, or magnetic levitation system;*

2. *Acquire any necessary rights-of-way;*
3. *Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.*
 - (i) *An estimate of the annual operating and maintenance costs for the system and all other associated expenses.*
 - (j) *An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.*

(k) *An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).*

Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.

Section 36. *The authority shall prepare a report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2002. If statutory changes are recommended, the report shall contain proposed legislation necessary to implement those recommendations.*

Section 37. *The Department of Transportation may prepare and issue a request for information from private-sector entities regarding their interest in participating in financing, building, and operating the high-speed rail system in this state, and may issue a request for proposals in order for the authority to contract with a consultant to assist the authority in fulfilling the requirements of this act. Furthermore, the authority may enlist assistance or input from the private sector and from existing rail and fixed guideway system vendors or operators, including Amtrak. The Department of Transportation is directed to begin, as soon as possible, collecting and organizing existing research, studies, and reports concerning high-speed rail systems in preparation for the authority's first meeting.*

Section 38. *The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.*

Section 39. *There is appropriated from funds assigned to the Transportation Outreach Program to the authority the sum of \$4,500,000 for the purpose of performing its duties under this act. These funds shall be administered by the authority, and the funding for the authority, for its board, and for any consultant under the provisions of this act shall be allocated from this appropriation.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 22, after the semicolon (;) insert: creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation;

Senator Horne offered the following amendment which was moved by Senator Diaz de la Portilla and adopted by two-thirds vote:

Amendment 3 (531976)(with title amendment)—On page 7, line 26, insert:

Section 1. (1) *The Legislature intends to ensure that all high schools provide supportive services to students and their parents to determine the*

comprehensive program of study that will best meet the needs and goals of each student. At a minimum, these services must include access to a guidance counselor and assistance in developing an educational and career plan. Each high school shall provide a variety of comprehensive, relevant programs of study which will meet the needs of all students and enable each student to pursue his or her individual educational and career goals.

(2) *Key components of this process are:*

(a) *A variety of programs of study which are based on individual educational and career goals.*

(b) *Parental involvement in the identification of the appropriate program of study.*

(c) *Assurance that all programs of study are designed to provide a seamless transition to an appropriate postsecondary education and employment.*

Section 2. (1) *A career and technical education program within a comprehensive high school program of study must be certified or endorsed by the appropriate industry to ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in that industry.*

(2) *Effective July 1, 2006, each career and technical program preparing for postsecondary education and employment offered as part of a comprehensive program of study in a high school must be industry-certified or endorsed, except for courses classified as exploratory, orientation, or practical arts. A student enrolled in a course within a career and technical program that is not industry-certified may not be reported for full-time equivalent funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts. The Department of Education shall assure that each program is certified by July 1, 2006, and recertified at least every 5 years. The department shall adopt rules for the certification process, and the rules must establish any necessary procedures for obtaining appropriate business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.*

(3) *Each full-time equivalent student in an industry-certified or endorsed career and technical program generates 1.15 times the cost factor for students enrolled in the basic program for grades 9-12, as provided by section 236.081, Florida Statutes, and the annual General Appropriations Act.*

(4) *Effective July 1, 2006, each career and technical education program offered by a high school and able to be articulated to a postsecondary level must also have an articulation agreement with one or more appropriate postsecondary education institutions to ensure a seamless transition to a related postsecondary program without a loss of credit for the student. Students enrolled in a program that is not articulated to a postsecondary program may not be reported for full-time equivalent student funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts or terminates at the high school level.*

Section 3. (1) *A comprehensive program of study in career and technical education must be designed to ensure that, upon completion of the program of study and graduation from high school, a student is prepared to continue his or her education at a postsecondary education institution and obtain employment. Therefore, a comprehensive career and technical program of study must require of each student:*

(a) *Completion of academic courses with a designation from the Department of Education of level two or above. All credits earned to meet graduation requirements in mathematics, science, and communication must have that designation.*

(b) *Attainment of at least one occupational completion point in an industry-certified or endorsed career and technical education program or completion of at least two courses in a technology education program.*

(c) *Completion of a one-credit core course addressing workplace-readiness skills. The Department of Education shall define in rule the content of the course and shall assure that the course meets graduation requirements for performing arts or practical arts. The course requirement may be satisfied through infusing course content into existing select career and technical education course.*

(d) Participation in work-based learning experiences, as defined in rule by the Department of Education.

(e) Participation in a capstone activity that includes a project related to a career. This activity is designed to apply and demonstrate the competencies and concepts attained in the student's program of study. The Department of Education may specify in rule characteristics of capstone activities that meet the intent of this paragraph.

(2) The Legislature intends to recognize with an endorsement on the high school diploma a student who:

(a) Completes the requirements for high school graduation as provided in section 232.246, Florida Statutes, and the additional requirements for a comprehensive career and technical program of study provided in subsection (1).

(b) Passes the college entry-level placement test or an equivalent test identified by the department with a score adequate to enroll in a public postsecondary education program without the need for college preparatory or vocational preparatory instruction.

(3) The endorsement indicates that the student is prepared to continue into postsecondary education without the need for remediation and that the student has marketable employment skills. The Department of Education may adopt by rule a standard format for the endorsement.

(4) For each student who receives the endorsement on his or her diploma, the school district shall receive incentive funding, as provided in section 236.081, Florida Statutes, and the annual General Appropriations Act.

(5) A school district that generates funds as a result of industry-certified programs or incentive funding for student achievement of the endorsement must expend the total amount on the comprehensive career and technical program of study. The district may not apply indirect charges to incentive funds earned.

Section 4. The Legislature finds that, to adequately assist students in advanced technical and academic career planning, high school guidance counselors and career specialists require preservice and inservice professional development programs that contain sufficient information on career education.

(1) Each guidance counselor and career specialist in a school with technical education programs certified as provided in section 2 of this act shall complete 12 inservice points in technical education and career development which include:

(a) An emphasis on labor-market trends and projections;

(b) A practicum that focuses on development of a career-awareness program; and

(c) Content related to a career or employment within the counselor's work experience.

(2) The Department of Education shall assist guidance counselors and career specialists in attaining the additional inservice required. The State Board of Education shall revise rules governing the certification and recertification of guidance counselors to allow substitution of personal work-based experiences and temporary-employment opportunities in business and industry for the required classroom instruction. A minimum of 12 hours of inservice in career and technical education will be required for each 5-year period.

(3) To implement the requirements of this act through preservice education, the Legislature encourages colleges of education to provide for the additional courses required without increasing the total number of credit hours needed to complete a program. Instead, the colleges are encouraged to infuse course content required for ethics courses into courses required for introduction, theory, and practicum.

Section 5. Paragraph (b) of subsection (9) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—“Instructional personnel” means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(b) Pupil personnel services.—Pupil personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, ~~career occupational/~~ placement specialists, and school psychologists.

Section 6. Paragraph (c) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(c) Develop programs for preservice and inservice training for the purpose of infusing career education concepts into the basic curricula of public schools and core curricula of community colleges and state universities and programs for preservice and inservice training for counselors and ~~career occupational and placement~~ specialists to assist in career counseling and placement and followup activities.

Section 7. Paragraph (a) of subsection (5) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(5) Each school district shall designate one or more persons to coordinate local private sector and education partnership activities. The general activities of these coordinators shall be to enhance private sector and education partnership activities. The specific duties of the district coordinators shall include, but not be limited to, the following:

(a) Maintaining contact with local businesses and industries, local chamber of commerce organizations, regional workforce boards ~~private industry councils with Job Training Partnership Act programs~~, district, ~~career occupational~~ specialists, guidance personnel, economics educators, volunteer coordinators, community education coordinators, appropriate governmental personnel, and any others interested in private sector and education partnerships.

Section 8. Paragraphs (c), (d), and (l) of subsection (1) of section 236.081, Florida Statutes, are amended, present paragraphs (m) through (p) of that subsection are redesignated as paragraphs (n) through (q), respectively, and a new paragraph (m) is added to that subsection, and paragraph (a) of subsection (5) of that section is amended, to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. A *secondary career or technical education program certified as required by section 2 of this act generates funding as provided in paragraph (m). Effective July 1, 2006, a full-time equivalent student in a career or technical education program that is not industry-certified or endorsed shall not generate any state funding unless the student is in a course classified as exploration, orientation, or practical arts and the General Appropriations Act contains a cost factor*

for such courses. The Department of Education shall complete a study by January 2002 to determine if career and technical education programs should have differentiated funding weights. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Programs for exceptional students.—
 - a. Support Level IV.
 - b. Support Level V.
3. Secondary career and technical education programs, industry-certified or endorsed.—
4. Career and technical education programs, all other programs.—
 - 5.4. English for Speakers of Other Languages.—
 - (d) Annual allocation calculation.—
 1. The Department of Education ~~shall be authorized and directed to~~ review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.
 2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.
 3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, all basic programs other than the programs in group 1, and all vocational programs in grades 6-12 ~~7-12~~.
 - a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.
 - b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:
 - (I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.
 - (II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program exceeds the weighted enrollment ceiling for the program group.
 - (III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).
 - (IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.
 - c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:
 - (I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and
 - (II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

1. The Department of Education ~~shall be authorized and directed to~~ review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, all basic programs other than the programs in group 1, and all vocational programs in grades 6-12 ~~7-12~~.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(l) Instruction in career education.—~~Effective for the 1985-1986 school year and thereafter,~~ District pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. *Beginning July 1, 2006, a career and technical course may not be substituted for another required course unless it is part of an industry-certified or endorsed program certified as provided in section 2 of this act.* A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory course program may substitute credit for a portion of the required four credits in English, three credits in mathematics, *any credits in social studies*, and three credits in science. The credit substituted for English, mathematics, *social studies*, or science earned through the vocational job-preparatory course program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. The State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies*, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies*, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. ~~A career and technical course vocational program~~ which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course. *Such a course is eligible for funding at 1.15 times the cost factor for students enrolled in the basic program for grades 9-12 only if it is part of a program certified or endorsed as required by section 2 of this act.*

(m) Calculation of full-time equivalent membership for an industry-certified or endorsed technical program.—*Funding for students enrolled in an industry-certified program as provided in section 2 of this act is calculated at 1.15 times the cost factor for students enrolled in the program for grades 9-12 and multiplying that number by the number of full-time equivalent students in an industry-certified or endorsed career and technical program. A student who earns the endorsement authorized by section 3 of this act generates additional incentive funding for the program, as provided in subsection (5). During the transition from the 2001-2002 school year until July 1, 2006, all career and technical education programs not industry-certified or endorsed or articulated to postsecondary institutions will continue to earn weighted funding as determined in the General Appropriations Act.*

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

- (a) General.—
 1. Comprehensive school construction and debt service as provided by law.
 2. Community schools as provided by law.
 3. School lunch programs as provided by law.
 4. Instructional material funds as provided by law.
 5. Student transportation as provided by law.
 6. Student development services as provided by law.
 7. Diagnostic and learning resource centers as provided by law.
 8. Comprehensive health education as provided by law.
 9. Excellent Teaching Program as provided by law.
 10. *Attainment of the high school career and technical endorsement authorized by section 3 of this act and rules of the State Board of Education.*

Section 9. Section 239.121, Florida Statutes, is amended to read:

239.121 ~~Career Occupational~~ specialists.—

(1) District school boards and community college boards of trustees may employ ~~career occupational~~ specialists to provide student counseling services and occupational information to students and to provide information to local business and industry regarding the availability of vocational programs through local educational institutions. Under the supervision of a certified counselor, ~~career occupational~~ specialists may undertake special assignments that include, but are not limited to, the identification and intensive counseling of current and former students and the parents of such students, as well as counseling students and all education personnel regarding job and career opportunities.

(2) ~~Career Occupational~~ specialists shall receive certification pursuant to State Board of Education rule and s. 231.1725. A ~~career No occupational~~ specialist may not be paid less than any other member of the instructional personnel who has equivalent qualifications and provides similar services. ~~Career Occupational~~ specialists may receive salary supplements upon documentation that such supplements are necessary for recruiting or retaining suitable personnel.

(3) *The Department of Education and each school district that employs a career specialist shall assist that person in preparing a professional development plan designed to provide the skills necessary to perform the duties associated with implementing a comprehensive technical education program of study.*

Section 10. Paragraph (a) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)(a) *Each school board and superintendent shall direct the smooth transition of high school career and technical education programs to industry-certified or endorsed programs of study included in a comprehensive course of study. Each school board and superintendent shall also direct the implementation of all components required to obtain the endorsement authorized in section 3 of this act if the district chooses to offer the endorsement. School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:*

1. Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.

2. Student awareness of available vocational programs and the corresponding occupations into which such programs lead.
3. Student development of individual career plans.
4. Integration of academic and vocational skills in the secondary curriculum.
5. Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college-preparatory or vocational-preparatory instruction.
6. Student retention in school through high school graduation.

7. ~~Career and technical Vocational~~ curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents;

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

Amendment 4 (164498)(with title amendment)—On page 56, between lines 5 and 6, insert:

Section 33. Section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(1) The Spaceport Management Council is created within the Spaceport Florida Authority to provide coordination *between government agencies and commercial operators for the purpose of developing and recommendations on projects and activities to that will increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, and research, and technology development within the state.* The council shall work to ~~create develop~~ integrated facility and programmatic development plans to address commercial, state, and federal requirements and to identify appropriate private, state, and federal resources to implement these plans.

- (2) The council shall make recommendations regarding:
 - (a) The development of a spaceport master plan.
 - (b) The projects and levels of commercial financing required from the Florida Commercial Space Financing Corporation created by s. 331.407.
 - (c) Development and expansion of space-related education and research *facilities and programs within Florida in consultation with the Florida Space Research Institute, including recommendations to be provided to the State University System, the Division of Community Colleges, and the Department of Education.*
 - (d) The regulation of spaceports and federal and state policy.
 - (e) ~~Appropriate levels of governmental and private funding for sustainable Florida's approach to the Federal Government regarding requests for funding of space development.~~
- (3) *The council shall submit its recommendations to the Governor and Lieutenant Governor and provide copies to the Secretary of Transportation, the director of the Office of Tourism, Trade and Economic Development, the associate administrator for Space Transportation in*

the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, and the Deputy Assistant Secretary of the Air Force for Space Plans and Policy.

~~(4)(3)(a) The council shall consist of an executive board consisting, which shall consist of representatives of governmental organizations having with responsibilities for developing or operating space transportation facilities; and a Space Industry Committee, which shall consist of representatives of Florida's space industry.~~

~~(b) The executive board consists of the following individuals or their designees shall serve on the executive board:~~

~~1. The executive director of the Spaceport Florida Authority or his or her designee.~~

~~2. The director of the John F. Kennedy Space Center or his or her designee.~~

~~3. The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

~~4. The Commander of the Naval Ordnance Test Unit or his or her designee.~~

~~2.5. The Secretary of Transportation or his or her designee.~~

~~3.6. The president of Enterprise Florida, Inc., or his or her designee, as an ex officio nonvoting member.~~

~~4.7. The director of the Office of Tourism, Trade, and Economic Development or his or her designee, as an ex officio nonvoting member.~~

~~(c)1. Participation by the federal agencies having space-related missions in the state will contribute to council effectiveness, and the following installation heads or their designees may serve as official liaisons to the council: the director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit.~~

~~2. Federal liaison officials may attend and participate in council meetings and deliberations, provide federal-agency views on issues before the council, and present issues of concern and make recommendations to the council.~~

~~3. The role of federal liaison officials is limited by federal statutes and other constraints, but the determination of this limitation is a federal function.~~

~~4. The fiduciary responsibility of the official liaisons shall remain at all times with their respective agencies.~~

~~5. To the extent that the advice or recommendations of the official liaisons are not adopted or incorporated into the final recommendations of the council, the official liaisons may append to such final recommendations their advice, recommendations, or opinions.~~

~~(4) Each member shall be appointed to serve for a 3-year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.~~

~~(5) The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.~~

~~(6) All council members must be residents of the state.~~

~~(5)(7) The executive board council shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.~~

~~(6)(8) The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.~~

~~(7)(9) The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of facilities for space manufacturing, research, technology and development, and education educational facilities.~~

~~(8)(10) The council shall meet at the call of its chairperson, at the request of two or more members of the executive board a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. A majority vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.~~

Section 34. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

(a) A representative of the Spaceport Florida Authority.

(b) A representative of Enterprise Florida, Inc.

(c) A representative of the Florida Aviation Aerospace Alliance.

(d) A representative of the Florida Space Business Roundtable.

(e) Additional private-sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)-(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state. Each private-sector representative shall serve a term of 3 years.

(f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)-(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college, and one representative must be from a public or private university. Each educational representative shall serve a term of 2 years.

(g) Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board.

(h) The board members are considered to be volunteers as defined in s. 110.501, and shall serve with all protections provided to volunteers of state agencies under s. 768.1355.

(3) The Florida Space Research Institute may:

(a) Acquire property under such conditions as the board considers necessary, and sell or otherwise dispose of the property.

(b) Serve as a coordinating organization among public and private academic institutions, the State University System, industry, and government agencies to support the expansion and diversification of the state's space industry and to support research and education programs.

(c) Execute contracts and other documents, adopt proceedings, and perform any acts determined by the board to be necessary to carry out the purposes of this section.

(d) Establish a personnel-management system and procedures, rules, and rates governing administrative and financial operations of the institute.

(e) Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.

(f) *Work in partnership with the Spaceport Florida Authority, Enterprise Florida, Inc., and other organizations to support their programs to promote the state as a center for space enterprise, research, and technology development.*

(4)(3) The board of the Florida Space Research Institute shall:

(a) Set the strategic direction for the space-related research priorities of the state and its space-related businesses, the scope of research projects for the institute, and the timeframes for completion.

(b) Invite the participation of public and private *academic institutions* ~~universities~~, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.

(c) Select a lead university to:

1. Serve as coordinator of research ~~for and as the administrative entity~~ of the institute;

2. Support the institute's development of a statewide space research agenda and programs; and

3. Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space-industry requirements, which report must be completed by December 15, 2000.

(d) Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.

(e) Comanage, with the National Aeronautics and Space Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.

(f) Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.

(g) Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long-duration space missions; and spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space-related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real-time, virtual environment.

(i) *Appoint or dismiss, as considered necessary by the board, a person to act as executive director of the institute, who shall have such title, functions, duties, powers, and salary as the board prescribes.*

(5)(4) By December 15 of each year, the institute shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:

(a) Future research activities.

(b) The development of capital and technology assistance to new and expanding industries.

(c) The removal of regulatory impediments.

(d) The establishment of business development incentives.

(e) The initiation of education and training programs to ensure a skilled workforce.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 22, after the semicolon (;) insert: amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute;

Senator Klein moved the following amendment:

Amendment 5 (373572)(with title amendment)—On page 56, between lines 5 and 6, insert:

Section 33. *Legislative findings and intent; Digital Divide Council; powers and duties; program objectives and goals; review and assessment of program performances; annual report.*

(1) *Legislative findings and intent.—The Legislature finds as follows:*

(a) *Frequent access to use of information technology and possession of the knowledge and skills required to use information technology productively is becoming increasingly important to being competitively qualified for high skill/high wage employment;*

(b) *The availability of reasonable opportunities to have frequent access to use of information technology and to obtain the education and training necessary to acquire the knowledge and skills required to use information technology productively is critical to becoming competitively qualified for high skill/high wage employment;*

(c) *Families that are living near or below the poverty level are without adequate economic resources to have reasonable opportunities to obtain frequent access to use of information technology or the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high skill/high wage employment;*

(d) *The absence of such economic resources divides such families from those who have adequate economic resources to have such opportunities, places such families at-risk of never realizing their employment and income earning potential, and prevents the state's economy from prospering to the extent it could if such families realized their employment and income earning potential; and*

(e) *The divide between the members of such at-risk families and those who have adequate economic resources to have reasonable opportunities to obtain frequent use of information technology and the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high skill/high wage employment could be reduced, and the economy of the state could be enhanced, by the design and implementation of programs that provide such opportunities to members of such at-risk families.*

It is the intent of the Legislature to provide the authority and resources reasonably necessary to facilitate design and implementation of such programs.

(2) *Digital Divide Council.—There is created in the State Technology Office a Digital Divide Council. The Council shall be constituted as follows:*

(a) *The Chief Information Officer in the State Technology Office;*

(b) *The Director of the Office of Tourism, Trade and Economic Development in the Executive Office of the Governor;*

(c) *The President of Workforce Florida, Inc.;*

(d) *The Director of the Agency for Workforce Innovation;*

(e) *The Chair of itflorida.com, Inc.;*

(f) *The Commissioner of Education;*

- (g) *The Executive Director of the State Board of Community Colleges;*
- (h) *The Executive Director of the State Board for Career Education;*
- (i) *A representative of the information technology industry in Florida appointed by the Speaker of the Florida House of Representatives;*
- (j) *A representative of the information technology industry in Florida appointed by the President of the Florida Senate.*
- (k) *Two members of the Florida House of Representatives appointed by the Speaker of the House, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus; and*
- (l) *Two members of the Florida Senate appointed by the President of the Senate, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus.*
- (3) *Term of appointed members of Council; vacancies; compensation of members.—The appointed members of the Council shall serve an initial term of one year commencing July 1, 2001, and ending June 30, 2002, and successor appointees shall serve a term of two years, the first of which shall commence July 1, 2002 and end June 30, 2004. Successive two year terms shall commence and end on the same schedule in subsequent years. Any vacancy in the membership of the Council resulting from resignation, incapacity or death shall be filled within 30 days from the date the vacancy is effective. The appointed members of the Council shall serve without compensation, but such appointees and the other members of the Council shall be entitled to receive per diem and reimbursement for travel expenses as provided in s. 112.061, Florida Statute. Payment of such per diem and reimbursement of such travel expenses may be made from appropriations authorized to be used for such purposes.*
- (4) *Council meetings; election of officers.—The Council shall conduct its initial meeting by August 1, 2001, and shall meet thereafter at least once every 60 days. In its initial meeting, the members of the Council shall elect one of themselves to serve as Chair and another to serve as Vice-Chair, each for a term of one year from the date of the election. Any vacancy in the offices of Chair and Vice-Chair resulting from resignation, incapacity or death shall be filled by similar election within 30 days from the date the vacancy is effective.*
- (5) *Administrative and technical support; payment of support costs.—The State Technology Office shall provide such administrative and technical support to the Council as is reasonably necessary for the Council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties imposed on the State Technology Office related to design and implementation of the programs authorized above may be paid from appropriations authorized to be used for such purposes.*
- (6) *Powers and duties of Council.—The Digital Divide Council, through the State Technology Office, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The State Technology Office shall present and demonstrate to the Council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section, and each such program shall be reviewed and approved by the Council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if deployed throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the Digital Divide Council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards, and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.*
- (7) *Program objectives and goals.—The programs authorized by this section shall have the following objectives and goals:*
- (a) *Maximizing efficient and productive use of existing facilities, equipment, personnel, programs and funds available from federal, state and local government agencies, and from any private person or entity;*
- (b) *Using innovative concepts employing newly developed technologies in educating and training those who are enrolled in the programs authorized by this section;*
- (c) *Developing viable partnerships between public agencies and private persons and entities based on mutual commitment to responsible and dedicated participation in designing and implementing the programs authorized by this section;*
- (d) *Recruiting, enrolling, retaining and graduating as many at-risk family members as feasible to ensure that they have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to competitively qualify them for high skill/high wage employment;*
- (e) *Reducing the number of underachieving and failing students in the state's public school systems who are members of at-risk families;*
- (f) *Reducing the number of underemployed and unemployed members of at-risk families;*
- (g) *Using information technology to facilitate achievement of Sunshine State Standards by all children enrolled in the state's K-12 school system who are members of at-risk families;*
- (h) *Training teachers in the state's K-12 school system to efficiently and effectively use information technology to plan, teach and administer all courses of instruction required and available by election of children enrolled in the system;*
- (i) *Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education needed to achieve successful completion of general education development test preparation to earn a high school diploma, an applied technology diploma, a vocational certificate, an associate of arts degree, or a baccalaureate degree;*
- (j) *Bridging the digital divide in developing a competitive workforce to meet the employment needs of Florida based information technology businesses and establishing Florida as having the most information technology ready workforce in the western hemisphere.*
- (8) *Monitoring, reviewing and evaluating program performances; reporting results.—The Digital Divide Council, through the State Technology Office, shall continually monitor, review and evaluate the progress of performances realized from implementation of the programs authorized by this section. The State Technology Office shall prepare and submit a report to the Council at least 10 days in advance of each of its meetings subsequent to its initial meeting and each such report shall, at a minimum, identify and describe the functional elements of each program being implemented, and identify and describe the facilities, equipment, personnel, programs and funds used to design and implement the program. For each such program, the report shall also identify by name, address, age and sex the school-age children, and their older siblings and parents who are enrolled in the program, state the educational level achieved by each enrollee as of the date he or she enrolled in the program, state the attendance and achievement level recorded for each enrollee in the program, evaluate the progress each enrollee is making toward successful completion of the program, and identify by name, address, age and sex each enrollee who successfully completes the program. For each such program that is designed to prepare enrollees for high skill/high wage employment, the report shall identify each enrollee who successfully completes the program, describe each such employment position for which each enrollee has applied, identify by name, address and nature of business each Florida based employer to whom each such application for employment has been addressed, state the results each enrollee obtained from making each such application, and describe the nature of any employment obtained and terms of compensation being earned from such employment by each enrollee as a result of making such applications.*
- (9) *Annual report.—By March 1, 2002, the Digital Divide Council, through the State Technology Office, shall report to the Executive Office of the Governor, the Speaker of the Florida House of Representatives, and the President of the Florida Senate the results of the Council's monitoring, reviewing and evaluating such programs since their inception, and*

the Council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 22, after the semicolon (;) insert: stating legislative findings and intent; providing for creation of the Digital Divide Council; authorizing design and implementation of programs; expressing program objectives and goals; providing for review and assessment of program performances;

Senator Klein moved the following amendment to **Amendment 5** which was adopted by two-thirds vote:

Amendment 5A (305668)—On page 3, lines 21-28, delete those lines and insert:

(k) Two members of the Florida House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus; and

(l) Two members of the Florida Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus.

Amendment 5 as amended was adopted by two-thirds vote.

Senator Horne offered the following amendment which was moved by Senator Diaz de la Portilla and adopted by two-thirds vote:

Amendment 6 (935064)—On page 21, delete line 4 and insert:

Section 18. Sections 19 through 21 of this act may be

On motion by Senator Diaz de la Portilla, **CS for CS for SB 2008** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Bronson, Webster

THE PRESIDENT PRESIDING

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

SB 968—A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

—which was previously considered this day.

Pending further consideration of **SB 968** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 339** was withdrawn from the Committee on Health, Aging and Long-Term Care.

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

CS for HB 339—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations; amending s. 408.036, F.S.; authorizing certain facilities to request exemption from the certificate of need process; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

—a companion measure, was substituted for **SB 968** as amended and read the second time by title.

Senator Clary moved the following amendment:

Amendment 1 (880602)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. The certificate-of-need workgroup created by section 15 of Chapter 2000-318, Laws of Florida, shall include in its report the issue of access to open heart surgery services in areas currently lacking programs or deemed underserved. In evaluating access to open heart surgery, the work group shall consider the restriction of angioplasty to hospitals providing open heart surgery and recommend ways to improve access to primary angioplasty while assuring patient safety and quality of care. The workgroup shall submit its final recommendations on or before January 1, 2002.

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) For the conversion or hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.

Section 3. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing only upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. Any party appealing a final order approving or denying a certificate of need to a district court of appeal shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party appealing a final order fails in the appeal, that party shall pay all costs of litigation, including treble attorney fees, of the party that was issued the certificate of need. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.

Section 4. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of ~~32~~ ~~30~~ members, 10 appointed by the Governor, ~~11~~ ~~10~~ appointed by the President of the Senate, and ~~11~~ ~~10~~ appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, and a health care market consultant with expertise in health care economics, and a member of the Senate.

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization, and a member of the House.

(4) ~~The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.~~

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending

s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

Senator Clary moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (252210)—On page 4, lines 26-29, delete those lines and insert: *include recommended legislative action and agency rule-making. In developing the plan, the workgroup shall*

Amendment 1B (872642)—On page 2, lines 26 and 27, delete those lines and insert: *attorney fees, of the prevailing party. The Agency for Health Care Administration shall not be subject to the provisions of this paragraph except that it shall be entitled to all costs of litigation, including treble attorney fees if it is the prevailing party in an appeal of a final order. Such amounts shall be taken first from the escrow*

The question recurred on **Amendment 1** as amended.

Senator Klein moved the following substitute amendment:

Amendment 2 (151040)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The certificate-of-need workgroup created by section 15 of Chapter 2000-318, Laws of Florida, shall include in its report the issue of access to open heart surgery services in areas currently lacking programs or deemed underserved. In evaluating access to open heart surgery, the work group shall consider the restriction of angioplasty to hospitals providing open heart surgery and recommend ways to improve access to primary angioplasty while assuring patient safety and quality of care. The workgroup shall submit its final recommendations on or before January 1, 2002.*

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) *For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.*

Section 3. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing *only* upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. *Any party challenging an order approving or denying a certificate of need in an administrative or judicial action shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party challenging the order fails in the challenge, that party shall pay all costs of litigation, including treble attorney fees, of the party that was issued the certificate of need. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.*

Section 4. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) ~~The workgroup shall consist of 730 members, 10 appointed by the Governor, 10 appointed by the President of the Senate, and 10 appointed by the Speaker of the House of Representatives. The Governor shall appoint 1 member representing hospitals, 1 member representing hospice, 1 member representing nursing homes, and 2 members representing the Agency for Health Care Administration. The President of the Senate shall appoint 1 member of the Senate. The Speaker of the House of Representatives shall appoint 1 member of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Four Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private sector consultant.~~

(3) ~~Appointment to the workgroup shall be as follows:~~

(a) ~~The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long term care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.~~

(b) ~~The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term care community diversion program, and a health care market consultant with expertise in health care economies.~~

(c) ~~The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization.~~

(4) ~~The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for recommended legislative action and agency rule making. No plan shall be implemented sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.~~

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report;

requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for membership of the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

On motion by Senator Clary, further consideration of **CS for HB 339** with pending **Amendment 1** as amended and **Amendment 2** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 2036** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; and **CS for SB 1614** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and by two-thirds vote placed on the Special Order Calendar for Thursday May 3; and **SB 506** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

On motion by Senator Lee, by two-thirds vote **SB 940** which has been reported favorably by the Appropriations Subcommittee on Education with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

MOTIONS

On motion by Senator Lee, by two-thirds vote **SB 50** was placed on the Special Order Calendar for Thursday May 3.

On motion by Senator Lee, a deadline of 30 minutes after recess this day, was set for filing amendments to Bills on Third Reading to be considered Thursday May 3.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 3.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 3, 2001: CS for CS for SB 1470, HB 1737, SB 1710, CS for CS for SB 1276, CS for SB 986, CS for SB 1780, CS for SB 2096, SB 2114, CS for SB 1534, CS for CS for CS for SB's 310 and 380, CS for CS for SB 1374, CS for SB 386, CS for SB 524, SB 1380, CS for SB 1330, SB 636, SB 1948, CS for SB 2172, CS for SB 1010, CS for SB's 128 and 1598, HB 21, CS for SB 156, CS for SB 256, CS for SB 1772, CS for SB 1816, HB 1707, HB 1711, HB 1717, HB 1719, HB 1741, HB 1743, SJR 124, CS for SB 812, SB 430, CS for SB 402, CS for SB 678, SB 696, CS for SB 1002, CS for SB's 1080 and 950, CS for SB 846, SB 1634, CS for SB's 1708 and 1626, CS for SB 1968, SB 1980, CS for SB 682, CS for SB 792, CS for SB 904, SB 1230, CS for SB 1368, CS for SB 1734, CS for CS for SB 1814, CS for CS for SB's 1960 and 1760, SB 2216, CS for HB 415, CS for SB 910, CS for CS for SB 294, CS for SB 348, CS for SB 2, HB 1821, SB 432, CS for CS for SB 460, SB 768, CS for SB 874, SB 1022, CS for SB 876, SJR 1176, CS for SB 1812, CS for SB 1896, CS for SB 1914, CS for CS for SB 2056, CS for SB 2044, CS for SB 2074, SB 2004, CS for SB 2124, CS for SB 892, CS for SB 934, CS for SB 930, CS for SB 978, CS for CS for CS for SB 1068, CS for SB 1246, SB 1382, CS for SB 1234, SB 1408, CS for SB 1410, CS for SB 1342, SB 1616, CS for CS for SB 2066, SB 1648, SB 1620, CS for SB 1670, SB 254, CS for SB 2210, CS for CS for SB 1612, CS for SB 1310, CS for SB 1902, SB 22, SB 20

Respectfully submitted,
Tom Lee, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 2, 2001: SB 510, SB 1270, SB 1888, SB 1892, SB 1990, SB 1996, SB 1998, SB 2274, SB 2276, SB 2296, SB 2304, SB 2310, SB 2326, SB 2340, SB 2342, SB

2354, SB 2356, SB 2358, SB 2374, SB 2382, HB 115, CS for HB 479, HB 585, HB 763, HB 775, HB 777, HB 799, HB 845, HB 847, HB 849, HB 851, HB 857, HB 859, HB 863, HB 867, HB 873, HB 879, HB 885, HB 887, HB 891, HB 897, HB 901, HB 903, HB 905, HB 911, HB 917, HB 919, HB 927, HB 929, HB 931, HB 937, HB 939, HB 941, HB 943, HB 945, HB 975, CS for HB 979, HB 1037, HB 1041, HB 1115, HB 1125, HB 1183, HB 1785, HB 1815, HB 1851, HB 1855, HB 1857, HB 1859, HB 1887, HB 1897, HB 1899, HB 1903

Respectfully submitted,
Tom Lee, Chairman

The Committee on Judiciary recommends the following pass: CS for HB 415 with 2 amendments

The bill was placed on the calendar.

The Committee on Appropriations recommends a committee substitute for the following: CS for SB 792

The bill with committee substitute attached was placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Health, Aging and Long-Term Care; and Senator Silver—

CS for CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; authorizing the agency to pay for assistive-care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; requiring the Medicaid Pharmaceutical and Therapeutics Committee to recommend a preferred drug formulary; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee; authorizing the Agency for Health Care Administration to implement a prior authorization program for outpatient prescription drugs under the Medicaid program; providing duties of the committee in advising the agency with respect to prior authorization for drugs; providing requirements for the program; requiring public notice and comment; requiring the committee to develop a grievance mechanism; requiring the agency to publish the preferred drug formulary; amending s. 409.912, F.S.; authorizing the agency to establish requirements for prior authorization for certain populations, drug classes, or particular drugs; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; directing the agency to establish a demonstration project in Miami-Dade County to provide minority health care; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid

ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation; providing for distribution of funds under the disproportionate share program for specified hospitals for the 2001 federal fiscal year; providing effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 477, CS for HB 717, CS for HB 1385, CS for HB 1701; has passed as amended CS for HB 41, CS for HB 137, CS for HB 161, CS for HB 175, CS for HB 199, HB 251, CS for CS for HB 411, HB 465, CS for HB 475, HB 579, HB 625, HB 757, CS for HB 949, HB 1067, HB 1091, HB 1111, HB 1197, HB 1223, HB 1225, CS for HB 1253, CS for HB 1361, HB 1429, CS for CS for HB 1509, HB 1655, CS for HB 1803, CS for HB 1805, HB 1811, CS for HB 1927, HB 1981; has passed by the required Constitutional three-fifths vote of the membership HJR 1451, HB 1919; has passed as amended by the required Constitutional three-fifths vote of the membership HB 1265 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Hogan and others—

HB 477—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing contingent effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Agriculture and Consumer Affairs; and Representative Stansel—

CS for HB 717—A bill to be entitled An act relating to assessment of agricultural property; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain irrigation systems, litter containment structures, and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Finance and Taxation.

By the Committee on State Administration; and Representative Joyner and others—

CS for HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Depart-

ment of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Children and Families.

By the Committee on State Administration; and Representative Smith—

CS for HB 1701—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; expanding the exemption from public records requirements for identifying information relating to code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Local Government and Veterans Affairs; and Representative Argenziano—

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Council for Smarter Government; and Representative Goollette and others—

CS for HB 137—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the

term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; providing for applicability of certain provisions under specified circumstances; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a non-resident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing

requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims;

amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Committee on Natural Resources and Environmental Protection; and Representative Argenziano and others—

CS for HB 161—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of

funds; providing for demonstration restoration projects; providing effective dates.

—was referred to the Committee on Natural Resources.

By the Committee on Crime Prevention, Corrections and Safety; and Representative Machek and others—

CS for HB 175—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; creating s. 316.1923, F.S.; defining the term “aggressive careless driving”; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Judicial Oversight; and Representative Trovillion and others—

CS for HB 199—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug court programs; requiring judicial circuits to establish a model of treatment-based drug court programs for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug court programs; providing for inclusion of certain programs in such drug court programs; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Representative Kilmer and others—

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining “clothing” and “school supplies” for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Smarter Government; the Committee on Judicial Oversight; and Representative Kyle and others—

CS for CS for HB 411—A bill to be entitled An act relating to mobile homes; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the

Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; establishing responsibilities for such administrative entity; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Regulated Industries.

By Representative Baker and others—

HB 465—A bill to be entitled An act relating to determinations of residency for tuition purposes; amending s. 240.1201, F.S.; revising provisions relating to determinations of residency for tuition purposes to classify members of the active Florida National Guard as residents for tuition purposes; amending s. 240.2099, F.S.; providing additional authority of the Board of Regents and the State Board of Community Colleges with respect to the implementation of the statewide computer-assisted student advising system; providing for expenditure of specified proceeds; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By the Council for Healthy Communities; and Representative Hogan and others—

CS for HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient’s Bill of Rights and Responsibilities; replacing references to the term “physical handicap” with the term “handicap”; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of

cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Crow—

HB 579—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; providing criteria for the registry; operation of a filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; speci-

fying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; creating s. 285.20, F.S.; establishing the Tribal Secured Transactions Filing Offices; specifying nonsupersession of certain provisions; providing effective dates.

—was referred to the Committees on Judiciary; Banking and Insurance; Health, Aging and Long-Term Care; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Bean and others—

HB 625—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing a custodian to withdraw as custodian under certain circumstances; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders; providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers

and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing effective dates.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Barreiro and others—

HB 757—A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross reference; providing that the term “civil penalties and fines” does not include reference to a wrecker operator’s lien; amending s. 713.78, F.S., relating to liens; revising conditions for sale of certain vehicles and vessels; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator’s lien has been issued; providing procedures with respect to such liens; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Utilities and Telecommunications; and Representative Attkisson—

CS for HB 949—A bill to be entitled An act relating to local government regulation of water or wastewater utilities; amending s. 367.0816, F.S.; requiring a reduction in utility rates by the amount of certain rate case expenses after a time certain; amending s. 367.171, F.S.; providing for regulation of certain utilities by certain counties; prohibiting exercise of eminent domain by certain governmental entities under certain circumstances; striking provisions relating to the application of ss. 120.569 and 120.57 to county proceedings; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Judiciary.

By Representative Kyle—

HB 1067—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Wishner and others—

HB 1091—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Allen and others—

HB 1111—A bill to be entitled An act relating to the Aerospace Infrastructure Reinvestment Act; creating said act; providing legislative findings; amending s. 212.20, F.S.; providing that the amounts due under

the chapter on sales, use, and other transactions collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions thereto and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida Commercial Space Financing Corporation and used for funding aerospace infrastructure; providing an exemption for the reallocation of certain proceeds to the Discretionary Sales Surtax Clearing Trust Fund; providing a definition; providing for rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Representative Berfield and others—

HB 1197—A bill to be entitled An act relating to legislative oversight of governmental programs; amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions; providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee’s authority to conduct investigations; deleting the content required within an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; deleting a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office; requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement of examinations; amending s. 11.513, F.S.; correcting cross references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, and 943.2569, F.S.; providing for audits of programs; amending s.

20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending ss. 24.105, 39.202, 119.07, 195.084, 213.053, 944.719, and 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; correcting cross references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, and 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, and 985.311, F.S.; designating the Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, and 311.07, F.S.; correcting cross references; amending s. 125.01, F.S.; deleting a requirement that the Auditor General retain county audit reports for a specific period of time; amending ss. 154.11, 253.025, and 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; deleting the Auditor General from the list of entities receiving a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be utilized by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, and 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, and 985.4145, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; correcting a cross reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; correcting a cross reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214,

F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, and 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, and 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits; amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; correcting a cross reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, and 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11 and 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e), F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(l), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct support organizations within the Department of Agriculture; amending s. 189.4042, F.S.; providing that an inactive independent special district that was created by a county or municipality through a referendum may be dissolved by the county or municipality after publication of notice as required for the declaration of the inactive status of a special district; amending s. 189.4044, F.S.; reducing the number of weeks such notice of declaration of inactive status must be published; amending s. 189.418, F.S.; providing that a dependent special district may only be budgeted separately with concurrence of the local governing authority upon which said dependent special district is dependent; deleting a requirement that the proposed budget of an independent special district located in one county be filed with the county; deleting requirements for each special district to file certain reports, information, and audits with the local governing authority; amending s. 189.419, F.S., to conform; amending s. 189.429, F.S.; providing the effect of the reenact-

ment of existing law pursuant to the required codification of a special district charter; repealing s. 218.34, F.S.; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Rules and Calendar; Appropriations Subcommittee on Education; and Appropriations.

By Representative Cantens and others—

HB 1223—A bill to be entitled An act relating to construction permitting and inspection; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; providing for recommendations and a report by a date certain; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Pickens and others—

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for record-keeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.;

revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms “elderly” and “housing for the elderly” under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; amending s. 446.609, F.S.; deleting a time-period limitation for the “Jobs for Florida’s Graduates” school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation’s board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Insurance; and Representative Farkas—

CS for HB 1253—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain

uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, non-renewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising a definition; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Education Innovation; and Representative Arza and others—

CS for HB 1361—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; prohibiting a public school from using the word “charter” in its name unless it is currently operating under a charter that has been granted pursuant to this section; providing additional purposes of charter schools; requiring a public school to have been in operation for at least 2 years prior to application to convert to charter school status; requiring a school board to provide notice of denial to charter school applicant in writing; prohibiting a sponsor from charging a fee related to the consideration of a charter school application; prohibiting the consideration or approval of a charter school application from being contingent on the promise of future payment of any kind; clarifying provisions relating to appeals of denial of charter school applications; deleting provisions relating to failure to act in accordance with the recommendation of the State Board of Education regarding a charter school application; exempting a charter school from a sponsor’s policies; authorizing charter school cooperatives; deleting a cap on the number of newly created charter schools; authorizing students in a charter school-in-a-development or charter school-in-a-municipality as a condition of eligibility; authorizing students articulating from one charter school to another as a condition of eligibility; authorizing the establishment of reasonable academic, artistic, or other standards as a condition for eligibility; requiring the capacity of a charter school to be annually determined by the charter school’s governing body based on certain factors; allowing required financial records to follow accounting principles for not-for-profit organizations; requiring the charter school governing board to adopt an operating budget; requiring a charter to address the identification and acquisition of appropriate technologies; requiring a charter to address how a school board shall provide academic student performance data to charter schools; requiring a charter to address means for ensuring accountability; requiring a charter to address a description of delineated responsibilities needed to effectively manage the charter school; requiring a charter to address procedures that identify risks and provide an approach to remove the impact of losses; requiring a charter to include a financial plan for the facilities to be used; requiring a charter to address the strategies used to recruit qualified staff; requiring the governing body to exercise continuing oversight over charter school operations; providing for appeal of a sponsor’s decision to terminate a charter; providing for a charter school governing board to request a waiver of statutes directly from the commissioner, rather than through the sponsor; providing for notice of receipt and final disposition of such request; stipulating that a charter school may not knowingly employ an individual whose certification has been revoked by this or any other state; revising criteria for continued employment as a teacher under certain circumstances; requiring student enrollment report to be submitted in a certain format; prohibiting a sponsor from withholding an administrative fee from certain funds; requiring PECO maintenance funds to remain with a conversion charter school; requiring a school board to expedite consideration of a resolution relating to certain revenue procedures; revising provisions relating to compliance with the Flor-

ida Building Code; authorizing the establishment of a charter school-in-a-development and a charter school-in-a-municipality; amending s. 228.0561, F.S.; deleting current capital outlay distribution methods; requiring the Department of Education to distribute capital outlay funds on a monthly basis; amending s. 228.058, F.S.; requiring public schools in a charter school district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; amending s. 159.27, F.S.; redefining the term “educational facility” for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Representative Byrd and others—

HB 1429—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

—was referred to the Committees on Judiciary; and Health, Aging and Long-Term Care.

By the Council for Lifelong Learning; the Committee on Colleges and Universities; and Representative Diaz-Balart and others—

CS for CS for HB 1509—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible post-secondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the

award; providing for transfer of awards; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Representative Clarke—

HB 1655—A bill to be entitled An act relating to workplace regulation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; transferring certain rules to the Agency for Health Care Administration; amending s. 20.13, F.S.; providing for certain employees of the Division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; creating the Division of Workers' Compensation in the Department of Insurance; repealing s. 20.171, F.S., which creates the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.025, 440.05, 440.09, 440.10, 440.021, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.386, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.12, 450.197, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and

duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing appropriations; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.824, and 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing for the source of funding of the division; specifying firefighter employee rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; specifying applicability to volunteer firefighters and volunteer fire departments; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name and membership of the Firefighters Standards and Training Council; amending ss. 383.3362, 633.30, and 633.32, F.S., to conform; amending s. 633.33, F.S.; revising certain powers of the council; specifying controlling legislation in the event of a conflict; providing effective dates.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Waters and others—

CS for HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary

limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and

Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Waters and others—

CS for HB 1805—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Committee on Information Technology; and Representative Hart and others—

HB 1811—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology

Office has primary responsibility and accountability for information technology matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by cabinet officers; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor's recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining "information technology resources" and "data processing software"; amending ss. 119.083, F.S.; correcting cross references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Waters and others—

CS for HB 1927—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 627.0915, F.S.; deleting obsolete provisions; providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Fiscal Policy and Resources; and Representative Wallace—

HB 1981—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 212.08, F.S.;

reducing the maximum amount of the tax which is imposed upon industrial machinery and equipment; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; providing intent; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature regarding compliance with the agreement; reviving and readopting s.

215.20(3), F.S., which provides for deduction of a service charge from certain trust funds; amending s. 220.22, F.S.; eliminating the initial year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

—was referred to the Committee on Finance and Taxation.

By Representative Negron and others—

HJR 1451—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

By the Committee on General Government Appropriations; and Representative Dockery and others—

HB 1919—A bill to be entitled An act relating to trust funds; creating s. 282.23, F.S.; creating the Technology Enterprise Trust Fund within the Department of Management Services; providing for sources of funds and purposes; providing for creation of a reserve account; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Dockery—

HB 1265—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 150, CS for SB 178, CS for SB 252, SB 272, CS for CS for SB 366, CS for SB 408, SB 654, CS for SB 684, SB 810, CS for CS for SB 870, CS for SB 888, SB 1142, CS for SB 1366, CS for CS for SB 1376, SB

1428, CS for SB 1568, CS for SB 1662, CS for SB 1836, CS for CS for SB 1878, CS for CS for SB 1880, CS for SB 1922, CS for SB 1932, CS for SB 2174 and SB 2308; has passed CS for SB 1540 by the required Constitutional three-fifths vote of the membership of the House; and has adopted SCR 2106.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-SPONSORS

Senators Holzendorf—CS for CS for SB 2008; Wasserman Schultz—CS for CS for SB 784

VOTES RECORDED

Senator King was recorded as voting “yea” on the following bills which were considered April 27: **CS for SB 962** and **SB 1170**.

RECESS

On motion by Senator Lee, the Senate recessed at 6:55 p.m. to reconvene at 9:00 a.m., Thursday, May 3 or upon call of the President.

JOURNAL OF THE SENATE

REGULAR SESSION

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SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER
WITH SUBJECT, SPONSOR AND DISPOSITION

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

- BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

- SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution
HR — House Resolution

Final Disposition:

- Adopted
CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee/Council
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
UHC — Unfavorable Report, House Committee/Council
USC — Unfavorable Report, Senate Committee
Vetoed
WNI — Withdrawn, Not Introduced
WS — Withdrawn from the Senate

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4 Relief/Angelo Juliano/DOT (Bronson) (FR)8, (CR)61, (MO)200 WS
6 Relief/Minouche, Jean, & Flora Noel (Health, Aging and Long-Term Care) (FR)8, (CR)60, (CR)271, (CS)272, (CR)327 DCS
8 Relief/McIntires/DOT (Clary) (FR)8, (CR)60, (CR)305 DCS
10 Relief/Maria Garcia/Orange Co. (Dyer) (FR)8, (CR)59, (CR)326, (CR)423, (CR)569, (BA)650, (BA)786 DM
12 Relief/Russell Allen/DOT (Klein) (FR)8, (CR)61 DSC
14 Relief/Jack Lemonik/Miami-Dade Co. (Meek) (FR)8, (CR)61 DSC
16 Relief/Alice Berdat/DOC (Sullivan) (FR)8, (CR)61 DSC
18 Relief/Mary Beth Wiggers/DOC (Sullivan) (FR)8, (CR)61 DSC
20 Relief/Calderons/Miami-Dade Co. (Villalobos) (FR)8, (CR)59, (CR)60, (CO)147, (CR)305, (CR)951, (BA)1162, (BA)1510 DM
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42 Relief/Kimberly Godwin/CFS Dept. (Finance and Taxation and others) (FR)9, (CR)59, (CR)60, (CO)135, (CR)(CS)305 DCS
44 Relief/Terri Yost/Volusia Co. (Holzendorf) (FR)9, (CR)61, (MO)200 WS
46 Relief/Jane Doe/Pinellas School Bd. (Sullivan) (FR)10, (CR)61, (MO)110 WS

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48 Relief/Lawrence Gizzi/Hallandale (Meek and others) (FR)10, (CR)59, (CR)60, (MO)304 WS
50 Relief/Oscar Ortiz/Miami (Diaz de la Portilla) (FR)10, (CR)59, (CR)326, (CR)423, (MO)951, (BA)1162, (BA)1510 LTS/CSP-HB 821
52 Relief/Pamela San Juan/Orange Co. (Geller) (FR)10, (CR)59, (CR)60, (CR)305, (MO)465 WS
54 Relief/Helene Rippe/Coral Springs (Campbell) (FR)10, (CR)59, (CR)326, (CR)423, (CR)569, (BA)649, (BA)784, 785 DM
56 Relief/Lawrence Bigney (Campbell) (FR)10, (CR)59, (CR)285, (CR)327 DCS
58 Relief/Skowroneks/Clearwater (Latvala) (FR)10, (CR)59, (CR)285, (CR)327, (CR)569, (BA)650, (BA)785, 786 DM
60 Relief/Santa Rosa Co./DBPR (Clary) (FR)10, (CR)61 DSC
62 Relief/Alana Kelly & Richard Taylor (Dyer) (FR)10, (CR)60, (CR)305 DCS
64 McCarthy/Deckers/Chapmans/Williams (Mitchell) (FR)10, (CR)61, (MO)194 WS
66 Relief/Alfred Roberts/St. Petersburg (Sullivan) (FR)10, (CR)59, (CR)285, (CR)327, (CR)569, (BA)649, (BA)772, (BA)832 LTS/CSP-CS/HB 795
68 Relief/Hilda De Paz/Miami-Dade Co. (Jones) (FR)11, (CR)59, (CR)60, (CR)305 DCS
70 Relief/Polices & Cora Donaldson (Dawson) (FR)11, (CR)397 DSC
72 Relief/Clyde Kilpatrick/Escambia Co. (Lawson) (FR)11, (CR)59, (CR)60 DSC
74 Relief/James Torrence (Pruitt) (FR)11, (CR)60, (CO)147, (CR)270, (CR)305 DCS
76 Relief/Margaret B. Helm/Martin Co. (Judiciary) (FR)11, (CR)60, (CR)356, (CS)359, (CR)466 DCS
78 Relief/Hopkins & Bowman (Campbell) (FR)11, (CR)60, (CR)305 DCS
80 Relief/Nicholas Maracic/Broward Co. (Forman) (FR)11, (CR)60 USC/LTS
82 Relief/Eric Brady/Broward Co. (Klein) (FR)11, (CR)61, (MO)111 WS
84 Law Enforcement/Discrimination (Criminal Justice and others) (FR)11, (CR)201, (CS)213, (CO)227, (CR)270, (MO)421, (CR)424, (CR)465, (BA)522, (BA)523, (BA)561, (MO)575, (BA)661, (BA)1862, 1863 Ch. 2001-264
86 Solicitation/Public Roads/Minors (Criminal Justice) (FR)11, (CR)132, (CS)134 DSC
88 Domestic Violence Court Costs (Meek) (FR)12, (CR)59 DSC/CSP-HB 1673
90 Voting System Technology Task Force (Meek) (FR)12, (CR)59 DSC
SJR
92 Legislature/Open-Meetings Rules (Meek and others) (FR)12 DSC

- SB
94 Consumer Collection Practices (Judiciary) (FR)12, (CS)57, (CR)60, (CR)136, (BA)196, (BA)197, (CR)200, (BA)217, (BA)245, 2118 Ch. 2001-206
- 96 Family Violence/Cross-Reporting (Campbell) (FR)12 DSC
- 98 Parental Rights (Campbell) (FR)12, (CR)136, (CR)228, (BA)266, (BA)284 LTS/CSP-CS/HB 215
- 100 Uniform Child Custody Jurisdiction (Campbell) (FR)12 DSC
- 102 Indian Gaming Activities (Geller) (FR)13 DSC
- 104 Cardrooms/Operation (Regulated Industries) (FR)13, (CR)271, (CS)272 DSC
- 106 Grandparent Visitation (Campbell and others) (FR)13, (CR)466, (CR)569, (BA)598, (BA)650, (BA)668, (BA)673 DM
- 108 Financial Settlements (Judiciary and others) (FR)13, (CR)132, (CS)134, (CO)135, (CR)201, (CS/CS)213, (CR)228, (BA)239, (BA)267, (BA)1487, 1490 Ch. 2001-207 CSP-CS/SB 1530, HB 579
- 110 Local Government Code Enforcement (Geller) (FR)13, (CR)132 DSC
- 112 Food/Shelf-Life Expiration Dates (Agriculture and Consumer Services) (FR)13, (CS)57, (CR)60 DSC
- 114 School Personnel/Education Dept. (Geller) (FR)13 DSC
- 116 Home Inspection Services (Sullivan) (FR)13, (MO)269 WS
- 118 College Prep/Fast Start Program (Appropriations and others) (FR)13, (CR)59, (CR)60, (CR)272, (MO)368, (CS)397, (BA)463, (CR)465, (BA)506, (BA)558, (MO)640, (BA)661, (CO)2119 DM
- 120 Pharmaceutical Expense Assistance (Rossin and others) (FR)14, (CR)148, (CO)192 DSC
- 122 Sentencing/Criminal Street Gangs (Burt and others) (FR)14, (CR)59, (MO)313, (CR)395, (CO)430, (BA)464, (CR)465 LTS/CSP-HB 695
- SJR
124 Excessive Punishment (Burt and others) (FR)14, (CR)60, (MO)787, (CR)951, (BA)1050, (CO)2119 LTS/CSP-HJR 951
- SB
126 Xeriscape/Irrigation Wells (Comprehensive Planning, Local and Military Affairs) (FR)14, (CS)57, (CR)61, (CR)149, (CS/CS)176, (BA)197, (CR)200, (BA)218 DM/CSP-SB 1132
- 128 Taxation (Finance and Taxation and others) (FR)14, (CR)136, (CO)147, (MO)673, (CR/CS)787, (CR)951, (BA)1041, (BA)1188, (BA)1191, (CO)1256, (BA)1281 DCS/CSP-HB 21, CS/SB 1872
- 130 Eminent Domain/Public School Purpose (Silver) (FR)14, (CR)60, (CR)111, (BA)198, (CR)200, (BA)219, 1256 Ch. 2001-77
- 132 Mining Activities/State Fire Marshal (Silver) (FR)14 DSC
- 134 Firearm Manufacturer/Liability (Campbell) (FR)14, (MO)304 WS/CSP-SB 412
- 136 Sex Crimes (Campbell) (FR)14, (CR)60, (CR)395, (CR)652, (BA)750, (BA)751, (BA)801 DM
- 138 Adoption (Children and Families and others) (FR)14, (CS)57, (CS/CS)58, (CR)60, (CR)61, (BA)198, (BA)199, (CR)200, (BA)220 LTS/CSP-CS/HB 141
- SJR
140 Ad Valorem Tax Exemption (Geller) (FR)15, (CR)148 DSC
- SB
142 Health Insurance/Infertility (Geller) (FR)15 DSC
- 144 Computer Crimes (Judiciary and others) (FR)15, (CR)271, (CS)272, (CR)424, (CS/CS)425, (MO)454, (CR)569, (BA)583, (BA)587, (BA)666, 667, (BA)669, (CO)793, 1256 Ch. 2001-54
- 146 High-Occupancy Vehicle Traffic Lanes (Transportation) (FR)15, (CR)328, (CS)331 DSC
- 148 Children's Health Advisory Committee (Meek) (FR)15, (CR)60 DSC
- 150 Property Exempt from Legal Process (Horne) (FR)16, (CR)132, (CR)221, (CR)285, (BA)297, (BA)298, (BA)316, 964 Ch. 2001-129
- 152 Felons' Right to Vote (Ethics and Elections and others) (FR)16, (CO)227, (CR)286, (CS)290 DSC
- 154 Fair Pay Act (Dawson) (FR)16 DSC
- 156 Fla. Residents' Tax Relief Act (Finance and Taxation) (FR)16, (CR)136, (MO)673, (CR/CS)787, (MO)795, (CR)951, (BA)1042 LTS/CSP-HB 251
- 158 Enterprise Zones (Finance and Taxation) (FR)16, (CR)221, (CS)222, (CR)305, (CS/CS)306, (CR)326, (BA)352, (BA)369 DCH/CSP-CS/CS/SB 668, HB 1225
- SJR
160 Ad Val Tax Exemption/Elderly Living (Brown-Waite and others) (FR)16, (CR)148 DSC
- SB
162 Homestead Assessment/Elderly Living (Comprehensive Planning, Local and Military Affairs and others) (FR)16, (CR)149, (CS)176 DSC
- 164 Banking & Insurance (Geller) (FR)16, (CR)271, (CS)278, (CR)305, (CS/CS)307, (MO)350, (CR)395, (BA)441, (BA)531, (BA)550, (BA)575, (BA)663 LTS
- 166 Parent-Child Privilege (Geller) (FR)16 DSC
- 168 Health Insurance (Banking and Insurance and others) (FR)16, (CO)131, (CR)221, (CS)222 DSC
- 170 Citrus Canker Eradication (Appropriations and others) (FR)17, (CR)228, (CS)229, (CR)329, (CS/CS)(MO)652 DCS/CSP-CS/SB 1922, SB 2002
- 172 Voting Integrity Act (King) (FR)17 DSC
- 174 Study of Elections Procedures (Saunders) (FR)17, (MO)446 WS
- 176 DUI Programs (Brown-Waite) (FR)17 DSC/CSP-CS/SB 1956
- 178 Duration of Real Property Liens (Judiciary) (FR)17, (CS)58, (CR)61, (CR)221, (CR)285, (BA)298, (BA)300, (BA)316, 964 Ch. 2001-130
- 180 Computer & Computer-related Crimes (Judiciary) (FR)17, (CR)305, (CS)306, (CR)466, (CS/CS)470, (MO)673 DCS/CSP-CS/CS/SB 144
- 182 Windstorm Insurance Policies (Banking and Insurance and others) (FR)17, (CR)328, (CS)331, (CR)396, (BA)463, (BA)464, (CR)465, (CO)478, (BA)553, (MO)640 DM
- 184 Sales Tax/College Football Facility (Silver) (FR)17, (CR)136 DSC
- 186 Florida Uniform Balloting Act (Clary) (FR)17 DSC
- 188 Florida Retirement System/Revision (Clary) (FR)17 DSC
- 190 Building Code Revisions (Clary and others) (FR)18, (CR)221, (CS)223, (MO)409, (MO)421, (CR)467, (CS/CS)470, (CO)478, (CR)569, (BA)649, (BA)682, (BA)691, (BA)798, (BA)970, (BA)1283, 1293, 2118 Ch. 2001-186 CSP-SB 850, CS/SB 1030
- 192 Student Records (Education) (FR)18, (CR)424, (CS)425, (MO)967 DCS
- 194 Environmental Protection (Clary) (FR)18 DSC
- 196 Improved Safety in Schools (Clary) (FR)18 DSC
- 198 Florida Election Code/Revision (Clary) (FR)18 DSC
- 200 Military & Overseas Voter Protection (Ethics and Elections and others) (FR)18, (CR)241, (CS)244, (MO)313, (MO)368, (CO)2119 DCS/CSP-CS/SB 1118
- 202 Malt Beverages/Container Size (Agriculture and Consumer Services and others) (FR)18, (CR)60, (MO)194, (CR)329, (CS)331, (CR)395, (BA)422, (BA)432, 2118 Ch. 2001-78
- SR
204 Osteopathic Physicians (Silver) (FR)294 Adopted
- SB
206 Motor Vehicle Airbag Replacement (Villalobos) (FR)18, (MO)111 WS/CSP-CS/HB 157
- 208 Consumer Protection (Commerce and Economic Opportunities) (FR)18, (CR)59, (CR/CS)222, (CR)285, (BA)297, (BA)315, 1256, 2117, 2119 Ch. 2001-39 CSP-CS/CS/SB 784
- 210 Ad Val Tax/Nonprofit Homes for Aged (Saunders and others) (FR)18, (CR)148, (CR)221, (CR)395, (BA)446, (CO)478, (BA)538, 1256 Ch. 2001-208 CSP-CS/SB 1576
- SJR
212 High-speed Ground Transportation (Klein) (FR)18 DSC
- SB
214 Schools/Human Sexuality Instruction (Brown-Waite) (FR)18 DSC
- 216 Motor Vehicle Airbags (Villalobos) (FR)19, (MO)111 WS/CSP-CS/HB 157
- 218 Mortgage Guaranty Insurance (Horne) (FR)19, (CR)111, (BA)198, (CR)200, (BA)219, 406, 477, 787 Ch. 2001-37
- 220 Health Insurance/Eye Exams (Dawson) (FR)19, (MO)199 WS
- 222 Health Insurance Policies/Payments (Dawson) (FR)19 DSC
- 224 Electricity/Medically Essential (Regulated Industries and others) (FR)19, (CR)228, (CS)229, (CO)280, (BA)315, (CR)326, (CR)327, (BA)351, 661 Ch. 2001-49
- 226 Sexual Violence/Jails & Prisons (Dawson) (FR)19, (CR)111, (MO)313, (CR)395, (BA)422, (BA)432, 792 Ch. 2001-92
- 228 Alcoholic Beverages Sales Surcharge (Latvala and others) (FR)19, (CR)59, (CO)131, (MO)194, (CO)348 DSC
- 230 Uniform Statewide Voting System (Villalobos) (FR)19 DSC

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 232 Controlled Substances/Hydrocodone (Criminal Justice) (FR)19, (CR)132, (CS)134, (MO)194, (CR)228, (BA)239, (BA)**267**, 1256 Ch. 2001-55
 234 FRS/Special Risk/Prior Service (Burt and others) (FR)19, (CO)131, (CO)280, (CO)293, (CO)407 DSC
 236 Motor Fuel Marketing Practices (Brown-Waite) (FR)20, (CR)327 USCLTS
 238 Death Penalty/Mental Retardation (Criminal Justice and others) (FR)20, (CS)58, (CR)60, (MO)200, (CR)228, (BA)237, (BA)**248**, (MO)296, (BA)310, (BA)662, (BA)**663**, 2118, (CO)2119 Ch. 2001-202
 240 Sentencing (Criminal Justice) (FR)20, (CS)58, (CR)60, (MO)240, (CR)285, (BA)302, (BA)**319**, 792 Ch. 2001-93
 242 Nursing Homes/Recording Devices (Brown-Waite) (FR)20 DSC
 244 Relief/Patsy & Valentino Baucco (Lawson) (FR)20, (CR)148, (CR)270, (CR)305 DCS
 246 Delinquency or Dependency of Child (Brown-Waite) (FR)20, (MO)220 WS
 248 Domestic Violence (Judiciary) (FR)20, (CS)58, (CR)61, (CR)148, (CS/CS)176, (MO)282, (CR)326, (BA)353, (BA)354, (BA)**370** DCH/CSP-CS/SB 1284
 250 Domestic Violence/Character Evidence (Brown-Waite) (FR)20 DSC
 252 Law Officer/Background Investigation (Commerce and Economic Opportunities) (FR)20, (CR)137, (CS)145, (CR)200, (CR)228, (BA)266, (BA)**285**, 964 Ch. 2001-94
 254 Public Medical Assistance (Saunders) (FR)20, (CR)60, (MO)574, (CR)951, (BA)1115 DCS
 256 Transportation Disadvantaged TF (Transportation and others) (FR)21, (CO)131, (CO)293, (CR)328, (CS)331, (CR)423, (MO)662, (CR)951, (BA)1043, (BA)**1295**, (BA)**1308**, (CO)2119 DM
 258 Handgun Licenses (Geller) (FR)21 DSC
 260 Motor Vehicle Airbags (Transportation and others) (FR)21, (CR)137, (CS)146, (MO)194, (CR)240, (MO)368, (CR)652, (BA)751 LTS/CSP-CS/HB 157
 262 Rip Current Warning Signs (Bronson) (FR)21, (CR)132, (MO)194 DSC
 264 Law Officers/Firefighters/Child/Educ (Silver and others) (FR)21, (CR)59, (CR)543 DSC
 266 Campaign Financing (Silver) (FR)21 DSC
 268 DNA Testing & Analysis (Appropriations) (FR)21, (CR)132, (CS)134, (CR)200, (CR)305, (MO)313, (CS/CS)331, (CR)395, (CR)652, (BA)751, (BA)833, (BA)835, (BA)**971** DM/CSP-CS/CS/SB 366
 270 Public Records/DNA Testing/Analysis (Silver) (FR)21 DSC
 272 Law Enforcement Officers (Klein) (FR)21, (CR)111, (BA)198, (CR)200, (BA)**219**, 964 Ch. 2001-95
 274 Official Florida Statutes Adoption (Lee) (FR)21, (CR)60, (CR)395, (CR)569, (BA)601, (BA)650 LTS
 276 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)108, (BA)109, (BA)433 LTS/CSP-HB 659
 278 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)109, (BA)433 LTS/CSP-HB 661
 280 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)109, (BA)110, (BA)433 LTS/CSP-HB 663
 282 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)110, (BA)434 LTS/CSP-HB 665
 284 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)110, (BA)434 LTS/CSP-HB 667
 286 Florida Statutes (Lee) (FR)22 DSC
 288 Florida Statutes (Lee) (MO)3, (FR)23, (CR)59, (CR)60, (BA)110, (BA)434 LTS/CSP-HB 669
 290 Florida Statutes (Lee) (MO)3, (FR)23, (CR)59, (CR)60, (BA)110, (BA)435 LTS/CSP-HB 671
 292 Relief/Estate of Frank Lee Smith (Wasserman Schultz) (FR)23 DSC
 294 Fair Housing Act (Judiciary and others) (FR)23, (CR)149, (CS)176, (CR)424, (CS/CS)425, (MO)673, (CR)951, (BA)1071, (BA)1383 LTS/CSP-CS/HB 19, HB 1225, CS/CS/CS/SB 446
 296 Marine Biotechnology Development (Governmental Oversight and Productivity) (FR)23, (CR)132, (CR)221, (CS)222 DSC
- SR
 298 Shaken Baby Syndrome Awareness Week (Sullivan) (FR)452, **453** Adopted
- SJR
 300 Windstorm Insurance Rate Increases (Silver) (FR)23, (CR)326 DSC
- SB
 302 Higher Educational Facilities (Appropriations and others) (FR)23, (CR)60, (CO)192, (CR)221, (CR)304, (CR)329, (MO)395, (CS)398, (CR)465, (BA)521, (BA)561, (BA)575, **580**, 1256 Ch. 2001-79
 304 Deferred Compensation Programs (Pruitt) (FR)23, (CR)59, (CR)132, (BA)197, (CR)200, (BA)**217**, 1863, (BA)1864, **1865** Ch. 2001-265
 306 Public Protection (Appropriations and others) (FR)23, (CR)271, (CS)272, (CR)357, (MO)368, (CS/CS)398, (BA)464, (CR)465, (BA)**557**, (MO)640, (BA)661, 1256 Ch. 2001-209 CSP-CS/HB 245
 308 Political Committee (Saunders) (FR)24, (CR)270, (CR)285, (BA)303, (BA)**321** DM
 310 Growth Management (Appropriations) (FR)24, (CR)328, (CS)331, (MO)350, (CR/CS/CS)447, (CR)569, (MO)575, (CS/CS/CS)652, (CR)951, (BA)1008, (BA)1030, (BA)1258, (BA)1259, (BA)1779, **1780** DM/CSP-HB 1225, CS/SB 1872
 312 Insurance Rate Filings (Campbell) (FR)24 DSC
 314 Money Transmitter's Code (Campbell) (FR)24, (CR)221, (CS)226, (CR)271, (CS/CS)276, (CR)356, (CS/CS/CS)361, (MO)368, (CR)395, (BA)435, (CO)451, (BA)529, (BA)530, **531**, 792 Ch. 2001-119 CSP-CS/SB 892
 316 Sovereign Immunity/Self-Insurance (Governmental Oversight and Productivity and others) (FR)24, (CS)59, (CR)61, (CR)132, (CR)220, (MO)368 DCS
 318 Water Resources (Campbell) (FR)24 DSC
 320 Tattooing (Campbell) (FR)24, (MO)200 WS
 322 Disposition of Offenders (Criminal Justice) (FR)24, (CR)149, (CS)176, (MO)313, (CR)465, (BA)523, (BA)**562**, (MO)640, (BA)661, 1256 Ch. 2001-210
 324 Sentencing of Juveniles (Geller) (FR)25 DSC
 326 Public School/Student Transportation (Saunders) (FR)25, (MO)446 WS
 328 Hurricane Loss Projection Method (Geller) (FR)25, (CR)328, (CS)331, (CR)396, (BA)463, (BA)464, (CR)465, (CO)478, (BA)**553**, (MO)640 DM
 330 H. Lee Moffit Cancer Center (Sullivan and others) (FR)25, (CR)148, (CR)220, (CR)329, (MO)651, (CR)787, (BA)834, (BA)835, (BA)**973**, (BA)**1863** Vetoed
 332 Technology Development (Klein) (FR)25 DSC
 334 Health-technology Industry (Klein) (FR)25 DSC
 336 Florida Building Code (Appropriations and others) (FR)25, (CR)221, (CS)223, (MO)409, (MO)421, (CR)467, (CS/CS)470, (CR)569, (BA)649, (BA)682, (BA)691, (BA)798, (BA)970, (BA)1283, **1293**, 2118 Ch. 2001-186 CSP-SB 850, CS/SB 1030
 338 Bryant Peney Act (Campbell) (FR)25, (CR)111, (MO)282, (CR)326, (BA)352, (BA)353, (BA)**370**, 1256 Ch. 2001-236
 340 Movers Regulation Act (Regulated Industries) (FR)25, (CS)59, (CR)60 DSC
 342 Drugs/Generic & Brand-Name (Clary and others) (FR)26, (CR)59, (CR)111, (CO)147, (CR)222, (CR)466, (CR)569, (BA)601, (BA)691, (CO)2119 LTS/CSP-HB 69
 344 Water & Wastewater Systems (Brown-Waite and others) (FR)26, (CR)136, (MO)236, (MO)282, (MO)368, (CR)395, (BA)445, (CR)787, (BA)836, (BA)837, (BA)838 LTS/CSP-CS/HB 41
 346 Sale of Flare Pistol to Minors (Pruitt) (FR)26 DSC
 348 DBPR/Regulation & Duties (Regulated Industries) (FR)26, (CR)466, (CS)470, (CO)478, (MO)662, (CR)951, (BA)1074, (BA)1085, (BA)1383, (BA)1474, (BA)1515, **1556** DM/CSP-CS/HB 501, CS/CS/SB 336, SB 958, SB 1738
 350 Individual Development Accounts (Children and Families and others) (FR)26, (CO)135, (CR)137, (CS)146, (CR)220, (CR)329, (MO)368, (BA)464, (CR)465, (BA)557, (BA)**563**, (BA)661, 2118 Ch. 2001-96
 352 Commission on Human Relations (Miller) (FR)26, (MO)194 WS
 354 Civil Rights/Complaints (Commerce and Economic Opportunities and others) (FR)26, (CO)147, (CR)149, (CS)176, (CR)327, (BA)383, (CR)395, (BA)**414**, 1256 Ch. 2001-187
 356 Public Libraries/Computers/Obscenity (Campbell) (FR)26, (CR)395, (MO)967 DCS
 358 Alcoholic Beverages/Nonprofit Orgs. (Miller and others) (FR)26, (CR)148, (CR)270 DSC
 360 Cruelty to Animals (Criminal Justice) (FR)26, (CR)149, (CS)176, (MO)282, (CR)326, (BA)374, (CR)395, (BA)**411** DM
 362 Florida Patient's Bill of Rights (Saunders) (FR)27, (CR)221 DSC/CSP-CS/HB 475

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 364 State Lottery Commission (Regulated Industries) (FR)27, (CR)137, (CS)146, (MO)673 DSC/CSP-CS/HB 501
 366 DNA Evidence (Appropriations and others) (FR)27, (CR)149, (CS)176, (MO)282, (CR)357, (MO)368, (CS/CS)398, (CR)569, (BA)581, (BA)583, (BA)666, 964 Ch. 2001-97
 368 State Inmate/HIV Testing & Treatment (Miller) (FR)27, (MO)194 WS
 370 Schools/African-American History (Education) (FR)27, (CR)201, (CS)213, (CR)395, (CR)543 DSC
 372 DEP Study/Gasoline Additive/MTBE (Natural Resources) (FR)27, (CR)136, (CS)146 DSC
 374 Elderly & Disabled/Public Guardians (Judiciary and others) (FR)27, (CR)137, (CS)146, (CR)467, (CS/CS)470, (CR)569, (BA)598, (BA)599, (BA)669, (CO)793, (BA)1505, (CO)2119 DM
 376 FRS/Regular Class/Monthly Benefit (Miller) (FR)27 DSC
 378 FRS/School Personnel/Benefits (Carlton) (FR)27, (MO)200 WS
 380 Growth Management (Carlton) (FR)27, (CR)328, (CS)331, (MO)350, (CR)(CS/CS)447, (CR)569, (MO)575, (CS/CS/CS)652, (CR)951, (BA)1008, (BA)1030, (BA)1258, (BA)1259, (BA)1779, **1780** DM/CSP-HB 1225, CS/SB 1872
 382 Public Records/Sealed Bids (Comprehensive Planning, Local and Military Affairs) (FR)28, (CR)60, (CR)136, (MO)409, (CR)465, (BA)523, (BA)525 LTS/CSP-HB 385
 384 Public Records/"911" Telephone Calls (Comprehensive Planning, Local and Military Affairs) (FR)28, (CR)60, (CR)136, (MO)409, (CR)569, (BA)605 LTS/CSP-HB 399
 386 Uniform Commercial Code (Judiciary) (FR)28, (CR)356, (CS)359, (MO)662, (CR)951, (BA)1030, (BA)1031, (BA)1032 LTS/CSP-HB 579
 388 Parole Commission Reform Act of 2001 (Criminal Justice) (FR)28, (CR)132, (CS)134, (CR)220, (MO)313, (CR)787, (BA)841 LTS/CSP-CS/HB 245, CS/CS/SB 306
 390 Highway Safety (Sebesta) (FR)28 DSC
 392 Highway Safety (Sebesta) (FR)28 DSC
 394 Transportation (Sebesta) (FR)29 DSC
 396 Transportation (Sebesta) (FR)29 DSC
 398 Transportation (Sebesta) (FR)29 DSC
 400 Support of Dependents (Appropriations and others) (FR)29, (CO)131, (CO)135, (CR)137, (CS)146, (CO)192, (CR)240, (CO)280, (CR)305, (MO)313, (CS/CS)332, (BA)371, (BA)386, (CR)395, (CO)407, (BA)409, (BA)421, (BA)1490 Ch. 2001-51
 402 Probate (Judiciary) (FR)29, (CR)149, (CS)176, (MO)662, (CR)951, (BA)1050, (BA)1052, (BA)1054 LTS/CSP-CS/HB 137, CS/CS/HB 107
 404 Former Felons' Right to Vote (Miller and others) (FR)30, (CO)147, (MO)325 WS
- SJR
 406 Felon's Right to Vote (Miller and others) (FR)30, (CO)147, (MO)325 WS
- SB
 408 Electric Utilities/Interruptions (Regulated Industries) (FR)31, (CR)137, (CS)146, (CR)466, (CR)569, (BA)615, (BA)681, (BA)682, (BA)692, 964 Ch. 2001-165
 410 Schools/Emergency Preparedness (Dawson and others) (FR)31, (CR)111, (BA)197, (CR)200, (BA)218 DHC
 412 Civil Actions/Firearms & Ammunition (Bronson and others) (FR)31, (CR)111, (CR)136, (CR)285, (BA)303, (BA)322, (CR)326, (CO)348, (BA)350, 477, 548, 787 Ch. 2001-38
 414 Public Records/Antitrust Issues (Health, Aging and Long-Term Care) (FR)31, (CR)221, (MO)454, (CR)569, (BA)600, (BA)670 LTS/CSP-HB 401
 416 Medicaid/Medically Needy Program (Health, Aging and Long-Term Care) (FR)31, (CR)221, (CS)223 DSC
 418 Public Records & Meetings (Education) (FR)31, (CR)60, (CR)221, (MO)282, (CR)285, (BA)298 LTS/CSP-HB 407
 420 Pharmacy Discount Program (Health, Aging and Long-Term Care and others) (FR)31, (CR)149, (CS)178 DSC
 422 Pre-K Early-Intervention Program (Children and Families) (FR)31, (CR)305, (CR)466, (CS)470, (MO)574, (CR)787, (BA)838, (BA)975 DM
 424 Retired Judges or Justices (Judiciary) (FR)31, (CR)137, (CS)146, (CR)326, (BA)354, (BA)370 DCH
 426 Univ. Health Services Support Org. (Education) (FR)31, (CR)60, (CR)285, (BA)298 DCS
 428 Building Construction (Dyer and others) (FR)32, (CR)136, (CO)227, (MO)282, (CR)326, (BA)393, (CR)395, (BA)418, **421**, (BA)1564, **1565** Ch. 2001-211
- SB
 430 Driving Under Influence (Dyer) (FR)32, (CR)136, (CR)465, (MO)673, (CR)951, (BA)1050 LTS/CSP-HB 29
 432 Growth Management (Comprehensive Planning, Local and Military Affairs) (FR)32, (CR)465, (MO)673, (CR)951, (BA)1093, (BA)1193, (BA)1475, (BA)1478 DM/CSP-HB 1225
- SJR
 434 Felon's Right to Vote (Dawson) (FR)32, (CR)270, (MO)673, (MO)795 DSC
- SB
 436 Public Employee Optional Retirement (Governmental Oversight and Productivity) (FR)32, (CR)424, (CS)425, (MO)651, (CR)787, (BA)837, (BA)880, (BA)974 LTS/CSP-CS/CS/HB 503
 438 Health Care Consumer Advocate Office (Silver) (FR)32 DSC
 440 Medicaid Eligibility (Latvala) (FR)32, (CR)148 DSC/CSP-CS/CS/SB 792
 442 Florida Mobile Home Act (Comprehensive Planning, Local and Military Affairs and others) (FR)32, (CR)137, (CS)146, (CO)147, (CR)221, (CS/CS)223, (CR)395, (MO)639, (CR)787, (BA)834 LTS/CSP-CS/CS/HB 411, HB 1265
 444 Offenses Against Children (Criminal Justice) (FR)33, (CR)136, (CS)146, (MO)368, (CR)395, (BA)443, (BA)444, (BA)532, (MO)549 DCH/CSP-SB 304
 446 Homelessness (Appropriations and others) (FR)33, (CR)132, (CS)134, (CR)148, (CS/CS)178, (MO)215, (CR)222, (CS/CS/CS)223, (CR)228, (BA)237, (BA)238, (BA)249, (CO)280, 2118, (CO)2119 Ch. 2001-98 CSP-CS/HB 19, HB 1225
 448 Absentee Ballots (Ethics and Elections and others) (FR)33, (CR)149, (CS)178, (MO)454 DCS/CSP-CS/SB 1118
 450 Child Protection (Peadar) (FR)33 DSC
 452 Proceedings Relating to Children (Children and Families) (FR)33, (CR)148, (CS)179, (MO)282, (CR)326, (BA)376, (CR)395, (BA)413 DM
 454 Public Records/Sports Industry/Donor (Commerce and Economic Opportunities) (FR)33, (CR)60, (CR)136, (MO)574, (CR)787, (BA)843 LTS/CSP-HB 387
 456 Public Records/Trade Secrets (Commerce and Economic Opportunities) (FR)33, (CR)60, (CR)136, (MO)574, (CR)787, (BA)836 LTS/CSP-HB 393
 458 Transition to Teaching Pilot Program (Miller) (FR)33, (CR)326, (CR)543 DSC/CSP-CS/SB 1684
 460 Economic Development (Finance and Taxation and others) (FR)34, (CR)271, (CS)272, (CR)(CS/CS)447, (MO)673, (CR)951, (BA)1093, (BA)1096, (BA)1193, (BA)1194, (BA)1475 LTS/CSP-HB 1225, CS/HB 19, CS/HB 501, CS/CS/CS/SB 446, CS/CS/SB 668, SB 1132, CS/SB 1922
 462 Schools/Construction Projects (Clary and others) (FR)34, (CR)136, (CO)182, (CR)220, (CR)272, (MO)282, (BA)371, (BA)372, (CR)395 LTS/CSP-CS/HB 1
 464 Health Insurance/Infertility (Wasserman Schultz) (FR)34 DSC
 466 Public Employment (Governmental Oversight and Productivity and others) (FR)34, (MO)313, (CR)396, (CS)398, (CO)430, (MO)569, (MO)651, (BA)691, (BA)692, (BA)708, (BA)722, (BA)797, (BA)830, **831**, (BA)1255, (BA)1256, (BA)1765, 2119 Ch. 2001-43
 468 State Employees/Tax-Sheltered Plan (Garcia) (FR)34 DSC/CSP-CS/SB 466
 470 Campaign Financing (Klein) (FR)34, (CR)148 DSC
- SJR
 472 Ad Val Tax/Law Officers/Firefighters (Mitchell) (FR)34, (CR)148 DSC
- SB
 474 Ad Val Tax/Law Officers/Firefighters (Comprehensive Planning, Local and Military Affairs) (FR)34, (CR)149, (CS)179 DSC
 476 Education Investment Act (Holzendorf) (FR)34, (MO)325 WS
 478 FRS/Public School Member (Appropriations and others) (FR)35, (CO)227, (CO)245, (CR)328, (CS)332, (MO)350, (CR)543, (MO)575, (CS/CS)653, (CR)787, (BA)837, (BA)974, (CO)1256 DM
 480 Richard Mashler Memorial Beach (Pruitt) (FR)35, (MO)110 WS
 482 Statutory Accounting Principles (Pruitt) (FR)35, (CR)466, (CR)569, (BA)615, (BA)618, (BA)692, (BA)694, (BA)1256 DM/CSP-CS/SB 658

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484 Public Records/Economic Development (Commerce and Economic Opportunities) (MO)3, (FR)35, (CR)60, (CR)327, (MO)574, (CR)787, (BA)859, (BA)984, (BA)990, (BA)991, (BA)1295, (BA)1557 LTS/CSP-CS/HB 1541
- 486 Public Records/Business Info./Taxes (Commerce and Economic Opportunities) (FR)35, (CR)60, (CR)327, (CR)466, (MO)574, (CR)787, (BA)843, (BA)982, (BA)989 DM
- SJR
488 Terms of Office/Legislators (Rules and Calendar) (FR)35, (CR)241, (CS)244, (MO)282, (CR)329, (CS/CS)332 DCS
- SB
490 Firearms/Trigger Lock (Rossin) (FR)35 DSC
492 Firearm at School/Possession (Criminal Justice and others) (FR)35, (CR)328, (CS)332, (CO)348, (MO)446, (CR)787, (BA)839, (BA)975 DM
494 Sheriffs/Nonpartisan Election (Rossin) (FR)35 DSC
496 City of Marathon/Police Powers (Jones) (FR)35 DSC/CSP-HB 115
498 Schools/Capital Outlay Revenue (Wasserman Schultz) (FR)36 DSC
500 Unemployment Comp./Birth & Adoption (Commerce and Economic Opportunities and others) (FR)36, (CR)149, (CS)179, (CO)227, (CR)326 DSC
502 School District Capital Outlay TF (Wasserman Schultz) (FR)36 DSC
504 Relief from Overcrowded Schools (Diaz de la Portilla) (FR)36 DSC
506 Economic Development/Airport Auth. (Diaz de la Portilla) (FR)36, (CR)466, (MO)951 DCS
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508 DNI/CSP HR 9043, SR 2200
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510 Basic Life Support Service/Licensure (Burt and others) (FR)36, (BA)913, (CR)951, 1256 Vetoed
512 Rural Economic Development Account (Clary) (FR)36 DSC
514 Use of Public Record Information (Burt and others) (FR)36, (CR)136, (MO)313, (CR)395, (CO)407, (CR)787, (BA)880, (BA)989 DM
516 Driver's License/Revoking/HSMV (Geller) (FR)36 DSC
518 Obtaining Property/False Personation (Miller and others) (FR)37, (CR)200, (CO)227, (MO)313, (BA)375, (CR)395, (BA)411 DM
520 Reading/Kindergarten Through Grade 4 (Miller and others) (FR)37, (CR)111, (BA)393, (CR)395, (BA)421, (CO)451 DM
522 Community-Based Development Act (Miller) (FR)37, (CR)326 DSC
524 Criminal Use of Personal Information (Criminal Justice and others) (FR)37, (CR)271, (CS)273, (MO)652, (CR)951, (BA)1032 LTS/CSP-HB 1845
- SJR
526 Supervisors of Elections (Ethics and Elections and others) (FR)37, (CR)241, (CS)244, (CR)327, (MO)511, (CR)569, (BA)601, (BA)671 DM
- 528 Parole Commission (Burt) (FR)37, (CR)111 DSC
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530 Agricultural Issues (Geller) (FR)37 DSC
532 Outcome-Based Total Accountability (Posey) (FR)37, (CR)148, (MO)282, (CR)326, (BA)354, (BA)372, (CR)395, (BA)410, 2118 Ch. 2001-238 CSP-CS/SB 1784
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538 FRS/Avg. Final Compensation/Vesting (Lawson) (FR)37 DSC
540 White Collar Crime Victim Protection (Burt and others) (FR)38, (CR)200, (CO)227, (MO)313, (BA)372, (BA)374, (CR)395, (BA)410, 661 Ch. 2001-99
542 Health Care/Certificates-of-Need (Posey) (FR)38 DSC
544 Administrative TF/Lottery Dept. (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101, 293, 407, 477 Ch. 2001-4
546 Administrative Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101, 293, 407, 477 Ch. 2001-5 CSP-SB 548
548 Administrative Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101, 293, 407, 477 Ch. 2001-6 CSP-SB 546
550 Architects Incidental Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101 DM
552 Bureau of Aircraft Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102 DM
554 Communications Working Capital TF (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102 DM
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556 Working Capital Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102 DM
558 Facilities Pool Working Capital TF (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102, 293, 407, 477 Ch. 2001-7 CSP-SB 560
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562 Grants & Donations Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)103, 293, 407, 477 Ch. 2001-9
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570 Motor Vehicle Operating TF/DMS (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)103 DM
572 Public Facilities Financing TF/DMS (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)104, 293, 407, 477 Ch. 2001-13 CSP-SB 574
574 Public Facilities Financing TF/DMS (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)104, 293, 407, 477 Ch. 2001-14 CSP-SB 572
576 Operating Trust Fund/DMS (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)104, 293, 407, 477 Ch. 2001-15
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582 Retiree Health Insurance Subsidy TF (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)105, 293, 407, 477 Ch. 2001-18 CSP-SB 580
584 State Personnel System TF/DMS (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)105, 293, 407, 477 Ch. 2001-19
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588 Surplus Property Revolving TF/DMS (Clary) (MO)3, (FR)40, (CR)59, (CR)61, (BA)105 DM
590 Dedicated License Trust Fund (Clary) (MO)3, (FR)40, (CR)59, (CR)61, (BA)105, 293, 407, 477 Ch. 2001-21
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600 Land Acquisition Trust Fund (Clary) (MO)3, (FR)40, (CR)59, (CR)61, (BA)106, 293, 407, 477 Ch. 2001-26
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620 Discrimination/Treatment of Persons (Judiciary and others) (FR)41, (CO)147, (CR)356, (CS)360, (MO)574, (MO)795 DCS

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622 Florida Healthy Kids Corporation (Saunders and others) (FR)41, (CR)270, (CR)326, (CO)348, (CR)467, (MO)574, (CO)2119 DCS
- 624 Security of Medical Facilities (Saunders) (FR)41
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- 630 Water & Wastewater Treatment TF/DEP (Mitchell) (FR)42, (CR)132 DSC
- 632 Public Records/Bank Account Numbers (Governmental Oversight and Productivity) (FR)42, (CR)136 DSC
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- 654 Pharmacists/Licensure by Endorsement (Saunders and others) (FR)43, (CR)148, (MO)282, (CR)326, (BA)385, (BA)386, (CR)395, (BA)415, 964 Ch. 2001-166
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- 682 Mental Health Treatment/Adults (Appropriations) (FR)44, (CR)136, (CR)222, (MO)574, (CS)653, (CR)951, (BA)1063 LTS/CSP-HB 421
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- 742 Firearms/Storage/Trigger Lock (Holzendorf and others) (FR)48, (CO)135, (CO)147 DSC
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- 1800 Sales Tax/Industrial Machinery (Brown-Waite and others) (CO)147, (FR)171, (CR)270 DSC
- 1802 School Readiness (Brown-Waite) (FR)172 DSC/CSP-CS/HB 501, SB 1162
- 1804 School Readiness Trust Fund (Brown-Waite) (FR)173 DSC
- 1806 District Cost Differentials (Brown-Waite) (FR)173, (MO)194 DSC
- 1808 Shellfish Processors (Lawson) (FR)173 DSC
- 1810 State Agencies/Victim of Crimes/FDLE (Burt) (FR)173, (CR)466, (MO)673 DCS
- 1812 Technology Enterprise Trust Fund (Appropriations) (FR)174, (CR)326, (CR)543, (MO)575, (CS)654, (CR)951, (BA)1097 DCS/CSP-HB 1811
- 1814 Substance Abuse Treatment Programs (Criminal Justice) (FR)174, (CR)356, (CS)362, (CR)543, (CS/CS)544, (MO)652, (CR)951, (BA)1064 LTS/CSP-CS/HB 199, CS/CS/SB 912
- 1816 Insurer Rehabilitation & Liquidation (Banking and Insurance) (FR)174, (CR)543, (CS)544, (MO)639, (CR)951, (BA)1047, (BA)1048, (BA)1360, **1361** DM
- 1818 Health Insurance (Wasserman Schultz) (FR)174 DSC
- 1820 Instant Bingo Games (Silver and others) (CO)147, (FR)174, (CO)182, (CO)227, (CR)326, (MO)350, (CR)569, (BA)642, (BA)694, (BA)**704** DM
- 1822 Public Utilities Regulation/Monopoly (Campbell) (FR)174 DSC
- 1824 Electrical/Alarm System Contracting (Regulated Industries) (FR)174, (CR)467, (CS)473 DSC
- 1826 Florida Rural Heritage Act (Commerce and Economic Opportunities and others) (FR)175, (CR)270, (CO)293, (CR)328, (CS)341, (CR)423 DSC
- 1828 Tax Exemption/Farm Equipment (Pruitt and others) (FR)175, (CR)326 DSC
- 1830 Red Light Safety Act (Peaden and others) (FR)175, (CO)182 DSC
- 1832 Judgments (Geller) (FR)175, (MO)673 DSC
- 1834 Farm Labor Contractors (Miller and others) (FR)175, (CO)293, (CR)326, (CR)327, (CR)395, (BA)422, (BA)423, (BA)**432** DM
- 1836 Public Records/Communications Tax (Finance and Taxation) (FR)175, (CR)328, (CS)341, (MO)543, (CR)569, (BA)642, (BA)**694**, 965 Ch. 2001-139 CSP-CS/CS/SB 1878
- 1838 Public Records/State Bidder/Finances (Jones) (FR)176, (MO)423 WS
- 1840 David Levitt School Anti-Hunger Act (Clary) (FR)176, (MO)194, (CR)270, (MO)282, (BA)386, (CR)395, (BA)**415** DCH
- 1842 Southwest Fla. Water Mgmt. District (Laurent) (FR)183 DSC
- 1844 Drug-Free Workplaces (Burt) (FR)183 DSC
- 1846 Ad Val Tax/Refund of Filing Fees (Crist) (FR)183 DSC
- 1848 Public Rec./Nursing Home/Liability (Health, Aging and Long-Term Care) (FR)183, (CR)397, (CS)403, (MO)543, (CR)652, (BA)728, (BA)786, (BA)787, (BA)**798** DM/CSP-CS/CS/SB 1202
- 1850 Dept. of Revenue Clerks of Court TF (Finance and Taxation and others) (FR)183, (CR)271, (CS)278, (MO)313, (CR)465, (BA)522, (BA)**561**, (BA)(CO)661, 792 Ch. 2001-121 CSP-CS/SB 1852

- SB
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1858 Child Welfare/Protective Custody (Cowin) (FR)184 DSC
- SJR
1860 Judicial Vacancies/Nominations (Cowin) (FR)184 DSC
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1862 Education Funding (Jones) (FR)184, (MO)423 WS
1864 Violent Crime & Drug Control Council (Criminal Justice and others) (FR)184, (CR)328, (CS)341, (CO)348, (MO)368, (MO)454, (CR)569, (BA)587, (BA)597, (BA)667, (BA)**668** LTS/CSP-CS/HB 1425, CS/CS/HB 267
- 1866 Subsidized Child Care (Children and Families) (FR)184, (CR)466, (CS)473 DSC
- 1868 Insurance (Latvala) (FR)184, (CR)465, (MO)673 DCS
1870 Insurance/Self-Insurance (Latvala) (FR)184 DSC
1872 District School Tax (Finance and Taxation) (FR)184, (CR)305, (CR)356, (CS)362, (MO)454, (CR)569, (BA)645, (BA)**706**, (BA)**1855** Ch. 2001-220
- 1874 Postsecondary Education/Work Product (Education) (FR)185, (CR)424, (CS)428, (CR)543, (MO)574 DCS
1876 Teacher Protection Act (Cowin) (FR)185 DSC
1878 Taxation/Communications Services (Appropriations and others) (CO)147, (FR)185, (CO)280, (CR)328, (CS)341, (CO)348, (CO)407, (MO)409, (CO)478, (CR)543, (CS/CS)545, (CR)569, (BA)643, (BA)644, (BA)703, **704**, 965 Ch. 2001-140 CSP-CS/SB 1540, CS/SB 1836
- 1880 Corporations (Judiciary) (FR)185, (CR)328, (CS)342, (CR)467, (CS/CS)474, (CR)652, (BA)767, (BA)778, (BA)**828**, 965 Ch. 2001-195
- SR
1882 Kids Voting Broward, Inc. (Dawson) (FR)**246** Adopted
- SB
1884 Career Criminals Registration (Laurent) (FR)185 DSC
1886 Governmental Reorganization (Sanderson) (FR)186, (CR)326 DSC
- 1888 Pensacola/Pension & Retirement Fund (Peaden) (FR)186, (BA)**913**, (CR)951 DM
1890 Monroe Co./Key West Utility Board (Jones) (FR)186 DSC/CSP-HB 763
- 1892 Pensacola/Civil Service System (Peaden) (FR)186, (BA)**913**, (CR)951 DM
1894 City of Pensacola/Elections (Peaden) (FR)186 DSC/CSP-HB 937
- 1896 Mortgage Brokers & Lenders (Banking and Insurance) (FR)186, (CR)305, (CS)307, (MO)639, (CR)951, (BA)1097 LTS/CSP-CS/HB 455
- 1898 State Technology Office (Burt) (FR)187 DSC
1900 Defense of Scouting Act (Sebesta) (FR)187, (MO)220 WS
1902 Food Service Employee Training (Regulated Industries) (FR)187, (CR)396, (CS)403, (MO)574, (CR)951, (BA)1162 LTS/CSP-HB 1471, CS/HB 475
- 1904 Teacher Certification (Meek) (FR)187 DSC
1906 Insurance (Latvala) (FR)187, (CR)327, (CR)787, (BA)843, (BA)991 DCS
- 1908 Resource Recovery (Lawson) (FR)187 DSC
1910 Medical Practice/Clinics (Health, Aging and Long-Term Care) (FR)187, (CR)356, (CS)362 DSC/CSP-CS/CS/SB 1092, CS/SB 1558
- 1912 Citrus Archive (Laurent) (FR)187, (CR)327, (MO)574 DCS/CSP-CS/SB 1922
- 1914 Juvenile Justice (Criminal Justice and others) (FR)187, (CR)328, (CS)342, (MO)409, (MO)652, (CR)951, (BA)1097, (BA)1110, (BA)1111, (CO)2119 LTS/CSP-CS/CS/HB 267, CS/HB 1425, HB 1743
- 1916 Elderly/Disabled Adults/Bingo (Sebesta and others) (FR)188, (CR)326, (CO)348, (MO)368, (CR)569, (BA)642, (BA)694, (BA)**706** DM
- 1918 Schools/Aftercare Pilot Program/DOE (Garcia) (FR)188 DSC
- 1920 Fla. Mobile Home Relocation TF (Regulated Industries) (FR)188, (CR)271, (CS)278, (MO)423, (CR)466, (MO)639, (CR)787, (BA)835, (BA)836, (BA)974 LTS/CSP-HB 1265, CS/CS/HB 411
- 1922 Agriculture & Consumer Services (Agriculture and Consumer Services) (FR)188, (CR)328, (CS)342, (MO)423, (MO)454, (CR)569, (BA)610, (BA)615, (BA)674, **681**, (BA)722, **726**, 965 Ch. 2001-279 CSP-CS/HB 501, CS/CS/HB 719, HB 1225, CS/SB 2, CS/SB 1956, SB 2002
- SB
1924 Funeral & Cemetery Services (Pruitt) (FR)188 DSC/CSP-CS/SB 1610
- 1926 Workers' Compensation (Banking and Insurance) (FR)189, (CR)328, (CS)343, (MO)574, (MO)639, (CR)787, (BA)843, (BA)859, (BA)895, (BA)896, (BA)897 LTS/CSP-CS/HB 1803, CS/SB 1284
- 1928 Elections (Campbell and others) (CO)182, (FR)189 DSC
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- 1932 Drug Traffic Program/Orange Co. (Criminal Justice) (FR)189, (CR)328, (CS)344, (MO)454, (CR)569, (BA)597, (BA)**667**, 965 Ch. 2001-57
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- 1944 State Technology Systems (Burt) (FR)190, (CR)466 DSC
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- 1948 Drivers' Licenses/Selective Service (Crist) (FR)190, (CR)327, (CR)466, (MO)651, (CR)951, (BA)1040, (BA)1308 LTS/CSP-HB 635
- 1950 Voter Registration/High Schools (Jones) (FR)190, (CR)326, (MO)454 DSC
- 1952 Contaminated Sites/Corrective-Action (Garcia) (FR)190 DSC
- 1954 Small-School Requirement/Population (Rossin) (FR)191, (CR)424, (CS)427, (MO)454, (CR)569, (BA)645, (BA)**706** DM
- 1956 Motor Vehicles (Commerce and Economic Opportunities and others) (FR)191, (CR)326, (CO)407, (CR)424, (CS)428, (CR)466, (CO)548, (CR)569, (BA)597, (BA)598, (BA)668, (BA)**669**, (BA)1765, **1779** Ch. 2001-196 CSP-HB 757, CS/SB 822, CS/SB 1922
- 1958 Public Records/Judges/Comp. Claims (Latvala) (FR)191, (CR)327, (CR)466, (MO)574, (CR)787, (BA)843, (BA)893, (BA)982, (BA)**989** DM
- 1960 Health Care (Health, Aging and Long-Term Care) (FR)201, (CR)397, (CS)403, (CR)466, (CS/CS)474, (MO)639, (CR)951, (BA)1068, (BA)1191, (BA)1192, (BA)1362 LTS
- 1962 RV Mediation & Arbitration Program (Carlton) (FR)201 DSC/CSP-CS/SB 1956
- 1964 Assault & Battery/Enhanced Penalties (Crist) (FR)201 DSC
- 1966 Cardiac Arrest Survival Act (Judiciary and others) (FR)201, (CR)424, (CS)428, (MO)574, (CR)787, (BA)879, (BA)880, (CO)1256 LTS/CSP-HB 1429
- 1968 Law Enforcement Radio Operating TF (Appropriations) (FR)201, (CR)326, (CR)543, (MO)575, (CS)654, (CR)951, (BA)1062, (BA)**1486** DM
- 1970 Governmental Reorganization (Banking and Insurance and others) (FR)201, (CR)271, (CS)278, (CR)305, (CS/CS)307, (MO)350, (CR)395, (BA)441, (BA)531, (BA)550, (BA)575, (BA)663 LTS
- 1972 Charter Schools (Education) (FR)202, (CR)424, (CS)429, (CR)543, (MO)985 DCS/CSP-CS/CS/HB 269
- 1974 Long-Term-Care Facilities (Carlton) (FR)202 DSC
1976 Spaceport Florida Authority (Commerce and Economic Opportunities) (FR)202, (CR)424, (CS)429, (MO)639, (MO)967 DCS
- 1978 Tax Administration (Finance and Taxation) (FR)202, (CR)326, (CR)543, (CS)546, (CR)652, (BA)758, (BA)759, (BA)777, (BA)805 LTS/CSP, HB 21, CS/SB 1784, CS/SB 1872
- 1980 Criminal Justice Programs (Burt) (FR)202, (CR)326, (CR)396, (CR)466, (MO)639, (CR)951, (BA)1062 LTS/CSP-HB 1731, HB 1741, SB 2002
- 1982 Elections (Villalobos) (FR)202 DSC
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1986 Public Employees/Volunteers/Ins. (Sanderson) (FR)203, (CR)327, (MO)409, (CR)MO)465, (BA)480, (BA)**558**, (BA)661, 792 Ch. 2001-123
- 1988 Hillsborough Co./Tourist Development (Lee and others) (FR)203 DSC/CSP-HB 867
- 1990 Tampa/Employees' Retirement Plan (Sebesta and others) (FR)203, (BA)**914**, (CR)951 DM
- 1992 Hillsborough Co./Tampa (Sebesta and others) (FR)203 DSC/CSP-HB 911

- SB
1994 Hillsborough Co./Hospital Liens (Lee and others) (FR)204 DSC/CSP-HB 885
- 1996 Tampa/Firefighters & Police Pension (Crist and others) (FR)204, (BA)914, **916**, (CR)951, 2118 Ch. 2001-288
- 1998 Tampa Firefighters & Police Officers (Crist and others) (FR)204, (BA)916, (CR)951 DSC
- 2000 Appropriations (Appropriations) (FR)228, (CR)240, (MO)248, (BA)249, (BA)262, (BA)265, (BA)269, (BA)282, (BA)283, **284**, (BA)313, (BA)314, (BA)407, 477, (BA)784, (BA)1557, 1866, (BA)**2073**, 2074, 2119 Ch. 2001-253 CSP-SB 2002
- 2002 Appropriations Implementing Bill (Appropriations) (FR)228, (CR)240, (MO)248, (BA)265, (BA)266, (BA)268, (BA)269, (BA)283, **284**, (BA)314, (BA)407, 477, (BA)784, 2074, **2086**, 2119 Ch. 2001-254 CSP-SB 2000, HB 1731, HB 1741, CS/SB 1922
- 2004 Education (Horne) (FR)204, (CR)326, (CR)395, (CR)543, (MO)549, (CR)951, (BA)1102, (BA)1105, (BA)**1485** DM/CSP-HB 1225
- 2006 Public Records/Juvenile Justice (Cowin) (FR)204, (CR)285 DSC
- 2008 Economic Development (Appropriations and others) (FR)204, (CR)271, (CS)278, (CR)329, (CR)543, (CS/CS)546, (CR)652, (BA)760, (BA)767, (BA)824, (BA)828, (BA)940, **949**, (CO)965, (CO)2119 DM/CSP-HB 489, HB 1225
- 2010 Nurse & Allied Health Professions (Dawson) (FR)204, (CR)326 DSC
- 2012 Character Evidence/Child Molestation (Judiciary) (FR)204, (CR)467, (CS)474, (CR)787, (BA)842, (BA)**976**, 2118 Ch. 2001-221
- 2014 Elevator Safety Act (Commerce and Economic Opportunities) (FR)205, (MO)368, (MO)395, (CR)396, (CS)403, (CR)447 DSC/CSP-CS/CS/SB 336
- 2016 Traffic Infraction/Citation/Appear (Rossin) (FR)205 DSC
- 2018 Local Govt./Financial Emergency (Silver) (FR)205, (CR)327, (MO)1251 DCS
- 2020 Regional Cultural Facilities (Silver) (FR)205, (CR)396, (CR)465, (MO)967 DCS
- 2022 Legislative Oversight (Sanderson) (FR)205, (CR)396, (MO)574, (MO)795 DCS/CSP-CS/SB 822, CS/CS/HB 269, CS/SB 1956
- 2024 Fish & Wildlife Conservation Comm. (Finance and Taxation) (FR)206, (CR)270, (CR)305, (CS)308, (MO)368, (CR)652, (BA)728, (BA)739, (BA)**799** DM/CSP-CS/CS/SB 1204
- 2026 Waiver of Sovereign Immunity (Burt) (FR)207 DSC
- 2028 Corporation/Production of Records (Criminal Justice) (FR)207, (MO)285, (CR)396, (CR)543, (CS)547, (CR)787, (BA)843, (BA)**983** DM
- 2030 Electrologists/Laser/Light Devices (Campbell and others) (FR)207, (CO)235, (CO)245, (CR)396 USC/LTS
- 2032 Recreational Facilities (Comprehensive Planning, Local and Military Affairs) (FR)207, (CR)397, (CS)404 DSC
- 2034 Rural Electric Cooperatives (Commerce and Economic Opportunities) (FR)207, (CR)327, (CS)344, (CR)396, (CR)465, (BA)521, (BA)560, **561**, (BA)661, 1256 Ch. 2001-197
- 2036 Criminal Justice Standards Comm. (Criminal Justice) (FR)207, (CR)328, (CS)344, (MO)409, (MO)951 DCS
- 2038 Sexual Offenders Release Supervision (Crist) (FR)207 DSC
- 2040 School Financial Accountability (Cowin) (FR)207, (MO)262 WS
- 2042 Pest Control Operators (Agriculture and Consumer Services) (FR)208, (CR)271, (CS)278, (MO)313, (BA)390, (BA)391, (CR)395, (BA)**417**, (BA)1502, **1504** Ch. 2001-280
- 2044 Wrecker Liens (Transportation) (FR)208, (CR)357, (CS)362, (CR)423, (CR)466, (MO)639, (CR)951, (BA)1098, (BA)1102, (BA)1482 LTS/CSP-HB 757, CS/SB 1956
- 2046 School District Guarantee Program (Constantine) (FR)208, (CR)396, (CR)466, (MO)673 DSC
- 2048 Tax Exemption/Brownfield Area Rehab. (Latvala) (FR)208 DSC
- 2050 Health Insurance/Low Income Families (Mitchell) (FR)208 DSC
- SR
2052 St. Johns County Day/March 22, 2001 (King) (FR)215, **216** Adopted
- SB
2054 Designations/University Buildings (Education and others) (FR)208, (CO)293, (CR)327, (CS)344, (MO)454, (CR)569, (BA)642, (BA)643, (BA)694, (BA)706, **707**, 1256 Ch. 2001-287
- SB
2056 Transportation Dept. (Governmental Oversight and Productivity) (FR)208, (CR)397, (CS)404, (CR)543, (CS/CS)547, (MO)651, (CR)951, (BA)1097, (BA)1098, (BA)1206, (BA)1207, (BA)1208 LTS/CSP, SB 850
- 2058 Dangerous Dogs (Judiciary) (FR)209, (CR)271, (CS)278, (CR)424, (CS/CS)429, (CR)466, (CR)652, (BA)768, (BA)779, (BA)829, (BA)830, (BA)**833** DM
- 2060 Insurance Department (Banking and Insurance) (FR)209, (CR)305, (CS)308, (MO)368, (CR)395, (BA)435, (BA)439, (BA)529, **530**, (MO)672, (BA)1645 DCS/CSP-CS/SB 1558, CS/CS/SB 2092, CS/SB 2174
- 2062 Local Water or Wastewater Utilities (Comprehensive Planning, Local and Military Affairs) (FR)209, (CR)357, (CS)362 DSC
- 2064 Water Supply Policy (Comprehensive Planning, Local and Military Affairs) (FR)209, (CR)397, (CS)404 DSC
- 2066 Athlete Agents (Judiciary and others) (FR)209, (CR)357, (CS)362, (CO)364, (CR)467, (CS/CS)474, (MO)639, (MO)651, (CR)951, (BA)1113, (BA)**1510** DM
- 2068 Community College Aviation Program (Campbell) (FR)210 DSC
- 2070 Disposition of Body (Saunders) (FR)210 DSC/CSP-CS/SB 1610
- 2072 Utility Poles/Rights-of-Way (Campbell) (FR)210, (MO)325 WS
- 2074 Environmental Control (Natural Resources) (FR)210, (CR)328, (CS)344, (CR)466, (CR)951, (BA)1102, (BA)**1484** DM
- 2076 Parental Kidnapping Prevention Act (Geller) (FR)210 DSC
- SR
2078 Kalfas, Chris J. (King) (FR)**216** Adopted
- SB
2080 Insurance (Banking and Insurance) (FR)210, (CR)328, (CS)344 DSC/CSP-CS/HB 1803
- 2082 Public Records/HMO Public Meetings (Banking and Insurance) (FR)210, (CR)270, (CR)305, (CS)308 DSC
- 2084 HS Activities Assn./Minority Student (Miller) (FR)211 DSC
- 2086 Criminal Justice Programs (Burt) (FR)211, (CR)328, (CS)341, (MO)368, (MO)454, (CR)569, (BA)587, (BA)597, (BA)667, (BA)**668** LTS/CSP-CS/HB 1425, CS/CS/HB 267
- 2088 Prepaid College Tuition (Education and others) (FR)211, (CR)424, (CS)429, (CR)465, (CR)466, (CO)478, (BA)521, (BA)522, (BA)**561**, (MO)640, (BA)661 DM/CSP-SB 1162
- 2090 School Boards/Surtax/Real Property (Wasserman Schultz) (FR)211 DSC
- 2092 Health Care (Appropriations) (FR)211, (CR)271, (CS)279, (CR)326, (MO)421, (CS/CS)450, (CR)465, (CR)467, (BA)524, (BA)525, (BA)563, (BA)**568**, (BA)661, 1256 Ch. 2001-222 CSP-CS/CS/SB 792, CS/SB 840, CS/SB 1558, CS/SB 2174
- 2094 Fictitious-name Registration (Diaz de la Portilla) (FR)211 DSC
- 2096 CPA/License Reinstatement (Regulated Industries) (FR)211, (CR)356, (CS)362, (MO)662, (CR)951, (BA)999, (BA)**1305** DM/CSP-SB 958
- 2098 Elections/Voter's Bill Of Rights (Ethics and Elections and others) (FR)211, (CR)329, (CS)345 DCS/CSP-CS/SB 1118
- 2100 Electors/Valid Signatures/Internet (Jones) (FR)211, (MO)423 WS
- 2102 Supervisors of Elections (Jones) (FR)211 DSC
- 2104 Hiring or Leasing Personal Property (Crist) (FR)212, (CR)326, (CR)327, (BA)375, (CR)395, (BA)**412**, 1256 Ch. 2001-141
- SCR
2106 Dr. Ed Haskell Legislative Clinic (Peaden) (FR)212, (MO)350, (BA)391, **392**, (CR)395, 965 Adopted
- SB
2108 Education Governance Reorganization (Appropriations and others) (FR)212, (CO)227, (CR)271, (CS)279, (CR)326, (MO)395, (MO)432, (BA)454, (BA)456, (CR)465, (CR)467, (CS/CS)474, (BA)538, (BA)550, (BA)575, (BA)665, (BA)796, (BA)967, **970** DM/CSP-SB 1162, CS/SB 1872
- 2110 Medicaid Services (Health, Aging and Long-Term Care and others) (FR)213, (CO)280, (CR)328, (CS)345, (MO)350, (BA)392, (BA)393, (CR)395, (BA)417, **418**, 1256 Ch. 2001-223 CSP-CS/SB 1558
- 2112 Environmental Control (Smith) (FR)241 DSC
- 2114 Historic Preservation (Clary and others) (FR)241, (CO)293, (CR)326, (CR)465, (MO)651, (CR)951, (BA)999, (BA)1000 LTS/CSP-HB 1419

- SB
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- 2120 Water Resources (Judiciary and others) (FR)286, (CR)356, (CS)363, (CR)423, (CR)467, (CS/CS)475, (CR)652, (BA)728, (BA)744, (BA)750, (CO)793, (BA)800, (BA)970, (BA)971 LTS/CSP-HB 1221, HB 1635
- 2122 Common Trust Fund Accounting (Garcia) (FR)242, (CR)396 DSC
- 2124 Public Record/Archaeological/Culture (Comprehensive Planning, Local and Military Affairs) (FR)242, (CR)356, (CS)363, (CR)396, (MO)574, (CR)951, (BA)1106, (BA)1258, (BA)1259 LTS/CSP-HB 1565
- 2126 Secured Transaction Registry (Garcia) (FR)242, (CR)327, (CR)395, (CR)467, (MO)550, (CR)787, (BA)843, (BA)893, (BA)895, (BA)937, (BA)938 LTS/CSP-HB 1157
- 2128 State Employees' Records (Garcia) (FR)242 DSC
- 2130 Bingo Games (Latvala) (FR)242 DSC
- 2132 Heir-Finder Businesses (Jones) (FR)242 DSC
- SM
2134 Airplane Crash/Lt. Cmdr. Speicher (Jones and others) (FR)242, (CO)293, (MO)423 WS
- SR
2136 Doctors' Day/March 30, 2001 (Peaden) (FR)246, **247** Adopted
- SB
2138 State Motor Vehicles (Burt and others) (FR)242, (CO)280 DSC
- 2140 Excise Tax on Documents (Rossin) (FR)243, (CR)326, (CR)466 DSC
- 2142 Solid Waste Collection (Natural Resources) (FR)243, (CR)327, (CR)396, (CR)467, (CS)475, (CR)569, (BA)642, (BA)**694** DM
- 2144 Toll-free School Safety Hotline (Dyer) (FR)243 DSC
- 2146 Medical Records/Solicitation (Commerce and Economic Opportunities) (FR)243, (CR)328, (CS)345, (CR)424, (CS/CS)429, (CR)652, (BA)768, (BA)**829** DM/CSP-CS/SB 840, CS/SB 1558, CS/CS/SB 2092, CS/SB 2174
- SR
2148 Mote, Mr. William Russell (Carlton) (FR)294, **295** Adopted
- SM
2150 Florida Keys (Jones) (FR)243 DSC/CSP-SR 2396
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2152 Retiree Health Insurance (Lawson) (FR)243 DSC
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2154 Relay for Life Days/Altamonte Spgs. (Dyer) (FR)216, **217** Adopted
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2156 Dentist/Palliative/End-of-Life Care (Judiciary) (FR)243, (CR)329, (CS)345, (CR)467, (CS/CS)476, (CR)652, (BA)751, (BA)**802**, (BA)**1504** Ch. 2001-250 CSP-CS/SB 1558, CS/SB 1788
- 2158 Health Care (Health, Aging and Long-Term Care) (FR)243, (MO)368, (CR)424, (CS)429, (MO)454, (MO)985 DCS/CSP-CS/HB 475, CS/CS/SB 792, CS/SB 1256, CS/SB 1558, CS/SB 1788, CS/CS/SB 2156
- 2160 Taxes/Building Materials/Industrial (Villalobos) (FR)244 DSC
- 2162 Horse Racing/Live Performances (Villalobos) (FR)244 DSC
- 2164 Nonemergency Phone System/"311" (Silver) (FR)244 DSC
- 2166 Schools/Safe Passage Act (Silver and others) (FR)244, (CR)327, (MO)409, (CO)430, (MO)454 DSC
- 2168 Brownfield Redevelopment Incentives (Appropriations) (FR)244, (CR)326, (MO)395, (CR)543, (CS)548 DSC
- 2170 Public Records/Insurance (Holzendorf) (FR)286 DSC
- 2172 State Universities (Appropriations and others) (FR)286, (CR)326, (CO)348, (CR)543, (MO)574, (CS)654, (CR)951, (BA)1040, (BA)1041, (BA)**1309** DM
- 2174 Insurance Agents (Banking and Insurance) (FR)286, (CR)424, (CS)430, (CR)466, (CR)652, (BA)768, (BA)**829**, 965 Ch. 2001-142 CSP-CS/SB 1558, CS/CS/SB 2092
- 2176 Health Care/Alternative Treatment (Clary) (FR)286 DSC/CSP-SB 1324
- 2178 Public Meetings & Public Records (Governmental Oversight and Productivity) (FR)286, (CR)356, (CS)363, (CR)467, (CS/CS)476, (MO)574, (CR)787, (BA)842, (BA)880 LTS/CSP-CS/HB 1385
- SR
2180 Prostate Cancer Awareness Month (Miller) (FR)**313** Adopted
- SB
2182 State Council on Competitive Govt. (Lawson) (FR)287 DSC
- SR
2184 N. Fla. Christian School Football (Lawson and others) (FR)**453** Adopted
- 2186 F.S.U. Day/March 29, 2001 (King) (FR)**247** Adopted
- SB
2188 Education Investment Act (Holzendorf) (FR)287, (CR)326 DSC
- 2190 School Dist./Health Ins./Rx Programs (Klein) (FR)287 DSC/CSP-CS/SB 1172
- 2192 Nursing Homes/Staffing Requirements (Holzendorf) (FR)287, (CR)326 DSC
- 2194 Elections/Voter-education Projects (Dyer and others) (FR)287, (CR)447 DSC/CSP-CS/SB 1118
- 2196 Fla. Elections Commission (Smith) (FR)287 DSC
- 2198 Wetland Mitigation/Jacksonville (Holzendorf and others) (FR)287 DSC
- SR
2200 Oceans Week & Oceans Day (Carlton) (FR)**295** Adopted
- SB
2202 FRS/Special Risk Class/Firefighters (Saunders) (FR)288 DSC
- 2204 St. Petersburg Parkway (Sebesta) (FR)288, (CR)395, (MO)454 DCS
- 2206 Motorcycles/Insurance Decal (Sebesta) (FR)288, (MO)356 WS
- 2208 Real Property/Tax Sale Advertisement (Sebesta) (FR)288 DSC
- 2210 Business & Professional Regulation (Regulated Industries and others) (FR)288, (CO)451, (CR)467, (CS)476, (MO)652, (CR)951, (BA)1115, (BA)1161 DCS/CSP-CS/CS/SB 336, SB 958, SB 1738
- 2212 Workers' Compensation/Disability (Campbell) (FR)289 DSC
- 2214 Tobacco (Finance and Taxation) (FR)289, (MO)304, (CR)397, (CS)405, (CR)543, (CS/CS)548, (CR)652, (BA)726, (BA)772, (BA)784, (BA)786, (BA)834, (BA)835, (BA)991, (BA)992, (BA)999, (BA)1295, (BA)1296, (BA)1308, **1309** DM
- 2216 Food Stamp Eligibility/Vehicles (Lawson and others) (FR)289, (CO)348, (CR)423, (MO)639, (CR)951, (BA)1068, (BA)**1510** DM
- 2218 Public Records/Insurers (Banking and Insurance) (FR)289, (CR)467, (CS)477, (MO)673 DCS
- 2220 Governmental Data Processing (Comprehensive Planning, Local and Military Affairs and others) (FR)289, (CO)348, (CR)356, (CS)363, (MO)409, (MO)454, (CR)569, (BA)643, (BA)**695**, 1256 Ch. 2001-251
- SR
2222 Earnhardt, Dale (Posey and others) (FR)247, **248** Adopted
- SB
2224 Labor & Employment Security (Appropriations) (FR)289, (CR)328, (CS)345, (CR)395, (CR)569, (MO)575, (CS/CS)654, (CR)787, (BA)841, (BA)842, (BA)976, (BA)1295, (BA)1711, (BA)1712 LTS/CSP, CS/SB 466
- 2226 Insurance/Assisted Living Facilities (Holzendorf) (FR)289 DSC
- 2228 Public Records/Long-Term-Care Assoc. (Holzendorf) (FR)290 DSC
- SR
2230 Baird, Officer Scott M. (Smith) (FR)**365** Adopted
- SB
2232 Health Care (Silver) (FR)290 DSC
- 2234 Property Insurance (Banking and Insurance) (FR)290, (CR)328, (CS)345, (MO)454 DSC
- SJR
2236 Lawton Chiles Endowment Fund (Appropriations and others) (FR)329, (CR)396, (CR)467, (MO)574, (CS)654, (CR)787, (BA)834, (BA)835, (BA)**972** DM
- SR
2238 Child Abuse Prevention Month (Sanderson) (FR)**282** Adopted
- SB
2240 Warranty Associations/Motor Vehicles (Garcia) (FR)329, (CR)396, (MO)409, (MO)454, (CR)569, (BA)605, (BA)610, (BA)672, **673**, (BA)1504, **1505** Ch. 2001-281
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2242 Aquatics Awareness Month/Broward Co. (Sanderson) (FR)**549** Adopted
- 2244 Fla. 4-H Youth Development Program (Bronson) (FR)295, **296** Adopted

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2246 Florida National Guard Day (Smith) (FR)281, **282**
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2248 Nurses/Hospital Recruitment (Cowin) (FR)330, (CR)396
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2250 Humphries, Dr. Frederick S. (Holzendorf and others)
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- SB
2252 Community Colleges/State Funds (Garcia) (FR)330 DSC
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2254 Miami-Dade County Days (Garcia) (FR)**296** Adopted
2256 Greater Miami Host Committee, Inc. (Garcia) (FR)**296**
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2258 West Manatee Fire & Rescue District (Miller) (FR)330
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- 2260 Manatee Co./Fire Prevention/Marshal (Miller) (FR)330
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- 2262 Social & Economic Assistance (Garcia) (FR)330 DSC
2264 Daytona Beach/Submerged Lands/Lease (Burt) (FR)330
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- 2266 Workers' Compensation (Peaden) (FR)330
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2270 Broward Co./Control of Dogs (Dawson) (FR)357 DSC
2272 West Lauderdale Water Control Dist. (Dawson) (FR)357
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- 2274 Transportation Facilities (Dawson) (FR)357, (CR)466,
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- 2276 Broward Co./Corporate Boundaries (Dawson) (FR)357,
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- 2278 Public Guardianship (Sebesta) (FR)357 DSC
- SR
2280 Scleroderma Awareness Month (Dawson) (FR)**366** Adopted
2282 Wake-Up Wednesday (Crist) (FR)**479** Adopted
2284 Miami Edison/Girls' Basketball Team (Jones) (FR)479,
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2286 State Revenues/Tobacco Manufacturers (Clary) (FR)357
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2288 Veterinary Medicine College/UF (Smith) (FR)**366** Adopted
- SB
2290 Taxation (Peaden) (FR)358 DSC/CSP-SB 1132
2292 Health Care/HMOs/Civil Actions (Posey) (FR)358 DSC
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- 2296 Monroe Co./Water Quality Standards (Jones) (FR)358,
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- 2298 Marion Co./Homeowners' Associations (Cowin) (FR)358
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- 2300 Lake Weir/Watercraft Speeds (Cowin) (FR)358
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- 2302 Santa Rosa Co. Civil Service Board (Peaden) (FR)359
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- 2304 Lee Co./Ft. Myers/Special Election (Saunders) (FR)359,
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- 2306 Immokalee Fire Control District (Geller) (FR)359
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- 2308 South Lake County Hospital District (Cowin) (FR)359,
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- 2310 Broward Co./Pompano Beach (Dawson) (FR)397, (CR)466,
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- 2312 Ft. Walton Beach Area Bridge Auth. (Clary) (FR)467
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2314 University of Miami Football Team (Silver) (FR)**480**
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- 2316 University of Florida Day (Laurent and others) (FR)366,
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- SB
2318 Ocean City-Wright Fire Control Dist. (Clary) (FR)467
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- SR
2320 Familial Dysautonomia Day (Wasserman Schultz)
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2322 Florida's Great Northwest Day (Clary) (FR)**367** Adopted
2324 Bay of Pigs Invasion (Villalobos) (FR)367, **368** Adopted
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2326 Ft. Lauderdale/Dania Beach (Dawson) (FR)467, (BA)917,
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- 2328 North Springs Improvement District (Dawson) (FR)468
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2330 O'Connell, The Honorable Stephen C. (Laurent and others)
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2332 Sebring Airport Authority (Laurent) (FR)468
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2336 Day of Tolerance/April 22, 2001 (Klein) (FR)431, **432**
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- 2356 Manatee Co./Fire & Rescue District (Miller) (FR)469,
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- 2358 Bayshore Gardens Park & Recreation (Miller) (FR)469,
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- 2360 Barron Water Control District (Geller) (FR)469
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- 2362 Ft. Myers Beach Mosquito Control (Saunders) (FR)469
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- 2364 Public Transportation Commission (Sebesta and others)
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- 2368 Santa Rosa Co. Civil Service Board (Clary) (FR)470
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- 2370 Holiday Park Park & Recreation Dist. (Carlton) (FR)569
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2372 Jamerson, Douglas Lee (Holzendorf and others) (FR)453,
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2374 Lauderdale-By-The-Sea (Dawson) (FR)569, (MO)662,
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- 2376 Collier Co./Governmental Powers (Saunders) (FR)652
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2378 Garfein, Rabbi Stanley J. (Geller) (FR)**794** Adopted
2380 Richard D. Kann Melanoma Foundation (Klein) (FR)794,
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2382 Sunshine Water Control District (Dawson) (FR)652,
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2384 Friends of our Nation's Heroes (King) (FR)966, **967**
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- 2386 DNI
2388 DNI/CSP SR 2396
- 2390 Orr, Dr. Dorothy Jackson (Dawson) (FR)**967** Adopted
2392 DNI
- 2394 Hill, Sheila Ann (Sullivan and others) (FR)**800** Adopted
2396 Florida Keys (Jones) (FR)1257, **1258** Adopted
2398 Hearing Research Institute (Diaz de la Portilla) (FR)**1258**
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- 9 Pollution Control (Natural Resources & Environmental Protection (RIC) and others) (BA)728, 787, (FR)789, (BA)799, **800**, 2119 Ch. 2001-224
- 19 Housing (Local Government & Veterans Affairs (SGC) and others) 787, (FR)789, (BA)**1383** Ch. 2001-143 CSP-HB 1225, CS/CS/CS/SB 446
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- 29 Driving Under Influence (Brummer and others) (FR)346, (BA)1050, (BA)**1362** Ch. 2001-144
- 41 Water & Wastewater Systems (Local Government & Veterans Affairs (SGC)) 346, (FR)347, (BA)784, (BA)838, 952, (FR)953, (BA)**974** Ch. 2001-145
- 45 Alcoholic Beverage Surcharges (Bense and others) (FR)405 DSC
- 47 Fla. Volunteer & Community Service (Bense and others) 346, (FR)347, (BA)524, (BA)**563**, (MO)640, (BA)661 Ch. 2001-84
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- 107 Unclaimed Property (Council for Competitive Commerce and others) (BA)317, (BA)**318**, 346, (FR)348, 477 Ch. 2001-36 CSP-CS/HB 137
- 115 City of Marathon/Police Powers (Sorensen) 654, (FR)655, (BA)**918**, (CR)952 Ch. 2001-292
- 137 Probate (Council for Smarter Government and others) 952, (FR)953, (BA)1052, (BA)1054, (BA)1357, **1359** Ch. 2001-226 CSP-CS/CS/HB 107
- 141 Adoption (Council for Healthy Communities and others) (BA)219, (BA)**220**, (FR)227 Ch. 2001-3
- 145 Enterprise Zones (Clarke and others) 405, (FR)406 DSC/CSP-HB 1225, CS/CS/SB 668
- 157 Motor Vehicle Airbags (Council for Competitive Commerce and others) (BA)751, (BA)779, 787, (FR)789, (BA)**802** Ch. 2001-85
- 161 Citrus/Hernando Waterways Council (Natural Resources & Environmental Protection (RIC) and others) 952, (FR)954, (BA)1108, (BA)1109, (BA)1110, (BA)**1509** DM
- 175 Reckless Driving (Crime Prevention, Corrections & Safety (HCC) and others) 952, (FR)955, (BA)1054, (BA)**1359** Ch. 2001-147
- 189 Military & Overseas Voter Protection (Harrington and others) 570, (FR)571 DSC/CSP-CS/SB 1118
- 199 Substance Abuse Treatment Programs (Judicial Oversight (SGC) and others) 952, (FR)955, (BA)1064, (BA)**1362** Ch. 2001-48 CSP-CS/CS/SB 912
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- 251 Fla. Residents' Tax Relief Act (Kilmer and others) 952, (FR)955, (BA)1042, (BA)1281, (BA)**1780**, 2119 Ch. 2001-148
- 257 Road Designations/Miami-Dade Co. (Transportation (RIC)) (FR)787 DSC
- 267 Juvenile Justice (Council for Lifelong Learning and others) (BA)1110, (BA)1111, 1251, (FR)1252, (BA)1507, **1508**, 2119 Ch. 2001-125 CSP-CS/HB 1425, HB 1743
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- 271 Corporate Income Tax (Council for Lifelong Learning and others) 230, (FR)234, (BA)322, (BA)325, (BA)351, (BA)(MO)**355**, (MO)368 DM/CSP-HB 21
- 273 Election Code/Reporting Requirements (Procedural & Redistricting Council and others) (FR)230, (CR)447 DSC
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- 277 Schools/Attendance/Learnfare Program (Council for Lifelong Learning and others) 230, (FR)231, (BA)840, (BA)841, (BA)**975**, 2119 Ch. 2001-149
- 279 Barry Grunow Act (Education Appropriations and others) (FR)147, (BA)374, (BA)**411** Ch. 2001-180
- 293 Certified Capital Company Act (Information Technology (RIC) and others) (BA)937 DM
- 303 Relief from Overcrowded Schools (Council for Lifelong Learning and others) 279, (FR)280 DSC
- 337 Public Libraries (Tourism (CCC) and others) (BA)**1345**, (FR)2117 Ch. 2001-263
- 339 Certificate of Need/Heart Surgery (Local Government & Veterans Affairs (SGC) and others) 405, (FR)406, (BA)949, (BA)951, (BA)**971** DM
- 347 Public Employee Optional Retirement (Fiscal Responsibility Council) 570, (FR)571, (BA)977, (BA)978, **982**, (BA)1586, (BA)1589 DM/CSP-CS/CS/HB 503, CS/SB 2
- 367 Judicial Nominating Commissions (Council for Smarter Government and others) (FR)308, (BA)991, (BA)992, (BA)1258, (BA)1505, **1506**, 2119 Ch. 2001-282
- 369 Public Employees (Diaz-Balart and others) 308, (FR)309 DSC/CSP-CS/SB 466
- 383 Bank Account Numbers/Records Exempt. (State Administration (SGC)) 230, (FR)231 DSC
- 385 Municipal Utilities/Records (State Administration (SGC)) 230, (FR)231, (BA)525, (BA)526, (BA)**563**, (MO)640, (BA)661 Ch. 2001-87
- 387 Sports-Related Industries/Records (State Administration (SGC) and others) 230, (FR)231, (BA)843, (BA)982, (BA)**989** Ch. 2001-150
- 389 Public Records/Economic Development (State Administration (SGC)) 230, (FR)231, (CR)327 DSC
- 391 Public Records/Tax Refund Programs (State Administration (SGC)) 230, (FR)231, (CR)327 DSC
- 393 Public Records/Marketing Projects (State Administration (SGC) and others) 230, (FR)231, (BA)836, (BA)**974** Ch. 2001-69
- 395 Public Records/Airport Security Plan (State Administration (SGC)) 230, (FR)231, (BA)649, (BA)784, (BA)**796** Ch. 2001-59
- 397 Public Records/Toll Facility Charges (State Administration (SGC)) 230, (FR)231, (BA)645, (BA)705, (BA)**707** Ch. 2001-70
- 399 Public Record/Emergency "911" Number (State Administration (SGC)) 230, (FR)232, (BA)605, (BA)**672** Ch. 2001-71
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- 403 Public Record/Pawnbroker Transaction (State Administration (SGC)) 230, (FR)232, (BA)880, (BA)**984** Ch. 2001-151
- 405 Public Records/Surplus Lines Ins. (State Administration (SGC)) 230, (FR)232, (BA)639, (BA)640, (BA)693, (BA)**694**, 1256 Ch. 2001-181
- 407 Public Records/Univ. Health Services (State Administration (SGC)) 230, (FR)232, (BA)298, (BA)**316** Ch. 2001-35
- 409 Educator Professional Liability Ins. (Council for Lifelong Learning and others) 308, (FR)309, (BA)1282, **1283**, 2119 Ch. 2001-46
- 411 Mobile Homes (Council for Smarter Government and others) (BA)834, 952, (FR)955, (BA)**973** Ch. 2001-227 CSP-HB 1265
- 415 Adoption (Council for Smarter Government and others) (FR)405, (MO)651, (MO)673, (CR)951, (CR)952, (BA)1068, (BA)1069, (BA)1192, (BA)1193, (BA)(MO)1506, **1507** DM/CSP-CS/HB 141
- 421 Mental Health Treatment/Adults (Bean and others) 787, (FR)789, (BA)1063, (BA)**1509** Ch. 2001-152
- 455 Mortgage Brokers & Lenders (Banking (CCC)) (BA)1097, 1251, (FR)1253, (BA)1482, (BA)**1485** Ch. 2001-228
- 465 Tuition/Residency/National Guard (Baker and others) 952, (FR)955 DSC
- 469 Enrique Valledor Way (Lacasa) (FR)570 DSC
- HJR
- 471 County Home Rule Charter (Judicial Oversight (SGC) and others) 570, (FR)573, (BA)972, **973** Passed
- HB
- 475 Public Health (Council for Healthy Communities and others) 952, (FR)955, (BA)985, (BA)**991**, 2119 Ch. 2001-53 CSP-HB 1471, CS/SB 688, CS/SB 1558

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477 Public Records/Parents ID/Newborns (Hogan and others) (FR)952, (BA)1295 DM/CSP-CS/HB 475, CS/HB 141
- 479 Rainbow Lakes Estates District (Local Government & Veterans Affairs (SGC) and others) 654, (FR)655, (BA)918, (CR)952 Ch. 2001-293
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- 499 Bill of Rights Day (Andrews) (FR)346, (BA)386, (BA)416 Ch. 2001-88
- 501 Abolishment of Boards/Other Entities (Council for Smarter Government) 308, (FR)310, (BA)1112, (BA)1114, (BA)1115, (BA)1509, (BA)1510, 1512, (BA)2119 Ch. 2001-89 CSP-HB 1225, SB 1162, CS/SB 1922
- 503 Public Employee Optional Retirement (Fiscal Responsibility Council and others) 570, (FR)573, (BA)974 Ch. 2001-255 CSP-CS/SB 2
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- 563 Lawton Chiles Endowment (Fiscal Responsibility Council and others) 570, (FR)571, (BA)777, (BA)778, (BA)797, 1256 Ch. 2001-73
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- 601 Judgments & Liens (Pickens and others) (BA)648, (BA)649, 654, (FR)658, (BA)783, (BA)785, 1256 Ch. 2001-154
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- 657 Official Florida Statutes Adoption (Rules, Ethics & Elections) 230, (FR)232, (BA)650, (BA)651, (BA)672, (BA)673, (BA)1256, (BA)1589 DM
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- 663 Florida Statutes (Rules, Ethics & Elections) 230, (FR)233, (BA)433 Ch. 2001-62
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- 681 Governmental Reorganization (Council for Competitive Commerce and others) 654, (FR)655, (BA)663, 665 DM
- 695 Sentencing/Criminal Street Gangs (Mack and others) 405, (FR)406, (BA)464, (BA)557, (MO)640, (BA)661 Ch. 2001-126
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REGULAR SESSION

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CONTINUATION OF
THIRTY-THIRD REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
MARCH 6 THROUGH MAY 4, 2001



Journal of the Senate

Number 25—Regular Session

Thursday, May 3, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 9:20 a.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Excused: Conferees periodically for the purpose of working on CS for SB 1118 relating to elections: Senator Posey, Chairman; Senators Carlton, Sebesta and Smith; Conferees periodically for the purpose of working on CS for SB 466 relating to public employment: Senator Garcia, Chairman; Senators Carlton, Lawson, Posey, and Smith

PRAYER

The following prayer was offered by Monsignor J. Bernard Caverly, St. Raphael's Church, St. Petersburg:

God, our Heavenly Father, we acknowledge your presence in our midst, and we ask you to bless us, especially on this National Day of Prayer.

Bless in a special way Governor Bush and his family. Bless the Senators who strive to serve you, Lord, by their devoted service to the people of Florida.

God of justice, many who search for truth, as well as the followers of Abraham, Moses, and Jesus, proclaim you as the defender of the widow, the orphan, the poor, the stranger, the oppressed, the afflicted, and the captive.

As we exercise stewardship over the State of Florida resources, may the needs of the poor and the weak be our first concern. Help our Governor and Senators to become more and more conscious of the need to alleviate the poverty amongst our less fortunate brothers and sisters.

God of Peace, whose arms are the methods of non-violence, banish from our state the horrors of crime and violence. Let development, diplomacy, and rehabilitation be the new names for peace. And so we pray:

The Lord bless you and keep you,
The Lord make his face to shine upon you,
And be gracious unto you,
The Lord lift up his countenance upon you
And give you peace. Amen.

PLEDGE

Senate Pages Marissa Barber of Port St. Lucie, Shannon Blizzard and Douglas Thornton of Tallahassee and Elizabeth Smokay of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Fedor of Madeira Beach, sponsored by Senator Sullivan, as doctor of the day. Dr. Fedor specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator King—

By Senator King—

SR 2384—A resolution acknowledging and honoring the efforts of “Friends of our Nation’s Heroes.”

WHEREAS, a patriotic organization known as “Friends of our Nation’s Heroes” was created during Operation Desert Storm, and

WHEREAS, the intent of this Florida-based organization is to honor all of the men and women of our nation’s armed services, past, present, and future, through the placement of a memorial in each of the fifty states, and

WHEREAS, the organization disseminates a compelling message that we should never forget the protectors of our nation’s freedoms, and

WHEREAS, “Friends of our Nation’s Heroes” serves a laudable purpose in reminding Americans that many of our own have sacrificed life and limb for the cause of liberty, and

WHEREAS, the endeavor of the organization to honor the men and women who have served, are serving, or will serve in the United States Army, Navy, Air Force, Marines, Coast Guard, and Merchant Marines is a most noble enterprise, and

WHEREAS, “Friends of our Nation’s Heroes” has launched an effort to engage churches, civic organizations, governmental entities, and all who revere our military to join in the effort to honor the men and women who have served or will serve, and

WHEREAS, the endeavor of the organization to pay tribute to America’s bravest heroes is worthy of widespread support and such commendable efforts should be encouraged, NOW, THEREFORE,

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

That the Florida Senate acknowledges and honors the efforts of “Friends of our Nation’s Heroes” to pay well-deserved tribute to all of America’s armed services veterans, past, present, and future.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Shelby Dew, Founder and Chairman of “Friends of our Nation’s Heroes,” as a tangible token of the esteem held by the Florida Senate.

—**SR 2384** was introduced, read and adopted by publication.

At the request of Senator Dawson—

By Senator Dawson—

SR 2390—A resolution congratulating Dr. Dorothy Jackson Orr on her outstanding achievements.

WHEREAS, Dr. Dorothy Jackson Orr, a native of Fort Lauderdale, Broward County, Florida, is recognized as a pioneer and a leader in the community, taking great pride in being a product of its religious institutions and public school system, and

WHEREAS, Dr. Orr has given service to the local School Board in many capacities for over thirty years, and is presently serving as Deputy Superintendent and Board Liaison, and

WHEREAS, Dr. Orr has inspired others throughout the county and state with her active and tireless dedication, believing that education is the mother of all vocations and that it is the responsibility of our education system to prepare each student to be a contributing member of society, and

WHEREAS, she has dedicated her life to achieving this goal, and

WHEREAS, Dr. Orr is affiliated with several religious, community, social, and professional associations and organizations, and is a keynote speaker, presenter, lecturer, adjunct professor/instructor, consultant, and committee/board member, and has received numerous honors, awards, and recognitions, and

WHEREAS, Dr. Orr has a lifelong history of outstanding achievements and contributions to the community, providing improvements in the quality of life to the residents of Broward County, and

WHEREAS, Dr. Orr finds great satisfaction in writing and public speaking and hopes to continue to help young people in their development of these skills, and

WHEREAS, Dr. Orr firmly believes that the entire community has one responsibility in common which must be fulfilled as a joint endeavor—the education of our children and youth, NOW, THEREFORE,

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

That the Florida Senate congratulates Dr. Dorothy Jackson Orr on her outstanding achievements.

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

—**SR 2390** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 192** was withdrawn from the Committees on Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar; **SB 356**, **SB 1462**, **CS for SB 1776** and **SB 2020** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 786** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SB 1218** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1290** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 1488** and **CS for SB 1784** were withdrawn from the Committee on Rules and Calendar; **SB 1630** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; and **CS for SB 1976** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations.

BILLS ON THIRD READING

CS for CS for SB 2108—A bill to be entitled An act relating to education governance reorganization; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as “St. Petersburg College”; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Council, respectively; creating the Education K-20 Policy and Research Council within the Department of Education; transferring the Articulation Coordinating Committee and the Education Standards Commission by a type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Council; establishing the membership and duties of the council; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross-references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross-references to newly created missions and goals; requiring the Commissioner of Education to serve as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and the already accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report

to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission and goals and systemwide measures; requiring proposals and an implementation schedule for performance-based funding; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees, a Florida Board of Education and a Secretary of the Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; creating s. 229.0073, F.S.; directing the Commissioner of Education to work with the Florida Board of Education to reorganize the Department of Education as provided by the act; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; providing composition of the Commission for Independent Education; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; transferring the Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.0865, F.S., relating to the Knott Data Center and projects, contracts, and grants; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; repealing ss. 240.145, 240.147, 240.205, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, creation of the Board of Regents as a body corporate, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; repealing s. 235.217(1)(b), (c), and (d), (3)(a), (c), (d), and (e), and (2), (4), and (5), F.S., relating to the SMART Schools Clearinghouse; providing effective dates.

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

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

Amendment 1 (402486)—On page 74, line 6, delete “The” and insert: A

Amendment 2 (081466)—On page 80, after line 25, insert:

(9) *If a civil action is brought against any member of a university board of trustees for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the university board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses, together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. A claim based on any such action or omission may, in the discretion of the university board of trustees, be settled prior to or after the filing of suit. The board of trustees may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.*

Amendment 3 (210124)(with title amendment)—On page 93, line 31, insert:

Section 35. Subsections (3), (4), and (5) of section 240.2995, Florida Statutes, are amended to read:

240.2995 University health services support organizations.—

(3) The board of ~~trustees~~ ~~regents of a state university~~ may prescribe, by rule, conditions with which a university health services support organization must comply in order to be certified and to use property, facilities, or personal services at any state university. The rules must provide for budget, audit review, and oversight by the board of ~~trustees~~ ~~regents of the state university~~. Such rules shall provide that the university health services support organization may provide salary supplements and other compensation or benefits for university faculty and staff employees only as set forth in the organization's budget, which shall be subject to approval by the university president.

(4) The chair of the board of ~~trustees~~ ~~regents of a state university~~ may appoint a representative to the board of directors and the executive committee of any university health services support organization established under this section. The president of the university for which the university health services support organization is established, or the president's designee, shall also serve on the board of directors and the executive committee of any university health services support organization established to benefit that university.

(5) Each university health services support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules of the board of ~~trustees~~ ~~regents of a state university~~. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the board of regents for review. The board of ~~trustees~~ ~~regents of a state university~~ and the Auditor General ~~may~~ ~~shall have the authority to~~ require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The auditor's report, management letter, and any supplemental data requested by the board of ~~trustees~~ ~~regents of a state university~~ and the Auditor General shall be considered public records, pursuant to s. 119.07.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, after the semicolon (;) insert: amending s. 240.2995, F.S.; authorizing university boards of trustees to establish university health services support organizations; providing rulemaking authority;

Amendment 4 (595298)(with title amendment)—On page 93, line 31, insert:

Section 35. Subsection (2) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(2) As used in this act, “state agencies or subdivisions” include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state; counties and municipalities; *state university boards of trustees*; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Spaceport Florida Authority.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, after the semicolon (;) insert: amending s. 768.28, F.S.; including university boards of trustees within the definition of a state agency for purposes of sovereign immunity;

Amendment 5 (765488)(with title amendment)—On page 93, line 31, insert:

Section 35. Subsections (1), (2), (3), (5), and (7) of section 240.299, Florida Statutes, are amended to read:

240.299 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(1) DEFINITIONS.—For the purposes of this section:

(a) “University direct-support organization” means an organization ~~that which~~ is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university in Florida or for the benefit of a research and development park or research and development authority affiliated with a state university and organized under part V of chapter 159; and

3. An organization ~~that which~~ the board of *trustees regents of a state university*, after review, has certified to be operating in a manner consistent with the goals of the university and in the best interest of the state. Any organization ~~that which~~ is denied certification by the board of *trustees regents of a state university* may ~~shall~~ not use the name of the university ~~that which~~ it serves.

(b) “Personal services” includes full-time or part-time personnel as well as payroll processing.

(2) USE OF PROPERTY.—

(a) The board of *trustees regents of a state university* may ~~is authorized to~~ permit the use of property, facilities, and personal services at ~~its any~~ state university by any university direct-support organization, and, subject to the provisions of this section, direct-support organizations may establish accounts with the State Board of Administration for investment of funds pursuant to part IV of chapter 218.

(b) The board of *trustees regents of a state university* shall prescribe by rule conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at ~~the any~~ state university. Such rules shall provide for budget and audit review and oversight by the board of *trustees regents of the state university*.

(c) The board of *trustees regents of a state university* may ~~shall~~ not permit the use of property, facilities, or personal services at ~~its any~~ state university by any university direct-support organization ~~that which~~ does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.—The chair of the board of *trustees regents of a state university* may appoint a representative to the board of directors and the executive committee of any direct-support organization established under this section. The president of the university for which the direct-support organization is established, or his or her designee, shall also serve on the board of directors and the executive committee of any direct-support organization established to benefit that university.

(5) ANNUAL AUDIT.—Each direct-support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be promulgated by the board of *trustees regents of the state university*. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the board of regents for review. The board of *trustees regents of the state university* and the Auditor General ~~may shall have the authority to~~ require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor’s report. All records of the organization other than the auditor’s report, management letter, and any supplemental data requested by the board of *trustees regents of a state university* and the Auditor General shall be confidential and exempt from the provisions of s. 119.07(1).

(7) ANNUAL BUDGETS AND REPORTS.—Each direct-support organization shall submit to the university president and the board of *trustees regents of the state university* its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its

federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, after the semicolon (;) insert: amending s. 240.299, F.S.; providing for university boards of trustees to certify the operations of university direct-support organizations; providing rule-making authority;

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

Amendment 6 (831180)(with title amendment)—On page 93, line 31, insert:

Section 38. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 39. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 40. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improve-*

ment reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(3) QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) EXPENSES OF ELECTION.—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, following the semicolon (;) insert: amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections;

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

Amendment 7 (431480)—In title, on page 8, line 6, delete “nine-member” and insert: eleven-member

On motion by Senator Pruitt, **CS for CS for SB 2108** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Constantine	Latvala	Sanderson
Bronson	Cowin	Laurent	Saunders
Brown-Waite	Crist	Lawson	Sebesta
Burt	Diaz de la Portilla	Lee	Silver
Campbell	Garcia	Peaden	Sullivan
Carlton	Horne	Posey	Villalobos
Clary	King	Pruitt	Webster

Nays—12

Dawson	Holzendorf	Meek	Rossin
Dyer	Jones	Miller	Smith
Geller	Klein	Mitchell	Wasserman Schultz

Consideration of **CS for SB 1558** and **CS for CS for SB’s 336 and 190** was deferred.

CS for CS for SB 2120—A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners;

requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district’s behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts’ tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts’ tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an effective date.

—as amended May 1 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for CS for SB 2120** to **HB 1221**.

Pending further consideration of **CS for CS for SB 2120** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1221** was withdrawn from the Committees on Judiciary and Natural Resources.

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

HB 1221—A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners; requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local

governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district's behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 374.984, F.S.; revising powers and duties of the Board of Commissioners of the Florida Inland Navigation District; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2120** as amended and by two-thirds vote read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1221** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Clary

The Senate resumed consideration of—

CS for HB 339—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations; amending s. 408.036, F.S.; authorizing certain facilities to request exemption from the certificate of need process; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

—which was previously considered May 2. Pending substitute **Amendment 2 (151040)** by Senator Klein was withdrawn. The question recurred on **Amendment 1 (880602)** by Senator Clary as amended which was adopted.

On motion by Senator Clary, **CS for HB 339** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Mitchell	Smith
Clary	Horne	Peaden	Sullivan
Constantine	Jones	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster

Nays—1

Miller

Vote after roll call:

Yea—Brown-Waite, Dyer, Latvala

SENATOR CAMPBELL PRESIDING

CS for CS for SB 268—A bill to be entitled An act relating to DNA testing and analysis; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data banks's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

—was read the third time by title.

On motion by Senator Silver, **CS for CS for SB 268** was passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Dawson	Latvala	Rossin
Brown-Waite	Diaz de la Portilla	Laurent	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Garcia, Lawson, Villalobos

Consideration of **SJR 1700** was deferred.

CS for SJR 2236—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

Sebesta Smith Villalobos Webster
Silver Sullivan Wasserman Schultz
Nays—None

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

That the following creation of Section 20 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

SECTION 20. Lawton Chiles Endowment Fund.—

(a) There is created the Lawton Chiles Endowment Fund to provide a perpetual source of funding for the future of state children's health programs, child welfare programs, community-based health and human services initiatives, and biomedical research activities. The principal of the endowment fund, composed of moneys received from the tobacco industry to mitigate the impact of the use of tobacco on Florida residents, shall not be appropriated by the Legislature except as provided by this section. The annual capital gains and investment income of the Lawton Chiles Endowment Fund may be appropriated, in accordance with general law, by the legislature in a separate act and shall be approved by a two-thirds vote of the membership of each house. This appropriation shall not supplant current state or federal funds.

(b) In an emergency declared by the legislature, no more than 10 percent of the principal of the endowment fund may be appropriated by the legislature in any fiscal year for state children's health programs; child welfare programs; and community-based health and human services. Such appropriation shall be in a separate act and be approved by a two-thirds vote of the membership of each house.

(c) For purposes of this section, the term "emergency" means a set of conditions which was unforeseen and which must be corrected in order to continue an operation of government, or a set of conditions which constitutes an imminent threat to public health, safety, or welfare. The emergency must relate to one of the following areas: state children's health programs; child welfare programs; or community-based health and human services.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 20

USE OF FUNDS IN THE LAWTON CHILES ENDOWMENT FUND.—Proposing an amendment to the State Constitution to authorize the legislature to appropriate the investment income from the Lawton Chiles Endowment Fund as provided by general law and to limit the use of the principal of the endowment fund to emergencies that relate to children's health or welfare programs or community-based health and human services.

—was read the third time in full.

On motion by Senator Burt, CS for SJR 2236 was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson Crist Jones Miller
Brown-Waite Dawson King Mitchell
Burt Diaz de la Portilla Klein Peaden
Campbell Dyer Latvala Posey
Carlton Garcia Laurent Pruitt
Clary Geller Lawson Rossin
Constantine Holzendorf Lee Sanderson
Cowin Horne Meek Saunders

On motion by Senator Garcia, by two-thirds vote CS for HJR 471 was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

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

CS for HJR 471—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

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

That the amendment to Section 6 of Article VIII of the State Constitution as set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) ORDINANCES. Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Miami-Dade Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Miami-Dade Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended. However, notwithstanding any provision of Article VIII, Section 11, of the Constitution of 1885, as amended, or any limitations under this subsection, the Miami-Dade County Home Rule Charter may be amended or revised by special law approved by the electors of Miami-Dade County and, if approved, shall be deemed an amendment or revision of the charter by the electors of Miami-Dade County.

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events

to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME RULE CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM

Proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by special law approved by a vote of the electors of Miami-Dade County and to conform references to the county's current name.

—a companion measure, was substituted for SJR 1700 as amended and read the second time in full.

On motion by Senator Garcia, by two-thirds vote CS for HJR 471 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators who voted in favor.

Nays—None

CS for SB 1562—A bill to be entitled An act relating to public-records exemptions; creating s. 569.215; providing that proprietary confidential business information used to negotiate or verify annual tobacco settlement payments are exempt from public records requirements; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, CS for SB 1562 was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators who voted in favor.

Nays—None

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; abrogating the repeal of s. 240.512, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute; providing an effective date.

—as amended May 2 was read the third time by title.

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

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators who voted in favor.

Nays—None

CS for CS for HB 411—A bill to be entitled An act relating to mobile homes; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; establishing responsibilities for such administrative entity; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; amending s. 723.003, F.S.; defining the term "proportionate share"; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, CS for CS for HB 411 was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators who voted in favor.

Nays—None

On motion by Senator Crist, by two-thirds vote HB 1265 was withdrawn from the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1265—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

—a companion measure, was substituted for CS for SB 1920 as amended and read the second time by title.

On motion by Senator Crist, by two-thirds vote HB 1265 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

HB 393—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, HB 393 was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Sanderson

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, CS for HB 41 was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Garcia, by two-thirds vote CS for CS for HB 503 was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for CS for HB 503—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

—a companion measure, was substituted for CS for SB 436 as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote CS for CS for HB 503 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 478—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term “public school member” for purposes of the system; amending s. 121.091, F.S.; providing retirement benefits payable to public school members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, CS for CS for SB 478 was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Burt	Carlton	Constantine
Brown-Waite	Campbell	Clary	Cowin

Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster
Horne	Meek	Saunders	

Nays—None

CS for SB 422—A bill to be entitled An act relating to prekindergarten early-intervention programs; amending s. 230.2305, F.S.; requiring the Florida Partnership for School Readiness to make recommendations to expand the prekindergarten early-intervention program to provide access to at-risk 4-year old children on a fee basis; requiring a report; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 422** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 878—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending such coverage at cost to part-time instructional personnel and to all administrative personnel; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Webster, further consideration of **SB 878** as amended was deferred.

CS for HB 1633—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing Department of Education duties relating to identification of student learning gains; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **CS for HB 1633** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Meek	Smith
Campbell	Holzendorf	Miller	Sullivan
Carlton	Horne	Mitchell	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—None

Vote after roll call:

Yea—Peaden

CS for HB 277—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Burt, **CS for HB 277** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 492—A bill to be entitled An act relating to the offense of possessing a firearm at school; amending s. 230.235, F.S.; requiring that a child found to have committed the act of bringing a firearm to school, to any school function, or onto any school-sponsored transportation be assigned to a disciplinary program or second-chance school; requiring that the court retain jurisdiction over the child during the expulsion period; providing that sanctions pursuant to s. 985.231, F.S., apply if the child fails to comply with the requirements of the disciplinary program or second-chance school; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **CS for SB 492** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

Yeast—39			
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for SB 872** was deferred.

CS for HB 245—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act of 2001”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 245** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for CS for SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for CS for SB 1624** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Consideration of **CS for CS for SB 2224** was deferred.

CS for SB 1680—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender’s anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring the Department of Children and Family Services to detain sexually violent predators in a secure facility segregated from other patients; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 1680** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 2012—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant’s commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 2012** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Constantine, King

CS for HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for HB 1385** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 738—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the T. Mark Schmidt Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating

to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator King, **CS for CS for SB 738** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Villalobos

CS for CS for SB 1092—A bill to be entitled An act relating to insurance; providing legislative findings; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; defining the term "clinic"; imposing registration requirements for certain clinics; providing for medical directors or clinical directors; providing duties and responsibilities of medical directors or clinical directors; authorizing the Department of Health to adopt rules for certain purposes; providing for enforcement; providing penalties; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; defining the terms "broker" and "medically necessary"; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions relating to interest on overdue claims; revising provisions for charges and payments for certain treatments; removing provisions specifying the use of medical payments insurance; making certain charges by a broker noncompensable; providing for a demand letter; providing demand letter requirements; providing for civil actions against certain persons; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 921.0022, F.S.; ranking certain criminal offenses specified in that section; amending s. 324.021, F.S.; correcting a cross-reference; providing an appropriation; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Latvala, **CS for CS for SB 1092** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Garcia, by two-thirds vote **CS for HB 347** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 347—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; creating the “Officer Malcolm Thompson Act”; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; amending s. 121.4501, F.S.; redefining the term “approved provider”; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 872** as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote **CS for HB 347** was read the third time by title.

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

Amendment 1 (912778)(with title amendment)—On page 6, line 1 through page 13, line 12, delete those lines and insert:

Section 5. Effective October 1, 2001, subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member’s duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government the employer or an agency of state government with firefighting responsibilities. In addition, the member’s duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; or direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member’s primary duties and responsibilities must be the

custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member’s primary duties and responsibilities must include on-the-scene emergency medical care or direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member’s primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).
10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).

21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251).
25. *Unit treatment and rehabilitation director-F/C (class code 5805).*
26. *Unit treatment and rehabilitation senior supervisor I-F/C (class code 5793).*
27. *Unit treatment and rehabilitation supervisor II-F/C (class code 5796).*
28. *Unit treatment and rehabilitation specialist-F/C (class code 5791).*
29. *Unit treatment and rehabilitation supervisor I-F/C (class code 5786).*
30. *Unit treatment and rehabilitation director (class code 5779).*
31. *Unit treatment and rehabilitation senior supervisor I (class code 5777).*
32. *Unit treatment and rehabilitation senior supervisor II (class code 5778).*
33. *Unit treatment and rehabilitation senior supervisor III (class code 5780).*
34. *Unit treatment and rehabilitation senior supervisor III-F/C (class code 5799).*
35. *Unit treatment and rehabilitation specialist (class code 5776).*
36. *Unit treatment and rehabilitation supervisor I (class code 5710).*

Section 6. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees and service offices of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, at the discretion of the President of the Senate and the Speaker of the House of Representatives, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(d) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System in a position that has been designated eligible for inclusion in the Executive Service of the State University System or who holds a position as president of a state university, unless such member elects, pursuant to s. 121.35, to participate in the optional retirement program.

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, Treasurer, and Comptroller acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(f) Effective July 1, 1997:

1. Any elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Any elected county officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected county officers, elect to participate in a lifetime

monthly annuity program, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general*, and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security.

2. In lieu of participating in the Senior Management Service Class, a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit

in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 7. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of that section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Approved provider” or “provider” means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program. *The term includes a bundled provider that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education.* Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, at the employee's discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move to the defined benefit program, the employee must transfer from his or her Public Employee Optional

Retirement Program account and from other employee moneys as necessary, a sum representing the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program ~~all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.~~ Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

3. Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee's actuarial accrued liability.

4. Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services if those services cannot be competitively and contractually provided by the Division of Retirement within the Department of Management Services. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to

participant account information; or periodic reporting to participants, at least quarterly, on account balances and transactions, if these services are authorized by the board as part of the contract.

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall also select one or more bundled providers each of whom may offer multiple ~~who offer multiple~~ investment options and related services ~~products~~ when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, United States fixed income, United States equities, and foreign stock. The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum and may include a guaranteed account as well as investment products, such as individually allocated guaranteed and variable annuities, which meet the requirements of this subsection and combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime-income benefit provided by the Florida Retirement System.

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, and may include products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity.

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. This prohibition does

not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.

4. Fees or charges for insurance features, such as mortality and expense-risk charges, must be reasonable relative to the benefits provided.

(f)1. An approved provider shall comply with all federal and state securities and insurance laws and regulations applicable to the provider, as well as the applicable rules and guidelines of the National Association of Securities Dealers which govern the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with rules of the National Association of Securities Dealers.

2. Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.

3. The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate agency.

4. Approved providers may not sell or in any way distribute any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 8. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 9. It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.

Section 10. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) Effective July 1, 2001 ~~1997~~, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class. Such election shall be made between July 1, 2001 ~~1997~~, and December 31, 2001 ~~1997~~, and shall be irrevocable. The designation of such positions shall be effective

the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-26, delete those lines and insert: amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; adding specified classes of members employed within a correctional or forensic facility or institution; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider" for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member's optional program account to the defined benefit plan; providing for amortization of any unfunded liability; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding; amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class;

On motion by Senator Garcia, **CS for HB 347** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **SB 486**, **SB 1958**, **HB 1157** and **HB 387** was deferred.

HB 1157—A bill to be entitled An act relating to the Department of State; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation; amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.809, F.S.; revising membership of the Florida Intergovernmental Relations Foundation; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Garcia, **HB 1157** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 2028—A bill to be entitled An act relating to production of certain records and other productions as a result of a subpoena, order, or warrant; creating s. 92.605, F.S.; defining terms; providing an exemption; providing requirements for production of records by an out-of-state corporation upon issuance of a subpoena, court order, or search warrant pertaining to such records; providing requirements for out-of-state corporations seeking to quash a subpoena or warrant; requiring out-of-state corporations to verify the authenticity of records such corporations are required to produce; providing requirements for the production of certain records by certain Florida corporations; providing that a cause of action does not arise against any out-of-state or Florida corporation or other specified persons for production of certain records, information, facilities, or assistance; providing an effective date.

—was read the third time by title.

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

Amendment 1 (161702)—On page 2, delete line 14 and insert: *s. 933.01, or anyone who is authorized to issue a subpoena under Rule 3.220, Florida Rules of Criminal Procedure.*

Amendment 2 (675688)—On page 6, line 4, delete “*a civil*”

On motion by Senator Burt, **CS for SB 2028** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for HB 1803—A bill to be entitled An act relating to workers’ compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker’s family when approving settlements of workers’ compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers’ compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term “specified state employee” to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of

Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of “employee”; excluding certain work done by state prisoners and county inmates from the definition of “employment”; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers’ compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division’s participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers’ compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney’s fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers’ compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and

Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator King, **CS for HB 1803** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **SB 484** and **CS for SB 822** was deferred.

CS for CS for SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for CS for SB 856** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

Consideration of **CS for CS for SB 858** was deferred.

HB 403—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s. 539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 403** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Meek	Smith
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Saunders	

Nays—None

Vote after roll call:

Yea—Sanderson

THE PRESIDENT PRESIDING

CS for SB 1056—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the list of eligible children to include otherwise eligible children for whom the state is paying a relative caregiver payment; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; amending ss. 240.235, 240.35, F.S.; exempting certain children in the custody of a relative from payment of postsecondary undergraduate fees; requiring the Department of Children and Family Services to contract for a study of relative caregiver families; requiring a report to be submitted to the Department of Children and Family Services and the Legislature; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Dawson, **CS for SB 1056** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cowin	Horne	Miller
Bronson	Crist	Jones	Mitchell
Brown-Waite	Dawson	King	Peaden
Burt	Diaz de la Portilla	Klein	Posey
Campbell	Dyer	Latvala	Pruitt
Carlton	Garcia	Laurent	Rossin
Clary	Geller	Lee	Sanderson
Constantine	Holzendorf	Meek	Saunders

Sebesta Smith Villalobos Webster
 Silver Sullivan Wasserman Schultz
 Nays—None

On motion by Senator Saunders, by two-thirds vote **CS for HB 475** was withdrawn from the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient’s Bill of Rights and Responsibilities; replacing references to the term “physical handicap” with the term “handicap”; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler’s permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1312** as amended and read the second time by title.

On motion by Senator Saunders, further consideration of **CS for HB 475** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1972** which has been reported favorably by the Appropriations Subcommittee on Education with amendments, was withdrawn from the Committee on

Appropriations and the amendments recommended by the Subcommittee will be shown as offered by the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **SB 1218** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; and **CS for SB 2158** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

MOTIONS

On motion by Senator Lee, by two-thirds vote **CS for SB 1784** was placed on the Special Order Calendar.

RECESS

On motion by Senator Lee, the Senate recessed at 11:59 a.m. to reconvene at 1:00 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:10 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 692** was withdrawn from the Committee on Rules and Calendar.

BILLS ON THIRD READING, continued

CS for CS for SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; encouraging the release and feeding of certain quail; amending s. 372.57, F.S.; deleting requirements for the use of certain fees to subsidize the private landowner payment program; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Bronson, **CS for CS for SB 1204** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Cowin	King	Mitchell
Bronson	Crist	Klein	Peaden
Brown-Waite	Dawson	Latvala	Posey
Burt	Diaz de la Portilla	Laurent	Pruitt
Campbell	Garcia	Lawson	Rossin
Carlton	Geller	Lee	Sanderson
Constantine	Horne	Miller	Saunders

Sebesta Villalobos Wasserman Schultz Webster
Sullivan

Nays—None

Vote after roll call:

Yea—Clary, Smith

CS for SB 1458—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; exempting certain records that come into the possession of the Department of Insurance pursuant to insurer receiver-ship proceedings from inspection or disclosure as public records in order to protect the privacy interests of insureds; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

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

Amendment 1 (274938)—On page 3, lines 6-8, delete those lines and insert:

Section 3. This act shall take effect upon becoming a law.

On motion by Senator Klein, **CS for SB 1458** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President Dawson Laurent Rossin
Bronson Diaz de la Portilla Lee Sanderson
Brown-Waite Garcia Meek Saunders
Burt Geller Miller Sebesta
Carlton Jones Mitchell Silver
Clary King Peaden Smith
Cowan Klein Posey Sullivan
Crist Latvala Pruitt Villalobos

Nays—1

Campbell

Vote after roll call:

Yea—Constantine, Horne, Webster

On motion by Senator Geller, by two-thirds vote **CS for CS for HB 719** was withdrawn from the Committees on Agriculture and Consumer Services; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

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

CS for CS for HB 719—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1528** as amended and by two-thirds vote read the second time by title. On motion by Senator Geller, by two-thirds vote **CS for CS for HB 719** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President Brown-Waite Campbell Clary
Bronson Burt Carlton Constantine

Cowin Horne Meek Saunders
Crist Jones Miller Sebesta
Dawson King Mitchell Silver
Diaz de la Portilla Klein Peaden Smith
Dyer Latvala Posey Sullivan
Garcia Laurent Pruitt Villalobos
Geller Lawson Rossin Wasserman Schultz
Holzendorf Lee Sanderson Webster

Nays—None

SENATOR SILVER PRESIDING

CS for SB 1542—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting certain transfers of homestead real property that involve spouses and that create a tenancy by the entireties from the tax on deeds and other instruments relating to real property or interests therein; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; clarifying that said tax does not apply to contracts and related documents for selling the residence of an employee relocating at the employer's direction; providing an effective date.

—as amended May 2 was read the third time by title.

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

Yeas—38

Bronson Diaz de la Portilla Lawson Saunders
Brown-Waite Dyer Lee Sebesta
Burt Garcia Meek Silver
Campbell Geller Miller Smith
Carlton Horne Mitchell Sullivan
Clary Jones Peaden Villalobos
Constantine King Posey Wasserman Schultz
Cowan Klein Pruitt Webster
Crist Latvala Rossin
Dawson Laurent Sanderson

Nays—None

THE PRESIDENT PRESIDING

CS for SB 1560—A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall

prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross-references; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Peaden, **CS for SB 1560** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—1

Jones

SENATOR SILVER PRESIDING

On motion by Senator Sanderson, by two-thirds vote **CS for HB 1805** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

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

CS for HB 1805—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1466** as amended and read the second time by title. On motion by Senator Sanderson, by two-thirds vote **CS for HB 1805** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Cowin	Holzendorf	Lawson
Brown-Waite	Crist	Horne	Lee
Burt	Dawson	Jones	Meek
Campbell	Diaz de la Portilla	King	Miller
Carlton	Dyer	Klein	Mitchell
Clary	Garcia	Latvala	Peaden
Constantine	Geller	Laurent	Posey

Pruitt	Saunders	Smith	Wasserman Schultz
Rossin	Sebesta	Sullivan	Webster
Sanderson	Silver	Villalobos	

Nays—None

HB 1635—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **HB 1635** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 1720** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lawson	Silver
Burt	Garcia	Meek	Smith
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	Webster
Cowin	King	Rossin	
Crist	Klein	Sanderson	
Dawson	Latvala	Saunders	

Nays—None

SB 1738—A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the

term “information technology”; amending s. 287.012, F.S.; defining “invitation to negotiate” and “request for a quote”; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Bronson, **SB 1738** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1750—A bill to be entitled An act relating to economic development; creating the “Florida Emerging and Strategic Technologies Act”; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term “project” to include information technology facilities; defining the term “information technology facility”; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund

program and the qualified defense contractor tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term “digital media”; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Klein, **CS for SB 1750** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

HB 1429—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S.,

relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **HB 1429** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 514—A bill to be entitled An act relating to public records; creating s. 817.569, F.S.; providing that it is a misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a misdemeanor of the first degree; providing that it is a felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to the act; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **SB 514** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Webster

SB 1958—A bill to be entitled An act relating to public records exemptions; amending s. 440.45, F.S.; exempting from public record requirements certain information obtained by the Division of Administrative Hearings in investigating complaints against judges of compensation claims; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **SB 1958** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—King

SB 486—A bill to be entitled An act relating to public records; amending s. 288.1066, F.S.; abrogating the scheduled repeal of a public records exemption for specified business information received under the qualified defense contractor and qualified target industry tax refund programs; eliminating obsolete references to the Department of Commerce; making the listing of tax information covered by the public records exemption consistent with the program's terms and conditions; providing confidentiality for information concerning taxes paid by businesses while participating in the programs; providing confidentiality for information concerning jobs created and wages paid by such businesses; providing for future repeal and legislative review; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 486** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

HB 387—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 387** was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Crist	Jones	Meek
Brown-Waite	Dawson	King	Miller
Burt	Diaz de la Portilla	Klein	Mitchell
Carlton	Dyer	Latvala	Peaden
Clary	Garcia	Laurent	Posey
Constantine	Holzendorf	Lawson	Pruitt
Cowin	Horne	Lee	Rossin

Saunders Smith Wasserman Schultz Webster
 Sebesta Villalobos
 Nays—2
 Campbell Sullivan

Vote after roll call:

Yea—Sanderson

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term “economic development agency” to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 484** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—1

Campbell

CS for CS for SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer’s intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the Office Of Program Policy Analysis and Government Accountability to conduct an examination of the batterer’s intervention programs; specifying requirements of the study; requiring consultation with key stakeholders; providing for phase I and phase II reports to the Legislature; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.;

amending the list of subject matter to be included in the department’s annual report to the Legislature on the status of domestic violence cases; providing an appropriation for districtwide joint training of domestic violence center and child protection staff; providing an effective date.

—was read the third time by title.

MOTION

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

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

Amendment 1 (152728)(with title amendment)—On page 12, between lines 9 and 10, insert:

Section 10. Subsection (6) is added to section 273.05, Florida Statutes, to read:

273.05 Surplus property.—

(6) *Cellular telephones that are classified as surplus shall be donated to any not-for-profit agency that serves the disabled community, the elderly, or victims of domestic violence so that such telephones can be made available to persons in one or more of those categories for the purpose of making emergency “911” calls.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 19, following the semicolon (;) insert: amending s. 273.05, F.S.; providing for disposition of surplus cellular telephones to certain nonprofit agencies;

On motion by Senator Peaden, **CS for CS for SB 858** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which—

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term “economic development agency” to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—as amended passed this day.

On motion by Senator Diaz de la Portilla, further consideration of **SB 484** as amended was deferred.

The Senate resumed consideration of—

CS for HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient’s Bill of Rights and Responsibilities; replacing references to the term “physical handicap” with the term “handicap”; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler’s permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rule-making authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

—which was previously considered this day. On motion by Senator Saunders, by two-thirds vote **CS for HB 475** was read the third time by title.

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

Amendment 1 (083992)(with title amendment)—On page 35, line 1 through page 39, line 4, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 3, lines 8-20, delete those lines and insert: general anesthesia services; providing

On motion by Senator Saunders, **CS for HB 475** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Dawson	Laurent	Rossin
Brown-Waite	Diaz de la Portilla	Lawson	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Smith
Constantine	Jones	Peaden	Sullivan
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Garcia, Latvala, Villalobos

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 1188** and **SB 1906** was deferred.

SB 1314—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Saunders and adopted:

Amendment 1 (632134)—On page 1, line 26, delete “2005” and insert: 2006 2005

Amendment 2 (935966)—On page 2, line 7, delete “1312” and insert: 1312

On motion by Senator Saunders, further consideration of **SB 1314** as amended was deferred.

Consideration of **CS for CS for SB 2214** was deferred.

On motion by Senator Cowin—

CS for CS for SB 1470—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising procedures for the appointment of members to each judicial nominating commission; prohibiting judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; providing for suspension or removal; requiring the Governor, in making appointments, to seek to ensure racial, ethnic, gender, and geographical diversity of membership; requiring consideration of county representation on circuit judicial nominating commissions; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; providing an appropriation; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Amendments were considered and adopted to conform **CS for CS for SB 1470** to **CS for HB 367**.

Pending further consideration of **CS for CS for SB 1470** as amended, on motion by Senator Cowin, by two-thirds vote **CS for HB 367** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Cowin—

CS for HB 367—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1470** as amended and read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1 (904728)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 43.291, Florida Statutes, is created to read:

43.291 Judicial nominating commissions.—

(1) *Each judicial nominating commission shall be composed of the following members:*

(a) *Four members of The Florida Bar, appointed by the Governor, who are engaged in the practice of law, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed. The Board of Governors of The Florida Bar shall submit to the Governor three recommended nominees for each position. The Governor shall select the appointee from the list of nominees recommended for that position, but the Governor may reject all of the nominees recommended for a position and request that the Board of Governors submit a new list of three different recommended nominees for that position who have not been previously recommended by the Board of Governors.*

(b) *Five members appointed by the Governor, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed, of which at least two are members of The Florida Bar engaged in the practice of law.*

(2) *A justice or judge may not be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. A member of a judicial nominating commission is not eligible for appointment, during his or her term of office and for a period of 2 years thereafter, to any state judicial office for which that commission has the authority to make nominations. All acts of a judicial nominating commission must be made with a concurrence of a majority of its members.*

(3) *Notwithstanding any other provision of this section, each current member of a judicial nominating commission appointed directly by the Board of Governors of The Florida Bar shall serve the remainder of his or her term, unless removed for cause. The terms of all other members of a judicial nominating commission are hereby terminated, and the Governor shall appoint new members to each judicial nominating commission in the following manner:*

(a) *Two appointments for terms ending July 1, 2002, one of which shall be an appointment selected from nominations submitted by the Board of Governors of The Florida Bar pursuant to paragraph (1)(a);*

(b) *Two appointments for terms ending July 1, 2003; and*

(c) *Two appointments for terms ending July 1, 2004.*

Every subsequent appointment, except an appointment to fill a vacant, unexpired term, shall be for 4 years. Each expired term or vacancy shall be filled by appointment in the same manner as the member whose position is being filled.

(4) *In making an appointment, the Governor shall seek to ensure that, to the extent possible, the membership of the commission reflects the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population within the territorial jurisdiction of the court for which nominations will be considered. The Governor shall also consider the adequacy of representation of each county within the judicial circuit.*

(5) *A member of a judicial nominating commission may be suspended for cause by the Governor pursuant to uniform rules of procedure established by the Executive Office of the Governor consistent with s. 7 of Art. IV of the State Constitution.*

(6) *A quorum of the judicial nominating commission is necessary to take any action or transact any business. For purposes of this section, a quorum consists of a majority of commission members currently appointed.*

(7) *The Executive Office of the Governor shall provide all administrative support for each judicial nominating commission. The Executive Office of the Governor shall adopt rules necessary to administer this section.*

Section 2. Paragraph (c) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(c) “State officer” means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

4. A member of the judicial nominating commission for any district court of appeal or any judicial circuit.

Section 3. *Section 43.29, Florida Statutes, is repealed.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising the membership of and the procedures governing the appointment of members to each judicial nominating commission; prohibiting justices and judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; requiring the Governor to seek to ensure racial, ethnic, and gender diversity of the membership; requiring consideration of county representation on circuit judicial nominating commissions; providing for suspension of members for cause; prescribing quorum requirements; requiring the Executive Office of the Governor to provide administrative support and to adopt rules; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 367** as amended was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

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

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms “participating manufacturer,” “outdoor advertising,” and “transit advertisements”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from partici-

pating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—which was previously considered May 2. Pending **Amendment 1 (924410)** by Senator Brown-Waite and substitute **Amendment 2 (330308)** by Senators Latvala and Brown-Waite were withdrawn.

Senator Burt moved the following amendment which was adopted:

Amendment 3 (742202)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(1) **SHORT TITLE.**—This section may be cited as the “Lawton Chiles Endowment Fund.”

(2) **DEFINITIONS.**—As used in this section:

(a) “Board” means the State Board of Administration established by s. 16, Art. IX of the State Constitution of 1885 and incorporated into s. 9(c), Art. XII of the State Constitution of 1968.

(b) “Endowment” means the Lawton Chiles Endowment Fund.

(c) “Earnings” means all income generated by investments and the net change in the market value of assets.

(d) “Outdoor advertising” means billboards, as well as all signs and placards in arenas and stadia, whether open-air or enclosed. It does not include:

1. Any advertisement placed on or outside the premises of retail establishments licensed to sell tobacco products or any retail point-of-sale; or

2. Any advertisement or billboard in connection with the sponsorship by a tobacco product manufacturer or importer of any entertainment, sporting, or similar event, such as the National Association for Stock Car Auto Racing (NASCAR) which appears in the State of Florida as part of a national or multi-state tour.

(e) “Participating manufacturer” means any manufacturer of tobacco products which meets the requirements of subsection (4)(a).

(f)(~~d~~) “State agency” or “state agencies” means the Department of Health, the Department of Children and Family Services, the Department of Elderly Affairs, or the Agency for Health Care Administration, or any combination thereof, as the context indicates.

(g) “Subscribing participating manufacturer” means any manufacturer of tobacco products which meets the requirements of subsection (4)(c).

(h) “Transit advertisements” means advertising on private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, waiting area, train station, airport, or similar location.

(3) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to:

(a) Provide a perpetual source of funding for the future of state children’s health programs, child welfare programs, children’s community-based health and human services initiatives, elder programs, and biomedical research activities.

(b) Ensure that enhancement revenues will be available to finance these important programs and initiatives.

(c) Use funds received from the Tobacco Settlement Clearing Trust Fund moneys to ensure the financial security of vital health and human services programs for children and elders.

(d) Encourage the development of community-based solutions to strengthen and improve the quality of life of Florida’s most vulnerable citizens, its children and elders.

(e) Provide funds for cancer research and public-health research for diseases linked to tobacco use.

(f) Provide tobacco manufacturers the opportunity to voluntarily participate in mitigating the impact of the use of tobacco on the residents of this state.

(4) **PARTICIPATING MANUFACTURERS; QUALIFICATIONS.**—

(a) A tobacco manufacturer may become a participating manufacturer for purposes of this section if: (i) the manufacturer is a signatory to the August 25, 1997 and December 7, 1998 settlement agreements in *The State of Florida, et al. v. American Tobacco Company, et al. Fifteenth Judicial Circuit Case No. 95-1466*, who is in compliance with all economic and non-economic requirements in those agreements on the date of enactment of this act; and (ii) the manufacturer annually posts a performance bond payable to the Department of Business and Professional Regulation based upon the greater of the manufacturer’s actual prior year’s sales volume in Florida, or estimated annual Florida sales volume, in an amount sufficient to secure payment of all of the annual tobacco equity surcharge as prescribed in ss. 210.0220, 210.0221, and 210.0222. The bond shall be in such a form as may be approved by the department, executed by a surety company licensed to do business under the laws of this state as surety thereon, and conditioned upon the prompt filing of true reports, the timely payment to the State of Florida of the manufacturer’s monetary agreement obligations, and generally upon faithful compliance with the provisions of the agreement and the laws of this state concerning sale and distribution of cigarettes. The manufacturer shall be the principal obligor, and the state shall be the obligee.

(b) Any such manufacturer whose obligations under such settlement agreements are abated, excused, nullified, or stayed, in total or in part, due to judicial action after the enactment of this act is not a “participating manufacturer” for purposes of this section.

(c) A tobacco manufacturer or importer may become a “subscribing participating manufacturer” for purposes of this section, by entering into an agreement with the State of Florida Department of Business and Professional Regulation and the Office of the Attorney General, which agreement provides for all of the following:

1. Elimination of the subscribing participating manufacturer’s outdoor advertising and transit advertisements at the earlier of the expiration of applicable contracts or 4 months after the date the final list of the subscribing participating manufacturer’s outdoor advertising signs is supplied to the Attorney General. The manufacturer or importer shall provide a final list of all its outdoor advertising signs and transit advertisements to the Attorney General within 45 days after entering the agreement;

2. Support of legislative initiatives to enact new laws and administrative initiatives to promulgate new rules intended to effectuate the following:

a. Prohibition of the sale of cigarettes in vending machines, except in adult-only locations and facilities;

b. Strengthening of civil penalties for sales of tobacco products to children under the age of 18, including the suspension or revocation of retail licenses; and

c. Strengthening of civil penalties for possession of tobacco products by children under the age of 18;

3. Prohibition on making or causing to be made, in connection with any motion picture made in the United States, any payment, direct or indirect, to any person to use, display, make reference to or use as a prop any cigarette, cigarette package, advertisement for cigarettes, or any other item bearing the brand name, logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of domestic tobacco products;

4. Prohibition and permanent cessation on marketing, licensing, distributing, selling or offering, directly or indirectly, including by catalogue

or direct mail, in the State of Florida, any item (other than tobacco products or any item of which the sole function is to advertise tobacco products) which bears the brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of domestic tobacco products;

5. Payment to the State of Florida, Department of Business and Professional Regulation by the earlier of December 31, or the last business day of each calendar year, of a public health tobacco equity contribution for mitigation of Florida's taxpayer-borne health and other costs and expenses related to tobacco use;

6. The manufacturer annually posts a performance bond payable to the Department of Business and Professional Regulation based upon the greater of the manufacturer's actual prior year's sales volume in Florida, or estimated annual Florida sales volume, in an amount sufficient to secure payment of all of the annual tobacco equity contribution as required herein. The bond shall be in such a form as may be approved by the department, executed by a surety company licensed to do business under the laws of this state as surety thereon, and conditioned upon the prompt filing of true reports, the payment to the department of the tobacco equity contribution and tobacco equity surcharge, and generally upon faithful compliance with the provisions of the agreement and the laws of this state concerning sale and distribution of cigarettes. The manufacturer shall be the principal obligor, and the state shall be the obligee.

(c) The public health tobacco equity contribution received by the Department of Business and Professional Regulation from subscribing participating manufacturers shall be deposited into the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.

(5) Beginning July 1, 2001, \$10 million of the funds collected from subscribing participating manufacturers and the public health tobacco equity surcharge imposed by s. 210.0221 shall be transferred from the Tobacco Settlement Clearing Trust Fund to the Florida Comprehensive Health Association created in s. 627.6488, for coverage of new participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons.

(6)(4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES AND USES.—

(a) There is created the Lawton Chiles Endowment Fund, to be administered by the State Board of Administration. The endowment shall serve as a clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution and shall be funded by settlement moneys received from the Tobacco Settlement Clearing Trust Fund industry and by moneys received from the sale of the state's right, title, and interest in and to the tobacco settlement agreement, including the right to receive payments under such agreement. The endowment fund shall be exempt from the service charges imposed by s. 215.20.

(b) Funds from the endowment that are available for legislative appropriation pursuant to subsection (8) (6) shall be transferred by the board to the Tobacco Settlement Clearing Trust Fund, created in s. 17.41, in the amounts provided for in this paragraph.

1. For fiscal year 2000-2001, funds shall be distributed based on legislative appropriations.

2. For fiscal year 2001-2002 and beyond, funds shall be distributed annually as follows:

a. Fifty percent shall be deposited into a separate account in the Department of Children and Family Services Tobacco Settlement Trust Fund to be appropriated pursuant to paragraph (10)(a) (8)(a);

b. Thirty-three and one-half percent shall be deposited into the Biomedical Research Trust Fund in the Department of Health to be appropriated pursuant to paragraph (10)(b) (8)(b), if such a trust fund is created by law; otherwise, the funds shall be deposited into the Department of Health Tobacco Settlement Trust Fund; and

c. The remaining funds shall be deposited into a separate account in the Department of Elderly Affairs Tobacco Settlement Trust Fund to be appropriated pursuant to paragraph (10)(a) (8)(a).

(c) Subject to legislative appropriations, state agencies shall use distributions from the endowment fund to enhance services for children and elders or to support biomedical research initiatives pursuant to s. 215.5602.

(d) No later than October 1 of each year, the Secretary of Health, the Secretary of Children and Family Services, and the Secretary of Health Care Administration shall develop a list of the top five funding priorities for children's services eligible for funding from the endowment funds, and the Secretary of Health, the Secretary of Elderly Affairs, and the Secretary Director of Health Care Administration shall develop a list of the top five funding priorities for elder services eligible for funding from the endowment funds. No later than November 15 of each year, the list for children's services must be submitted to the advisory council for children's services created in paragraph (11)(a) (9)(a), and the list for elder services must be submitted to the advisory council for elder services created in paragraph (11)(b) (9)(b). The purposes of using the advisory councils are to evaluate the funding priorities of the agencies, to evaluate the request against the mission and goals of the agencies, to allow for public input and advocacy, and to gain consensus for priority requests and recommended endowment funding levels for those priority requests.

(e) Funds distributed from the endowment fund may not be used to supplant existing revenues.

(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with the provisions of s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the tobacco settlement trust funds of the state agencies for a fiscal year shall be prorated among the purposes for which funds were appropriated from that Tobacco Settlement Clearing Trust Fund for that year.

(7)(5) ADMINISTRATION OF THE ENDOWMENT.—

(a) The board is authorized to invest and reinvest funds of the endowment in those securities listed in s. 215.47, in accordance with the fiduciary standards set forth in s. 215.47(9) and consistent with an investment plan developed by the executive director and approved by the board. Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment.

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The schedule of annual cash outflow shall be included within the investment plan adopted pursuant to paragraph (a).

(c) The board shall establish a separate account for the funds of the endowment. The board shall design and operate an investment portfolio that maximizes the financial return to the endowment, consistent with the risks inherent in each investment, and that is designed to preserve an appropriate diversification of the portfolio.

(d) No later than August 15 and February 15 of each year, the board shall report on the financial status of the endowment to the Governor, the Speaker of the House of Representatives, the President of the Senate, the chairs of the respective appropriations and appropriate substantive committees of each chamber, and the Revenue Estimating Conference.

(e) Accountability for funds from the endowment which have been appropriated to a state agency shall reside with the state agency. The board is not responsible for the proper expenditure or accountability of funds from the endowment after transfer to the Tobacco Settlement Clearing Trust Fund.

(f) The board may collect a fee for service from the endowment no greater than that charged to the Florida Retirement System.

(8)(6) AVAILABILITY OF FUNDS.—

(a) Funds from the endowment shall not be available for appropriation to a state agency until July 1, 2000. Beginning July 1, 2000, the maximum annual amount of endowment funds that may be appropriated shall be in accordance with the following, based on earnings averaged over 3 years:

1. Beginning July 1, 2000, no more than a level of spending representing earnings at a rate of 3 percent.
2. Beginning July 1, 2001, no more than a level of spending representing earnings at a rate of 4 percent.
3. Beginning July 1, 2002, no more than a level of spending representing earnings at a rate of 5 percent.
4. Beginning July 1, 2003, and thereafter, no more than a level of spending representing earnings at a rate of 6 percent.

(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations as of June 30 or undisbursed balances as of December 31 shall revert to the endowment's principal.

(9)(7) ENDOWMENT PRINCIPAL.—The endowment shall receive moneys from the sale of the state's right, title, and interest in and to the tobacco settlement agreement and from amounts transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund. Amounts to be transferred from the clearing trust fund shall be in the following amounts for the following fiscal years:

- (a) For fiscal year 1999-2000, \$1.1 billion;
- (b) For fiscal year 2000-2001, \$200 million;
- (c) For fiscal year 2001-2002, \$200 million; ~~and~~
- (d) For fiscal year 2002-2003, \$200 million; *and*.
- (e) For all subsequent fiscal years, \$30 million.

Amounts to be transferred pursuant to paragraphs (b), (c), ~~and~~ (d), *and* (e) shall be reduced by an amount equal to the lesser of the amount scheduled to be transferred in that fiscal year pursuant to such paragraphs ~~\$200 million~~ or the amount the endowment receives in that fiscal year pursuant to the sale of the state's right, title, and interest in and to the tobacco settlement agreement.

(10)(8) APPROPRIATIONS OF THE ENDOWMENT EARNINGS.—Beginning with fiscal year 2001-2002:

(a) Appropriations by the Legislature to the Department of Children and Family Services or the Department of Elderly Affairs from the endowment earnings distributed to those departments shall be from a category called Lawton Chiles Endowment Fund Programs. The departments shall distribute such appropriations pursuant to any directions or limitations provided for in the General Appropriations Act and consistent with this section.

(b) Appropriations by the Legislature to the Department of Health from the endowment earnings distributed to the department shall be from a category called Florida Biomedical Research Program. The department shall spend such funds in accordance with s. 215.5602.

(11)(9) LAWTON CHILES ENDOWMENT FUND ADVISORY COUNCILS.—There are established the Lawton Chiles Endowment Fund Advisory Councils, the purpose of which is to evaluate and rank for legislative consideration recommendations submitted to the councils by the agencies for evaluation under paragraph (6)(d) ~~(4)(d)~~.

(a) There is created within the Department of Children and Family Services the Lawton Chiles Endowment Fund Advisory Council for Children.

1. The council shall consist of 13 members, including the director of the United Way of Florida, Inc., or a designee, the director of the Florida Federation of Community Foundations or a designee, the director of the Florida Foster Parents Association or a designee, and the director of the Florida Pediatric Association or a designee. The Governor shall appoint the remaining council members, including:

- a. An academic expert in child health policy.
- b. A representative of a children's services council.
- c. A representative of the Guardian Ad Litem Program.
- d. A representative of a child welfare lead agency for community-based care.
- e. A representative of a statewide child advocacy organization.
- f. A youth representing a statewide youth organization.
- g. A professional who has expertise in the area of child development.
- h. Two consumer caregivers of children.

2. The council shall adopt internal organizational procedures, including procedures for the appointment of a chair, as necessary for its efficient organization.

3. The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

4. Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

5. Before February 1 of each year, the council shall advise the Legislature as to its ranking of the children's programs submitted by the agencies for evaluation under paragraph (6)(d) ~~(4)(d)~~. The responsibilities of the council may include, but are not limited to:

- a. Developing criteria and guiding principles for the ranking of programs to be recommended to the Legislature.
- b. Evaluating the value of programs or services submitted by the agencies as they relate to overall enhancement for children.
- c. Providing recommendations on the funding levels to be allocated for the ranked programs.
- d. Participating in periodic program evaluation to determine the need for continued funding.
- e. Soliciting appropriate input from children's advocates and community stakeholders, such as voluntary organizations, community-based care lead agencies, health care delivery systems, business and industry, government agencies, and children's service providers.

(b) There is created within the Department of Elderly Affairs the Lawton Chiles Endowment Fund Advisory Council for Elders.

1. The council shall consist of 13 members, including the director of the United Way of Florida, Inc., or a designee, the director of the Florida Federation of Community Foundations or a designee, the director of the Florida branch of the American Association of Retired Persons or a designee, the director of the Florida Council on Aging or a designee, and the State Long-Term Care Ombudsman or a designee. The Governor shall appoint the remaining council members, including:

- a. An academic expert in elder health policy.
- b. A professional who has experience with the delivery of home care services.
- c. A physician who is certified in geriatric medical care.
- d. A professional who has experience with the delivery of services in adult congregate care facilities.
- e. A professional who has experience with the delivery of services in a nursing home.
- f. Two persons who are over the age of 60 years to represent elders.
- g. One consumer caregiver for an elderly person.

2. The council shall adopt internal organizational procedures, including the appointment of a chair, as necessary for its efficient organization.

3. The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

4. Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

5. Before February 1 of each year, the council shall advise the Legislature as to its ranking of the elder programs submitted by the agencies for evaluation under paragraph (6)(d) ~~(4)(d)~~. The responsibilities of the council may include, but are not limited to:

a. Developing criteria and guiding principles for the ranking of programs to be recommended to the Legislature.

b. Evaluating the value of programs or services submitted by the agencies as they relate to overall enhancement for elders.

c. Providing recommendations on the funding levels to be allocated for the ranked programs.

d. Participating in periodic program evaluation to determine the need for continued funding.

e. Soliciting appropriate input from elder advocates and community stakeholders, such as voluntary organizations, community-based care lead agencies, health care delivery systems, business and industry, government agencies, and elder-service providers.

Section 2. Subsection (1) of section 210.15, Florida Statutes, is amended to read:

210.15 Permits.—

(1)(a) Every person, firm, or corporation desiring to deal in cigarettes as a distributing agent, wholesale dealer, or exporter within this state shall file an application for a cigarette permit for each place of business with the Division of Alcoholic Beverages and Tobacco. Every application for a cigarette permit shall be made on forms furnished by the division and shall set forth the name under which the applicant transacts or intends to transact business, the location of the applicant's place of business within the state, and such other information as the division may require. If the applicant has or intends to have more than one place of business dealing in cigarettes within this state, the application shall state the location of each place of business. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof and any other information prescribed by the division for the purpose of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in the case of an association or partnership, members or partners thereof, and in the case of a corporation, by an executive officer thereof or by any person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of this authority. The cigarette permit for a distributing agent shall be issued annually for which an annual fee of \$5 shall be charged.

(b) The holder of any duly issued, annual permit for a distributing agent shall be entitled to a renewal of his or her annual permit from year to year as a matter of course, on or before July 1, upon making application to the division and upon payment of this annual permit fee.

(c) The permit for a distributing agent, wholesale dealer, or exporter shall be issued only to persons of good moral character, who are not less than 18 years of age. Distributing agent, wholesale dealer, or exporter permits to corporations shall be issued only to corporations whose officers are of good moral character and not less than 18 years of age. There shall be no exemptions from the permit fees herein provided to any persons, association of persons or corporation, any law to the contrary notwithstanding. No distributing agent, wholesale dealer, or exporter permit shall be issued to any person who has been convicted within the past 5 years of any offense against the cigarette laws of this state or who has been convicted in this state, any other state, or the United States during the past 5 years of any offense designated as a felony by such state or the United States, or to a corporation, any of whose officers have been so convicted. The term "conviction" shall include an adjudication of guilt on a plea of guilty or a plea of nolo contendere, or the forfeiture of a bond when charged with a crime.

(d) The division may refuse to issue a distributing agent, wholesale, or exporter permit to any person, firm, or corporation whose permit under the cigarette law has been revoked or to any corporation, an officer of which has had his or her permit under the cigarette law revoked, or to any person who is or has been an officer of a corporation whose permit has been revoked under the cigarette law. Any permit issued to a firm or corporation prohibited from obtaining such permit under the cigarette law may be revoked by the division.

(e) Prior to an application for a distributing agent, wholesale dealer, or exporter permit being approved, the applicant shall file a set of fingerprints on forms provided by the division. The applicant shall also file a set of fingerprints for any person or persons interested directly or indirectly with the applicant in the business for which the permit is being sought, when so required by the division. If the applicant or any person interested with the applicant, either directly or indirectly, in the business for which the permit is sought shall be such a person as is within the definition of persons to whom a distributing agent, wholesale dealer, or exporter permit shall be denied, then the application may be denied by the division. If the applicant is a partnership, all members of the partnership are required to file said fingerprints, or if a corporation, all principal officers of the corporation are required to file said fingerprints. The cigarette permit for a wholesale dealer or exporter shall be originally issued at a fee of \$100, which sum is to cover the cost of the investigation required before issuing such permit.

(f) The cigarette permit for a wholesale dealer or exporter shall be renewed from year to year as a matter of course, at an annual cost of \$100, on or before July 1, upon making application to the division and upon payment of the annual renewal fee and *public health tobacco equity surcharge required in this chapter*.

(g) No tobacco product manufacturer, importer, distributing agent, wholesale dealer, exporter or other person shall use the State of Florida as a conduit to avoid or evade taxes or other payments (including statutorily mandated escrow payments) due or owing to another state, under the law of that state. Each such manufacturer, importer, distributing agent, wholesale exporter or other person shall provide a sworn certification to the distributing agent, wholesale dealer, exporter, or other person of its compliance with the laws of the receiving state. A distributing agent, wholesale dealer, exporter or other person who is transporting or transshipping tobacco products through this state for sale and consumption in another state in violation of this subsection shall be subject to revocation of its permits, licenses and bonds in this state. Tobacco products in Florida that are in violation of this part are subject to seizure and destruction by the department.

~~(h)~~ (g) Permittees, by acceptance of their permits, agree that their places of business or vehicles transporting cigarettes shall always be subject to be inspected and searched without a search warrant for the purpose of ascertaining that all provisions of this part are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or during any other time such premises are occupied by the permittee or other persons. Retail cigarette dealers and manufacturers' representatives, by dealing in cigarettes, agree that their places of business or vehicles transporting cigarettes shall always be subject to inspection and search without a search warrant for the purpose of ascertaining that all provisions of this part are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times when the premises are occupied by the retail dealer or manufacturers' representatives or other persons.

~~(i)~~ (h) No retail sales of cigarettes may be made at a location for which a wholesale dealer, distributing agent, or exporter permit has been issued. The excise tax on sales made to any traveling location, such as an itinerant store or industrial caterer, shall be paid into the General Revenue Fund unallocated. Cigarettes may be purchased for retail purposes only from a person holding a wholesale dealer permit. The invoice for the purchase of cigarettes must show the place of business for which the purchase is made and the cigarettes cannot be transferred to any other place of business for the purpose of resale.

Section 3. Subsections (19), (20), and (21) are added to section 210.01, Florida Statutes, to read:

210.01 Definitions.—When used in this part the following words shall have the meaning herein indicated:

(19) "Surcharge" means the Public Health Tobacco Equity Surcharge as prescribed in ss. 210.0220, 210.0221, and 210.0222.

(20) "Participating Manufacturer" has the meaning ascribed in s. 215.5601(2). However, any such manufacturer whose obligations under such agreements are abated, excused, nullified, or stayed, in total or in part, due to judicial action after the enactment of this act is not a "participating manufacturer" for purposes of this part.

(21) "Subscribing Participating Manufacturer" has the meaning ascribed in s. 215.5601(2).

Section 4. Section 210.0220, Florida Statutes, is created to read:

210.0220 Public Health Tobacco Equity Surcharge; Legislative intent and general provisions.—

(1)(a) It is the legislative intent that the Public Health Tobacco Equity Surcharge imposed in this part shall be in addition to all other taxes imposed under this chapter and other provisions of law.

(b) It is the legislative intent that the Public Health Tobacco Equity Surcharge imposed in this part shall be added to the tax imposed by s. 210.02; that the Public Health Tobacco Equity Surcharge imposed in this part shall not be a substitute for or replace the tax imposed by s. 210.02; and that the Public Health Tobacco Equity Surcharge imposed in this part shall supplement the tax imposed by s. 210.02.

(c) The application of any one tax under this part shall not preclude application of any or all of the other taxes or the Public Health Tobacco Equity Surcharge provided herein.

(2) The provisions of ss. 210.02, 210.04, 210.05, 210.06, 210.021, 210.07, 210.08, 210.09, 210.10, 210.11, 210.12, 210.13, 210.14, 210.15, 210.16, 210.1605, 210.161, 210.18, 210.185, 210.19, and 210.20 shall, as far as lawful or practicable, be applicable to the levy and collection of the Public Health Tobacco Equity Surcharge imposed pursuant to this section as if fully set out in this section and made expressly applicable to the surcharge imposed herein.

Section 5. Section 210.0221, Florida Statutes, is created to read:

210.0221 Public Health Tobacco Equity Surcharge Imposed.—

(1) A surcharge, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state per package of cigarettes after October 1, 2001 in the amount of \$0.36 per package of cigarettes.

(2) Cigarettes packed in packages containing less than 20 cigarettes require the same surcharge of \$0.36 per such package.

(3) The surcharge shall be added to the amount of the tax imposed by s. 210.02.

(4) This surcharge, like the tax imposed by s. 210.02, shall be paid by the wholesale dealer to the division for deposit and distribution as herein-after provided upon the first sale or transaction within the state, whether or not such sale or transfer is to the ultimate purchaser or consumer.

(5) The wholesale dealer shall collect the surcharge from the retail dealer upon the sale of the cigarettes to the retail dealer. The retail dealer shall collect the surcharge from the purchaser or consumer, and the purchaser or consumer shall pay the surcharge to the seller.

(6) The wholesale dealer shall be responsible for the collection of the surcharge and the payment of the same to the division. The remittance of the surcharge is due not later than the 10th day of the month following the calendar month in which they were incurred, and thereafter shall bear interest at the rate of 1 percent per month. If the amount of surcharge due for a given period is paid without allocating it to any particular month, the interest shall begin with the date of the assessment.

(7) Whenever cigarettes are shipped from outside the state to anyone in Florida other than a distributing agent or wholesale dealer, the person receiving the cigarettes shall be responsible for the surcharge on said cigarettes and the payment of same to the division.

Section 6. Section 210.0222, Florida Statutes, is created to read:

210.0222 Credit on the Payment of the Surcharge.—

(1)(a) A \$0.36 per package of cigarettes credit of this public health tobacco equity surcharge shall be extended for cigarettes sold in Florida after October 1, 2001 that have been produced or manufactured by each participating manufacturer, as defined in s. 215.5601(4)(a).

(b) The credit to each Participating Manufacturer shall be computed per package on an annual basis by the division. The total annual credit shall not exceed the amount annually owed by each Participating Manufacturer to the State of Florida under the qualifying settlement agreements enumerated in s. 215.5601(4)(a).

(2)(a) Cigarettes produced by each subscribing participating manufacturer that fully comply with the agreement entered into with the Attorney General under s. 215.5601(4)(c) shall receive a credit of this public health tobacco equity surcharge for each package of cigarettes sold in Florida after October 1, 2001 that has been produced or manufactured by each Subscribing Participating Manufacturer as defined in s. 215.5601(4)(c).

(b) A \$0.36 per package of cigarettes credit of this public health tobacco equity surcharge shall be extended for each package of cigarettes sold in Florida after October 1, 2001 that has been produced or manufactured by each Subscribing Participating Manufacturer, as defined in s. 215.5601(4)(c).

(c) The credit to each Subscribing Participating Manufacturer shall be computed per package on an annual basis by the division. The total annual credit shall not exceed the amount annually paid by each Subscribing Participating Manufacturer to the State of Florida under the qualifying settlement agreements enumerated in s. 215.5601(4)(c).

Section 7. Section 210.0223, Florida Statutes, is created to read:

210.0223 Deposit of Proceeds.—The proceeds of the public health tobacco equity surcharge received by the Department of Business and Professional Regulation shall be deposited into the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund. For the purposes of this section, "proceeds" of the surcharge shall mean all funds collected and received by the division hereunder, including interest and penalties on delinquent surcharge payments.

Section 8. Section 210.0224, Florida Statutes, is created to read:

210.0224 Administration.—

(1) The division shall administer, collect, and enforce the surcharge imposed under this part pursuant to the same procedures used in the administration, collection, and enforcement of the general state excise tax imposed under part I of this chapter, except as provided in this section.

(2) The division is authorized to adopt rules to implement the provisions of this part.

(3) The participating manufacturers and subscribing participating manufacturers shall provide to the division on a quarterly basis a complete list of those products produced by such manufacturers and shipped into the State of Florida. Failure to timely provide the information required by this section shall constitute a waiver of the credit for the reporting period.

(4) The division will quarterly provide the wholesale dealers with a list of those products produced by the Participating Manufacturers and Subscribing Participating Manufacturers that qualify for the credit allowed under s. 210.0222.

Section 9. Section 210.0225, Florida Statutes, is created to read:

210.0225 Declaration of Legislative Intent.—

(1) If any section, subsection, sentence, clause, phrase or word of this law is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable, or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this law not so held to be unconstitutional, void, invalid, or ineffective, or affect the application of this law to other circumstances not so held to be invalid, it being hereby declared to be the express legislative intent that any such

unconstitutional, illegal, invalid, ineffective, inapplicable, or void portion or portions of this law did not induce its passage, and that without the inclusion of any such unconstitutional, illegal, invalid, ineffective, or void portions of this law, the Legislature would have enacted the valid and constitutional portions thereof.

(2) *It is hereby declared to be the specific legislative intent to impose the public health tobacco equity surcharge on each and every pack of cigarettes sold in the State of Florida after October 1, 2001. It is further declared to be the specific legislative intent that should any credit or attempted credit from the public health tobacco equity surcharge or from the operation or imposition of the public health tobacco equity surcharge be declared to be invalid, ineffective, inapplicable, unconstitutional, or void for any reason, such declaration shall not affect the public health tobacco equity surcharge imposed herein, but such sales of cigarettes for which a credit is given or a credit is attempted to be given from the public health tobacco equity surcharge, shall be subject to the public health tobacco equity surcharge and the operation and imposition thereof to the same extent as if such credit or attempted credit had never been included herein.*

(3) *It is further declared to be the specific legislative intent to provide a credit from the public health tobacco equity surcharge or from the operation or the imposition thereof only to the extent that such credits are in accordance with the provisions of the constitutions of the state and of the United States.*

(4) *It is further declared to be the specific legislative intent to impose the public health tobacco equity surcharge on each and every sale of cigarettes in the State of Florida specifically providing a credit therefrom by this law to the extent that such credits are in accordance with the provisions of the constitutions of the state and of the United States.*

(5) *It being further declared to be the specific legislative intent that in the event any credit or attempted credit from the public health tobacco equity surcharge imposed by this law is for any reason declared to be unconstitutional, ineffective, inapplicable, or void, that then and in such event each and every such sale of cigarettes shall be subject to the public health tobacco equity surcharge imposed by this law as fully and to the same extent as if such credit or attempted credit had never been included herein, it being declared to be the specific legislative intent that no unconstitutional, invalid, ineffective, inapplicable, or void credit or attempted credit induced the passage of this law, it being further declared to be the specific legislative intent that without the inclusion herein of any such unconstitutional, invalid, ineffective, inapplicable, or void credit or attempted credit, the valid portions of this law would have been enacted.*

(6) *It is the legislative intent that the repeal of any provision heretofore providing a credit in whole or part of any item or transaction from the public health tobacco equity surcharge imposed by this law shall result in the full imposition of the public health tobacco equity surcharge to any such item or transaction.*

Section 10. Subsection (4) of section 17.41, Florida Statutes, is amended to read:

17.41 Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.—

(4) Net proceeds of the sale of the tobacco settlement agreement received by the state shall be immediately deposited into the Lawton Chiles Endowment Fund, created in s. 215.5601 ~~s. 215.5601~~(4), without deposit to the Tobacco Settlement Clearing Trust Fund.

Section 11. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601(6) ~~s. 215.5601~~(4). Funds shall be used for the purposes of the Florida Biomedical Research Program as specified in s. 215.5602. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2004.

Section 12. Subsection (1) of section 215.5602, Florida Statutes, is amended to read:

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health the Florida Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601 ~~s. 215.5601~~(4). The purpose of the Florida Biomedical Research Program is to support research initiatives that address the health care problems of Floridians in the areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, and treatments for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(c) Improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers.

(d) Increase the state's per capita funding for biomedical research by undertaking new initiatives in biomedical research that will attract additional funding from outside the state.

(e) Stimulate economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

Section 13. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to tobacco; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "subscribing participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a "participating manufacturer"; or a "subscribing participating manufacturer"; providing for funds received from participating manufacturers and subscribing participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing a portion of such funds to the Florida Comprehensive Health Association; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; directing wholesalers to pay surcharges required by the chapter; prohibiting specific practices by tobacco product manufacturers, importers, distributing agents, wholesale dealers, exporters or others; amending s. 210.01, F.S.; defining the terms "surcharges," "participating manufacturer," and "subscribing participating manufacturer"; creating s. 210.0220, F.S.; providing for imposition of the public health tobacco equity surcharge; providing legislative intent; providing applicability of specified provisions of law; creating s. 210.0221, F.S.; imposing the public health tobacco equity surcharge on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state; specifying the amount of the surcharge; providing that the surcharge will be paid by the wholesale dealer; providing for collection of surcharge; requiring collection and payment to the division; providing for interest on unpaid amount; providing for responsible party when cigarettes shipped to other than wholesale dealer; creating s. 210.0222, F.S.; providing credit against surcharge for participating manufacturers and subscribing participating manufacturers; providing amount of credit; creating s. 210.0223, F.S.; providing for deposit of proceeds to the Tobacco Settlement Clearing Trust Fund; defining "proceeds"; creating s. 210.0224, F.S.; providing for duties of the division; providing for reports from participating manufacturers and subscribing participating

manufacturers; creating s. 210.0225, F.S.; providing intent related to severability and impact of declaration of unconstitutionality; amending s. 17.41, F.S., correcting a cross-reference; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 2214** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **HB 1737** was deferred.

On motion by Senator Webster, by two-thirds vote **HB 1545** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

HB 1545—A bill to be entitled An act relating to school district performance; providing a short title; amending s. 229.57, F.S.; requiring the designation and publication of district performance grades; amending s. 236.02, F.S.; revising minimum requirements of the Florida Education Finance Program to include minimum classroom expenditure requirements and associated reporting; creating s. 236.08102, F.S.; authorizing the Legislature to require a school district that fails to meet minimum academic performance standards to meet district minimum classroom expenditure requirements; providing for monitoring; requiring reports; amending s. 237.041, F.S.; requiring a district's annual budget to include provision for required minimum classroom expenditure requirements; amending s. 237.081, F.S.; requiring the advertisement of the tentative school district budget to include notice of minimum classroom expenditure requirements; providing an effective date.

—a companion measure, was substituted for **SB 1710** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1545** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for CS for SB 1276—A bill to be entitled An act relating to driver's licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver's license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1276** to **CS for CS for HB 1121**.

Pending further consideration of **CS for CS for SB 1276** as amended, on motion by Senator Lee, by two-thirds vote **CS for CS for HB 1121** was withdrawn from the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Appropriations.

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

CS for CS for HB 1121—A bill to be entitled An act relating to driver licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1276** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1121** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 986** and **CS for SB 1780** was deferred.

On motion by Senator Sullivan—

CS for SB 2096—A bill to be entitled An act relating to public accountability; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees whose licenses have become void; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (230204)—On page 1, after “board.” delete lines 21-23, and insert: *The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, the payment of appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.*

Pursuant to Rule 4.19, **CS for SB 2096** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 2114—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.0016, 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; conforming a cross-reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross-references; amending s. 267.062, F.S.; correcting a cross-reference; creating s. 267.0619, F.S.; revising provisions with respect to grant application review; amending s. 267.072, F.S.; revising provisions relating to the Museum of Florida History Programs; creating s. 267.073, F.S.; revising provisions relating to the Great Floridians program; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise

the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; transferring, renumbering, and amending s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901, 872.05, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2114** to **HB 1419**.

Pending further consideration of **SB 2114** as amended, on motion by Senator Clary, by two-thirds vote **HB 1419** was withdrawn from the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Clary—

HB 1419—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016, and 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; correcting a cross reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross references; amending s. 267.062, F.S.; correcting a

cross reference; amending s. 267.072, F.S., relating to Museum of Florida History programs; renumbering provisions relating to historical museum grants as s. 267.0619, F.S.; revising provisions with respect to grant application review; renumbering provisions relating to the Great Floridians program as s. 267.073, F.S.; correcting a cross reference; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; amending and renumbering s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901 and 872.05, F.S.; correcting cross references; providing effective dates.

—a companion measure, was substituted for **SB 2114** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1419** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; amending s. 944.23, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department's Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional

institutions as “prisons” and community correctional centers as “work-release centers”; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; providing an effective date.

—was read the second time by title.

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

Amendment 1 (383692)—On page 54, line 3, delete “used” and insert: *appropriated by the Legislature for use* ~~used~~

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2 (355072)—On page 44, lines 10-22, delete those lines and insert:

Section 40. Paragraph (c) of subsection (3) of section 945.6037, Florida Statutes, is amended to read:

945.6037 Nonemergency health care; inmate copayments.—

(3)

(c) The expenses and operating capital outlay required to develop, implement, and maintain the medical copayment accounting system must be appropriated from the Inmate Welfare Trust Fund. The fiscal assistants and accountants at *prisons the correctional facilities* funded from the Inmate Welfare Trust Fund are, in addition to their duties relating to the inmate canteen and bank, responsible for managing the medical copayment system.

(d) *Subject to the availability of funds, the department may implement a Hepatitis B vaccination program for incoming inmates.*

Senator Crist moved the following amendments which were adopted:

Amendment 3 (093996)(with title amendment)—On page 54, between lines 4 and 5, insert:

Section 55. Paragraphs (b), (c), and (d) of subsection (1) of section 945.215, Florida Statutes, are amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE WELFARE TRUST FUND; DEPARTMENT OF CORRECTIONS.—

(b) Funds in the Inmate Welfare Trust Fund must be used exclusively for the following purposes at correctional facilities operated directly by the department:

1. To operate inmate canteens and vending machines, including purchasing items for resale at inmate canteens and vending machines; employing personnel and inmates to manage, supervise, and operate inmate canteens and vending machines; and covering other operating and fixed capital outlay expenses associated with operating inmate canteens and vending machines;

2. To employ personnel to manage and supervise the proceeds from telephone commissions;

3. To develop, implement, and maintain the medical copayment accounting system;

4. To provide literacy programs, vocational training programs, and educational programs that comply with standards of the Department of Education, including employing personnel and covering other operating and fixed capital outlay expenses associated with providing such programs;

5. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, and law libraries, including employing personnel and covering

other operating and fixed capital outlay expenses associated with operating inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, and law libraries;

6. To provide for expenses associated with various inmate clubs;

7. To provide for expenses associated with legal services for inmates;

8. To provide inmate substance abuse treatment programs and transition and life skills training programs, including employing personnel and covering other operating and fixed capital outlay expenses associated with providing such programs; *and*—

9. *To purchase other items for the benefit of the inmate population as deemed appropriate by the secretary.*

(c) The Legislature shall annually appropriate the funds deposited in the Inmate Welfare Trust Fund. It is the intent of the Legislature that total annual expenditures for providing literacy programs, vocational training programs, and educational programs exceed the combined total annual expenditures for operating inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, and law libraries, covering expenses associated with inmate clubs, *purchasing other items deemed appropriate by the secretary*, and providing inmate substance abuse treatment programs and transition and life skills training programs.

(d) Funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase *weight training equipment or cable television service, or to rent or purchase videocassettes or; videocassette recorders, or other audiovisual or electronic equipment* used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audiovisual equipment *or wellness equipment* for inmate training or educational programs.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 945.215, F.S.; revising provisions relating to use of funds for specified purposes at correctional facilities operated by the Department of Corrections; deleting language relating to legislative intent;

THE PRESIDENT PRESIDING

Amendment 4 (155740)(with title amendment)—On page 54, between lines 4 and 5, insert:

Section 55. Subsections (5), (6), and (8) of section 944.17, Florida Statutes, are amended to read:

944.17 Commitments and classification; transfers.—

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the *custodian of the local jail, by another person having custody of the prisoner, sheriff or by the chief correctional officer*, or a designated representative, to the officer in charge of the reception process:

(a) The uniform commitment and judgment and sentence forms as described in subsection (4).

(b) The ~~sheriff's~~ certificate as described in s. 921.161.

(c) A certified copy of the indictment or information relating to the offense for which the person was convicted.

(d) A copy of the probable cause affidavit for each offense identified in the current indictment or information.

(e) A copy of the Criminal Punishment Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or any other rule pertaining to the preparation of felony sentencing scoresheets.

(f) A copy of the restitution order or the reasons by the court for not requiring restitution pursuant to s. 775.089(1).

(g) The name and address of any victim, if available.

(h) A printout of a current criminal history record as provided through an FCIC/NCIC printer.

(i) Any available health assessments including medical, mental health, and dental, including laboratory or test findings; custody classification; disciplinary and adjustment; and substance abuse assessment and treatment information which may have been developed during the period of incarceration prior to the transfer of the person to the department's custody. Available information shall be transmitted on standard forms developed by the department.

In addition, the *custodian of the prisoner or a designated representative of the custodian* ~~sheriff or other officer having such person in charge~~ shall also deliver with the foregoing documents any available presentence investigation reports as described in s. 921.231 and any attached documents. After a prisoner is admitted into the state correctional system, the department may request such additional records relating to the prisoner as it considers necessary from the clerk of the court, the Department of Children and Family Services, or any other state or county agency for the purpose of determining the prisoner's proper custody classification, gain-time eligibility, or eligibility for early release programs. An agency that receives such a request from the department must provide the information requested.

(6) If a person is sentenced by a circuit court to serve a term of imprisonment concurrently with a term being served in another jurisdiction, the ~~sheriff or~~ chief correctional officer *or person having custody of the prisoner* shall notify the department of the location at which such person is serving such term of imprisonment and shall forward to the department the documents described in subsection (5).

(8) If a state prisoner's presence is required in court for any reason after the ~~sheriff or~~ chief correctional officer *or custodian of the local jail* has relinquished custody to the department, the court shall issue an order for the ~~sheriff or~~ chief correctional officer *or custodian of the local jail* to assume temporary custody and transport the prisoner to the county jail pending the court appearance. The ~~sheriff or~~ chief correctional officer *or custodian of the local jail, or a designated representative,* shall present a copy of the order to appropriate officers at the facility housing the prisoner prior to assuming temporary custody of the prisoner. Neither the court nor the ~~sheriff or~~ chief correctional officer *nor any other person* may release such prisoner without first obtaining confirmation from the department that the prisoner has no commitments from other jurisdictions or outstanding detainees. It is the responsibility of the clerk of the circuit court to provide the department's central office with certified copies of each court action that affects a state commitment.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 944.17, F.S.; providing for certain responsibilities relating to the transportation of prisoners;

Senator Cowin moved the following amendment which was adopted:

Amendment 5 (231528)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. (1) *It is the intent of the Legislature that local correctional practices in the state be upgraded and strengthened through the adoption of meaningful standards of operation for local jails.*

(2) *It is also the intent of the Legislature that local correctional facilities voluntarily adopt these standards of operation designed to promote equal and fair service delivery, maximize the capability of local jails to provide security and control, and increase interagency cooperation throughout the state.*

(3)(a) *It is further the intent of the Legislature to support the Florida Corrections Accreditation Commission accreditation program. Such program shall continue to be operated through the Florida Corrections Accreditation Commission as an independent body in cooperation with the Florida Department of Corrections.*

(b) *The Department of Corrections shall provide financial support to the Florida Corrections Accreditation Commission to maintain the effec-*

tiveness of the accreditation process, as deemed appropriate by the Secretary of Corrections.

(c) *The corrections accreditation program shall continue to address, at a minimum, the following aspects of correctional service delivery: personnel issues; training; security and control; order and discipline; special operations; admission, classification, and release of adults; inmate housing; inmate programs; sanitation and hygiene; food service; direct supervision jails; admission, classification, and release of juveniles; housing of juveniles; medical and pharmacy issues; and public information.*

(4) *The Florida Corrections Accreditation Commission shall report to the President of the Senate and the Speaker of the House of Representatives on the status of corrections accreditation in this state no later than December 31, 2001.*

Section 57. *The sum of \$200,000 is appropriated from the Criminal Justice Standards and Training Trust Fund to the Department of Corrections for purposes of implementing the provisions of section 57 of this act during the 2001-2002 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: providing Legislative intent regarding the adoption of standards for the operation of local jails; providing such intent regarding the operation of the Florida Corrections Accreditation Commission accreditation program; requiring the Department of Corrections to provide financial support to the commission; establishing standards for the program; requiring a report; providing an appropriation;

Senator Bronson moved the following amendment which was adopted:

Amendment 6 (414256)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. Section 943.12, Florida Statutes, is amended to read:

943.12 Powers, duties, and functions of the commission.—The commission shall:

(1) ~~Adopt~~ *Promulgate* rules for the administration of ss. 943.085-943.255 pursuant to chapter 120.

(2) Be responsible for the execution, administration, implementation, and evaluation of its powers, duties, and functions under ss. 943.085-943.255, including any rules promulgated or policies established hereunder.

(3) Certify, and revoke the certification of, officers, instructors, and criminal justice training schools.

(4) Establish uniform minimum employment standards for the various criminal justice disciplines.

(5) Establish uniform minimum training standards for the training of officers in the various criminal justice disciplines.

(6) Consult and cooperate with municipalities or the state or any political subdivision of the state and with universities, colleges, community colleges, and other educational institutions concerning the development of criminal justice training schools and programs or courses of instruction, including, but not necessarily limited to, education and training in the areas of criminal justice administration and all allied and supporting disciplines.

(7) ~~Conduct official inquiries or require criminal justice training schools to conduct official inquiries of~~ *Authorize the issuance of certificates for criminal justice training instructors who are certified by the commission schools.*

(8) Establish minimum curricular requirements for criminal justice training schools.

(9) ~~Authorize the issuance of certificates for instructors.~~

(9)(10) ~~Make, publish, or encourage studies on any aspect of criminal justice education and training or recruitment, including the develop-~~

ment of defensible and job-related psychological, selection, and performance evaluation tests.

(10)(11) With the approval of the head of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary, expedient, or incidental to the performance of its duties or the execution of its powers.

(11)(12) Provide to each commission member and, upon request, to any sheriff, chief of police, state law enforcement or correctional agency chief administrator, or training center director or to any other concerned citizen minutes of commission meetings and notices and agendas of commission meetings.

(12)(13) Establish a central repository of records for the proper administration of its duties, powers, and functions.

(13)(14) Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

(14)(15) Enforce compliance with provisions of this chapter through injunctive relief and civil fines.

(15)(16) Make recommendations concerning any matter within the purview of this chapter.

(16)(17) ~~Adopt~~ ~~Promulgate~~ rules for the certification and discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency.

(17)(18) Implement, administer, maintain, and revise a job-related officer certification examination for each criminal justice discipline. The commission shall, by rule, establish procedures for the administration of the officer certification examinations. Further, the commission shall establish standards for acceptable performance for each officer certification examination.

Section 57. Subsection (6) of section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Correctional Privatization Commission shall:

(6) Have passed a physical examination by a licensed physician *or physician assistant*, based on specifications established by the commission.

Section 58. Section 943.131, Florida Statutes, is amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), but has not fulfilled the requirements of s. 943.13(9) and (10), if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. The employing agency must maintain documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must attend the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his or her employment or appointment. Further, upon successful completion of the basic recruit training pro-

gram, any person temporarily employed or appointed as an officer must fulfill the requirements of s. 943.13(10) within 180 consecutive days.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and is attending the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Successfully completes the basic recruit training program and achieves an acceptable score on the officer certification examination;

2. Fails or withdraws from ~~a any course of the~~ basic recruit training program;

3. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program; or

4. Is separated from employment or appointment by the employing agency.

(c) No person temporarily employed or appointed under the provisions of this subsection may perform the duties of an officer unless he or she is adequately supervised by another officer of the same discipline. The supervising officer must be in full compliance with the provisions of s. 943.13 and must be employed or appointed by the employing agency.

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency must verify that the applicant has successfully completed a comparable basic recruit training program *for the discipline in which the applicant is seeking certification* in another state or for the Federal Government. Further, the employing agency must verify that the applicant has served as a full-time sworn officer in another state or for the Federal Government for at least one year. When the employing agency obtains written documentation regarding the applicant's criminal justice experience, the documentation must be submitted to the commission. The commission shall adopt rules that establish criteria and procedures to determine if the applicant is exempt from completing the commission-approved basic recruit training program and, upon making a determination, shall notify the employing agency. ~~An If the applicant who is exempt from completing the commission-approved basic recruit training program, the applicant must demonstrate proficiency in the high-liability areas, as defined by commission rule, and must complete the requirements of s. 943.13(10) within 180 days after receiving an exemption. If the proficiencies and requirements of s. 943.13(10) are not met within the 180 days, the applicant must complete a commission-approved basic recruit training program complete training, as required by the commission by rule, in areas which include, but are not limited to, defensive driving, defensive tactics, firearms training, and first responder training.~~ Except as provided in subsection (1), before the employing agency may employ or appoint the applicant as an officer, the applicant must meet the minimum qualifications described in s. 943.13(1)-(8), and must fulfill the requirements of s. 943.13(10).

Section 59. Subsection (1) of section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. The rule shall also provide:

(a) Assistance to an employing agency in identifying each affected officer, the date of his or her employment or appointment, and his or her

most recent date for successful completion of continuing training or education; and

(b) A procedure for reactivation of the certification of an officer who is not in compliance with this section; and

~~(c) A remediation program supervised by the training center director within the geographic area for any officer who is attempting to comply with the provisions of this subsection and in whom learning disabilities are identified. The officer shall be assigned nonofficer duties, without loss of employee benefits, and the program shall not exceed 90 days.~~

Section 60. Subsection (2) of section 943.1395, Florida Statutes, is amended to read:

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation.—

(2) An officer who is certified in one discipline and who complies with s. 943.13 in another discipline shall hold concurrent certification and may be assigned in either discipline within his or her employing agency. *However, the officer may be registered and hold concurrent certification only if the employing agency has authority to employ multiple disciplines.*

Section 61. Section 943.14, Florida Statutes, is amended to read:

943.14 *Commission-certified* criminal justice training schools; certificates and diplomas; exemptions; injunctive relief; fines.—

(1) Each criminal justice training school approved by the commission shall obtain from the commission a certificate of compliance, with rules of the commission, signed by the chair of the commission. ~~Any training or educational courses which are taught in any criminal justice training school must first be approved in writing by the commission.~~

(2) Any certificate or diploma issued by any criminal justice training school which relates to completion, graduation, or attendance in criminal justice training or educational subjects, or related matters, must be approved by the commission *staff in the department's Criminal Justice Professionalism Program.*

(3) The commission shall establish, by rule, procedures for the certification and discipline of all instructors in any criminal justice training school.

(4) Prior to the issuance of a certificate of compliance, or as a condition of continuing certification, all records of any criminal justice training school that relate to training and all financial and personnel records of the school shall be made available to the commission upon request.

(5) No private criminal justice training school may include within its name the word "commission," "bureau," or "division" together with the word "Florida" or "state," the name of any county or municipality, or any misleading derivative thereof which might be construed to represent a government agency or an entity authorized by a government agency.

~~(6) Criminal justice training schools and courses which are licensed and operated in accordance with the rules of the State Board of Education and the rules of the commission are exempt from the requirements of subsections (1)-(5). However, any school which instructs approved commission courses must meet the requirements of subsections (1)-(5).~~

~~(6)(7)(a)~~ Commission-approved correctional probation courses and subjects which are taught by Florida 4-year accredited colleges and universities are exempt from subsections ~~(1)-(6)~~ ~~(4)-(5)~~ except for such documentation which may be required by the commission. The commission retains control over the content of courses and subjects covered by this subsection as specified in s. 943.17(1)(a). Florida 4-year accredited colleges and universities must obtain approval from the commission prior to offering correctional probation courses. Florida 4-year accredited colleges and universities offering the Correctional Probation Training Program shall teach the learning objectives specified by the commission. The administration of the commission's Correctional Probation Training Program within a Florida 4-year accredited college or university shall fall within the institution's established guidelines for course delivery and student attendance. The Florida 4-year accredited college or university shall provide to the commission and to the student proof of successful completion of all the approved objectives required by the

commission for the academic courses approved for the Correctional Probation Training Program. The commission-certified training school administering the commission-required correctional probation high-liability training shall provide to the commission and to the student proof of successful completion of all approved objectives.

(b) All other criminal justice sciences or administration courses or subjects which are a part of the curriculum of any accredited college, university, community college, or vocational-technical center of this state, and all full-time instructors of such institutions, are exempt from the provisions of subsections (1)-(5).

~~(7)(8)~~ Each criminal justice training school that offers law enforcement, correctional, or correctional probation officer basic recruit training, or selection center that provides applicant screening for criminal justice training schools, shall conduct a criminal history background check of an applicant prior to entrance into the basic recruit class. A complete set of fingerprints must be taken by an authorized criminal justice agency or by an employee of the criminal justice training school or selection center who is trained to take fingerprints. The criminal justice training school or selection center shall submit the fingerprints to the Florida Department of Law Enforcement for a statewide criminal history check, and forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. Applicants found through fingerprint processing to have pled guilty to or been convicted of a crime which would render the applicant unable to meet the minimum qualifications for employment as an officer as specified in s. 943.13(4) shall be removed from the pool of qualified candidates by the criminal justice training school or selection center.

~~(8)(9)(a)~~ If a criminal justice training school or person violates this section, or any rule adopted pursuant hereto, the Department of Legal Affairs, at the request of the chair of the commission, shall apply to the circuit court in the county in which the violation or violations occurred for injunctive relief prohibiting the criminal justice training school or person from operating contrary to this section.

(b)1. In addition to any injunctive relief available under paragraph (a), the commission may impose a civil fine upon any criminal justice training school or person who violates subsection (1) or subsection (5), or any rule adopted pursuant thereto, of up to \$10,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund. The commission may impose a civil fine upon any criminal justice training school or person who violates subsection (2), subsection (3), or subsection (4), or any rule adopted pursuant thereto, of up to \$1,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund.

2. A proceeding under this paragraph shall comply with the provisions of chapter 120, and the final order of the commission constitutes final agency action for the purposes of chapter 120. When the commission imposes a civil fine and the fine is not paid within a reasonable time, the Department of Legal Affairs, at the request of the chair of the commission, shall bring a civil action under the provisions of s. 120.69 to recover the fine. The commission and the Department of Legal Affairs are not required to post any bond in any proceeding herein.

Section 62. Subsection (1) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise *entry requirements*, job-related curricula, and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(a) Design, implement, maintain, evaluate, and revise or adopt a basic recruit training program for the purpose of providing minimum employment training qualifications for all officers to be employed or appointed in each discipline.

(b) Design, implement, maintain, evaluate, and revise or adopt an advanced training program which is limited to those courses enhancing an officer's knowledge, skills, and abilities for the job he or she performs.

(c) Design, implement, maintain, evaluate, and revise or adopt a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25(9).

(d) ~~Design, implement, maintain, evaluate, or adopt a specialized training program, consisting of identified goals and objectives that enhance an officer's ability to perform the duties of his or her job. For any existing or newly established course, adopt an examination and assessment instrument that is job related and measures an officer's acquisition of knowledge, skills, and abilities. An acceptable level of measurable student performance shall also be developed for each course.~~

Section 63. Subsection (2) of section 943.173, Florida Statutes, is amended to read:

943.173 Examinations; administration; materials not public records; disposal of materials.—

(2) Each advanced and career development course examination ~~adopted by the commission~~ shall be administered at a certified criminal justice training school under the supervision of the training center director.

Section 64. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice ~~and specialized~~ training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. *Inservice Specialized* training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice ~~and specialized~~ training programs or courses need not be approved by the commission.

~~(2) The commission shall, by rule, establish procedures and criteria whereby an employing agency or criminal justice training school seeking commission approval of a specialized training program or course must submit the program or course to the commission for evaluation. The procedures and criteria shall include, but are not limited to, a demonstration of job relevance and quality of instruction.~~

~~(2)(3)~~ Inservice ~~or specialized~~ training courses or programs shall not be part of the programs or courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

Section 65. Paragraph (a) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

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

(a) "Accredited college, university, or community college" means a college, university, or community college which has been accredited by the Southern Association of Colleges and Schools or; another regional accrediting agency, ~~or the American Association of Collegiate Registrars and Admissions Officers.~~

Section 66. Subsection (6) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(6) ~~No~~ Training, room, or board cost may *not* be assessed against any officer or employing agency for any advanced and specialized training course funded from the Criminal Justice Standards and Training Trust Fund *and offered through a criminal justice training school certified by the commission*. Such expenses shall be paid from the trust fund and are not reimbursable by the officer. Travel costs to and from the training site are the responsibility of the trainee or employing agency. Any compensation, including, but not limited to, salaries and benefits, paid to any person during the period of training shall be fixed and determined by the employing agency; and such compensation shall be paid directly to the person.

(a) The commission shall develop a policy of reciprocal payment for training officers from regions other than the region providing the training.

(b) An officer who is not employed or appointed by an employing agency of this state may attend a course funded by the trust fund, provided the officer is required to pay to the criminal justice training school all training costs incurred for her or his attendance.

Section 67. Section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle. In addition, the sheriff's office may be required by the county to enforce the traffic laws of this state on any private or limited access road or roads over which the county has jurisdiction pursuant to a written agreement entered into under s. 316.006(3)(b).

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved has committed an offense under this chapter in connection with the crash. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

(c) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3) at parking areas

located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons or have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. In addition, the police department may be required by a municipality to enforce the traffic laws of this state on any private or limited access road or roads over which the municipality has jurisdiction pursuant to a written agreement entered into under s. 316.006(2)(b). However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved has committed an offense under the provisions of this chapter in connection with the crash. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.

(4)(a) Any sheriff's department, or any police department of a municipality, may employ as a traffic control officer any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection may direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) In the case of a special event or activity in relation to which a nongovernmental entity is paying for traffic control on public streets, highways, or roads, traffic control officers may be employed to perform such traffic control responsibilities only when off-duty, full-time law enforcement officers, as defined in s. 943.10(1), are unavailable to perform those responsibilities. However, this paragraph may not be con-

strued to limit the use of traffic infraction enforcement officers for traffic enforcement purposes.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic control officers have arrest authority.

(5)(a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes at least 200 hours of instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14.

(b) The traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of a crash investigation team at the scene of a vehicle crash or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic infraction enforcement officers have arrest authority other than the authority to issue a traffic citation as provided in this subsection.

(6) MOBILE HOME PARK RECREATION DISTRICTS.—Notwithstanding subsection (2) or subsection (3), the sheriff's office of each of the several counties of this state and the police department of each chartered municipality have authority, but are not required, to enforce the traffic laws of this state on any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30 and the recreational facilities of which district are open to the general public.

(7) CONSTRUCTION OF CHAPTER 87-88, LAWS OF FLORIDA.—For purposes of traffic control and enforcement, nothing in chapter 87-88, Laws of Florida, shall be construed to classify any road which has been dedicated or impliedly dedicated for public use, and which has been constructed and is open to the use of the public for vehicular traffic, as a private road or driveway.

(8) TRAFFIC ENFORCEMENT AGENCY.—Any agency or governmental entity designated in subsection (1), subsection (2), or subsection (3), including a university, a community college, a school board, or an airport authority, is a traffic enforcement agency for purposes of s. 316.650.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s.

943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers;

Senator Crist moved the following amendments which were adopted:

Amendment 7 (505610)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each ~~prison correctional institution~~ or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each ~~prison institution~~. The office of inspector general shall see that all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. *The secretary may designate persons within the Office of the Inspector General as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction. A person designated as a law enforcement officer must be certified pursuant to s. 943.1395 and must have a minimum of 3 years' experience as an inspector general investigator or as a law enforcement officer. The department shall maintain a memorandum of understanding with the Department of Law Enforcement for the notification of and investigation of mutually agreed-upon predicate events, which shall include, but are not limited to, suspicious deaths and major organized criminal activity. During ~~in such~~ investigations, the inspector general and inspectors may consult and confer with any prisoner or staff member privately and without molestation, and persons designated as law enforcement officers under this section shall have the authority to conduct warrantless arrests of ~~detain~~ any person for violations of the felony criminal laws of the state, as enumerated in this chapter and chapter 893. A person designated as a law enforcement officer under this section may make arrests pursuant to a warrant, including arrests of offenders who have escaped or absconded from custody. Such detention shall be made only on properties owned or leased by the department, and The arrested ~~detained~~ person shall be surrendered without delay to the detention facility ~~sheriff~~ of the county in which the arrest ~~detention~~ is made, with a formal complaint subsequently made against her or him in accordance with law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 944.31, F.S.; revising terminology; providing for the designation of law enforcement officers to conduct certain investigations; providing such officers' qualifications and powers;

Amendment 8 (510480)(with title amendment)—On page 3, between lines 23 and 24, insert:

(e) *The custodian of the local jail shall prepare the calculations required under this section and shall provide it to the court prior to sentencing.*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: requiring the custodians of the local jail to perform certain calculation;

Pursuant to Rule 4.19, **CS for SB 1534** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; creating s. 163.3198, F.S.; requiring the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; providing for appointment of a technical advisory committee to advise the agency; requiring a report to the Governor and the Legislature; providing an appropriation; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06,

F.S.; revising provisions governing developments of regional impact; providing for designation of a lead regional planning council; exempting certain marinas from Development of Regional Impact review; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; providing that the act does not abridge or modify certain rights, duties, or obligations pursuant to development orders or agreements; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; imposing prerequisites on the ability of certain multi-county airport authorities to amend their development-of-regional-impact development orders or commence development under such development orders; providing effective dates.

—was read the second time by title.

Senator Constantine moved the following amendment:

Amendment 1 (085144)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. *All local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application, provided that nothing contained in this subsection shall prevent a local agency from granting voting status to the school board member.* The governing body may designate itself as the local planning agency pursuant to this subsection *with the addition of a nonvoting school board representative.* The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by ~~district school boards and~~ applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 2. Paragraph (a) of subsection (4), paragraphs (a), (c), and (h) of subsection (6), and subsection (11) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; *with the appropriate water management district's regional*

water supply plans adopted pursuant to s. 373.0361, or successor plans required by legislative directive; with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of ground water and surface water resources for present and future water supplies and the potential for development of alternative water supplies; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. ~~Amendments~~ ~~An amendment~~ proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use or for adopting or amending the school-siting maps pursuant to s. 163.3177(6) are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to princi-

ples and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *By October 1, 2002, the element shall also include data and analysis, including, but not limited to, the appropriate water management district's regional water supply plan adopted pursuant to s. 373.0361, which evaluates the availability of potable water compared to population growth projected by the local government comprehensive plan.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

5. *Intergovernmental coordination between local governments and the district school board shall be governed by ss. 163.31776 and 163.31777 for those local governments adopting a public educational facilities element pursuant to s. 163.31776.*

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. *The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and Rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.*

2. *The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.*

3. *A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.*

4. *In selecting a local government, the department shall, by written agreement:*

a. *Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection.*

b. *Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.*

5. *The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land*

values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. *A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and must provide for the following:*

a. *Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.*

b. *Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.*

c. *A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and Rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.*

d. *A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.*

e. *The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and Rule 9J-5.006(5)(l), Florida Administrative Code.*

7. *A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.*

8. *Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:*

a. *Transferable rural land use credits may only exist within a rural land stewardship area.*

b. *Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.*

c. *Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.*

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

- a. Opportunity to accumulate transferable mitigation credits.
- b. Extended permit agreements.
- c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to administer ~~shall implement the provisions of this subsection by rule.~~

Section 3. Section 163.31776, Florida Statutes, is created to read:

163.31776 Public educational facilities element.—

(1) The intent of the Legislature is to establish a systematic process for school boards and local governments to:

(a) Share information concerning the growth and development trends in their communities in order to forecast future enrollment and school needs;

(b) Cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government; and

(c) Cooperatively identify and meet the infrastructure needs of public schools to assure healthy school environments and safe school access.

(2) The Legislature finds that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in thousands of individual housing decisions that result in community growth trends.

(b) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(3) A public educational facilities element shall be adopted in cooperation with the applicable school district by all local governments meeting the criteria identified in paragraph (a). The public educational facilities elements shall be transmitted no later than January 1, 2003, for those local governments initially meeting the criteria in paragraph (a).

(a) A local government must adopt a public educational facilities element if the local government is located in a county where:

1. The number of districtwide capital outlay full-time-equivalent students equals 80 percent or more of the most current year's school capacity and the projected 5-year student growth is 1,000 students or greater; or

2. The projected 5-year student growth rate is 10 percent or greater.

(b)1. The Department of Education shall issue a report notifying the state land planning agency and each county and school district that meets the criteria in paragraph (a) on June 1 of each year. Local governments and school boards will have 18 months following notification within which to comply with the requirements of ss. 163.31776 and 163.31777.

2. By January 1, 2007, remaining local governments that have not been notified by June 1, 2005, that they have met the criteria in paragraph (a) shall adopt, in cooperation with the applicable school district, a limited public educational facilities element. The state land planning agency shall by rule specify the contents of the limited public educational facilities element. The rule specifying the contents of the limited public facilities element must incorporate the future land use element requirements of s. 163.3177(6)(a), including school-siting requirements, requirements for intergovernmental coordination and interlocal agreements with school boards contained in s. 163.3177(6)(h)1.-2., and requirements for evaluation and appraisal reports contained in s. 163.3191(2)(k). The agency rule must ensure effective planning with school boards, but recognize that the needs for school planning differ for those local governments that have lower population and student-population growth rates. The sanctions of subsection (9) apply to local governments that fail to adopt a limited public educational facilities element. Any local government that, after complying with this rule, reaches the criteria in paragraph (a) shall have 18 months within which to comply with subsections (4) and (5). Nothing in this subsection shall supersede the other requirements of this chapter.

(c) Each municipality shall adopt its own element or accept by resolution or ordinance the public educational facilities element adopted by the county which includes the municipality's area of authority as defined in s. 163.3171. However, a municipality is exempt from this requirement if it meets all the following criteria:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the last 5 years or it has generated fewer than 25 additional public school students during the last 5 years;

2. The municipality has not annexed new land during the last 5 years in land use categories that permit residential uses that may affect school attendance rates;

3. The municipality has no public schools located within its boundaries;

4. At least 80 percent of the developable land within the boundaries of the municipality has been built upon; and

5. The municipality has not adopted a land use amendment that increases residential density for more than 50 residential units.

Any municipality that is exempt shall notify the county and the school board of any planned annexation into residential or proposed residential areas or other change in condition and must comply with this subsection within 1 year following a change in conditions that renders the municipality no longer eligible for exemption or following the identification of a proposed public school in the school board's 5-year district facilities work program in the municipality's jurisdiction.

(4) No later than 6 months prior to the deadline for transmittal of a public educational facilities element, the county, the non-exempt municipalities, and the school board shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment;

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment;

(c) To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting and for early involvement by the local government as the school board identifies potential school sites;

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system;

(e) For school district participation in the review of comprehensive plan amendments and rezonings that increase residential density and that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and criteria for determining whether school facility capacity will be readily available at the time of projected school impacts, and must specify uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement must ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement must also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777; and

(f) For the resolution of disputes between the school district and local governments.

(5) The public educational facilities element must be based on data and analysis, including the interlocal agreement required by subsection (4), and on the educational facilities plan required by s. 235.185. Each local government public educational facilities element within a county must be consistent with the other elements and must address:

(a) The need for, strategies for, and commitments to addressing improvements to infrastructure, safety, and community conditions in areas proximate to existing public schools.

(b) The need for and strategies for providing adequate infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

(c) Colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools.

(d) Location of schools proximate to residential areas and to complement patterns of development, including using elementary schools as focal points for neighborhoods.

(e) Use of public schools to serve as emergency shelters.

(f) Consideration of the existing and planned capacity of public schools when reviewing comprehensive plan amendments and rezonings that are likely to increase residential development and that are reasonably expected to have an impact on the demand for public school facilities pursuant to s. 163.31777, with the review to be based on uniform, districtwide level-of-service standards for all public schools of the same type, availability standards for public schools, and the financially feasible 5-year district facilities work program adopted by the school board pursuant to s. 235.185.

(g) A uniform methodology for determining school capacity and proportionate-share mitigation consistent with the requirements of s. 163.31777(4) and the interlocal agreement.

(h) The response of the school board to the financial management and performance audit required by s. 235.185(2)(f).

(6) The future land-use map series must incorporate maps that are the result of a collaborative process for identifying school sites in the educational facilities plan adopted by the school board pursuant to s. 235.185 and must show the locations of existing public schools and the general locations of improvements to existing schools or new schools anticipated over the 5-year, 10-year, and 20-year time periods, or such maps shall be data and analysis in support of the future land-use map series. Maps indicating general locations of future schools or school improvements should not prescribe a land use on a particular parcel of land.

(7) The process for adopting a public educational facilities element shall be as provided in s. 163.3184. The state land planning agency shall submit a copy of the proposed public school facilities element pursuant to the procedures outlined in s. 163.3184(4) to the Office of Educational Facilities of the Commissioner of Education for review and comment.

(8) In any proceeding to challenge the adoption of the public educational facilities element pursuant to s. 163.3184, the petitioner may also challenge the data and analysis used to support the processes set forth in the interlocal agreement executed pursuant to this section.

(9)(a) If the county, school board and nonexempt municipalities within the county cannot reach agreement regarding the interlocal agreement required by subsection (4), the parties shall seek mediation through the appropriate regional planning council or the state land planning agency. The bad-faith failure of any party to enter into an interlocal agreement within 60 days after referral to mediation shall result in the prohibition of that local government's ability to amend its comprehensive plan until the dispute is resolved.

(b) The failure by a local government to comply with the requirement to transmit and adopt a public educational facility element will result in the prohibition of the local government's ability to amend the local comprehensive plan until the public school facilities element is adopted.

(c) If a local government fails to comply with the requirements of this section to enter into the interlocal agreement or to transmit a public educational facilities element by the required date, or if the Administration Commission finds that the public educational facilities element is not in compliance, the local government shall be subject to sanctions imposed by the Administration Commission pursuant to s. 163.3184(11).

(d) The failure of a school board to provide the required plans or information or to enter into the interlocal agreement under this section shall subject the school board to sanctions pursuant to s. 235.193(3).

(e) A local government or school board's bad-faith failure to enter into the interlocal agreement does not subject another local government or school board to sanctions.

(10) Any local government that has executed an interlocal agreement for the purpose of adopting public school concurrency before the effective date of this act is not required to amend the public school element or any interlocal agreement to conform with the provisions of this section or s. 163.31777 if such amendment is ultimately determined to be in compliance.

Section 4. Section 163.31777, Florida Statutes, is created to read:

163.31777 Public school capacity for plan amendments and rezonings.—

(1) Local governments shall consider public school facilities when reviewing proposed comprehensive plan amendments and rezonings that increase residential densities and that are reasonably expected to have an impact on the demand for public school facilities.

(2) For each proposed comprehensive plan amendment or rezoning that increases residential densities and is reasonably expected to have an impact on the demand for public school facilities, the school board shall provide the local government with a school-capacity report based on the district educational facilities plan adopted by the school board pursuant to s. 235.185, which must provide data and analysis on the capacity and enrollment of affected schools based on standards established by state or federal law or judicial orders, projected additional enrollment attributable to the density increase resulting from the amendment or rezoning, programmed and financially feasible new public school facilities or improvements for affected schools identified in the educational facilities plan of the school board and the expected date of availability of such facilities or improvements, and available reasonable options for providing public school facilities to students if the rezoning or comprehensive plan amendment is approved. The options must include, but need not be limited to, the school board's evaluation of school schedule modification, school attendance zones modification, school facility modification, and the creation of charter schools. The report must be consistent with this section, any adopted interlocal agreement and public educational facilities element, and must be submitted no later than 3 working days before the first public hearing by the local government to consider the comprehensive plan amendment or rezoning.

(3) The local government shall deny a request for a comprehensive plan amendment or rezoning which would increase the density of residential development allowed on the property subject to the amendment or rezoning and is reasonably expected to have an increased impact on the demand for public school facilities, if the school facility capacity will not be reasonably available at the time of projected school impacts as determined by the methodology established in the public educational facilities element. However, the application for a comprehensive plan amendment or a rezoning may be approved if the applicant executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subsection (4).

(4)(a) Options for proportionate-share mitigation of public school facility impacts from actual development of property subject to a plan amendment or rezoning that increases residential density shall be established in the educational facilities plan and the public educational facilities element. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement pursuant to ss. 163.3220-163.3243 which constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment or rezoning that increased overall residential density. The district school board may be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

(b) If the educational facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

(c) Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement that is identified in the financially feasible 5-year district work plan and that will be provided in accordance with a binding developers agreement.

(5) Subsections (3) and (4) shall not take effect within a jurisdiction until:

(a) The local governments and the school board have entered into an interlocal agreement pursuant to ss. 163.31776 and 235.193;

(b) The local government has adopted a public education facilities element required under s. 163.31776 and the element has been found in compliance;

(c) The school board has revised its district education facilities plan to comply with s. 235.185; and

(d) One of the following revenue sources is levied for the purpose of funding public educational facilities consistent with the public educational facilities plan and interlocal agreement adopted pursuant to s. 163.31776, and the district educational facilities plan pursuant to s. 235.185:

1. The half-cent school capital outlay surtax authorized by s. 212.055(6); or

2. An amount of new broad-based revenue from state or local sources, equivalent to the amount that would be raised from the school capital outlay surtax, is available and dedicated to the implementation of the financially feasible work program adopted by the school board pursuant to s. 235.185.

(6) Under limited circumstances dealing with educational facilities, countervailing planning and public policy goals may come into conflict with the requirements of subsections (3) and (4). Often the unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, a local government may grant an exception from the requirements of subsections (3) and (4) if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project located within an area designated in the comprehensive plan for:

(a) Urban infill development;

(b) Urban redevelopment;

(c) Downtown revitalization; or

(d) Urban infill and redevelopment under s. 163.2517.

(7) This section does not prohibit a local government from using its home-rule powers to deny a comprehensive plan amendment or from rezoning.

Section 5. Subsection (4) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, and fixed bus, guideway, and rail stations. As used in this paragraph, the terms "terminals" and "transit

facilities” do not include airports or seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) *The concurrency requirement as implemented in local government comprehensive plans may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan.*

Section 6. Subsections (1), (3), (4), and (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section, *the term*:

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; *owners of real property abutting real property that is the subject of a proposed change to a future land use map*; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) “In compliance” means consistent with the requirements of ss. 163.3177, 163.3176, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State*, and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services*, immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency’s procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. *The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.*

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency’s procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State*, and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services*, the materials specified in the state land planning agency’s procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.—~~*The*~~ ~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. These governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element required by s. 163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment.~~ The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. *The request from the regional planning council or affected person must be if the request is received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment.* A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within ~~35~~ 30 days ~~after receipt of transmittal of the complete proposed plan amendment pursuant to subsection (3).~~

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). *If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency. The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government’s comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.* When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not

require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

Section 7. Effective October 1, 2001, subsections (7), (8), and (15) and paragraph (d) of subsection (16) of section 163.3184, Florida Statutes, as amended by this act, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the *complete* adopted comprehensive plan or ~~adopted~~ plan amendment, *including the names and addresses of persons compiled pursuant to paragraph (15)(c)*, to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's *complete* adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or
2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the

secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. ~~The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point.~~ The advertisement shall not be placed in that portion of the newspaper where legal notices and ~~classified advertisements~~ appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(e) ~~(15)(e)~~ and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) *The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement must identify the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, and the ordinance number of the plan or plan amendment and must advise that the informational statement is provided as a courtesy to the person and that affected persons have 21 days from the actual date of publication of the notice to file a petition. The informational statement must be sent by regular mail and does not affect the timeframes specified in subsections (9) and (10).*

(d) *A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on that site within 5 days after receipt of the mailed copy of the agency's notice of intent.*

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.
2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) *The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.*

(d) *The agency shall provide a model sign-in format for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.*

(e)(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses

within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.—

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(e) (15)(e). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

Section 8. Paragraph (k) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(k) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776 and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

Section 9. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended, and paragraph (l) is added to that subsection, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable *educational 5-year school district facilities plan work program* adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

(l) If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

Section 10. The sum of \$500,000 is appropriated to the Department of Community Affairs from the General Revenue Fund to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development.

Section 11. Section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(1) Any aggrieved or adversely affected party may maintain an action for declaratory and injunctive or other relief against any local gov-

ernment to challenge any decision of local government granting or denying an application for, or to prevent such local government from taking any action on a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property that is not consistent with the comprehensive plan adopted under this part. Such action shall be filed no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever is later.

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons. The term shall include the owner, developer or applicant for a development order.

(3)(a) ~~No suit may be maintained under this section challenging the approval or denial of a zoning, rezoning, planned unit development, variance, special exception, conditional use, or other development order granted prior to October 1, 1985, or applied for prior to July 1, 1985.~~

(b) ~~Suit under subsections (1) or (4) this section shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part. The local government that issues that development order shall be named as the respondent.~~

(4) If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in this subsection, then the sole action for an aggrieved and adversely affected party to challenge consistency of a development order with the comprehensive plan shall be by a petition for certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever is later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel shall apply to these proceedings. Minimum components of the local process shall be as follows: As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.

(a) Notice by publication and by mailed notice to all abutting property owners within 10 days of the filing of an application for development review, provided that notice under this subsection shall not be required for an application for a building permit. The notice must delineate that aggrieved or adversely affected persons have the right to request a quasi-judicial hearing, that the request need not be a formal petition or complaint, how to initiate the quasi-judicial process and the time-frames for initiating the process. The local government shall include an opportunity for an alternative dispute resolution process and may include a stay of the formal quasi-judicial hearing for this purpose.

(b) A point of entry into the process consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the written preliminary decision; provided that the local government is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.

(c) An opportunity to participate in the process for an aggrieved or adversely affected party which provides a reasonable time to prepare and present a case for a quasi-judicial hearing.

(d) An opportunity for reasonable discovery prior to a quasi-judicial hearing.

(e) A quasi-judicial hearing before an independent special master who shall be an attorney with at least five years experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law.

(f) At the quasi-judicial hearing all parties shall have the opportunity to respond, present evidence and argument on all issues involved that are related to the development order and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

(g) The standard of review applied by the special master shall be strict scrutiny in accordance with Florida law.

(h) A duly noticed public hearing before the local government at which public testimony shall be allowed. At the hearing the local government shall be bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision shall be reduced to writing, including the findings of fact and conclusions of law, and shall not be considered rendered or final until officially date stamped by the city or county clerk.

(i) No ex parte communication relating to the merits of the matter under review shall be made to the special master. No ex parte communication relating to the merits of the matter under review shall be made to the governing body after a time to be established by the local ordinance, but no later than receipt of the recommended order by the governing body.

(j) At the option of the local government this ordinance may require actions to challenge the consistency of a development order with land development regulations to be brought in the same proceeding.

(k) Authority by the special master to issue and enforce subpoenas and compel entry upon land.

(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.

(6) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or for economic advantage, competitive reasons or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon motion or its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(7) In any suit ~~action~~ under subsections (1) or (4) ~~this section~~, no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.

(8) In any suit under this section, the Department of Legal Affairs may intervene to represent the interests of the state.

(9) Nothing in this section shall be construed to relieve the local government of its obligations to hold public hearings as required by law.

Section 12. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section is ~~shall stand~~ repealed on June 30, 2002 ~~2001~~, and shall be reviewed by the Legislature prior to that date.

Section 13. Subsections (2) and (3) of section 186.504, Florida Statutes, are amended to read:

186.504 Regional planning councils; creation; membership.—

(2) Membership on the regional planning council shall be as follows:

(a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council.

(b) Representatives from other member local general-purpose governments in the geographic area covered by the regional planning council.

(c) Representatives appointed by the Governor from the geographic area covered by the regional planning council, *including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association.*

(3) Not less than two-thirds of the representatives serving as voting members on the governing bodies of such regional planning councils shall be elected officials of local general-purpose governments chosen by the cities and counties of the region, provided each county shall have at least one vote. The remaining one-third of the voting members on the governing board shall be appointed by the Governor, *to include one elected school board member*, subject to confirmation by the Senate, and shall reside in the region. No two appointees of the Governor shall have their places of residence in the same county until each county within the region is represented by a Governor's appointee to the governing board. Nothing contained in this section shall deny to local governing bodies or the Governor the option of appointing either locally elected officials or lay citizens provided at least two-thirds of the governing body of the regional planning council is composed of locally elected officials.

Section 14. Paragraph (a) of subsection (2) and subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a ~~supermajority majority~~ of the members of the county governing authority ~~or~~ ~~and~~ approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax ~~or pursuant to ordinance enacted by a supermajority vote of the members of the county governing authority.~~

For purposes of this paragraph, the term "supermajority vote" means an affirmative vote of a majority of the membership of the governing authority plus one.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

educational and ancillary plants, *including safe access facilities*; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and *safe access facilities*; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.—~~Each Educational plant surveys survey completed after December 31, 1997, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.~~

1. ~~The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 235.185. Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the

Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. ~~The district educational facilities plan educational plant survey of a school district and the educational plant survey of a community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.~~

(c) Review and validation.—~~The Office of Educational Facilities of the Commissioner of Education department shall review and validate the surveys of school districts and community colleges and any amendments thereto for compliance with the requirements of this chapter and, when required by the State Constitution, shall recommend those in compliance for approval by the State Board of Education.~~

(2) Only the superintendent or the college president shall certify to the *Office of Educational Facilities of the Commissioner of Education department* a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the *Office of Educational Facilities of the Commissioner of Education department* that the need for and location of the facility are in compliance with the board-approved survey recommendations, and that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, *and the plan is consistent with the local government comprehensive plan.*

(b) Upon request for release of construction funds, certification must be made to the *Office of Educational Facilities of the Commissioner of Education department* that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 17. Subsection (3) of section 235.175, Florida Statutes, is amended to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(3) ~~SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAMS.~~—It is the purpose of the Legislature to create s. 235.185, requiring each school district annually to adopt an *educational facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the a-district facilities* 5-year work program. The purpose of the *educational facilities plan district facilities work program* is to keep the school board, *local governments*, and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The *educational facilities plan district facilities work program* will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 235.218.

Section 18. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended. Each district school board must prepare its tentative *district education facilities plan facilities work program* as required by s. 235.185 before adopting the capital outlay budget.

Section 19. Section 235.185, Florida Statutes, is amended to read:

235.185 School district *educational facilities plan work program*; definitions; preparation, adoption, and amendment; long-term work programs.—

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

(a) “Adopted educational facilities plan” means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.

~~(a) “Adopted district facilities work program” means the 5-year work program adopted by the district school board as provided in subsection (3).~~

(b) “~~Tentative~~ District facilities work program” means the 5-year listing of capital outlay projects, *adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to:*

1. ~~To~~ Properly maintain the educational plant and ancillary facilities of the district.

2. ~~To~~ Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.062.

(c) “Tentative educational facilities plan” means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities of the Commissioner of Education and the affected general-purpose local governments.

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAM.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The school board’s plan for provision of new schools must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include ~~work program that includes:~~

1. Projected student populations apportioned geographically at the local level. The projections must be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the district based on development data and agreement with the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections must be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.

2. An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified. The inventory must include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. Projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

4. Information on leased, loaned, and donated space and relocatables used for conducting the district’s instructional programs.

5. The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools’ site acreage needs and anticipated capacity and maps showing the general locations. The school board’s identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

6. The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:

- a. Acceptable capacity;
- b. Redistricting;
- c. Busing;
- d. Year-round schools; and
- e. Charter schools.

7. The criteria and method, jointly determined by the local government and the school board, for determining the impact to public school capacity in response to a local government request for a report pursuant to s. 235.193(4).

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities ~~plant~~ and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department including all enrollment used in the calculation of the distribution formula in s. 235.435(3).

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193(6), (7), and (8) must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which ~~that~~ will result if the tentative district facilities work program is fully implemented. ~~The average shall not include exceptional student education classes or prekindergarten classes.~~

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. *Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.*

3. The projected cost for each project identified in the ~~tentative~~ district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the ~~tentative~~ district facilities work program.

5. A schedule indicating which projects included in the ~~tentative~~ district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the ~~tentative~~ district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(c)(b) To the extent available, the *tentative* district *educational facilities plan work program* shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.

(d)(e) Provision shall be made for public comment concerning the *tentative district educational facilities plan work program*.

(e) *The district school board shall coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.*

(f) *Commencing on October 1, 2001, and not less than once every 5 years thereafter, the district school board shall contract with a qualified, independent third party to conduct a financial management and performance audit of the educational planning and construction activities of the district. An audit conducted by the Auditor General satisfies this requirement.*

(3) **SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO LOCAL GOVERNMENT.**—*The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement required by ss. 163.31776(4) and 235.193(2). The process for the submittal and review shall be detailed in the interlocal agreement required pursuant to ss. 163.31776(4) and 235.193(2).*

(4)(3) **ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAM.**—*Annually, the district school board shall consider and adopt the tentative district educational facilities plan work program completed pursuant to subsection (2). Upon giving proper public notice to the public and local governments and opportunity for public comment, the district school board may amend the plan program to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district educational facilities plan work program shall:*

(a) Be a complete, balanced, and *financially feasible* capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, *including safe access ways from neighborhoods to schools.*

(5)(4) **EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAM.**—*The first year of the adopted district educational facilities plan work program shall constitute the capital outlay budget required in s. 235.18. The adopted district educational facilities plan work program shall include the information required in subparagraphs (2)(b)1., 2., and 3. (2)(a)1., 2., and 3., based upon projects actually funded in the program.*

(5) ~~10 YEAR AND 20 YEAR WORK PROGRAMS.~~—*In addition to the adopted district facilities work program covering the 5 year work program, the district school board shall adopt annually a 10 year and a 20 year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10 year and 20 year periods. It is recognized that the projections in the 10 year and 20 year timeframes are tentative and should be used only for general planning purposes.*

Section 20. Section 235.188, Florida Statutes, is amended to read:

235.188 Full bonding required to participate in programs.—*Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district educational facilities plan work program that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.*

Section 21. Section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) *If the school board and local government have entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2) and have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan and a method to coordinate decisionmaking and approved activities relating to school planning and site selection, the provisions of this section do not apply to such school board and local government.*

(2)(1) Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the *consistency compatibility* of such plans with site planning. Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible and to encourage using elementary schools as focal points for neighborhoods.

(3)(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. ~~The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less than recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.~~

(4)(3) Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as the *school board commissioner* prescribes to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program or *colocated with facilities to*

serve this purpose. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program. *To the extent practicable, sites must be chosen that will provide safe access from neighborhoods to schools.*

(5)(4) It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(6)(5) Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 22. Section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan ~~plant survey~~ and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local ~~governments governing bodies~~. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. *In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.*

(2) *No later than 6 months prior to the transmittal of a public educational facilities element by general purpose local governments meeting the criteria of s. 163.31776(3), the school district, the county, and the non-exempt municipalities shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:*

(a) *By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.*

(b) *To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.*

(c) *To ensure that school-siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and to ensure early involvement by the local government as the school board identifies potential school sites.*

(d) *To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform, countywide school facility planning system.*

(e) *For school-district participation in the review of comprehensive plan amendments and rezonings that increase residential density and that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and the criteria for determining whether school facility capacity will be reasonably available at the time of projected school impacts, including uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement shall ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement shall also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777.*

(f) *For the resolution of disputes between the school district and local governments.*

Any school board entering into an interlocal agreement for the purpose of adopting public school concurrency prior to the effective date of this act is not required to amend the interlocal agreement to conform to the provisions of this subsection if the comprehensive plan amendment adopting public school concurrency is ultimately determined to be in compliance.

(3) *Failure to enter into an interlocal agreement as required by s. 235.193(2) shall result in the withholding of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42 and a prohibition from siting schools. Before the Office of Educational Facilities of the Commissioner of Education may withhold any funds, the office shall provide the school board with a notice of intent to withhold funds, which the school board may appeal under chapter 120. The office shall withhold funds when a final order is issued finding that the school board has failed to enter into an interlocal agreement that meets the requirements of this section.*

(4) *The school board shall report to the local government on school capacity when the local government notifies the school board that it is reviewing an application for a comprehensive plan amendment or a rezoning that seeks to increase residential density. The report must provide data and analysis as required by s. 163.31777(2) for the local government's review of the proposed plan amendment or rezoning.*

(5)(2) *A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 ~~Department of Education enrollment projections~~ when preparing the 5-year district educational facilities plan ~~work program~~ pursuant to s. 235.185, as modified and agreed to by the local governments and the Office of Educational Facilities of the Commissioner of Education, ~~in and a school board shall affirmatively demonstrate in the educational facilities report~~ consideration of local governments' population projections, to ensure that the district*

educational facilities plan ~~5-year work program~~ not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. *The projections shall be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data.* A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan report for the prior year required pursuant to s. 235.185 ~~s. 235.194~~ unless the failure is corrected.

(6)(3) The location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and *consistent with the plan's implementing land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the board.*

(7)(4) To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least 120 ~~60~~ days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection (8) (5).

(8)(5) As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and *consistent with local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed.* If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.

(9)(6) A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 235.34(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.

(10)(7) This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts *pursuant to an interlocal agreement adopted in accordance with this section.*

(11)(8) Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~ If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 23. *Section 235.194, Florida Statutes, is repealed.*

Section 24. Section 235.218, Florida Statutes, is amended to read:

235.218 School district *educational facilities plan* ~~work program~~ performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district *educational facilities plans* ~~work programs~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

- (a) Frugal production of high-quality projects.
- (b) Efficient finance and administration.
- (c) Optimal school and classroom size and utilization rate.
- (d) Safety.
- (e) Core facility space needs and cost-effective capacity improvements that consider demographic projections.
- (f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance.

Section 25. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district *educational facilities plan* ~~work program~~ pursuant to s. 235.185.

Section 26. Paragraph (d) of subsection (5) of section 236.25, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

236.25 District school tax.—

(5)

(d) Notwithstanding any other provision of this subsection, if through its adopted *educational facilities plan* ~~work program~~ a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the *acquisition*, construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the

district reasonably expects to receive during the next 5 years or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 27. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 28. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

Section 29. Paragraph (e) of subsection (2), subsection (12), paragraph (c) of subsection (15), and subsections (18) and (19) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. *The applicable guidelines and standards shall be increased by 200 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effective period of the designation. The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.*

(12) REGIONAL REPORTS.—

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, "applicable state plan" means the state comprehensive plan. For the purposes of this subsection, "applicable regional plan" means an adopted comprehensive regional policy plan until the adoption of a strategic regional policy plan pursuant to s. 186.508, and thereafter means an adopted strategic regional policy plan.

2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.

3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

(d) *Where the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.*

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a termination date that reasonably reflects the time required to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the ~~biennial~~ annual report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination under subsection (19).

6. Shall include a legal description of the property.

(18) ~~BIENNIAL ANNUAL~~ REPORTS.—The developer shall submit a ~~biennial~~ annual report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies *in alternate years* on the date specified in the development order, *unless the development order by its terms requires more frequent monitoring*. If the annual report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the ~~biennial~~ annual report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. *If no additional development pursuant to the development order has occurred since the submission of the previous report, a letter from the developer stating that no development has occurred satisfies the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government.*

(19) SUBSTANTIAL DEVIATIONS.—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent ~~or 6 acres, whichever is greater~~, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by ~~6 acres of land area or~~ 50,000 square feet of gross floor area; or of parking spaces provided for customers for 300 cars or a 5-percent increase of ~~either any~~ of these, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or

archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

~~(e)1.—A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1.-15., but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.~~

1.2. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than 40 percent of any numerical criterion contained in subparagraphs (b)1.-15. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not a substantial deviation, is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
- c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (f), and (g) and residential use.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider

the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 90 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer. ~~A change which is subject to the substantial deviation criteria specified in sub-subparagraph (e)5.c. shall not be subject to this requirement.~~

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and ~~subparagraph (e)3. subparagraphs (e)1. and 3.~~ shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change, as it relates to the entire development, should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

Section 30. Paragraphs (d) and (f) of subsection (3) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or
- ~~2. Has a total site size of 30 or more acres; or~~
- ~~2.3.~~ Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(f) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or
- ~~2. Occupies more than 40 acres of land; or~~
- ~~2.3.~~ Provides parking spaces for more than 2,500 cars.

Section 31. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:

- (a) Promotion and improvement of wildlife habitat;*
- (b) Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;*
- (c) Perpetuation of open space on lands with significant natural areas; or*
- (d) Protection of agricultural lands threatened by conversion to other uses.*

(2) To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:

- (a) Purchase conservation easements, as defined in s. 704.06.*
- (b) Purchase rural-lands-protection easements pursuant to this act.*
- (c) Fund resource conservation agreements pursuant to this act.*
- (d) Fund agricultural protection agreements pursuant to this act.*

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:

- (a) Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);*
- (b) Subdivision of the property;*

(c) *Dumping or placing of trash, waste, or offensive materials; and*

(d) *Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.*

(4) *Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.*

(5) *Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.*

(a) *For the length of the agreement, the landowner shall agree to prohibit:*

1. *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);*

2. *Subdivision of the property;*

3. *Dumping or placing of trash, waste, or offensive materials; and*

4. *Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.*

(b) *As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.*

(6) *Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.*

(7) *Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.*

(8) *Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.*

(9) *Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.*

(10) *The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process,*

and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) *If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.*

(12) *The department is authorized to use funds from the following sources to implement this act:*

(a) *State funds;*

(b) *Federal funds;*

(c) *Other governmental entities;*

(d) *Nongovernmental organizations; or*

(e) *Private individuals.*

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) *No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.*

(14) *The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.*

(a) *The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.*

(b) *The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.*

(c) *The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.*

Section 32. *Requirement of interlocal service provision agreements.—*

(1) *By January 1, 2005, counties having a population over 100,000 shall negotiate and adopt a service-delivery interlocal agreement with all of the municipalities within the county, with those special districts providing a service listed in paragraph (a), and with the school district which:*

(a) *Identifies the current providers of the following services; education, sanitary sewer, public safety, solid waste, drainage, potable water, parks and recreation, and transportation facilities.*

(b) *Describes the existing organization of such services and the means of financing such services and designates the entities that will provide the services over the next 20 years, including any anticipated changes caused by annexation.*

(c) *Identifies any deficits in the provision of services and prescribes a 5-year capital outlay plan for the provision of deficit infrastructure.*

(d) *Identifies opportunities for the joint financing of capital outlay projects.*

(e) *Identifies any areas that the municipalities plan to annex within the next 5 years and establishes a plan for service delivery within the areas to be annexed or a process for resolving service-delivery issues associated with annexation.*

(f) Provides specific procedures for amending the interlocal agreement.

(2) Each county and municipality shall submit a copy of its interlocal agreement to the Department of Community Affairs by February 15, 2005.

(3) The regional planning councils may provide technical assistance and dispute-resolution services to assist local governments in complying with this section.

Section 33. The sum of \$500,000 is appropriated from the General Revenue Fund to the Department of Community Affairs for the purpose of funding the Urban Infill and Redevelopment Assistance Grant Program established under section 163.2523, Florida Statutes, during the 2001-2002 fiscal year.

Section 34. The Legislature finds that the integration of the growth-management system and the planning of public educational facilities is a matter of great public importance.

Section 35. (1) The Legislative Committee on Intergovernmental Relations is directed to conduct a study of the existing bonding capacity of counties, municipalities, and school boards. The study shall include, but is not limited to: possible methods of strengthening their credit ratings and interest rates; feasibility of increasing their borrowing capacity to the extent of their authorized millage or revenue; and more flexible use of bond proceeds, especially for small municipalities and counties.

(2) The Legislative Committee on Intergovernmental Relations is required to report its findings and recommendations to the Governor and Legislature by January 1, 2002. The recommendations must specifically include proposed legislation, if applicable, for additional county, municipality, and school board bonding capacity.

Section 36. Any multicounty airport authority created as an independent special district which is subject to a development-of-regional-impact development order and which has conducted a noise study in accordance with 14 C.F.R. Part 150 shall, in fiscal year 2002, establish a noise-mitigation-project fund in an amount of \$7.5 million, which shall be increased by another \$2.5 million in fiscal year 2004. The moneys in the project fund shall be segregated and expended by the airport authority by December 31, 2006, to the extent necessary to comply with development-order commitments to acquire property from or otherwise mitigate property owners adversely affected by the development of regional impact. If moneys are not expended for such purposes by December 31, 2006, the airport authority shall not thereafter amend its development-of-regional-impact development order or commence development of airport infrastructure improvements authorized by such development order until such funds are fully expended for such purposes.

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s.

163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; requiring specified counties to adopt a service-delivery interlocal agreement with all municipali-

ties and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; providing effective dates.

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

Amendment 1A (212348)—On page 1, line 24, delete “All” and insert: *Notwithstanding any special act to the contrary, all*

Senator Constantine moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B (255294)—On page 3, delete line 3 and insert: (a), (c), and (h) of subsection (6) of

Amendment 1C (952652)(with title amendment)—On page 9, line 8 through page 16, line 21, delete those lines

And the title is amended as follows:

On page 109, lines 6-18, delete those lines and insert: creating s. 163.31776, F.S.; providing

Amendment 1D (161864)(with title amendment)—On page 100, line 20 through page 106, line 2, delete those lines

And the title is amended as follows:

On page 113, lines 16-30, delete those lines and insert: development-of-regional-impact review; requiring specified counties to

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

Amendment 1E (930266)(with title amendment)—On page 108, between lines 16 and 17, insert:

Section 37. Subsection (1) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a “community redevelopment agency.” *A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency.* Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. ~~The Community redevelopment agencies agency~~ of a county ~~have~~ has the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 114, line 16, after the semicolon (;) insert: amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas;

Senator Pruitt moved the following amendment to **Amendment 1** which failed:

Amendment 1F (933582)(with title amendment)—On page 108, between lines 16 and 17, insert:

Section 37. Subsection (6) is added to section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(6)(a) *The Legislature finds that electric utilities have a statutory duty pursuant to this chapter to provide reasonably sufficient, adequate, and efficient service. The Legislature further finds that electric substations are an indispensable component of the grid system by which electric utilities deliver reliable electric service to all public and private persons as required by law. The Legislature further finds that electric utility substations are essential services for the public health, safety, and welfare and therefore are in the public interest.*

(b) *Nothing in this section shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, and landscaping and other such site conditions which ensure consistency with the local comprehensive plan for a substation that will be constructed or operated by an electric utility. Compliance with any such adopted standards creates a presumption that the substation is compatible with adjacent land uses and consistent with the local comprehensive plan.*

(c) *If an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application unless the preponderance of the evidence applying a strict scrutiny standard of review demonstrates the application does not meet the requirements of the comprehensive plan or applicable land development regulations.*

Section 38. Paragraph (b) of subsection (3) of section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, *electricity*, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 114, line 16, after the semicolon (;) insert: amending s. 163.3202, F.S.; providing for the siting of substations; amending s. 380.04, F.S.; revising the definition of development;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for SB’s 310 and 380** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1374** was deferred.

On motion by Senator Campbell—

CS for SB 386—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for

perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing authority for the Secretary of State to delegate certain filing functions to a private filing agency under certain circumstances; providing criteria, requirements, procedures, and limitations; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 386** to **HB 579**.

Pending further consideration of **CS for SB 386** as amended, on motion by Senator Campbell, by two-thirds vote **HB 579** was withdrawn from the Committees on Judiciary; Banking and Insurance; Health, Aging and Long-Term Care; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Campbell—

HB 579—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creat-

ing ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; providing criteria for the registry; operation of a filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and

rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; creating s. 285.20, F.S.; establishing the Tribal Secured Transactions Filing Offices; specifying nonsupersession of certain provisions; providing effective dates.

—a companion measure, was substituted for **CS for SB 386** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 579** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 524—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 524** to **HB 1845**.

Pending further consideration of **CS for SB 524** as amended, on motion by Senator Burt, by two-thirds vote **HB 1845** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

HB 1845—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—a companion measure, was substituted for **CS for SB 524** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1845** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

SB 1380—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing exemptions from public records requirements for individual agricultural records that are reported to the Department of Agriculture and Consumer Services; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **SB 1380** to **CS for CS for HB 721**.

Pending further consideration of **SB 1380** as amended, on motion by Senator Laurent, by two-thirds vote **CS for CS for HB 721** was withdrawn from the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

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

CS for CS for HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 1380** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 721** was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Miller—

CS for SB 1330—A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; revising the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of certain scholarship funds by children of deceased or disabled veterans; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

—was read the second time by title.

Senator Miller moved the following amendment:

Amendment 1 (822406)(with title amendment)—On page 8, between lines 18 and 19, insert:

Section 3. Paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 75 percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include*

an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

- a. A nonrefundable application fee in an amount not to exceed \$30.
- b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed \$200.
- c. An orientation fee in an amount not to exceed \$35.
- d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.
- e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.
- f. A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.
- g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).
- h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.
- i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.
- j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.
- k. A service charge on university loans in lieu of interest and administrative handling charges.
- l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.
- m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.
- n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.
- o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed \$10 per item.

Section 4. Effective July 1, 2002, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 75 ~~50~~ percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending ss. 240.209, 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid for students at state universities and community colleges; requiring a report;

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

Amendment 1A (690708)—On page 6, line 25, delete “Effective July 1, 2002, subsection” and insert: Subsection

Amendment 1 as amended was adopted.

Senator Lee moved the following amendment which was adopted:

Amendment 2 (451022)(with title amendment)—On page 11, line 9 through page 12, line 18, delete those lines and insert:

Section 4. Paragraphs (b) and (f) of subsection (1) and subsection (2) of section 240.40202, Florida Statutes, are amended, present subsection (4) of that section is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida. *The term, “public service assignment,” as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.*

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. *Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation. There is no application deadline for a student who graduates from a non-Florida high school pursuant to subparagraph (b)2.*

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by April 1 and who meets all other eligibility requirements, but who does not accept his or her award during the first year of eligibility after high school graduation, may apply for reinstatement of the award for use within 7 reapply during subsequent application periods up to 3 years after high school graduation. Reinstatement applications must be received by the deadline established by the Department of Education.~~

(4) *Each school district shall annually provide to each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as identify the awards for which the student has met the academic requirements.*

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: requiring school districts to provide an annual report to students;

Senator Sullivan moved the following amendment which was adopted:

Amendment 3 (424064)(with title amendment)—On page 15, line 21 through page 20, line 16, delete those lines and insert:

Section 7. Subsections (1), (2), and (4) of section 240.40205, Florida Statutes, are amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

~~Effective with the 1998-1999 school year,~~ A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay matriculation, ~~fees,~~ and \$600 for college-related expenses annually, ~~and up to \$400 per semester for fees other than matriculation, assessed as authorized in s. 240.235, for a student at a state university. For a student at a public community college or technical center, the award amount for fees other than matriculation, as authorized in s. 240.35(10), (11), (13), (14), (15), (16), and (17), is up to \$120 per semester.~~ A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average matriculation and fees of a public postsecondary education institution at the comparable level, plus the annual \$600.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall ~~be designated as an Academic Top Scholar and shall~~ receive an additional award of \$1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 8. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida Medallion Merit Scholars award.—

(1) A student is eligible for a Florida Medallion Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses

that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

2.(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; ~~or~~

(b)(e) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program;—

(c) ~~Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 240.40205; or~~

(d) ~~Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.~~

(2) A Florida Medallion Merit Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and up to \$300 per semester for fees, assessed as authorized in s. 240.235, for a student at a state university. For a student at a public community college or technical center, the award amount for fees other than matriculation, as authorized in s. 240.35(10), (11), (13), (14), (15), (16), and (17), is up to \$90 per semester fees, ~~if the student is enrolled in a public postsecondary education institution.~~ A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees, up to the amount established in this section, of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal award as a Florida Medallion Merit Scholar, a student must maintain the equivalent of a grade point average of 2.75 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for ~~restoration reinstatement~~ one time as provided in this act.

Section 9. Section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) ~~Completes the secondary school portion of a sequential program of studies that requires at least three consecutive secondary school vocational credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Workforce Estimating Conference or Workforce Florida, Inc., for its ability to provide high wage employment in an occupation with high potential for employment opportunities.~~ On-the-job training may not be substituted for any of the three required vocational credits.

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

~~(e) Completes the requirements of a vocational ready diploma program, as defined by rules of the State Board of Education.~~

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and up to \$300 per semester for fees, assessed as authorized in s. 240.235, for a student at a state university. For a student at a public community college or technical center, the award amount for fees other than matriculation, as authorized in s. 240.35(10), (11), (13), (14), (15), (16), and (17), is up to \$90 per semester fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees, up to the amounts established in this section, of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal or restoration award as a Florida Gold Seal Vocational Scholar, a student must meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 2.75 on a 4.0 scale for all postsecondary education work attempted. A student has, with an opportunity for one restoration reinstatement one time as provided in this act.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Vocational Scholar who meets all renewal requirements for the Florida Medallion Scholars award, has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Medallion Merit Scholars award at any renewal period or the department may transfer the student to the Florida Medallion Scholars Award during any renewal period. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.

And the title is amended as follows:

On page 1, line 31 and on page 2, line 1, after the semicolon (;) insert: establishing an award limit for the payment of fees other than matriculation;

Senator Miller moved the following amendments which were adopted:

Amendment 4 (875802)(with title amendment)—On page 16, line 26, insert:

(g) Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: expanding eligibility for the Florida Academic Scholarship;

Amendment 5 (325100)—On page 19, lines 11-13, delete those lines and insert:

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits in the same program taken over at

Amendment 6 (054270)—On page 23, line 5 through page 25, line 6, delete those lines and insert:

Section 12. Subsection (2) and paragraph (a) of subsection (3) of section 240.4063, Florida Statutes, are amended to read:

240.4063 Florida Teacher Scholarship and Forgivable Loan Program.—

(2) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the “Chappie” James Most Promising Teacher Scholarship, which shall be offered to a top graduating senior from each publicly funded public secondary school in the state. An additional number of “Chappie” James Most Promising Teacher Scholarship

awards shall be offered annually to graduating seniors from nonpublic secondary schools in the state which are listed with the Department of Education and accredited by the Southern Association of Colleges and Schools or any other private statewide accrediting agency which makes public its standards, procedures, and member schools. The nonpublic secondary schools shall be in compliance with regulations of the Office for Civil Rights. The number of awards to nonpublic secondary school students shall be proportional to the number of awards available to public secondary school students and shall be calculated as the ratio of the number of nonpublic to public secondary school seniors in the state multiplied by the number of public secondary schools in the state.

(a) The scholarship may be used for attendance at a state university, a community college, or an independent institution as defined in s. 240.605.

(b) The amount of the scholarship is \$1,500 and may be renewed for 1 year if the student earns a 2.5 cumulative grade point average and 12 credit hours per term and meets the eligibility requirements for renewal of the award.

(c) To be eligible for the scholarship, a student shall: be ranked within the top quartile of the senior class; have been an active member of a high school future teacher organization, if such organization exists in the student's school; have earned a minimum unweighted cumulative grade point average of 3.0 on a 4.0 scale; file an application within the application period; meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section; and have the intent to enter the public teaching profession in Florida.

(d) Three candidates from each publicly funded public secondary school and one candidate from each nonpublic secondary school in the state shall be nominated by the principal and a committee of teachers, based on criteria which shall include, but need not be limited to, rank in class, standardized test scores, cumulative grade point average, extra-curricular activities, letters of recommendation, an essay, and a declaration of intention to teach in a public school in the state.

(e) From public secondary school nominees, the Commissioner of Education shall select a graduating senior from each publicly funded public high school to receive a scholarship. Selection of recipients from nonpublic secondary schools shall be made by a committee appointed by the Commissioner of Education comprised of representatives from nonpublic secondary schools and the Department of Education.

(f) Fifteen percent of scholarships awarded shall be to minority students. However, in the event that fewer than 15 percent of the total eligible nominees are minority students, the commissioner may allocate all award funds as long as a scholarship loan is reserved for each eligible minority nominee.

(3)(a) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the Florida Critical Teacher Shortage Forgivable Loan Program which shall make undergraduate and graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area. To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage subject area.

2. Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in publicly funded elementary or secondary schools of Florida in a critical teacher shortage area identified by the State Board of Education. For purposes of this chapter subsection, a school is publicly funded if it receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education.

3. Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

4. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall maintain a minimum cumulative grade point average of at least a 2.5 on

a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

5. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall maintain a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

Senator Sullivan moved the following amendment which was adopted:

Amendment 7 (505860)(with title amendment)—On page 37, between lines 17 and 18, insert:

Section 29. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) Each university ~~may be authorized to~~ establish separate activity and service, health, and athletic fees. When duly established, ~~these~~ the fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds.

(a)1. Each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent ~~modification~~ increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, ~~may~~ shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. ~~These purposes~~ This shall include, but ~~are~~ shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for ~~student-government-sponsored~~ student government association sponsored concerts. The allocation and expenditure of the fund shall be determined by the student government ~~association~~ of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government ~~association~~ legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government ~~association~~ legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b) Each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any subsequent ~~modification~~ increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, ~~may~~ shall vote only in the case of a tie. The recommendations of

the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

(c) Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee. Any subsequent ~~modification~~ increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, ~~may~~ shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

Section 30. Section 240.236, Florida Statutes, is created to read:

240.236 *University student governments.*—

(1) *There is created within each state university a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:*

(a) *The operation and administration of the student government.*

(b) *The election, appointment, removal, and discipline of officers of the student government.*

(c) *The execution of all other duties as prescribed to the student government by law.*

(2) *Any elected officer of the student government of a state university may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.*

(3) *The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.*

(4) *Each student government is a part of the university at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the university president.*

Section 31. Subsection (3) of section 240.295, Florida Statutes, is amended to read:

240.295 State University System; authorization for fixed capital outlay projects.—

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the Board of

Regents for approval without prior consultation with the student government association of that university. The Board of Regents shall ~~adopt~~ promulgate rules that which are consistent with this requirement.

Section 32. Section 240.336, Florida Statutes, is created to read:

240.336 Community college student governments.—

(1) *There is created within each community college a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:*

- (a) *The operation and administration of the student government.*
- (b) *The election, appointment, removal, and discipline of officers of the student government.*
- (c) *The execution of all other duties as prescribed to the student government by law.*

(2) *Any elected officer of the student government of a community college may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.*

(3) *The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.*

(4) *Each student government is a part of the community college at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the community college president.*

Section 33. Subsection (2) of section 240.382, Florida Statutes, is amended to read:

240.382 Establishment of child development training centers at community colleges.—

(2) In consultation with the student government association or a recognized student group representing the student body, the district board of trustees of any community college may establish a child development training center in accordance with this section. Each child development training center shall be a child care center established to provide child care during the day and at variable hours, including evenings and weekends, for the children of students. Emphasis should be placed on serving students who demonstrate financial need as defined by the district board of trustees. At least 50 percent of the child care slots must be made available to students, and financially needy students, as defined by the district board of trustees, shall receive child care slots first. The center may serve the children of staff, employees, and faculty; however, a designated number of child care slots shall not be allocated for employees. Whenever possible, the center shall be located on the campus of the community college. However, the board may elect to provide child care services for students through alternative mechanisms, which may include contracting with private providers.

Section 34. Subsections (1), (2), and (4) of section 240.531, Florida Statutes, are amended to read:

240.531 Establishment of educational research centers for child development.—

(1) Upon approval of the university president, the student government association of any university within the State University System may establish an educational research center for child development in accordance with the provisions of this section. Each such center shall be

a child day care center established to provide care for the children of students, both graduate and undergraduate, faculty, and other staff and employees of the university and to provide an opportunity for interested schools or departments of the university to conduct educational research programs and establish internship programs within such centers. Whenever possible, such center shall be located on the campus of the university. There shall be a director of each center, selected by the board of directors of the center.

(2) There shall be a board of directors for each educational research center for child development, consisting of the president of the university or his or her designee, the student body government president or his or her designee, the chair of each department participating in the center or his or her designee, and one parent for each 50 children enrolled in the center, elected by the parents of children enrolled in the center. The director of the center shall be an ex officio, nonvoting member of the board. The board shall establish local policies and perform local oversight and operational guidance for the center.

(4) The Board of Regents shall adopt ~~is authorized and directed to~~ promulgate rules for the establishment, operation, and supervision of educational research centers for child development. ~~These~~ Such rules shall include, but ~~are need not be~~ limited to, a defined method of establishment of and participation in the operation of centers by the appropriate student governments, ~~government associations~~; guidelines for the establishment of an intern program in each center,; and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

Section 35. Subsection (18) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(18) “Student representative” means the representative selected by each community college student government association and the council of student body presidents. Each representative may be present at all negotiating sessions which take place between the appropriate public employer and an exclusive bargaining agent. ~~The~~ Said representative shall be enrolled as a student with at least 8 credit hours in the respective community college or in the State University System during his or her term as student representative.

Section 36. Subsection (5) of section 447.301, Florida Statutes, is amended to read:

447.301 Public employees’ rights; organization and representation.—

(5) In negotiations over the terms and conditions of service and other matters affecting the working environment of employees, or the learning environment of students, in institutions of higher education, one student representative selected by the council of student body presidents may, at his or her discretion, be present at all negotiating sessions which take place between the Board of Regents and the bargaining agent for an employee bargaining unit. In the case of community colleges, the student government association of each college shall establish procedures for the selection of, and shall select, a student representative to be present, at his or her discretion, at negotiations between the bargaining agent of the employees and the board of trustees. Each student representative shall have access to all written draft agreements and all other written documents pertaining to negotiations exchanged by the appropriate public employer and the bargaining agent, including a copy of any prepared written transcripts of any negotiating session. Each student representative shall have the right at reasonable times during the negotiating session to comment to the parties and to the public upon the impact of proposed agreements on the educational environment of students. Each student representative shall have the right to be accompanied by alternates or aides, not to exceed a combined total of two in number. Each student representative shall be obligated to participate in good faith during all negotiations and shall be subject to the rules and regulations of the Public Employees Relations Commission. The student representatives shall have neither voting nor veto power in any negotiation, action, or agreement. The state or any branch, agency, division, agent, or institution of the state shall not expend any moneys from any source for the payment of reimbursement for travel expenses or per diem to aides, alternates, or student representatives participating in, observing, or contributing to any negotiating sessions between the bargaining parties; however, this limitation does not apply to the use of student activity fees

for the reimbursement of travel expenses and per diem to the university student representative, aides, or alternates participating in the aforementioned negotiations between the Board of Regents and the bargaining agent for an employee bargaining unit.

Section 37. *Section 240.136, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers;

Senator Clary moved the following amendment which was adopted:

Amendment 8 (105344)(with title amendment)—On page 37, between lines 17 and 18, insert:

Section 29. *A Bachelor of Science in Nursing degree program is authorized at the University of West Florida.*

Section 30. *A Master of Science in Social Work degree program is authorized at Florida Atlantic University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: authorizing a Bachelor of Science in Nursing degree program at the University of West Florida; authorizing a Master of Science in Social Work degree program at Florida Atlantic University;

Pursuant to Rule 4.19, **CS for SB 1330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 636—A bill to be entitled An act relating to high school grades; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Pruitt and failed:

Amendment 1 (803912)(with title amendment)—On page 1, between lines 9 and 10, insert:

Section 1. Paragraph (e) of subsection (16) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but is not limited to, the following:

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss.

229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule which shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 230.2316(21). Annual public disclosure reports ~~must shall~~ be a profile of each school in an easy-to-read ~~report-card report-card~~ format and ~~must shall~~ include the school's student and school performance grade category designation and performance data as specified in state board rule. *The school board shall report academic achievement of high school students as measured by all statewide assessments, by national assessments, and by grades in high school courses. Grade reports on high school courses must specify the number and percentage of students who received each letter grade in all courses and in each type of course, organized by level and category.*

Section 2. Section 232.24521, Florida Statutes, is amended to read:

232.24521 Report cards; end-of-the-year status.—

(1) Each school district shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion. *Grades reported on the final report card must be expressed as letter grades or grade points, and, on report cards issued after the first grading period of the junior year, grade-point averages must be calculated using the grade-weighting system adopted by the Department of Education for the Academic and Merit Scholarship components of the Bright Futures Scholarship Program in courses designated for Bright Futures eligibility. If a different grade-weighting system is used to calculate grade-point averages for class ranking, it must be reported separately from the Bright Futures grade-point average. Unweighted grades in academic courses must also be calculated to report an academic grade-point average for each student.*

(3) *Academic achievement should be graded upon measurement of academic performance and timely completion of academic requirements. Academic-achievement grades should be separated from grades for other matters such as academic improvement, conduct, attitude, attendance, or tardiness.*

School districts shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. A student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 230.23, F.S.; requiring certain reports; amending s. 232.24521, F.S.; encouraging certain grading practices; requiring a grade-point-average calculation for the Bright Futures Scholarship Program;

Amendment 2 (363058)(with title amendment)—On page 2, between lines 13 and 14, insert:

Section 2. Paragraph (d) is added to subsection (20) of section 230.23, Florida Statutes, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(20) SCHOOL-WITHIN-A-SCHOOL.—In order to reduce the anonymity of students in large schools, the district school board shall adopt

policies effective for the 2002-2003 school year, and thereafter, to encourage any school that does not meet the definition of a small school, as established by s. 235.2157(2), to subdivide into schools-within-a-school, which shall operate within existing resources. A "school-within-a-school" means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(d) *A physical plant design that would house students grouped by the smaller school designation in buildings that surround or are easily accessible to a structure containing core facilities, as defined by rule of the Department of Education, which would be shared by the surrounding buildings.*

Section 3. Subsections (2) and (4) of section 235.2157, Florida Statutes, are amended to read:

235.2157 Small school requirement.—

(2) DEFINITION.—As used in this section, "small school" means:

(a) An elementary school with a student population of not more than 500 students.

(b) A middle school with a student population of not more than 900 700 students.

(c) A high school with a student population of not more than 1,200 900 students.

(d) A school serving kindergarten through grade 8 with a student population of not more than 900 700 students.

(e) A school serving kindergarten through grade 12 with a student population of not more than 1,200 900 students.

A school on a single campus which operates as a school-within-a-school, as defined by s. 230.23(20), shall be considered a small school if each smaller unit located on the single campus meets the requirements of this subsection.

(4) EXCEPTIONS.—

(a) This section does not apply to plans for new educational facilities already under architectural contract on July 1, 2003.

(b) *The Commissioner of Education may approve an exemption to the small-school requirement under any of the following conditions:*

1. *An interlocal agreement between the school district and the local governmental body having geographic jurisdiction requires specified construction of schools under s. 163.3177;*

2. *The school district has submitted documentation that the lowest bid or request for proposals meeting small-schools specifications would exceed the per-pupil station cost defined in s. 235.216; or*

3. *The school district has submitted documentation that school siting is unavailable or excessively priced above appraisal and that to pursue a small school in the particular location would not be in the best interest of the district's students.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-6, delete those lines and insert: A bill to be entitled An act relating to education; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; amending s. 230.23, F.S.; providing an example of a school-within-a-school; amending s. 235.2157, F.S.; modifying small-school student-population limits; providing for exceptions to the small-schools requirements; providing an effective date.

Senators Cowin and Pruitt offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 3 (923620)(with title amendment)—On page 1, line 9, insert:

Section 1. Paragraph (e) of subsection (16) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but is not limited to, the following:

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. 229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule which shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 230.23161(21). Annual public disclosure reports ~~must shall~~ be a profile of each school in an easy-to-read ~~report-card~~ ~~report-card~~ format and ~~must shall~~ include the school's student and school performance grade category designation and performance data as specified in state board rule. *The school board shall report academic achievement of high school students as measured by all statewide assessments, by national assessments, and by grades in high school courses. Grade reports on high school courses must specify the number and percentage of students who received each letter grade in all courses and in each type of course, organized by level and category.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 230.23, F.S.; requiring certain reports of academic achievement;

Pursuant to Rule 4.19, **SB 636** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1948—A bill to be entitled An act relating to drivers' licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers' licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers' licenses or identification cards; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1948** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 2172—A bill to be entitled An act relating to state universities; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2172** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1010—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; extending the repeal date of a provision authorizing operating grants; requiring the Division of Library and Information Services to facilitate the extension of free library services through interlocal agreement; requiring reports; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1010** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB's 128 and 1598** was deferred.

On motion by Senator Lee—

HB 21—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida's Future Investment Fund, to conform; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Lee:

Amendment 1 (161740)(with title amendment)—On page 1, line 15 through page 2, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-7, delete those lines and insert: taxes; amending s. 199.185, F.S.;

Senator Carlton moved the following substitute amendment which was adopted:

Amendment 2 (112476)(with title amendment)—On page 1, line 15 through page 2, line 3, delete those lines and insert:

Section 1. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 2. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at

which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 3. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) **HOLDING ELECTIONS.**—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) **RESULTS OF ELECTION.**—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) **EXPENSES OF ELECTION.**—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-7, delete those lines and insert: An act relating to taxation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 199.185, F.S.;

Pursuant to Rule 4.19, **HB 21** as amended was placed on the calendar of Bills on Third Reading.

MOTION

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

CS for SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served;

amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department's Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional institutions as "prisons" and community correctional centers as "work-release centers"; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; providing an effective date.

—for further consideration.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 9 (845428)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. *If a prisoner in the custody of the Department of Corrections is diagnosed with hepatitis, the department must notify the prisoner of the diagnosis.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: requiring the Department of Corrections to notify a prisoner of any hepatitis diagnosis;

Pursuant to Rule 4.19, **CS for SB 1534** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin, by two-thirds vote **HB 251** was withdrawn from the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Cowin—

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining "clothing" and "school supplies" for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 156** and read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1 (251986)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Florida Residents' Tax Relief Act."*

Section 2. (1) *A tax levied under chapter 212, Florida Statutes, shall not be collected on sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a selling price of \$50 or less during the period from 12:01 a.m., July 28, 2001, through midnight, August 5, 2001.*

(2) *As used in this section, the term "clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller*

blades, and skates, intended to be worn on or about the human body. For purposes of this section, the term "clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(3) *This section does not apply to sales within a theme park or entertainment complex as defined in section 509.013(9), Florida Statutes, within a public lodging establishment as defined in section 509.013(4), Florida Statutes, or within an airport as defined in section 330.27(2), Florida Statutes.*

(4) *The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.*

Section 3. (1) *A tax levied under chapter 212, Florida Statutes, shall not be collected on sales of school supplies having a selling price of \$10 per item or less during the period from 12:01 a.m., July 28, 2001, through midnight, August 5, 2001.*

(2) *As used in this section, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, protractors, compasses, and calculators.*

(3) *This section does not apply to sales within a theme park or entertainment complex as defined in section 509.013(9), Florida Statutes, within a public lodging establishment as defined in section 509.013(4), Florida Statutes, or within an airport as defined in section 330.27(2), Florida Statutes.*

(4) *The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.*

Section 4. *The sum of \$200,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.*

Section 5. This act shall take effect upon becoming a law.

Pursuant to Rule 4.19, **HB 251** as amended was placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

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

HB 1265—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

—passed this day.

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

Amendment 1 (753578)—On page 3, line 14, following "442" insert: or similar legislation

On motion by Senator Latvala, **HB 1265** as amended was read by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Clary	Diaz de la Portilla	Horne
Brown-Waite	Constantine	Dyer	Jones
Burt	Cowin	Garcia	King
Campbell	Crist	Geller	Klein
Carlton	Dawson	Holzendorf	Latvala

Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster
Miller	Rossin	Smith	

Nays—None

On motion by Senator Mitchell—

CS for SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator Mitchell and adopted:

Amendment 1 (463910)—On page 1, line 21, delete “s. 320.08” and insert: s. 320.08(5)

Amendment 2 (965736)—On page 1, line 31, delete “July 1, 2001” and insert: October 1, 2001

Pursuant to Rule 4.19, **CS for SB 256** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 1772—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; providing legislative findings that the needs of black business enterprises are shared by other minority business enterprises; expressing the intent of the Legislature that the Black Business Investment Board and the black business investment corporations include minority business enterprises within the scope of their duties, responsibilities, and activities and report on their progress in assisting such business enterprises; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of “executive director” as “president”; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the board’s responsibilities regarding use of funds; providing requirements regarding employees’ compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the board to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state’s operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the board’s annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing

Enterprise Florida, Inc., to contract with the Black Business Investment Board under certain conditions; requiring the Black Business Investment Board to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing appropriations; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1772** to **HB 1749**.

Pending further consideration of **CS for SB 1772** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1749** was withdrawn from the Committees on Commerce and Economic Opportunities; and Governmental Oversight and Productivity.

On motion by Senator Diaz de la Portilla, the rules were waived and—

HB 1749—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board’s responsibilities regarding use of funds; providing requirements regarding employees’ compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state’s operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board’s annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1772** as amended and read the second time by title.

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 1 (801068)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board.—

(1) The Legislature finds that the public interest of Florida will be served by the creation and growth of black business enterprises by:

(a) *Establishing a partnership between the public sector and the private sector which seeks to leverage the provision of state funds with funds and other resources from private-sector businesses and other nonstate sources.*

(b)(a) Increasing opportunities for employment of blacks, as well as the population in general;

(c)(b) Providing role models and establishing business networks for the benefit of future generations of aspiring black entrepreneurs;

(d)(e) Strengthening the economy of the state by increasing the number of qualified black business enterprises, which in turn will increase competition in the marketplace and improve the welfare of economically depressed neighborhoods; and

(e)(d) Taking measures to increase access of black businesses to both debt and equity capital.

(2) For the purposes of ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~:

(a) "Black business enterprise" means any business concern which is organized to engage in commercial transactions and which is at least 51 percent owned by one or more black Americans as defined in s. 288.703 and whose management and daily operations are controlled by such persons.

(b) "Black business investment corporation" means a subsidiary of a financial institution or a consortium of financial institutions investing in, or lending to, black business enterprises.

(c) "Consortium" means two or more financial institutions which jointly negotiate and agree to provide assistance to black business enterprises as provided in ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~.

(3) There is hereby created a ~~not-for-profit corporation within the Office of Tourism, Trade, and Economic Development a body politic and corporate~~ to be known as the Florida Black Business Investment Board, hereinafter referred to as the "board," ~~which shall be registered, incorporated, organized, and operated in compliance with chapter 617 and which shall not be a unit or entity of state government. The board is hereby constituted a public instrumentality, and the exercise by the board of the powers conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall be deemed to be the performance of an essential governmental function.~~

(a) The board shall consist of *the following members*:

1. ~~Six seven~~ members appointed by the Governor subject to confirmation by the Senate, ~~who must six of whom shall be experienced in investment finance and business development, one of whom must be a member of a black business investment corporation.~~

2. *One member from the private sector appointed by the President of the Senate, who must be experienced in investment finance and business development and who shall serve a term of 2 years.*

3. *One member from the private sector appointed by the Speaker of the House of Representatives, who must be experienced in investment finance and business development and who shall serve a term of 2 years.*

4. *Three representatives of black business investment corporations, who must be selected from among and by the chairmen of the black business investment corporations. A representative from a black business investment corporation shall serve for a term of 2 years but shall be eligible for reappointment on a rotating basis with other representatives from black business investment corporations.*

5. *The vice chairman of Enterprise Florida, Inc., or his or her designee, who shall be an ex officio, nonvoting member, and who shall provide information, advice, and guidance designed to enhance the coordination of activities of Enterprise Florida, Inc., and the board.*

6. The chair of the Florida Development Finance Corporation, created pursuant to s. 288.9604, *who shall be an ex officio, nonvoting member of the board.*

(b) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments, the Governor shall appoint ~~one member to serve for a term of 1 year~~, two members to serve for terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(c) Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment.

(d) The Governor shall appoint the chairperson who shall be a member of the board *and shall serve at the pleasure of the Governor*. The board shall annually elect one of its members as vice chairperson and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all books, documents, and papers filed with the board, of the minute books of the board, and of its official seal. ~~A majority of the members of the board shall constitute a quorum.~~

(e) *The board shall meet at least four times each year, upon the call of the chairperson, the vice chairperson, or at the request of a majority of the membership. A majority of the total number of all members fixed by paragraphs (a) and (h) shall constitute a quorum. The board may take official action by a majority vote of the members present at any meeting at which a quorum is present.*

(f)(e) ~~Members of the board shall serve without compensation, but members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.~~

(g)(f) ~~Each member of the board who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 shall file full and public disclosure of financial interests pursuant to s. 112.3145 at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.~~

(h) *Notwithstanding the provisions of paragraph (a), the board may by resolution appoint two at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment.*

Section 2. Section 288.7075, Florida Statutes, is created to read:

288.7075 *Legislative findings and intent; assistance to minority business enterprises.—The Legislature finds that a public purpose is served by creating and providing state financial support for the public-private partnership known as the Florida Black Business Investment Board, as well as by providing financial support for the black business investment corporations, in order to address the business-development needs of black business enterprises. The Legislature further finds, however, that the business-development needs of black business enterprises are shared by other minority business enterprises defined under s. 288.703. It is the intent of the Legislature, therefore, that the board and the black business investment corporations, notwithstanding any provisions in ss. 288.707-288.714 to the contrary, include minority business enterprises within the scope of their duties, responsibilities, and activities and report to the Governor and the Legislature on their progress in assisting black business enterprises and minority business enterprises.*

Section 3. Section 288.708, Florida Statutes, is amended to read:

288.708 ~~President Executive director~~; employees.—

(1) ~~The president executive director~~ of the board, who may also be designated as secretary-treasurer, shall be appointed by the board *and shall serve at the pleasure of the board. The board shall establish and adjust the compensation of the president. The president executive director shall be the chief administrative and operational officer of the board and shall direct and supervise administrative affairs and the general management of the board. The board may delegate to its president those powers and responsibilities it deems appropriate, except for appointment of the president. The president executive director:*

(a) *May contract with or employ legal and technical experts and such other employees, permanent and temporary, as shall be authorized by the board;*

(b) *Shall attend meetings of the board; and*

(c) *Shall cause copies to be made of all minutes and other records and documents of the board and shall certify that such copies are true copies. All persons dealing with the board may rely upon such certification.*

(2) *The board and its officers shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements. No employee of the board shall receive compensation for employment which exceeds the salary paid to the Governor, unless the board and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the*

~~employee's total compensation to a level above the salary paid to the Governor. The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part IV of chapter 110.~~

Section 4. Section 288.709, Florida Statutes, is amended to read:

288.709 Powers of the Florida Black Business Investment Board.— The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and adopt ~~policies rules pursuant to ss. 120.536(1) and 120.54~~ to implement the provisions of law conferring duties upon it. However, any proposed ~~bylaws or policies rules~~ affecting the operation or administration or financial well-being of any of the black business investment corporations must first be approved by a majority of the black business investment corporations.

(2) Adopt an official seal.

(3) Sue and be sued in its own name.

(4) Make and execute contracts and other instruments necessary or convenient for the exercise of its power and functions.

(5) Acquire, hold, and dispose of personal property for its corporate purposes.

(6) Enter into agreements or other transactions with any federal, state, or local agency.

(7) Encourage financial institutions to participate in consortia for the purpose of investing in black business enterprises.

(8) Ensure that funds available to the board for purposes set forth in ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~, are disbursed on a statewide basis and are not concentrated in one geographical area.

(9) Acquire real property or any interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the board has an interest; to sell, transfer, and convey any such property to a buyer without regard to the provisions of chapters 253 and 270; and, in the event that such sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property for occupancy by eligible persons.

(10) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47; provided, such investments will be made on behalf of the board by the Office of State Treasurer or by another trustee appointed for that purpose.

(11) Appear in its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(12) Procure insurance or require bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.

(13) Receive and accept from any federal, state, or local agency grants, loans, or advances for, or in aid of, the purposes of ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~, and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied for said purposes.

(14) Create, issue, and buy and sell stock, evidences of indebtedness, and other capital participation instruments; to hold such stock, evidences of indebtedness, and capital participation instruments; and to underwrite the creation of a capital market for these securities in a manner designed to enhance development of capital ownership in the target group.

(15) Provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(16) Engage in special programs to enhance the development of black business enterprises as authorized by this act.

(17) Promote black ownership of financial institutions in Florida.

(18) Take, hold, and improve property, including real property.

(19) Do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted in, ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~, and exercise any other powers, rights, or responsibilities of a corporation.

Section 5. Section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board.— The Florida Black Business Investment Board shall:

(1) Establish certification criteria for black business investment corporations. Certification criteria shall include administrative capacity, fiduciary controls, and, in the case of existing black business investment corporations, solvency and soundness of prior loan decisions;

(2) *Ensure that any appropriations by the Legislature to the board on behalf of the black business investment corporations are provided to the corporations in the manner and amount prescribed by the Legislature;*

(3) *Work with Enterprise Florida, Inc., and local economic development organizations to promote the retention and expansion of existing black business enterprises and to promote the formation and recruitment of new black business enterprises;*

(4)(2) Develop a memorandum of understanding with Enterprise Florida, Inc., that outlines a strategy for collaboration with the programs, activities, and committees or similar units ~~and boards~~ of Enterprise Florida, Inc., *which memorandum of understanding shall provide for Enterprise Florida, Inc., to contract with the board, where practicable, for the delivery of economic development services relating to black business enterprises;*

(5)(3) Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136(9) which target high growth jobs;

(6)(4) *Facilitate the formation of black business investment corporations in communities that are not currently served by such corporations and establish, in communities that are not currently served by an existing black business investment corporation, memoranda of understanding with local financial institutions that will provide loan guarantees for loans to black business enterprises;*

(7)(5) Develop memoranda of understanding with the Departments of ~~Labor and Employment Security~~, Education, Transportation, *Community Affairs and Management Services*, as well as *with Workforce Florida, Inc.*, and the State Board of Regents, detailing efforts of common interest and collaborations to expand black business development;

(8)(6) Intensify efforts to increase the number of *franchises owned by black businesses and the number of the black business enterprises in construction and construction-related projects, focusing on federal, state, and local government financed construction projects; and*

(9)(7) Annually, prepare a report detailing the performance of each black business investment corporation, addressing the number of jobs created and/or retained, success and failure rates among loan recipients, and the amount of funds leveraged from other sources.

Section 6. Section 288.7092, Florida Statutes, is created to read:

288.7092 *Return on investment from activities of the board.—*

(1) *The public funds appropriated each year for the operation of the board are invested in this public-private partnership to enhance black business ownership and investments in Florida. This policy shall be the Legislature's priority consideration when reviewing the return on investment for the board.*

(2) *It is also the intent of the Legislature that the board coordinate its operations with Enterprise Florida, Inc., and with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.*

(3) *It is further the intent of the Legislature to maximize private sector support in operating the board as an endorsement of its value and as an enhancement of its efforts.*

(4)(a) *The state's operating investment in the board is the budget contracted by the Office of Tourism, Trade, and Economic Development to the board, less funding that is directed by the Legislature to be subcontracted to a specific recipient.*

(b) *The board shall adopt for each upcoming fiscal year an operating budget for the organization that specifies the intended uses of the state's operating investment, other sources of income, and a plan for securing private sector support to the board. Each fiscal year, private sector support to the board shall be as follows: no less than 50 percent of the state's investment by July 1, 2002; no less than 60 percent of the state's investment by July 1, 2003; no less than 70 percent of the state's investment by July 1, 2004; no less than 80 percent of the state's investment by July 1, 2005; and no less than 100 percent of the state's investment by July 1, 2006.*

(5) *Private sector support in operating the board includes:*

(a) *Cash given directly to the board for its operating budget.*

(b) *Cash jointly raised by the board and a local economic development organization, a group of such organizations, or a statewide business organization that supports collaborative projects.*

(c) *Cash generated by products or services of the board.*

(d) *In-kind contributions directly to the board, including private sector equipment contributed as part of technical assistance; goods and services, including time donated by loan officers, advertising or marketing support, and items used to promote the board; business expenditures; business services provided; business support; and other business contributions that augment the operations, program, activities, or assets of the board, including, but not limited to, an individual's time and expertise, sponsored publications, private sector staff services, payment for advertising placements, sponsorship of events, sponsored or joint research, discounts on leases or purchases, mission or program sponsorship, copayments, stock, warrants, royalties, or other private resources dedicated to the board, low interest loans, participations, investment income, equity, and investments.*

(6) *The board shall fully comply with the performance measures, standards, and sanctions in its contracts with the Office of Tourism, Trade, and Economic Development. The office shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that the office is required to develop and track under performance-based program budgeting.*

(7) *As part of the annual report required under s. 288.714, the board shall provide the Legislature with information quantifying the public's return on investment.*

(8) *The board, in consultation with the Office of Program Policy Analysis and Government Accountability, shall hire a private accounting firm or economic analysis firm to develop the methodology for establishing and reporting return on investment and in-kind contributions as described in this section. The Office of Program Policy Analysis and Government Accountability shall review and offer feedback on the methodology before it is implemented. The private accounting firm or economic analysis firm shall certify whether the applicable statements in the annual report comply with this section.*

Section 7. Subsections (1) and (4) of section 288.711, Florida Statutes, are amended to read:

288.711 Florida Investment Incentive Trust Fund.—

(1) There is hereby created the Florida Investment Incentive Trust Fund from which money may be drawn for investments or loans, as authorized by this section, to encourage the development of appropriate financial mechanisms in the private sector to capitalize and assist in the development of black business enterprises. All income earned by investments of the fund shall be deposited in the fund for carrying out the purposes of ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~. Administrative costs of the program shall be appropriated in a lump-sum appropriation from the fund created herein and shall be provided in the General Appropriations Act.

(4) All loans and investments, and any income related thereto, shall be used to carry out the public purpose of ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~, which is to develop black business enterprises. This is not meant to preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 8. Paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of section 288.712, Florida Statutes, are amended to read:

288.712 Florida guarantor funds.—

(3)

(b) For purposes of this section, the board may utilize the Black Contractors Bond Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Contractors Bond Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The fund shall be administered by the board in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The board is authorized to post or pledge the assets of the Black Contractors Bond Trust Fund as collateral in amounts necessary to secure the issuance of bid bonds and construction contract bonds to black business enterprises. The board shall establish a premium to be charged to the black business enterprise for which the assets have been so posted or pledged, pursuant to generally accepted actuarial principles, and shall establish such rules as may otherwise be necessary to carry out the purposes of this section.

2. Any claims against the state arising from defaults shall be payable from the Black Contractors Bond Trust Fund.

3. Nothing in this subsection shall be construed to prohibit or restrict the board from entering into a joint venture or other contractual agreement with a private insurer or to invest in a private entity to handle all or part of a black contractors bonding program, credit program, or both for black business enterprises. Such investments or joint venture shall be made under conditions required by law and as the board may, from time to time, require and may take any of the forms described in s. 288.711(2) and (3). The board is authorized and encouraged to contract with a regulated surety company to conduct a surety bond program for black business enterprises. Moneys from the Black Contractors Bond Trust Fund may be used for these purposes.

(4)

(b) If the board chooses to establish a loan guaranty program, it shall utilize the Black Business Loan Guaranty Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Business Loan Guaranty Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to ss. 288.707-288.714 ~~9-21, chapter 85-104, Laws of Florida~~; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The Black Business Loan Guaranty Trust Fund shall be administered by the board in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The board shall utilize the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in the State Treasury, consisting of all premiums charged and collected in accordance with this section and any income earned from the moneys in the account. All expenses of the board in carrying out the purposes of this subsection shall be paid from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund. Any moneys to the credit of the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in excess of the amount necessary to fund the board's activity shall be held as a loss reserve to pay claims arising from defaults on loans underwritten in accordance with this section.

2. Any claims against the state arising from defaults shall be payable initially from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund and, secondarily, from the Black Business Loan Guaranty Trust Fund.

3. The board as loan guarantor may exercise all rights and powers of a company authorized by the Department of Insurance to guarantee loans but shall not be subject to any requirements of an insurance company under the Florida Insurance Code, nor to any rules of the Department of Insurance; however, the board shall refer to the insurance code and rules thereunder when designing and administering such program. The board shall follow sound actuarial principles when administering this program. The board shall establish a premium for the loan guaranty and such rules as may be necessary to carry out the purposes of this section.

4. The board may guarantee no more than 20 percent of the principal of a loan to a black business enterprise.

Section 9. Section 288.714, Florida Statutes, is amended to read:

288.714 Annual report.—By ~~February 1~~ ~~March 31~~ of each year the board shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development and the secretary of the Department of Labor and Employment Security a complete and detailed report setting forth:

- (1) Operations and accomplishments of the board;
- (2) The number of black business enterprises which participated during the past year in programs established or administered by the board;
- (3) The number of black business enterprises receiving assistance from the board and the manner in which the assistance was received;
- (4) The status of black business enterprises which participated in programs established or administered by the board;
- (5) The total number of jobs represented by black business enterprises participating in programs established or administered by the board;
- (6) Receipts and expenditures of the board during its most recent fiscal year in accordance with the categories or classifications established by the board for its operating and capital accounts;
- (7) Assets and liabilities of the board at the end of its most recent fiscal year and the status of its trust funds; and
- (8) A schedule of local bonds outstanding authorized by the board and capital participation instruments issued by the board for the year and the total to date.

Section 10. *Black Business Investment Board state employee leasing program.*—

(1) *The Department of Management Services shall establish a lease-agreement program under which an employee as of June 30, 2001, of the Black Business Investment Board created under chapter 85-104, Laws of Florida, retains his or her status as a state employee until a set date.*

(2) *The Department of Management Services shall establish the terms and conditions of the program and such lease agreements.*

(a) *Status as a state employee shall include the right to participate in the Florida Retirement System.*

(b) *Any employee who participates in a lease agreement shall work under the direct supervision of the board.*

(c) *Status as a state employee under a lease agreement as provided in this section expires on June 30, 2003, unless the employee voluntarily relinquishes his or her status as a state employee before that date.*

Section 11. Subsection (5) of section 288.9015, Florida Statutes, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(5) Enterprise Florida, Inc., shall incorporate the needs of small and minority businesses into the economic-development, international-trade

and reverse-investment, and workforce-development responsibilities assigned to the organization by this section. *Where practicable and consistent with the expertise of the Black Business Investment Board, Enterprise Florida, Inc., shall contract with the board for the delivery of services in fulfillment of the responsibilities of Enterprise Florida, Inc., relating to small and minority businesses.*

Section 12. *The Black Business Investment Board shall report to the Legislature by January 1, 2003, on what efforts were made to include all minorities within the scope of activities by the board and the black business investment corporations.*

Section 13. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; providing legislative findings that the needs of black business enterprises are shared by other minority business enterprises; expressing the intent of the Legislature that the Black Business Investment Board and the black business investment corporations include minority business enterprises within the scope of their duties, responsibilities, and activities and report on their progress in assisting such business enterprises; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the board to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the board's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board under certain conditions; requiring the Black Business Investment Board to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing an effective date.

Pursuant to Rule 4.19, **HB 1749** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1816—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross-reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to

certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1816** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1707—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1707** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1711—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1711** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1717—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1717** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1719—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

—was read the second time by title.

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

On motion by Senator Horne—

HB 1741—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of “support coordinator” in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

—was read the second time by title.

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

Amendment 1 (244456)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped *into* in the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the board of directors of Workforce Florida, Inc., or to better inform the public of program progress. ~~Program reporting data shall include, but not necessarily be limited to, the following groupings:~~

(a) Work-eligible cases.—Work-eligible cases shall include:

1. Families containing an adult or a teen head of household, as defined by federal law. These cases are generally subject to the work activity requirements provided in s. 445.024 and the time limitations on benefits provided in s. 414.105.

2. Families with a parent where the parent’s needs have been removed from the case due to sanction or disqualification shall be considered work-eligible cases to the extent that such cases are considered in the calculation of federal participation rates or would be counted in such calculation in future months.

3. Families participating in transition assistance programs.

4. Families otherwise eligible for temporary cash assistance that receive diversion services, a severance payment, or participate in the relocation program.

(b) Child-only cases.—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. ~~Child-only families with~~ Children in the care of caretaker relatives where the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Relative Caregiver Program as provided in s. 39.5085.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in work activities. An individual who volunteers to participate in work activity but whose ability to participate in work activities is limited shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a work activity may receive child care or support services consistent with such participation.

4. Families where the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other *limitation requirements* of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

5. *To the extent permitted by federal law and subject to appropriations, special needs children who have been adopted pursuant to s. 409.166 and whose adopting family qualifies as a needy family under the state program for temporary assistance for needy families. Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family shall be considered a needy family if:*

a. *The family is determined by the department to have an income below 200 percent of the federal poverty level;*

b. *The family meets the requirements of s. 414.095(2) and (3) related to residence, citizenship, or eligible noncitizen status; and*

c. *The family provides any information that may be necessary to meet federal reporting requirements specified under Part A of Title IV of the Social Security Act.*

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent ~~funds have been provided in the General Appropriations Act permitted by appropriation of funds.~~

Section 2. Section 409.1674, Florida Statutes, is created to read:

409.1674 *It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least \$825,000 in start-up funds, from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of \$2 million per council. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. To ensure necessary flexibility for the development, start-up, and ongoing operation of community-based care initiatives, the notice period required for any budget*

action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence. Funding available for the matching grant program is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds provided for the purpose. This sections expires July 1, 2002.

Section 3. Subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement ~~and the Department of Community Affairs~~ for distribution as follows:

1. Two dollars and seventy-five cents of each \$3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the *Department of Law Enforcement Operating Trust Fund* and shall be disbursed to the ~~Bureau of Public Safety Management of the Department of Law Enforcement Community Affairs.~~

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the *Department of Law Enforcement Operating Trust Fund* and shall be disbursed to the ~~Bureau of Public Safety Management of the Department of Law Enforcement Community Affairs.~~

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the *Department of Law Enforcement Operating Trust Fund* may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 4. Subsection (1) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of ~~Law Enforcement Community Affairs~~ may approve, for disbursement from the *Department of Law Enforcement Operating Trust Fund*, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 5. *The criminal justice program of the Department of Community Affairs is transferred to the Department of Law Enforcement by a type two transfer, as defined in section 20.06, Florida Statutes. The criminal justice program so transferred is composed of the Byrne State and Local Law Enforcement Assistance Program, local law enforcement block grants, the Drug-Free Communities Program, residential substance-abuse treatment of state prisoners, the bulletproof vest program, the Guantanamo Bay Refugee and Entrant Assistance Program, the national criminal history improvement program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.*

Section 6. *The Department of Law Enforcement may adopt rules necessary for the operation of the criminal justice program.*

Section 7. (1) *The Prevention of Domestic and Sexual Violence Program is transferred from the Department of Community Affairs to the Department of Children and Family Services by a type two transfer, as defined in section 20.06, Florida Statutes. The Domestic and Sexual Violence Program so transferred is composed of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program.*

(2) *From the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to section 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children and Family Services and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program. In subsequent years, the transfer of funds shall be based on the amount appropriated.*

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act to be entitled An act relating to children and family services and to criminal justice programs; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; creating s. 409.1674, F.S.; providing legislative intent; establishing the community partnership matching grant program to be operated by the Department of Children and Family Services to encourage local participation in community-based care for child welfare; providing conditions for obtaining grants; providing that funding is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

Pursuant to Rule 4.19, **HB 1741** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1743—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1743** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SJR 124—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution, relating to excessive punishment.

—was read the second time by title.

An amendment was considered and adopted to conform **SJR 124** to **HJR 951**.

Pending further consideration of **SJR 124** as amended, on motion by Senator Burt, by two-thirds vote **HJR 951** was withdrawn from the Committees on Criminal Justice; and Rules and Calendar.

On motion by Senator Burt—

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—a companion measure, was substituted for **SJR 124** as amended and read the second time by title.

THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **HJR 951** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 812—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 812** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **HB 29** was withdrawn from the Committees on Transportation; Criminal Justice; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Dyer—

HB 29—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county addictions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

—a companion measure, was substituted for **SB 430** and read the second time by title.

Pursuant to Rule 4.19, **HB 29** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 402—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising provisions with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising provisions with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising provisions with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising provisions with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s.

732.102, F.S.; revising provisions with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; revising provisions with respect to escheat; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term “qualifying special needs trust” or “supplemental needs trust”; amending s. 732.2035, F.S.; redefining the term “decedent’s ownership interest”; amending s. 732.2045, F.S.; adding protected homestead property as an exclusion to the elective estate; amending s. 732.2055, F.S.; redefining the term “value” for purposes of calculating the elective estate share; amending s. 732.2075, F.S.; revising formula for payment of elective share; amending s. 732.2085, F.S.; adding a cross-reference; amending s. 732.2095, F.S.; conforming a cross-reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on their estate interests; amending s. 732.2125, F.S.; revising provisions with respect to the right of election; amending s. 732.2135, F.S.; revising provisions with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising provisions with respect to the order of contribution; amending s. 732.2155, F.S.; revising provisions with respect to the effective date of certain trusts; amending s. 732.218, F.S.; revising provisions with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising provisions with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising provisions with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising provisions with respect to pretermitted children; amending s. 732.401, F.S.; revising provisions with respect to descent of homestead; amending s. 732.4015, F.S.; revising provisions with respect to the definition of the terms “owner” and “devise” concerning homestead; amending s. 732.402, F.S.; revising provisions with respect to exempt property; amending s. 732.403, F.S.; revising provisions with respect to family allowance; amending s. 732.501, F.S.; revising provisions with respect to who may make a will; amending s. 732.502, F.S.; revising provisions with respect to execution of wills; amending s. 732.503, F.S.; revising provisions with respect to self-proof of will; amending s. 732.505, F.S.; revising provisions with respect to revocation by writing; amending s. 732.507, F.S.; revising provisions with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising provisions with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising provisions with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising provisions with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising provisions with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising provisions with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising provisions with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills, eliminating provisions with respect to willful failure to deposit the will; transferring and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S., to chapter 765, F.S.; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising provisions with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising provisions with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising provisions with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising provisions with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising provisions with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of

a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising provisions with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising provisions with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising provisions with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising provisions with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising provisions with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising provisions with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising provisions with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising provisions with respect to the release of surety; amending s. 733.406, F.S.; revising provisions with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising provisions with respect to curators; amending s. 733.502, F.S.; revising provisions with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising provisions with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising provisions with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising provisions with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising provisions with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising provisions with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising provisions with respect to the possession of the estate; amending s. 733.608, F.S.; revising provisions with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising provisions with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising provisions with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising provisions with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising provisions with respect to the personal representative’s right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising provisions with respect to joint personal representatives; amending s. 733.616, F.S.; revising provisions with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising provisions with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising provisions with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising provisions with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701,

F.S.; revising provisions with respect to notifying creditors; conforming cross-references; amending s. 733.702, F.S.; revising provisions with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising provisions with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising provisions with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising provisions with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising provisions with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising provisions with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising provisions with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising provisions with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising provisions with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising provisions with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising provisions with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising provisions with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising provisions with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising provisions with respect to ancillary administration; amending s. 734.1025, F.S.; revising provisions with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising provisions with respect to the petition for summary administration; amending s. 735.206, F.S.; revising provisions with respect to summary administration distribution; amending s. 735.2063, F.S.; revising provisions with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising provisions with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising provisions with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising provisions with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising provisions with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; conforming cross-references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 402** to **CS for HB 137**.

Pending further consideration of **CS for SB 402** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 137** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

CS for HB 137—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with

respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; providing for applicability of certain provisions under specified circumstances; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to prepermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to

willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with

respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts;

amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—a companion measure, was substituted for **CS for SB 402** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 137** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 678—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for SB 678** to **CS for HB 175**.

Pending further consideration of **CS for SB 678** as amended, on motion by Senator Klein, by two-thirds vote **CS for HB 175** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 175—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; creating s. 316.1923, F.S.; defining the term “aggressive careless driving”; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

—a companion measure, was substituted for **CS for SB 678** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 175** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 696—A bill to be entitled An act relating to the criminal use of personal identification information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit resulting from such use is of a specified amount or more; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (562392)—On page 4, line 15, delete “October” and insert: July

Pursuant to Rule 4.19, **SB 696** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King, by unanimous consent—

CS for SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve;

directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator King and adopted:

Amendment 1 (121126)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 258.166, Florida Statutes, is created to read:

258.166 North Florida State Reserve designated.—There is designated and established a state reserve to be known as North Florida State Reserve, in Marion and Putnam counties, which shall include all state-owned lands within the floodplain of the Oklawaha River and those hereafter acquired by the state from Eureka Dam in Marion County to Buckman Lock in Putnam County. Those lands are deemed and held to be a state reserve, under the supervision of the Division of Recreation and Parks of the Department of Environmental Protection. The division is charged with the duty of providing for the development of multipurpose recreational opportunities at this reserve and the care, upkeep, maintenance, and beautification of the North Florida State Reserve including all those dams, locks, and other structures transferred by the federal government to the state.

(1) *Public hunting is allowed in the state reserve as authorized by the Fish and Wildlife Conservation Commission.*

(2) *The Division of State Lands of the Department of Environmental Protection may acquire in the name of the Board of Trustees of the Internal Improvement Trust Fund any additional property adjacent or contiguous to the North Florida State Reserve, from private owners or from the United States Government for improved management and recreational opportunities.*

(3) *The Division of State Lands shall identify, contact, and inform all property owners who entered into easements located within the taking line of the Rodman Reservoir of the designation of this area as a state reserve.*

(4) *By January 1, 2002, the Division of State Lands shall submit a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which:*

(a) *Identifies the entities that have an easement within the taking line of the reservoir.*

(b) *Indicates whether the holder of the easement is willing to sell the easement.*

(c) *Estimates the cost of acquiring the easements.*

(d) *Identifies any additional issues resulting from this designation.*

Section 2. *Subject to appropriations, the Department of Environmental Protection is authorized and directed to construct restroom facilities, a paved parking lot, small spectator bleachers, boat ramps, and a covered pavilion by that part of Rodman Reservoir which is located on the eastern shore of Lake Oklawaha, between the barge canal channel and the George Kirkpatrick Dam, on the southwest quarter of Section 37, Township 11 South, Range 25. Funds provided in the General Appropriations Act for fiscal year 2001-2002 shall be used for construction as directed in this section regardless of whether the George Kirkpatrick Dam remains in place, and moneys so appropriated may be used only for the purposes expressed in this section. Furthermore, funds made available in the General Appropriations Act for fiscal year 2001-2002 for sediment management and studies at the Rodman Reservoir may be expended only for such purposes if funds made available in the General Appropriations Act for fiscal year 2001-2002 for the construction activities authorized in this section are also expended.*

Section 3. *The sediment management or studies authorized in section 2, and any appropriations related thereto, may not be used or expended for the breaching of the George Kirkpatrick Dam. Furthermore, any drawdowns necessary to effectuate the sediment management or studies must be minimized to the greatest extent possible and follow prescribed procedures for weed and water quality control, and the level of the reservoir as it existed prior to any drawdowns must be restored as expeditiously as possible.*

Section 4. Nothing in this act abrogates the provisions in s. 253.7829(6), Florida Statutes.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing limitations on certain funds; clarifying that certain existing law relating to state lands is not abrogated; providing an effective date.

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

Amendment 2 (732872)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 258.166, Florida Statutes, is created to read:

258.166 North Florida State Reserve designated.—There is designated and established a state reserve to be known as North Florida State Reserve, in Marion and Putnam counties, which shall include all state-owned lands within the floodplain of the Oklawaha River and those hereafter acquired by the state from Eureka Dam in Marion County to Buckman Lock in Putnam County. Those lands are deemed and held to be a state reserve, under the supervision of the Division of Recreation and Parks of the Department of Environmental Protection. The division is charged with the duty of providing for the development of multipurpose recreational opportunities at this reserve and the care, upkeep, maintenance, and beautification of the North Florida State Reserve including all those dams, locks, and other structures transferred by the federal government to the state.

(1) *Public hunting is allowed in the state reserve as authorized by the Fish and Wildlife Conservation Commission.*

(2) *The Division of State Lands of the Department of Environmental Protection may acquire in the name of the Board of Trustees of the Inter- national Improvement Trust Fund any additional property adjacent or contiguous to the North Florida State Reserve, from private owners or from the United States Government for improved management and recreational opportunities.*

(3) *The Division of State Lands shall identify, contact, and inform all property owners who entered into easements located within the taking line of the Rodman Reservoir of the designation of this area as a state reserve.*

(4) *By January 1, 2002, the Division of State Lands shall submit a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which:*

(a) *Identifies the entities that have an easement within the taking line of the reservoir.*

(b) *Indicates whether the holder of the easement is willing to sell the easement.*

(c) *Estimates the cost of acquiring the easements.*

(d) *Identifies any additional issues resulting from this designation.*

Section 2. *Subject to appropriations, the Department of Environmental Protection is authorized and directed to construct restroom facilities, a paved parking lot, small spectator bleachers, boat ramps, and a covered pavilion by that part of the Oklawaha River Basin which is located on the eastern shore of Lake Oklawaha, between the barge canal channel and the George Kirkpatrick Dam, on the southwest quarter of Section 37, Township 11 South, Range 25. Funds provided in the General Appropriations Act for fiscal year 2001-2002 shall be used for construction as directed in this section regardless of whether the George Kirkpatrick Dam remains in place, and moneys so appropriated may be used only for the purposes expressed in this section. Furthermore, funds made available in the General Appropriations Act for fiscal year 2001-2002 for nutrient management and studies at the Oklawaha River Basin may be expended only for such purposes if funds made available in the General Appropriations Act for fiscal year 2001-2002 for the construction activities authorized in this section are also expended. If all permits for the capital improvements authorized by this part are sought with deliberate speed and without design to delay obtaining the permits, no more than 50 percent of the funds for the nutrient management or studies authorized in this part shall be expended until all permits related to the capital improvement projects in this act are obtained by the department.*

Section 3. *The nutrient management or studies authorized in section 2, and any appropriations related thereto, does not authorize any other expenditure or action that would result in the breaching of the George Kirkpatrick Dam in any manner. Furthermore, any drawdowns necessary to effectuate the nutrient management or studies must be minimized to the greatest extent possible and follow prescribed procedures for weed and water quality control, and the level of the reservoir as it existed prior to any drawdowns must be restored as expeditiously as possible.*

Section 4. Nothing in this act abrogates the provisions in s. 253,7829(6), Florida Statutes.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing limitations on certain funds; clarifying that certain existing law relating to state lands is not abrogated; providing an effective date.

On motion by Senator King, further consideration of **CS for SB 1246** with pending **Amendment 2** was deferred.

CS for SB 1002—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32, 741.325, F.S.; revising references to conform to the transfer of the office; transferring, renumbering, and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; amending s. 944.023, F.S.; removing reference to pretrial intervention from the correctional master plan; amending s. 944.026, F.S.; removing reference to pretrial intervention programs as community-based programs; amending s. 948.03, F.S.; removing offenders under pretrial intervention from state employee status pursuant to chapter 440, F.S., when participating in a work program; amending s. 948.08, F.S.; deleting the Department of Corrections' responsibilities and authority regarding pretrial intervention and providing for the counties to supervise pretrial intervention offenders; amending s. 948.09, F.S.; removing reference to pretrial intervention with respect to cost of supervision and rehabilitation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1002** to **HB 1729**.

Pending further consideration of **CS for SB 1002** as amended, on motion by Senator Cowin, by two-thirds vote **HB 1729** was withdrawn from the Committees on Criminal Justice; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

HB 1729—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1002** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1729** was placed on the calendar of Bills on Third Reading.

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

CS for SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing an effective date.

—with pending **Amendment 2 (732872)** by Senators King and Smith.

RECONSIDERATION OF AMENDMENT

On motion by Senator King, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** failed.

The question recurred on **Amendment 2**.

Senators Horne, King and Smith offered the following amendment to **Amendment 2** which was moved by Senator Horne and adopted:

Amendment 2A (973826)—On page 3, line 22 through page 4, line 2, delete those lines and insert:

Section 3. *Neither Line Item 1808 of the 2001-2002 General Appropriations Act or any other provision of that act nor the nutrient management or studies provided for in this act authorizes any expenditure or action that would result in the breaching of the George Kirkpatrick Dam in any manner. Furthermore, any drawdowns necessary to effectuate the nutrient management or studies must be minimized to the greatest extent possible and follow prescribed procedures for weed and water quality control, and the level of the reservoir as it existed prior to any drawdowns must be restored as expeditiously as possible.*

Section 4. *Nothing in this act abrogates the provisions in section 253.7829(6), Florida Statutes.*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1246** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by two-thirds vote **HB 953** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

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

HB 953—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1080 and 950** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 953** was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Campbell—

CS for SB 846—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 921.0022, F.S.; ranking the offense of aggravated fleeing or eluding; reenacting ss. 318.17, 322.61, F.S., relating respectively to offense excepted from motor vehicle licenses and disqualifications from operating a commercial motor vehicle, to incorporate the amendments to s. 316.1935, F.S., in references thereto; creating s. 812.158, F.S.; prohibiting certain acts by movers involving a shipper's household goods; providing a penalty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 846** was placed on the calendar of Bills on Third Reading.

MOTION

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

CS for SB 1330—A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; authorizing the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of

certain scholarship funds by children of deceased or disabled veterans; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sullivan, the Senate reconsidered the vote by which **Amendment 3** was adopted. **Amendment 3** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 1634—A bill to be entitled An act relating to unlawful activities involving driver's licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1634** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB's 1708 and 1626—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the secretary of the department to designate as law enforcement officers employees of the department's inspector general's office who are certified as law enforcement officers; prescribing the powers and duties of employees so designated; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (224440)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each ~~prison correctional institution~~ or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each ~~prison institution~~. The office of inspector general shall see that all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. *The secretary shall have the authority to designate persons within the Office of the Inspector General as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or matters over which the department has jurisdiction. Persons designated as law enforcement officers must be certified pursuant to s. 943.1395, and must*

have a minimum of 3 years experience as an inspector general investigator or as a law enforcement officer. The department shall maintain a memorandum of understanding with the Department of Law Enforcement for the notification of an investigation of mutually agreed upon predicate events that shall include, but not be limited to, suspicious deaths and major organized criminal activity. During ~~in such~~ investigations, the inspector general and inspectors may consult and confer with any prisoner or staff member privately and without molestation and persons designated as law enforcement officers under this section shall have the authority to conduct warrantless arrests of ~~detain~~ any person for violations of the felony, criminal laws of the state prescribed in chapters 944 and 893. Persons designated as law enforcement officers under this section may make arrests pursuant to a warrant, including offenders who have escaped or absconded from custody. ~~Such detention shall be made only on properties owned or leased by the department, and~~ The arrested ~~detained~~ person shall be surrendered without delay to the ~~detention facility~~ sheriff of the county in which the ~~arrest detention~~ is made, with a formal complaint subsequently made against her or him in accordance with law.

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the Secretary of Corrections to designate persons in the Office of the Inspector General as law enforcement officers to conduct criminal investigations occurring on property under the jurisdiction of the department; such persons must be certified and possess minimum experience; requiring a memorandum of understanding between the department and the Department of Law Enforcement relating to predicate events; authorizing law enforcement officers to make warrantless arrests; providing that arrested persons must be surrendered to the county detention facility; providing an effective date.

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

Amendment 1A (961310)(with title amendment)—On page 3, between lines 10 and 11, insert:

Section 2. Section 943.12, Florida Statutes, is amended to read:

943.12 Powers, duties, and functions of the commission.—The commission shall:

(1) ~~Adopt~~ ~~Promulgate~~ rules for the administration of ss. 943.085-943.255 pursuant to chapter 120.

(2) Be responsible for the execution, administration, implementation, and evaluation of its powers, duties, and functions under ss. 943.085-943.255, including any rules promulgated or policies established hereunder.

(3) Certify, and revoke the certification of, officers, instructors, and criminal justice training schools.

(4) Establish uniform minimum employment standards for the various criminal justice disciplines.

(5) Establish uniform minimum training standards for the training of officers in the various criminal justice disciplines.

(6) Consult and cooperate with municipalities or the state or any political subdivision of the state and with universities, colleges, community colleges, and other educational institutions concerning the development of criminal justice training schools and programs or courses of instruction, including, but not necessarily limited to, education and training in the areas of criminal justice administration and all allied and supporting disciplines.

(7) *Conduct official inquiries or require criminal justice training schools to conduct official inquiries of* ~~Authorize the issuance of certificates for~~ criminal justice training instructors who are certified by the ~~commission~~ ~~schools~~.

(8) Establish minimum curricular requirements for criminal justice training schools.

(9) ~~Authorize the issuance of certificates for instructors.~~

(9)(10) Make, publish, or encourage studies on any aspect of criminal justice education and training or recruitment, including the development of defensible and job-related psychological, selection, and performance evaluation tests.

(10)(11) With the approval of the head of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary, expedient, or incidental to the performance of its duties or the execution of its powers.

(11)(12) Provide to each commission member and, upon request, to any sheriff, chief of police, state law enforcement or correctional agency chief administrator, or training center director or to any other concerned citizen minutes of commission meetings and notices and agendas of commission meetings.

(12)(13) Establish a central repository of records for the proper administration of its duties, powers, and functions.

(13)(14) Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

(14)(15) Enforce compliance with provisions of this chapter through injunctive relief and civil fines.

(15)(16) Make recommendations concerning any matter within the purview of this chapter.

(16)(17) ~~Adopt~~ ~~Promulgate~~ rules for the certification and discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency.

(17)(18) Implement, administer, maintain, and revise a job-related officer certification examination for each criminal justice discipline. The commission shall, by rule, establish procedures for the administration of the officer certification examinations. Further, the commission shall establish standards for acceptable performance for each officer certification examination.

Section 3. Subsection (6) of section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Correctional Privatization Commission shall:

(6) Have passed a physical examination by a licensed physician or physician assistant, based on specifications established by the commission.

Section 4. Section 943.131, Florida Statutes, is amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), but has not fulfilled the requirements of s. 943.13(9) and (10), if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. The employing agency must maintain documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must attend the first training program offered

in the geographic area, or the first assigned state training program for a state officer, subsequent to his or her employment or appointment. Further, upon successful completion of the basic recruit training program, any person temporarily employed or appointed as an officer must fulfill the requirements of s. 943.13(10) within 180 consecutive days.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and is attending the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Successfully completes the basic recruit training program and achieves an acceptable score on the officer certification examination;

2. Fails or withdraws from a ~~any course of the~~ basic recruit training program;

3. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program; or

4. Is separated from employment or appointment by the employing agency.

(c) No person temporarily employed or appointed under the provisions of this subsection may perform the duties of an officer unless he or she is adequately supervised by another officer of the same discipline. The supervising officer must be in full compliance with the provisions of s. 943.13 and must be employed or appointed by the employing agency.

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency must verify that the applicant has successfully completed a comparable basic recruit training program for the discipline in which the applicant is seeking certification in another state or for the Federal Government. Further, the employing agency must verify that the applicant has served as a full-time sworn officer in another state or for the Federal Government for at least one year. When the employing agency obtains written documentation regarding the applicant's criminal justice experience, the documentation must be submitted to the commission. The commission shall adopt rules that establish criteria and procedures to determine if the applicant is exempt from completing the commission-approved basic recruit training program and, upon making a determination, shall notify the employing agency. ~~An If the applicant who is exempt from completing the commission-approved basic recruit training program, the applicant must demonstrate proficiency in the high-liability areas, as defined by commission rule, and must complete the requirements of s. 943.13(10) within 180 days after receiving an exemption. If the proficiencies and requirements of s. 943.13(10) are not met within the 180 days, the applicant must complete a commission-approved basic recruit training program complete training, as required by the commission by rule, in areas which include, but are not limited to, defensive driving, defensive tactics, firearms training, and first responder training.~~ Except as provided in subsection (1), before the employing agency may employ or appoint the applicant as an officer, the applicant must meet the minimum qualifications described in s. 943.13(1)-(8), and must fulfill the requirements of s. 943.13(10).

Section 5. Subsection (1) of section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. The rule shall also provide:

(a) Assistance to an employing agency in identifying each affected officer, the date of his or her employment or appointment, and his or her most recent date for successful completion of continuing training or education; *and*

(b) A procedure for reactivation of the certification of an officer who is not in compliance with this section. ~~and~~

~~(c) A remediation program supervised by the training center director within the geographic area for any officer who is attempting to comply with the provisions of this subsection and in whom learning disabilities are identified. The officer shall be assigned nonofficer duties, without loss of employee benefits, and the program shall not exceed 90 days.~~

Section 6. Subsection (2) of section 943.1395, Florida Statutes, is amended to read:

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation.—

(2) An officer who is certified in one discipline and who complies with s. 943.13 in another discipline shall hold concurrent certification and may be assigned in either discipline within his or her employing agency. *However, the officer may be registered and hold concurrent certification only if the employing agency has authority to employ multiple disciplines.*

Section 7. Section 943.14, Florida Statutes, is amended to read:

943.14 *Commission-certified* criminal justice training schools; certificates and diplomas; exemptions; injunctive relief; fines.—

(1) Each criminal justice training school approved by the commission shall obtain from the commission a certificate of compliance, with rules of the commission, signed by the chair of the commission. ~~Any training or educational courses which are taught in any criminal justice training school must first be approved in writing by the commission.~~

(2) Any certificate or diploma issued by any criminal justice training school which relates to completion, graduation, or attendance in criminal justice training or educational subjects, or related matters, must be approved by ~~the commission staff in the department's Criminal Justice Professionalism Program.~~

(3) The commission shall establish, by rule, procedures for the certification and discipline of all instructors in any criminal justice training school.

(4) Prior to the issuance of a certificate of compliance, or as a condition of continuing certification, all records of any criminal justice training school that relate to training and all financial and personnel records of the school shall be made available to the commission upon request.

(5) No private criminal justice training school may include within its name the word "commission," "bureau," or "division" together with the word "Florida" or "state," the name of any county or municipality, or any misleading derivative thereof which might be construed to represent a government agency or an entity authorized by a government agency.

~~(6) Criminal justice training schools and courses which are licensed and operated in accordance with the rules of the State Board of Education and the rules of the commission are exempt from the requirements of subsections (1)-(5). However, any school which instructs approved commission courses must meet the requirements of subsections (1)-(5).~~

~~(6)(7)(a)~~ Commission-approved correctional probation courses and subjects which are taught by Florida 4-year accredited colleges and universities are exempt from subsections ~~(1)-(6)~~ ~~(4)-(5)~~ except for such documentation which may be required by the commission. The commission retains control over the content of courses and subjects covered by this subsection as specified in s. 943.17(1)(a). Florida 4-year accredited colleges and universities must obtain approval from the commission prior to offering correctional probation courses. Florida 4-year accredited colleges and universities offering the Correctional Probation Training Program shall teach the learning objectives specified by the commission. The administration of the commission's Correctional Probation Training Program within a Florida 4-year accredited college or university shall fall within the institution's established guidelines for course delivery and student attendance. The Florida 4-year accredited college

or university shall provide to the commission and to the student proof of successful completion of all the approved objectives required by the commission for the academic courses approved for the Correctional Probation Training Program. The commission-certified training school administering the commission-required correctional probation high-liability training shall provide to the commission and to the student proof of successful completion of all approved objectives.

(b) All other criminal justice sciences or administration courses or subjects which are a part of the curriculum of any accredited college, university, community college, or vocational-technical center of this state, and all full-time instructors of such institutions, are exempt from the provisions of subsections (1)-(5).

~~(7)(8)~~ Each criminal justice training school that offers law enforcement, correctional, or correctional probation officer basic recruit training, or selection center that provides applicant screening for criminal justice training schools, shall conduct a criminal history background check of an applicant prior to entrance into the basic recruit class. A complete set of fingerprints must be taken by an authorized criminal justice agency or by an employee of the criminal justice training school or selection center who is trained to take fingerprints. The criminal justice training school or selection center shall submit the fingerprints to the Florida Department of Law Enforcement for a statewide criminal history check, and forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. Applicants found through fingerprint processing to have pled guilty to or been convicted of a crime which would render the applicant unable to meet the minimum qualifications for employment as an officer as specified in s. 943.13(4) shall be removed from the pool of qualified candidates by the criminal justice training school or selection center.

~~(8)(9)(a)~~ If a criminal justice training school or person violates this section, or any rule adopted pursuant hereto, the Department of Legal Affairs, at the request of the chair of the commission, shall apply to the circuit court in the county in which the violation or violations occurred for injunctive relief prohibiting the criminal justice training school or person from operating contrary to this section.

(b)1. In addition to any injunctive relief available under paragraph (a), the commission may impose a civil fine upon any criminal justice training school or person who violates subsection (1) or subsection (5), or any rule adopted pursuant thereto, of up to \$10,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund. The commission may impose a civil fine upon any criminal justice training school or person who violates subsection (2), subsection (3), or subsection (4), or any rule adopted pursuant thereto, of up to \$1,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund.

2. A proceeding under this paragraph shall comply with the provisions of chapter 120, and the final order of the commission constitutes final agency action for the purposes of chapter 120. When the commission imposes a civil fine and the fine is not paid within a reasonable time, the Department of Legal Affairs, at the request of the chair of the commission, shall bring a civil action under the provisions of s. 120.69 to recover the fine. The commission and the Department of Legal Affairs are not required to post any bond in any proceeding herein.

Section 8. Subsection (1) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise *entry requirements*, job-related curricula, and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(a) Design, implement, maintain, evaluate, ~~and~~ *revise or adopt* a basic recruit training program for the purpose of providing minimum employment training qualifications for all officers to be employed or appointed in each discipline.

(b) Design, implement, maintain, evaluate, ~~and~~ revise or *adopt* an advanced training program which is limited to those courses enhancing an officer's knowledge, skills, and abilities for the job he or she performs.

(c) Design, implement, maintain, evaluate, ~~and~~ revise or *adopt* a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25(9).

(d) *Design, implement, maintain, evaluate, or adopt a specialized training program, consisting of identified goals and objectives that enhance an officer's ability to perform the duties of his or her job. For any existing or newly established course, adopt an examination and assessment instrument that is job related and measures an officer's acquisition of knowledge, skills, and abilities. An acceptable level of measurable student performance shall also be developed for each course.*

Section 9. Subsection (2) of section 943.173, Florida Statutes, is amended to read:

943.173 Examinations; administration; materials not public records; disposal of materials.—

(2) Each advanced and career development course examination ~~adopted by the commission~~ shall be administered at a certified criminal justice training school under the supervision of the training center director.

Section 10. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice ~~and specialized~~ training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. *Inservice Specialized* training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice ~~and specialized~~ training programs or courses need not be approved by the commission.

~~(2) The commission shall, by rule, establish procedures and criteria whereby an employing agency or criminal justice training school seeking commission approval of a specialized training program or course must submit the program or course to the commission for evaluation. The procedures and criteria shall include, but are not limited to, a demonstration of job relevance and quality of instruction.~~

~~(2)(3)~~ Inservice ~~or specialized~~ training courses or programs shall not be part of the programs or courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

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

943.22 Salary incentive program for full-time officers.—

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

(a) "Accredited college, university, or community college" means a college, university, or community college which has been accredited by the Southern Association of Colleges and Schools *or*; another regional accrediting agency, ~~or the American Association of Collegiate Registrars and Admissions Officers.~~

Section 12. Subsection (6) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(6) ~~No~~ Training, room, or board cost may *not* be assessed against any officer or employing agency for any advanced and specialized training course funded from the Criminal Justice Standards and Training Trust Fund *and offered through a criminal justice training school certified by the commission*. Such expenses shall be paid from the trust fund and are not reimbursable by the officer. Travel costs to and from the training site are the responsibility of the trainee or employing agency. Any compensation, including, but not limited to, salaries and benefits, paid to any person during the period of training shall be fixed and determined by the

employing agency; and such compensation shall be paid directly to the person.

(a) The commission shall develop a policy of reciprocal payment for training officers from regions other than the region providing the training.

(b) An officer who is not employed or appointed by an employing agency of this state may attend a course funded by the trust fund, provided the officer is required to pay to the criminal justice training school all training costs incurred for her or his attendance.

Section 13. Section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce

traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle. In addition, the sheriff's office may be required by the county to enforce the traffic laws of this state on any private or limited access road or roads over which the county has jurisdiction pursuant to a written agreement entered into under s. 316.006(3)(b).

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved has committed an offense under this chapter in connection with the crash. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

(c) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3) at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons or have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. In addition, the police department may be required by a municipality to enforce the traffic laws of this state on any private or limited access road or roads over which the municipality has jurisdiction pursuant to a written agreement entered into under s. 316.006(2)(b). However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved has committed an offense under the provisions of this chapter in connection with the crash. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.

(4)(a) Any sheriff's department, or any police department of a municipality, may employ as a traffic control officer any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection may direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) In the case of a special event or activity in relation to which a nongovernmental entity is paying for traffic control on public streets, highways, or roads, traffic control officers may be employed to perform such traffic control responsibilities only when off-duty, full-time law enforcement officers, as defined in s. 943.10(1), are unavailable to perform those responsibilities. However, this paragraph may not be construed to limit the use of traffic infraction enforcement officers for traffic enforcement purposes.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic control officers have arrest authority.

(5)(a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes at least 200 hours of instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14.

(b) The traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of a crash investigation team at the scene of a vehicle crash or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic infraction enforcement officers have arrest authority other than the authority to issue a traffic citation as provided in this subsection.

(6) **MOBILE HOME PARK RECREATION DISTRICTS.**—Notwithstanding subsection (2) or subsection (3), the sheriff's office of each of the several counties of this state and the police department of each chartered municipality have authority, but are not required, to enforce the traffic laws of this state on any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30 and the recreational facilities of which district are open to the general public.

(7) **CONSTRUCTION OF CHAPTER 87-88, LAWS OF FLORIDA.**—For purposes of traffic control and enforcement, nothing in chapter 87-88, Laws of Florida, shall be construed to classify any road which has been dedicated or impliedly dedicated for public use, and which has been constructed and is open to the use of the public for vehicular traffic, as a private road or driveway.

(8) **TRAFFIC ENFORCEMENT AGENCY.**—Any agency or governmental entity designated in subsection (1), subsection (2), or subsection (3), including a university, a community college, a school board, or an airport authority, is a traffic enforcement agency for purposes of s. 316.650.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending

s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB's 1708 and 1626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for SB 1968—A bill to be entitled An act relating to the State Law Enforcement Radio Operating Trust Fund; amending s. 282.1095, F.S.; creating the State Law Enforcement Operating Trust Fund; providing for its purposes; transferring a current trust fund balance; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1968** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 1980—A bill to be entitled An act relating to criminal justice programs; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1980** to **HB 1731**.

Pending further consideration of **SB 1980** as amended, on motion by Senator Burt, by two-thirds vote **HB 1731** was withdrawn from the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

HB 1731—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—a companion measure, was substituted for **SB 1980** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1731** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell, by two-thirds vote **HB 421** was withdrawn from the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Mitchell—

HB 421—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

—a companion measure, was substituted for **CS for SB 682** and read the second time by title.

Pursuant to Rule 4.19, **HB 421** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 792** and **CS for SB 904** was deferred.

On motion by Senator Peaden—

SB 1230—A bill to be entitled An act providing for the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special-needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of the state's financial commitment; providing an effective date.

—was read the second time by title.

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

Amendment 1 (123744)—On page 4, line 29, after the period (.) through page 5, line 2, delete those lines and insert: *The state will provide the benefits under this section to children who are the subject of a state adoption assistance agreement, pursuant to the department and agency's determination that the adoption assistance state is a party to the compact and has reciprocity in provision of medical assistance to state adoption assistance children.*

Pursuant to Rule 4.19, **SB 1230** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 1368—A bill to be entitled An act providing adoption benefits for employees of the state or water management districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; providing for priority in the allocation of funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1368** was placed on the calendar of Bills on Third Reading.

CS for SB 1734—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public-records requirements for specific information related to financial or medical records of insureds and consumers which are in the possession of the Department of Insurance; providing for future review and an expiration date; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (194768)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.3111, Florida Statutes, is created to read:

627.3111 Public records exemption.—All bank account numbers, and debit, charge, and credit card numbers; and, all personal identifying information contained in financial records, patient records, and other individual health records, held by the Department of Insurance, or its service providers, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department, however, shall release such information to any local, state, or federal law enforcement agency as is necessary for the performance of such agency's official duties and responsibilities, and in addition, this exemption does not apply to any information regarding an insured or other person who is the subject of a criminal investigation. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and expires on October 2, 2006, unless reviewed and reenacted by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that bank account numbers, debit, charge, and credit card numbers; and, personal identifying information contained in financial records, held by the Department of Insurance or its service providers be made exempt from public disclosure, except as otherwise provided in this act, in order to protect the financial interests of those persons about whom that information pertains. Without the exemption, a person could use that information to gain access to highly sensitive, personal financial data that is not his or hers. In addition, this information could easily be used for fraudulent and other illegal purposes, including identify theft, and could result in substantial financial harm. Accordingly, such information is traditionally not disclosed to the public, as is evidenced throughout the Florida Statutes. Furthermore, every person has an expectation of and a right to privacy in all matters concerning his or her personal financial matters. The Legislature further finds that it is a public necessity that personal identifying information contained in patient records and other individual health records held by the Department of Insurance or its service providers be held exempt from public disclosure, except as otherwise provided in the act, because of the sensitive personal nature of such medical information. Matters of personal health are traditionally private concerns between the patient and the health care provider, which pervades both the public and private health care sectors. Such information should not be open to public disclosure just because the records come into the possession of a public entity. Disclosure of such information could cause unwarranted damage to the good name or reputation of such individuals and could actually jeopardize their health and safety.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public records requirements for personal identifying information contained in financial records, patient records, and other medical records, as well as bank account numbers, debit, charge, and credit card numbers, held by the Department of Insurance; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

Senator Clary moved the following amendment:

Amendment 2 (404784)(with title amendment)—On page 2, line 31, insert:

Section 3. Section 458.353, Florida Statutes, is created to read:

458.353 Notification of adverse incident; public records exemption.—The information contained in the notification of an adverse incident, which is required under s. 458.351 and provided to the department by a physician licensed under this chapter, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The information may not be made available to the public as part of the record of investigation or prosecution in a disciplinary proceeding. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. Section 459.028, Florida Statutes, is created to read:

459.028 Notification of adverse incident; public records exemption.—The information contained in the notification of an adverse incident, which is required under s. 459.026 and provided to the department by an osteopathic physician licensed under this chapter, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The information may not be made available to the public as part of the record of investigation or prosecution in a disciplinary proceeding. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. *The Legislature finds that the exemptions from public records requirements provided in sections 458.353 and 459.028, Florida Statutes, are a public necessity, and that it would be an invasion of a patient's privacy for personal, sensitive information contained in the notification of an adverse incident to be publicly available. Furthermore, the Legislature finds that failure to protect the confidentiality of any information submitted to or collected by the Department of Health pursuant to section 458.351, Florida Statutes, or section 459.026, Florida Statutes, regarding an adverse incident, including, but not limited to, the identity of the patient, the type of adverse incident, and the fact that an investigation is being conducted, would deter the collection and reporting of this information to the department. This would prevent the department and the appropriate regulatory boards from effectively carrying out their responsibility to enforce safe patient care and take necessary disciplinary action for practice violations. Release of such information would deter physicians and osteopathic physicians licensed in this state from reporting adverse incidents. This could lead to the deterioration of services and care rendered, all to the detriment of the health of those served. These exemptions apply the same exemption accorded under sections 395.0198 and 395.0193, Florida Statutes, relating to the reporting of adverse incidents by facilities licensed under chapter 395, Florida Statutes. The Legislature has thus consistently and repeatedly acknowledged the public necessity of these types of exemptions.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity;

On motion by Senator Rossin, further consideration of **CS for SB 1734** with pending **Amendment 2** was deferred.

On motion by Senator Burt—

CS for CS for SB 1814—A bill to be entitled An act relating to the state court system; providing legislative intent with respect to the development of treatment-based drug courts; requiring each judicial circuit to establish one or more treatment-based drug courts within any of the divisions of the circuit; specifying the principles of therapeutic jurisprudence to be included in the drug court programs; providing duties of the coordinator; authorizing the drug courts to include certain pretrial intervention programs in the court's program; creating the Florida Association of Drug Court Professionals; providing for membership; requiring that the chairperson of the association provide recommendations to the Supreme Court Treatment-Based Drug Court Steering Committee; amending s. 910.035, F.S.; providing for a defendant to be transferred

to a drug-treatment program in another county; providing criteria for such transfer; providing for the defendant to be prosecuted upon failure to successfully complete the drug-treatment program; amending s. 948.08, F.S.; providing for persons charged with certain offenses involving controlled substances who have not been charged with a crime involving violence to be admitted to a pretrial intervention program; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; creating s. 948.16, F.S.; providing a pretrial substance abuse treatment and intervention program; providing criteria for admission to the program; providing for denial of such admission if the defendant was involved in the dealing or selling of controlled substances; requiring the court to determine whether the defendant has successfully completed the program; providing contract requirements for entities that provide pretrial substance abuse treatment and intervention programs; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1814** to **CS for HB 199**.

Pending further consideration of **CS for CS for SB 1814** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 199** was withdrawn from the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

CS for HB 199—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug court programs; requiring judicial circuits to establish a model of treatment-based drug court programs for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug court programs; providing for inclusion of certain programs in such drug court programs; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1814** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 199** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 269** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

CS for CS for HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report

issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1780** and read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (161930)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Short title.*—*This act may be cited as the “Sharpening the Pencil Act.”*

Section 2. Section 230.23025, Florida Statutes, as amended by chapters 97-384, 98-225, 2000-235, and 2000-291, Laws of Florida, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) *The purpose of best financial management practices reviews is to improve Florida school district management and use of resources and to identify cost savings.* The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, ~~OPPAGA and the Auditor General shall assist OPPAGA in examining jointly examine~~ district operations to determine whether they meet “best financial management practices.”

(2) The best financial management practices adopted by the Commissioner of Education may be updated periodically after consultation with the Legislature, the Governor, the SMART Schools Clearinghouse, the Department of Education, school districts, ~~OPPAGA~~, and the Auditor General, ~~OPPAGA shall submit to the Commissioner of Education for review and adoption proposed revisions to the best financial management practices adopted by the commissioner.~~ The best financial management practices, at a minimum, must instill public confidence by addressing *the school district’s use of resources; identifying ways that the district could save funds; and improving districts’ performance accountability systems, including public accountability.* To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:

- (a) Management structures.
- (b) Performance accountability.
- (c) Efficient delivery of educational services, including instructional materials.
- (d) Administrative and instructional technology.
- (e) Personnel systems and benefits management.
- (f) Facilities construction.
- (g) Facilities maintenance.

(h) Student transportation.

(i) Food service operations.

(j) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing.

In areas for which the commissioner has not adopted best practices, OPPAGA may develop additional best financial management practices, with input from a broad range of stakeholders. OPPAGA shall present any additional best practices to the commissioner for review and adoption. Revised best financial management practices adopted by the commissioner must be used in the next year’s scheduled school district reviews conducted according to this section.

~~(a) Efficient use of resources, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits, instructional materials, and administrative and instructional technology.~~

~~(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management.~~

~~(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking.~~

~~(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.~~

~~(e) Safety and security practices at the district and school levels.~~

(2) School districts may, by a unanimous vote of the membership of the school board, apply to OPPAGA for a complete best financial management practice review or a review of components of the best financial management practices, including management, personnel, transportation, and food and nutrition services. OPPAGA shall prioritize districts for review based on their growth rates and demonstrated need for review. The director of OPPAGA may, at his or her discretion, contract with private consultants to perform part or all of the review of any district. Districts applying for a complete review shall contribute 50 percent of review costs, unless funding for the entire cost of the review is specifically provided by the Legislature. Districts applying for a review of a component shall contribute 75 percent of the review cost. All moneys contributed by any school district under this section toward the cost of a complete or component best financial management practices review of the district shall be deposited into the Florida School District Review Trust Fund administered by OPPAGA.

(3) OPPAGA shall contract with a private firm selected through a formal request for proposal process to perform the review, to the extent that funds are provided for this purpose in the General Appropriations Act each year. When sufficient funds are not provided to contract for all the scheduled best financial management practices reviews, OPPAGA shall conduct the remaining reviews scheduled for that year, except as otherwise provided in this act. At least one member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the Commissioner of Education, pursuant to subsection (2). OPPAGA may include additional items in the scope of the review after seeking input from the school district and the Department of Education.

(4) OPPAGA shall consult with the Commissioner of Education throughout the best practices review process to ensure that the technical expertise of the Department of Education benefits the review process and supports the school districts before, during, and after the review.

(5) It is the intent of the Legislature that each school district shall be subject to a best financial management practices review. The Legislature also intends that all school districts shall be reviewed on a continuing 5-year cycle, as follows, unless specified otherwise in the General Appropriations Act, or as provided in this act:

(a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa, Alachua, St. Lucie, Santa Rosa, Hernando, Indian River, Monroe, Osceola, and Bradford.

(b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia, Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden, and Franklin.

(c) Year 3: Palm Beach, Orange, Seminole, Lee, Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie, Liberty, and Lafayette.

(d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay, Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee, Hardee, DeSoto, and Glades.

(e) Year 5: Broward, Polk, Brevard, Lake, St. Johns, Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes, Washington, and Calhoun.

(6)(a) The Joint Legislative Auditing Committee may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled in a given year.

(b) Once the 5-year cycle has been completed, reviews shall continue, beginning again with those districts included in year one of the cycle unless a district has requested and received a waiver as provided in subsection (17).

(7) At the direction of the Joint Legislative Auditing Committee or the President of the Senate and the Speaker of the House of Representatives, and subject to funding by the Legislature, OPPAGA may conduct, or contract with a private firm to conduct, up to two additional best financial management practices reviews in districts not scheduled for review during that year if such review is necessary to address adverse financial conditions.

(8) Reviews shall be conducted by OPPAGA and the consultant to the extent specifically funded by the Legislature in the General Appropriations Act for this purpose. Such funds may be used for the cost of reviews by OPPAGA and private consultants contracted by the director of OPPAGA. Costs may include professional services, travel expenses of OPPAGA and staff of the Auditor General, and any other necessary expenses incurred as part of a best financial management practices review.

(9) Districts scheduled for review must complete a self-assessment instrument provided by OPPAGA which indicates the school district's evaluation of its performance on each best practice. The district must begin the self-assessment not later than 60 days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation must be submitted to OPPAGA not later than the date of commencement of the review as notified by OPPAGA. The best practice review team will use this self-assessment information during their review of the district.

(10) During the review, OPPAGA and the consultant conducting the review, if any, shall hold at least one advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents, the business community, and other district residents regarding their concerns about the operations and management of the school district.

(11)(3) District reviews conducted under this section must be completed within 6 months after commencement. OPPAGA shall issue a final report to the President of the Senate, the Speaker of the House of Representatives, and the district regarding the district's use of best financial management practices and cost savings recommendations within 60 days after completing the reviews. Copies of the final report shall be provided to the Governor, the Commissioner of Education, and to the chairs of school advisory councils and district advisory councils established pursuant to s. 229.58(1)(a) and (b). The school district shall notify all members of the school advisory councils and district advisory council by mail that the final report has been delivered to the school district and to the council chairs. The notification shall also inform members of the OPPAGA web site address at which an electronic copy of the report is available.

(12) After receipt of the final report and before the school board votes whether to adopt the action plan, or if no action plan was required because the district was found to be using the best practices, the school district shall hold an advertised public forum to accept public input and review the findings and recommendations of the report. The district shall advertise and promote this forum in a manner appropriate to inform school and district advisory councils, parents, school district employees, the business community, and other district residents of the opportunity to attend this meeting. OPPAGA and the consultant, if any, shall also be represented at this forum.

(13)(a) If the district is found not to conform to best financial management practices, the report must contain an ~~a plan of action plan~~ detailing how the district could meet the best practices within 2 years. The school board must decide, by a majority plus one vote within 90 days after receipt of the final report, whether or not to implement the action plan and pursue a "Seal of Best Financial Management" awarded by the State Board of Education to qualified school districts. If a district fails to vote on the action plan within 90 days, school board members may be required to appear and present testimony before a legislative committee, pursuant to s. 11.143.

(b) The school board may vote to reverse a decision not to implement an action plan, provided that the action plan is implemented and there is still sufficient time, as determined by the district school board, to meet the best practices within 2 years after issuance of the final report.

(c) Within 90 days after the receipt of the final report, the school board must notify OPPAGA and the Commissioner of Education in writing of the date and outcome of the school board vote on whether to adopt the action plan. If the school board fails to vote on whether to adopt the action plan, the superintendent must notify OPPAGA and the Commissioner of Education. The Department of Education may contact the school district, assess the situation, urge the school board to vote, and offer technical assistance, if needed.

(14)(4) If a school board votes to implement the action plan:

(a) No later than 1 year after receipt of the final report, the school district must ~~District school boards that agree by a majority plus one vote to institute the action plan shall~~ submit an initial status annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, the SMART Schools Clearinghouse, OPPAGA, the Auditor General, the State Board of Education, and the Commissioner of Education on progress made towards implementing the action plan and whether changes have occurred in other areas of operation that ~~which~~ would affect compliance with the best practices.

(b) A second status report must be submitted by the school district to the President of the Senate, the Speaker of the House of Representatives, the Governor, OPPAGA, the Auditor General, the Commissioner of Education, and the State Board of Education no later than 1 year after submission of the initial report.

Status reports are not required once OPPAGA concludes that the district is using best practices. ~~Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under s. 11.45, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan.~~

(15) After receipt of each of a district's two status reports required by subsection (14), OPPAGA shall assess the district's implementation of the action plan and progress toward implementing the best financial management practices in areas covered by the plan. Following each assessment, OPPAGA shall issue a report to the President of the Senate, the Speaker of the House of Representatives, and the district indicating whether the district has successfully implemented the best financial management practices. Copies of the report must be provided to the Governor, the Auditor General, the Commissioner of Education, and the State Board of Education. If a district has failed to implement an action plan adopted pursuant to subsection (13), school board members and the school superintendent may be required to appear before a legislative committee, pursuant to s. 11.143, to present testimony regarding the district's failure to implement such action plan.

(16) School districts that successfully implement the best financial management practices within 2 years, or are determined in the review to be using the best practices, are eligible to receive a "Seal of Best Financial Management." Upon notification to the Commissioner of Education and the State Board of Education by OPPAGA that a district has been ~~districts that are found to be using~~ ~~comply with~~ the best financial management practices, the State Board of Education shall award that district ~~shall receive~~ a "Seal of Best Financial Management" ~~by the State Board of Education~~ certifying that the district is adhering to the state's best financial management practices. The State Board of Education ~~This~~ designation shall be effective for 5 years from the certification date or until the next review is completed, ~~whichever is later a 5-year period, after which the district school board may reapply for the designation to be granted after another financial management practice review.~~ During the designation period, the district school board shall annually, not later

than the anniversary date of the certification, notify the SMART Schools Clearinghouse, OPPAGA, the Auditor General, the Commissioner of Education, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices. *If no such changes have occurred and the school board determines that the school district continues to conform to the best financial management practices, the school board shall annually report that information to the State Board of Education, with copies to OPPAGA, the Auditor General, and the Commissioner of Education.*

(17)(a) *The school board of a district that has been awarded a "Seal of Best Financial Management" by the State Board of Education and has annually reported to the State Board of Education that the district is still conforming to the best financial management practices may request a waiver from undergoing its next scheduled Best Financial Management Practices review.*

(b) *To apply for such waiver, not later than September 1 of the fiscal year prior to the fiscal year in which the district is next scheduled for review, the school board shall certify to OPPAGA and the Department of Education the school board's determination that the school district is still conforming to the best financial management practices.*

(c) *After consultation with the Department of Education and review of the school board's determination, OPPAGA may recommend to the Legislative Budget Commission that the district be granted a waiver for the next scheduled Best Financial Management Practices review. If approved for waiver, OPPAGA shall notify the school district and the Department of Education that no review of that district will be conducted during the next scheduled review cycle. In that event, the school district must continue annual reporting to the State Board of Education as required in subsection (16). Districts granted a waiver for one review cycle are not eligible for waiver of the next scheduled review cycle.*

(18) *School districts that receive a best financial management practices review must maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.*

(19) *Unrestricted cost savings resulting from implementation of the best financial management practices must be spent at the school and classroom levels for teacher salaries, teacher training, improved classroom facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.*

~~(5) Any audit or performance review of one or more of the designated components conducted or supervised by OPPAGA or the Department of Management Services, and completed within 2 years before the date of application to OPPAGA for a best financial practices review, may serve as all or part of the audit or review required as the examination of district operations necessary for a determination of whether a district meets the "best financial management practices" designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.~~

Section 3. *Section 11.515, Florida Statutes, is repealed.*

Section 4. *Section 230.2302, Florida Statutes, is repealed.*

Section 5. *Section 230.23026, Florida Statutes, is repealed.*

Section 6. Subsection (1) of section 11.51, Florida Statutes, is amended to read:

11.51 Office of Program Policy Analysis and Government Accountability.—

(1) There is hereby created the Office of Program Policy Analysis and Government Accountability as a unit of the Office of the Auditor General appointed pursuant to s. 11.42. ~~The Such~~ office shall perform independent examinations, program reviews, and other projects as provided by general law, as provided by concurrent resolution, or as directed by the Legislative Auditing Committee, and shall provide recommendations, training, or other services to assist the Legislature ~~program evaluation~~

~~and justification reviews as required by s. 11.513 and performance audits as defined in s. 11.45 and shall contract for performance reviews of school districts pursuant to ss. 11.515 and 230.2302.~~

Section 7. Subsection (4) of section 230.23027, Florida Statutes, is amended to read:

230.23027 Small School District Stabilization Program.—

(4) Effective July 1, 2000, and thereafter, when the Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, *subject to approval pursuant to s. 230.23025(7) as authorized in s. 11.515*, to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 230.23025 ~~s. 11.515~~.

Section 8. Subsection (1) of section 233.43, Florida Statutes, is amended to read:

233.43 Duties of superintendent relating to instructional materials.—

(1) The duties and responsibilities of each superintendent of schools for the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning instructional materials shall be prescribed by policies of the district school board. Such policies shall also provide for an evaluation of any instructional materials to be requisitioned that have not been used previously in the schools of the district. The duties and responsibilities include keeping adequate records and accounts for all financial transactions for funds collected pursuant to s. 233.46(4). Such records and accounts shall be a component of the educational service delivery scope in a school district best financial management practices review under s. ~~ss. 11.515 and~~ 230.23025.

Section 9. Paragraph (a) of subsection (2) of section 235.2197, Florida Statutes, is amended to read:

235.2197 Florida Frugal Schools Program.—

(2) The "Florida Frugal Schools Program" is created to recognize publicly each district school board that agrees to build frugal yet functional educational facilities and that implements "best financial management practices" when planning, constructing, and operating educational facilities. The State Board of Education shall recognize a district school board as having a Florida Frugal Schools Program if the district requests recognition and satisfies two or more of the following criteria:

(a) The district receives a "Seal of Best Financial Management" as provided in s. 230.23025 or implements best financial management practices *applicable to in the area of educational facilities as evidenced by a partial* review under s. 230.23025 ~~s. 230.2302~~.

Section 10. *Land Acquisition and Facilities Advisory Board.—*

(1) *The Legislature recognizes that effective land acquisition and facilities operations are essential components of Florida district school boards' ability to provide facilities to accommodate the growing student population in the state. To support and assist the school districts, it is appropriate for the Legislature to make advisory resources available to aid districts in meeting those needs.*

(2) *If the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA) or the Auditor General determines in a review or examination that significant deficiencies exist in a school district's land acquisition and facilities operational processes, he or she shall certify to the President of Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and the Governor that the deficiency exists. The Legislative Budget Commission shall determine whether funds for the school district will be placed in reserve until the deficiencies are corrected.*

(3) *After receipt of that certification, the President of the Senate, the Speaker of the House of Representatives, and the Governor shall name a Land Acquisition and Facilities Advisory Board to provide expert advice and assist in improving the district's land acquisition and facilities operational processes. Each Land Acquisition and Facilities Advisory Board*

shall consist of seven members and shall possess specific expertise needed to assist the school district in improving its deficient processes. The President of the Senate and the Speaker of the House shall each appoint two members, and the Governor shall appoint three members of the advisory board. Membership of each advisory board may be different for each district. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in accordance with section 112.061, Florida Statutes.

(4) Within 30 days of its formation, the Land Acquisition and Facilities Advisory Board shall convene in the district and make all reasonable efforts to help the district correct deficiencies noted in the examination or audit of the district. The district must cooperate with the advisory board and provide information as requested.

(5) Within 60 days of convening, the Land Acquisition and Facilities Advisory Board shall assess the district's progress and corrective actions and report to the Commissioner of Education. The advisory board's report must address the release of any funds placed in reserve by the Executive Office of the Governor. Any recommendation from the advisory board for the release of funds shall include a certification that policies established, procedures followed, and expenditures made by the school board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action and address recommendations made by the Office of Program Policy Analysis and Government Accountability and the Auditor General. If the advisory board does not recommend release of the funds held in reserve they shall provide additional assistance and submit a subsequent report 60 days after the previous report.

(6) Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded.

Section 11. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing OPPAGA to complete reviews under certain circumstances; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; requiring consultation with the Commissioner of Education throughout the best-practices-review process; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; providing for district self-assessments; requiring public forums to review final reports; requiring copies of the final report issued by OPPAGA to be provided to additional entities; providing for electronic access to reports; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; clarifying provisions relating to the award of the "Seal of Best Financial Management"; providing for waiver of subsequent reviews under certain circumstances; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., revising duties of the Office of Program Policy Analysis and Government Accountability; amending s. 230.23027, F.S., relating to the Small School District Stabilization Program; conforming provisions to changes made by the act; amending s.

233.43, F.S., relating to duties of superintendent relating to instructional materials; conforming a cross-reference; amending s. 235.2197, F.S., relating to the Florida Frugal Schools Program; conforming cross-references; creating the Land Acquisition and Facilities Advisory Board; providing for appointment of members; providing a review process; providing for board dissolution; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 269** as amended was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

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

CS for SB 1734—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public-records requirements for specific information related to financial or medical records of insureds and consumers which are in the possession of the Department of Insurance; providing for future review and an expiration date; providing a finding of public necessity; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (404784)** by Senator Clary was adopted.

Pursuant to Rule 4.19, **CS for SB 1734** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB's 1960 and 1760** was deferred.

On motion by Senator Lawson—

SB 2216—A bill to be entitled An act relating to the food stamp program; amending s. 414.31, F.S.; providing a methodology for valuing vehicles as assets for purposes of food stamp eligibility; providing rule-making authority; providing a deadline for implementation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2216** was placed on the calendar of Bills on Third Reading.

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s.

63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Campbell and adopted:

Amendment 1 (311110)(with title amendment)—On page 91, line 1 through page 93, line 31, delete those lines

And the title is amended as follows:

On page 4, lines 12-23, delete those lines and insert: amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming

Amendment 2 (791932)—On page 89, line 12, delete "Paternity Registry;"

Senator Garcia moved the following amendment:

Amendment 3 (304386)—On page 27, lines 30 and 31, delete those lines.

On motion by Senator Campbell, further consideration of **CS for HB 415** with pending **Amendment 3** was deferred.

On motion by Senator King—

CS for SB 910—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; redefining the term "small business party"; increasing the limitation on attorney's fees and costs; amending s. 120.52, F.S.; redefining the term "agency"; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; restricting persons without substantial interests from initiating specified proceedings under the Environmental Protection Act; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (330674)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorney's fees and costs.—

(4)

(d) The court, or the administrative law judge in the case of a proceeding under chapter 120, shall promptly conduct an evidentiary hearing on the application for an award of attorney's fees and shall issue a judgment, or a final order in the case of an administrative law judge. The final order of an administrative law judge is reviewable in accordance with the provisions of s. 120.68. If the court affirms the award of attorney's fees and costs in whole or in part, it may, in its discretion, award additional attorney's fees and costs for the appeal.

1. No award of attorney's fees and costs shall be made in any case in which the state agency was a nominal party.

2. No award of attorney's fees and costs for an action initiated by a state agency shall exceed \$50,000 ~~\$15,000~~.

Section 2. Paragraph (e) of subsection (2) of section 120.569, Florida Statutes, is amended to read:

120.569 Decisions which affect substantial interests.—

(2)

(e)1. *Every pleading, written motion, and other paper filed in a proceeding must be signed by at least one attorney or qualified representative of record in the attorney's or qualified representative's individual name, or, if the party is not represented by an attorney or qualified representative, the pleading, written motion, or other paper must be signed by the party. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney, qualified representative, or party.*

2. *By presenting a pleading, written motion, or other paper, whether by signing, filing, submitting, or later advocating, an attorney, qualified representative, or unrepresented party is certifying that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:*

a. *The pleading, written motion, or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;*

b. *The claims, defenses, and other legal contentions contained in the pleading, written motion, or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;*

c. *The allegations and other factual contentions have evidentiary support or, if specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and*

d. *The denials of factual contentions are warranted on the evidence or, if specifically identified, are reasonably based on a lack of information or belief.*

3. *If, after notice and a reasonable opportunity to respond, the presiding officer determines that subparagraph 2. has been violated, the presiding officer may impose an appropriate sanction against the person who signed it, the represented party, or both, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees. However:*

a. *Monetary sanctions may not be awarded against a represented party for a violation of sub-subparagraph 2.b.*

b. *Monetary sanctions may not be awarded under this paragraph based on a violation of discovery rules.*

c. *This paragraph does not authorize the award of sanctions against any person who comments on or objects to a draft permit during an authorized period for public comment or at a public hearing.*

4. *Sanctions under this paragraph may be initiated at any time after the initiation of a proceeding either by motion or on the presiding officer's own initiative. A motion shall describe the specific conduct alleged to violate subparagraph 2. The motion shall be served upon the attorney or qualified representative of a party or an unrepresented party against whom such sanctions are sought and shall be filed with the presiding officer. However, such motion shall not be acted upon by the presiding officer or called up for hearing by the movant unless, within 14 days after service of the motion or such other period as the presiding officer may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. A presiding officer's own initiative to impose sanctions may be undertaken only after entering an order describing the specific conduct that appears to violate subparagraph 2. and directing the attorney or qualified representative of a party or the unrepresented party to show cause why subparagraph 2. has not been violated. When imposing sanctions, the presiding officer shall describe the conduct determined to constitute a violation of subparagraph 2. and explain the basis for the sanction imposed. All pleadings, motions, or other papers filed in the proceeding must be signed by the party, the party's attorney, or the party's qualified representative. The signature constitutes a certificate that the person has read the pleading, motion, or other paper and that, based upon reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay, or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the presiding officer shall impose upon the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.*

Section 3. Paragraphs (c) and (e) of subsection (1) of section 120.595, Florida Statutes, are amended to read:

120.595 Attorney's fees.—

(1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION 120.57(1).—

(c) In proceedings pursuant to s. 120.57(1), and upon motion, the administrative law judge shall determine whether any party participated in the proceeding for an improper purpose as defined by this subsection and s. 120.569(2)(e). In making such determination, the administrative law judge shall consider whether the nonprevailing adverse party has participated in two or more other such proceedings involving the same prevailing party and the same project as an adverse party and in which such two or more proceedings the nonprevailing adverse party did not establish either the factual or legal merits of its position, and

shall consider whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings. In such event, it shall be rebuttably presumed that the nonprevailing adverse party participated in the pending proceeding for an improper purpose.

(e) For the purpose of this subsection:

1. "Improper purpose" means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity.

2. "Costs" has the same meaning as the costs allowed in civil actions in this state as provided in chapter 57.

3. "Nonprevailing adverse party" means a party that has failed to have substantially changed the outcome of the proposed or final agency action which is the subject of a proceeding. In the event that a proceeding results in any substantial modification or condition intended to resolve the matters raised in a party's petition, it shall be determined that the party having raised the issue addressed is not a nonprevailing adverse party. The recommended order shall state whether the change is substantial for purposes of this subsection. In no event shall the term "nonprevailing party" or "prevailing party" be deemed to include any party that has intervened in a previously existing proceeding to support the position of an agency.

Section 4. Subsection (1) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, have the exclusive authority to review any order or rule of a water management district, other than a rule relating to an internal procedure of the district, an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57, or a rule that has been adopted after issuance of an order resulting from an evidentiary hearing held under s. 120.56, to ensure consistency with the provisions and purposes of this chapter. Subsequent to the legislative ratification of the delineation methodology pursuant to s. 373.421(1), this subsection also shall apply to an order of the department, or a local government exercising delegated authority, pursuant to ss. 373.403-373.443, except an order pertaining to activities or operations subject to conceptual plan approval pursuant to chapter 378 or an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57.

(a) Such review may be initiated by the department or by a party to the proceeding below by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. For the purposes of this section, the term "party" means any affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of this chapter, or any person who participated as a party in a proceeding instituted pursuant to chapter 120. In order for the commission to accept a request for review initiated by a party below, with regard to a specific order, four members of the commission must determine on the basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. Review of an order may also be accepted if four members of the commission determine that the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent. The party requesting the commission to review an order must allege with particularity, and the commission must find, that:

1. The order is in conflict with statutory requirements; or

2. The order is in conflict with the requirements of a duly adopted rule.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based solely on the record below. If there

was no evidentiary administrative proceeding below, the facts contained in the proposed agency action, including any technical staff report, shall be deemed undisputed. The matter shall be heard by the commission not more than 60 days after receipt of the request for review, unless waived by the parties.

(c) If the Land and Water Adjudicatory Commission determines that a rule of a water management district is not consistent with the provisions and purposes of this chapter, it may require the water management district to initiate rulemaking proceedings to amend or repeal the rule. If the commission determines that an order is not consistent with the provisions and purposes of this chapter, the commission may rescind or modify the order or remand the proceeding for further action consistent with the order of the Land and Water Adjudicatory Commission only if the commission determines that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. In the case of an order which does not itself substantially affect natural resources of statewide or regional significance, but which raises issues of policy that have regional or statewide significance from the standpoint of agency precedent, the commission may direct the district to initiate rulemaking to amend its rules to assure that future actions are consistent with the provisions and purposes of this chapter without modifying the order.

(d) In a review under this section of a construction permit issued pursuant to a conceptual permit under part IV, which conceptual permit is issued after July 1, 1993, a party to the review may not raise an issue which was or could have been raised in a review of the conceptual permit under this section.

(e) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(f) The Florida Land and Water Adjudicatory Commission may adopt rules to set forth its procedures for reviewing an order or rule of a water management district consistent with the provisions of this section.

(g) For the purpose of this section, it shall be presumed that activity authorized by an order will not affect resources of statewide or regional significance if the proposed activity:

1. Occupies an area less than 10 acres in size, and
2. Does not create impervious surfaces greater than 2 acres in size, and
3. Is not located within 550 feet of the shoreline of a named body of water designated as Outstanding Florida Waters, and
4. Does not adversely affect threatened or endangered species.

This paragraph shall not operate to hold that any activity that exceeds these limits is presumed to affect resources of statewide or regional significance. The determination of whether an activity will substantially affect resources of statewide or regional significance shall be made on a case-by-case basis, based upon facts contained in the record below.

Section 5. Subsection (5) of section 403.412, Florida Statutes, is amended to read:

403.412 Environmental Protection Act.—

(5)(a) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.

(b) *Citizen initiation of a proceeding under s. 120.569 or s. 120.57 shall not be authorized by paragraph (a), but shall be governed by the provisions of chapter 120.*

(c) *However, a nonprofit corporation or association organized in whole or in part to promote conservation, to protect the environment or other biological values, or to preserve historical sites may petition to*

initiate a proceeding under s. 120.569 or s. 120.57 with regard to an agency action or a proposed agency action in any administrative, licensing, or other proceedings described in paragraph (a) without demonstrating that its substantial interests have been or will be determined, if:

1. *Such corporation or association was in existence at least 1 year before the filing of the application to license or permit an activity, conduct, or product which resulted in the agency action or proposed agency action that is the subject of the petition;*

2.a. *Such corporation or association has an office for the transaction of its customary business or owns real property, within the same county where the activity, conduct, or product to be permitted or licensed is located, or*

b. *At least 25 members of the corporation or association reside or own real property within the same county where the activity, conduct, or product to be permitted or licensed is located; and*

3. *Such corporation or association files a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.*

Section 6. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act; providing an effective date.

Senator Campbell offered the following amendments which were moved by Senator King and adopted:

Amendment 2 (105170)—On page 5, line 12, delete "shall" and insert: *may*

Amendment 3 (402804)—On page 5, line 14, delete "must" and insert: *may*

Pursuant to Rule 4.19, **CS for SB 910** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for CS for SB 294—A bill to be entitled An act relating to housing; amending s. 420.503, F.S.; redefining the term "elderly"; allowing the Mortgage Revenue Bond Program to be included in the federal fair housing definition of elder housing; amending s. 420.5088, F.S.; allowing funds from the Homeowner's Assistance Program to be used for certain programs other than those sponsored by the Florida Housing Finance Corporation; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the cap on the Affordable Housing Guarantee Fund; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from said act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 294** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; authorizing the agency to pay for assistive-care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; requiring the Medicaid Pharmaceutical and Therapeutics Committee to recommend a preferred drug formulary; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee; authorizing the Agency for Health Care Administration to implement a prior authorization program for outpatient prescription drugs under the Medicaid program; providing duties of the committee in advising the agency with respect to prior authorization for drugs; providing requirements for the program; requiring public notice and comment; requiring the committee to develop a grievance mechanism; requiring the agency to publish the preferred drug formulary; amending s. 409.912, F.S.; authorizing the agency to establish requirements for prior authorization for certain populations, drug classes, or particular drugs; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; directing the agency to establish a demonstration project in Miami-Dade County to provide minority health care; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation; providing for distribution of funds under the disproportionate share program for specified hospitals for the 2001 federal fiscal year; providing effective dates.

—was read the second time by title.

Senators Silver and Sanderson offered the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (324854)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *From the funds in Specific Appropriation 1002 of the General Appropriations Act for FY 2001-2002, \$1,750,000 in non-recurring County Health Department Trust Funds is provided for the following:*

School Health—Hillsborough County	\$550,000
School Health—Broward County	\$500,000
School Health—Escambia County	\$200,000
School Health—Monroe County	\$200,000
School Health—Dade County	\$300,000

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing for the distribution of County Health Department Trust Funds;

Senator Silver moved the following amendments which were adopted:

Amendment 2 (312140)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *The certificate-of-need workgroup created by section 15 of Chapter 2000-318, Laws of Florida, shall review and make recommendations regarding the appropriateness of current regulations on services provided in ambulatory surgical centers. The recommendations shall be based on consideration of:*

(1) *The consistency of the regulations with federal law and federal reimbursement policies;*

(2) *The effectiveness of the regulations in protecting the public health and safety, promoting the quality of services provided by ambulatory surgical centers, and encouraging the participation of ambulatory surgical centers in the delivery of essential community services; and*

(3) *The impact of any change of the current regulations on the health care market, including:*

(a) *The number and location of facilities and services, whether provided by an ambulatory surgical center or other licensed health care provider;*

(b) *The financial condition of safety net providers;*

(c) *The availability of essential community services, including trauma, emergency care and specialty, tertiary services; and*

(d) *The cost and availability of health care services to all classes of patients, including insured, uninsured, underinsured, and Medicare and Medicaid.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: requiring the certificate-of-need workgroup to review and make recommendations regarding specified regulations;

Amendment 3 (104132)(with title amendment)—On page 11, line 28, insert:

4. *Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002.*

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: providing for a temporary rate reduction;

Amendment 4 (104548)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. Paragraphs (r) and (s) are added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) *For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.*

(s) *For fiscal year 2001-2002 only, for transfer by a health care system of existing services and not more than 100 licensed and approved beds from a hospital in district 1, subdistrict 1, to another location within the same subdistrict in order to establish a satellite facility that will improve access to outpatient and inpatient care for residents of the district and subdistrict and that will use new medical technologies, including advanced diagnostics, computer assisted imaging, and telemedicine to improve care. This paragraph is repealed on July 1, 2002.*

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing for an exemption from review for transfer of certain beds and services to a satellite facility; providing for future repeal;

RECONSIDERATION OF AMENDMENT

On motion by Senator Cowin, the Senate reconsidered the vote by which **Amendment 4** was adopted. **Amendment 4** was adopted.

Senator Silver moved the following amendments which were adopted:

Amendment 5 (885628)(with title amendment)—On page 24, line 29 through page 30, line 26, delete those lines and insert:

Section 8. Section 409.91195, Florida Statutes, is amended to read:

409.91195 Medicaid Pharmaceutical and Therapeutics Committee.—There is created a Medicaid Pharmaceutical and Therapeutics Committee within the Agency for Health Care Administration for the purpose of developing a preferred drug formulary pursuant to 42 U.S.C. s. 1396r-8. The committee shall develop and implement a voluntary Medicaid preferred prescribed drug designation program. The program shall provide information to Medicaid providers on medically appropriate and cost-efficient prescription drug therapies through the development and publication of a voluntary Medicaid preferred prescribed drug list.

(1) The Medicaid Pharmaceutical and Therapeutics Committee shall be comprised as specified in 42 U.S.C. s. 1396r-8 and consist of eleven members appointed by the Governor. Four members shall be physicians, licensed under chapter 458; one member licensed under chapter 459; five members shall be pharmacists licensed under chapter 465; and one member shall be a consumer representative of nine members appointed as follows: one practicing physician licensed under chapter 458, appointed by the Speaker of the House of Representatives from a list of recommendations from the Florida Medical Association; one practicing physician licensed under chapter 459, appointed by the Speaker of the House of Representatives from a list of recommendations from the Florida Osteopathic Medical Association; one practicing physician licensed under chapter 458, appointed by the President of the Senate from a list of recommendations from the Florida Academy of Family Physicians; one practicing podiatric physician licensed under chapter 461, appointed by the President of the Senate from a list of recommendations from the Florida Podiatric Medical Association; one trauma surgeon licensed under chapter 458, appointed by the Speaker of the House of Representatives from a list of recommendations from the American College of Surgeons; one practicing dentist licensed under chapter 466, appointed by the President of the Senate from a list of recommendations from the Florida Dental Association; one practicing pharmacist licensed under chapter 465, appointed by the Governor from a list of recommendations from the Florida Pharmacy Association; one practicing pharmacist licensed under chapter 465, appointed by the Governor from a list of recommendations from the Florida Society of Health System Pharmacists; and one health care professional with expertise in clinical pharmacology appointed by the Governor from a list of recommendations from the Pharmaceutical Research and Manufacturers Association. The members shall be appointed to serve for terms of 2 years from the date of their appointment. Members may be appointed to more than one term. The Agency for Health Care Administration shall serve as staff for the committee and assist them with all ministerial duties. *The Governor shall ensure that at least some of the members of the Medicaid Pharmaceutical and Therapeutics Committee represent Medicaid participating physicians and pharmacies serving all segments and diversity of the Medicaid population, and have experience in either developing or practicing under a preferred drug formulary. At least one of the members shall represent the interests of pharmaceutical manufacturers.*

(2) Committee members shall select a chairperson and a vice chairperson each year from the committee membership.

(3) The committee shall meet at least quarterly and may meet at other times at the discretion of the chairperson and members. The committee shall comply with rules adopted by the agency, including notice of any meeting of the committee pursuant to the requirements of the Administrative Procedure Act.

(4) Upon recommendation of the Medicaid Pharmaceutical and Therapeutics Committee the agency shall adopt a preferred drug list. To the extent feasible, the committee shall review all drug classes included in the formulary at least every 12 months, and may recommend additions to and deletions from the formulary, such that the formulary provides

(2) Upon recommendation by the committee, the Agency for Health Care Administration shall establish the voluntary Medicaid preferred prescribed drug list. Upon further recommendation by the committee, the agency shall add to, delete from, or modify the list. The committee shall also review requests for additions to, deletions from, or modifications of the list. The list shall be adopted by the committee in consultation with medical specialists, when appropriate, using the following criteria: use of the list shall be voluntary by providers and the list must provide for medically appropriate drug therapies for Medicaid patients which achieve cost savings contained in the General Appropriations Act.

(5) Except for mental health-related drugs, anti-retroviral drugs, and drugs for nursing home residents and other institutional residents, reimbursement of drugs not included in the formulary is subject to prior authorization in the Medicaid program.

(6)(3) The Agency for Health Care Administration shall publish and disseminate the preferred drug formulary voluntary Medicaid preferred prescribed drug list to all Medicaid providers in the state.

(7) The committee shall ensure that pharmaceutical manufacturers agreeing to provide a supplemental rebate as outlined in this chapter have an opportunity to present evidence supporting inclusion of a product on the preferred drug list. Upon timely notice, the agency shall ensure that any drug that has been approved or had any of its particular uses approved by the United States Food and Drug Administration under a priority review classification will be reviewed by the Medicaid Pharmaceutical and Therapeutics Committee at the next regularly scheduled meeting. To the extent possible, upon notice by a manufacturer the agency shall also schedule a product review for any new product at the next regularly scheduled Medicaid Pharmaceutical and Therapeutics Committee.

(8) Until the Medicaid Pharmaceutical and Therapeutics Committee is appointed and a preferred drug list adopted by the agency, the agency shall use the existing voluntary preferred drug list adopted pursuant to Chapter 2000-367, Section 72, Laws of Florida. Drugs not listed on the voluntary preferred drug list will require prior authorization by the agency or its contractor.

(9) The Medicaid Pharmaceutical and Therapeutics Committee shall develop its preferred drug list recommendations by considering the clinical efficacy, safety, and cost effectiveness of a product. When the preferred drug formulary is adopted by the agency, if a product on the formulary is one of the first four brand-name drugs used by a recipient in a month the drug shall not require prior authorization.

(10) The Medicaid Pharmaceutical and Therapeutics Committee may also make recommendations to the agency regarding the prior authorization of any prescribed drug covered by Medicaid.

(11) Medicaid recipients may appeal agency preferred drug formulary decisions using the Medicaid fair hearing process administered by the Department of Children and Family Services.

And the title is amended as follows:

On page 2, lines 8-18, delete those lines and insert: and Therapeutics Committee; providing for committee responsibilities; requiring the agency to publish the preferred drug formulary; providing for a hearing process;

Amendment 6 (733542)—On page 15, line 22, after the period (.) insert: *Each rate semester, the agency shall calculate and publish a Medicaid hospital rate schedule that does not reflect either special Medicaid payments or the elimination of rate reimbursement ceilings, to be used by hospitals and Medicaid health maintenance organizations, in order to determine the Medicaid rate referred to in ss. 409.912(16), 409.9128(5), and 641.513(6).*

Amendment 7 (471714)—On page 58, lines 19-28, delete those lines and insert:

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 10 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter

unless the federal or supplemental rebate, or both, equals or exceeds 25 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" may include, at the agency's discretion, cash rebates and other program benefits that offset a Medicaid expenditure. Such other program benefits may include, but are not limited to, disease management programs, drug product donation programs, drug utilization control programs, prescriber and beneficiary counseling and education, fraud and abuse initiatives, and other services or administrative investments with guaranteed savings to the Medicaid program in the same year the rebate reduction is included in the General Appropriations Act. The agency is authorized to seek any federal waivers to implement this initiative.

Amendment 8 (411394)—On page 56, line 9, after the period (.) insert: *Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit.*

Amendment 9 (611284)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *It is hereby appropriated for state fiscal year 2001-2002, \$713,493 from the General Revenue Fund and \$924,837 from the Medical Care Trust Fund to increase the pharmaceutical dispensing fee for prescriptions dispensed to nursing home residents and other institutional residents from \$4.23 to \$4.73 per prescription.*

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing an appropriation;

Amendment 10 (104794)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *From the funds in Specific Appropriation 500 of the General Appropriations Act for FY 2001-2002, \$196,000 in General Revenue is provided for the following:*

<i>Public Guardianship Program - Dade County</i>	<i>\$150,000</i>
<i>Public Guardianship Program - Collier County</i>	<i>\$ 38,000</i>
<i>Public Guardianship Program - Escambia County</i>	<i>\$ 8,000</i>

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing an appropriation;

Senator Sanderson moved the following amendment which was adopted:

Amendment 11 (101730)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. Subsection (1) and paragraph (a) of subsection (7) of section 240.4075, Florida Statutes, are amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, birth centers, federally sponsored community health centers, and teaching hospitals, *family practice teaching hospitals, and specialty children's*

hospitals by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07, *family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. If, in any given fiscal quarter, there are insufficient funds in the trust fund to grant all eligible applicants' requests, awards must be based on the following priority by employer: county health departments, federally sponsored community health centers, state-operated medical and health care facilities, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, specialty children's hospitals as described in s. 409.9119, and other hospitals, birthing centers, or nursing homes where the match is required.*

Section 14. Paragraph (b) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(4) Credit for repayment of a scholarship shall be as follows:

(b) Eligible health care facilities include state-operated medical or health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07, *nursing homes, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119.* The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

Section 15. *All the statutory powers, duties, and functions and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Nursing Student Loan Forgiveness Program are transferred from the Department of Education to the Department of Health by a type two transfer as defined in section 20.06, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health;

Pursuant to Rule 4.19, **CS for CS for SB 792** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 348—A bill to be entitled An act relating to condominiums; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S.; revising provisions with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising provisions with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising provisions with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising provisions with respect to the association; amending s. 718.112, F.S.; revising provisions with respect to bylaws; amending s. 718.113, F.S.; revising provisions with respect to material alterations of common elements or association real property operated by a multicondominium

association; amending s. 718.115, F.S.; revising provisions with respect to common expenses; amending s. 718.405, F.S.; revising provisions with respect to multicondominiums and multicondominium associations; amending s. 718.504, F.S.; revising provisions with respect to the prospectus or offering circular; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

Amendment 1 (514528)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter Sections 326.001-326.006* may be cited as the “Yacht and Ship Brokers’ Act.”

Section 2. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter ss. 326.001-326.006*, the term:

(1) “Broker” means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) “Department” “Division” means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

(3) “Salesperson” means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) “Yacht” means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) “Person” means an individual, partnership, firm, corporation, association, or other entity.

Section 3. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The ~~department division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter ss. 326.001-326.006*.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer this chapter* ~~implement ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter ss. 326.001-326.006* against any person who operates as a broker or salesperson without a license.

Section 4. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers’ Act. The ~~department division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The ~~department division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed \$500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the ~~department division~~ in *this chapter ss. 326.001-326.006*.

(6) The ~~department division~~ may deny a license or *license renewal* to any applicant who does not:

(a) Furnish proof satisfactory to the ~~department division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers’ Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the ~~department division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of \$25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the ~~department division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers’ Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the ~~department division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter ss. 326.001-326.006*. When the ~~department division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers’ Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the ~~department division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson’s license or its renewal must deposit with the ~~department division~~ a bond or equivalent securities in the sum of \$10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter ss. 326.001-326.006* which results in any action being commenced on the bond or letter of credit, the ~~department division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond

or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers' Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the ~~department division~~ that it is no longer the surety for a licensee, the ~~department division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee's principal office. Upon the termination of such surety the licensee's license is automatically suspended until he or she files a new bond with the ~~department division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office. The ~~department division~~ shall establish by rule a fee not to exceed \$100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the ~~department division~~ for cancellation.

(15) The ~~department division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement and the Federal Bureau of Investigation ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 5. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of ~~department division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The ~~department division~~ has the power to enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the ~~department division~~ has the following powers and duties:

(a) The ~~department division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The ~~department division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the ~~department division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the ~~secretary of the department division director~~ or any officer or employee designated by the ~~secretary division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the ~~department investigating officer~~ and upon reasonable notice to all persons affected thereby, the ~~department division~~ may apply to the circuit court for an order compelling compliance, may impose a civil penalty, and may suspend or revoke the licensee's license.

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the ~~department division~~ has reasonable cause to believe that

a violation of any provision of this chapter or rule adopted under this chapter has occurred, the ~~department division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The ~~department division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The ~~department division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the ~~department division~~ will carry out the purposes of this chapter.

3. The ~~department division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The ~~department division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All amounts collected must be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the ~~department division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the ~~department division~~ must be brought in the county in which the ~~department division~~ has its executive offices or in the county where the violation occurred.

(e) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. Engages in acts that are evidence of a lack of good moral character.

10. Is convicted of a felony.

(f) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.
2. Been found guilty of a felony or a crime of moral turpitude.
3. Had a license or registration revoked, suspended, or sanctioned in another state.

(3) All fees must be deposited in the *Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund* as provided by law.

Section 6. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.*

Section 7. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~ A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for routine inspection.

(2) The division may shall employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 8. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the*

department is responsible for the printed or electronic content of all initial licensure and licensure renewal documents. Such documents must require information including as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

(12) *The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.*

Section 9. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives

the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) *Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.*

Section 10. Subsection (5) is added to section 718.1255, Florida Statutes, to read:

718.1255 Alternative dispute resolution; voluntary mediation; mandatory nonbinding arbitration; *disputes involving election irregularities; legislative findings.*—

(1) DEFINITIONS.—As used in this section, the term “dispute” means any disagreement between two or more parties that involves:

(a) The authority of the board of directors, under this chapter or association document to:

1. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto.

2. Alter or add to a common area or element.

(b) The failure of a governing body, when required by this chapter or an association document, to:

1. Properly conduct elections.

2. Give adequate notice of meetings or other actions.

3. Properly conduct meetings.

4. Allow inspection of books and records.

“Dispute” does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.

(3) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding

arbitration and mediation in appropriate cases, thereby reducing delay and attorney’s fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall employ full-time attorneys to act as arbitrators to conduct the arbitration hearings provided by this chapter. The division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this section. No person may be employed by the department as a full-time arbitrator unless he or she is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of \$50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;

2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and

3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents’ answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) Upon referral of a case to mediation, the parties must select a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator, the arbitrator shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator must impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys’ fees incurred by the other

parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute in good faith, and with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the mediator declares an impasse after a mediation conference has been held, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in

which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, and any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(5) *DISPUTES INVOLVING ELECTION IRREGULARITIES.*—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.

Section 11. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words “decree of foreclosure” shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word “mortgage” shall mean any written instrument securing the payment of money or advances and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720; the word “debt” shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words “foreclosure proceedings” shall embrace every action in the circuit or county courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word “property” shall mean and include both real and personal property.

Section 12. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If a declaration recorded on or after July 1, 2000, for a condominium operated by a multicondominium association, as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number “one” and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration as originally recorded, or as amended pursuant to the procedures provided therein, may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act. However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 13. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted pursuant to the provisions contained therein ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 14. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 15. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by~~ an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, lease, or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of cause to be prepared and completed by a third party*, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received by the association from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws*, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$100,000 or more, but less than \$200,000, shall prepare compiled financial statements.
2. An association with total annual revenues of at least \$200,000, but less than \$400,000, shall prepare reviewed financial statements.
3. An association with total annual revenues of \$400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than \$100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;
2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or
3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;
2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or
3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 16. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) OPTIONAL PROVISIONS.—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein*, may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 17. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 18. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 19. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000, if the declaration for each condominium to be operated by that association shall provide provides for participation in a multicondominium, in conformity with this section, and disclose discloses or describe describes:*

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 20. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his

or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, as well as a copy of the question and answer sheet provided for by s. 718.504 and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: ~~THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND THE QUESTION AND ANSWER SHEET MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or~~

2. A clause which states: ~~THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND QUESTION AND ANSWER SHEET IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, AND RULES, AND QUESTION AND ANSWER SHEET IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.~~

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 21. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one

condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If a the condominium created on or after July 1, 2000, is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 22. Except as otherwise provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s.

718.504, F.S.; revising language with respect to the prospectus or offering circular; providing effective dates.

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

Amendment 1A (451410)—On page 13, lines 3-5 delete those lines and insert: *the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate*

Senator King offered the following amendment to **Amendment 1** which was moved by Senator Geller and adopted:

Amendment 1B (571668)(with title amendment)—On page 39, between lines 24 and 25, insert:

Section 22. Subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) “Athlete agent” means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete’s athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 23. Section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant’s proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

~~(c)(d) Has completed the application form and remitted an application fee not to exceed \$500, an examination fee not to exceed the actual cost for the examination plus \$500, an active licensure fee not to exceed \$2,000, and all other applicable fees provided for in this part or in chapter 455.~~

~~(d)(e) Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.~~

~~(e)(f) Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant’s practice or ability to practice as an athlete agent.~~

~~(g) Has posted with the department a \$15,000 surety bond issued by an insurance company authorized to do business in this state. The bond~~

~~shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney’s fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent’s supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete’s behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.

(4) A license issued to an athlete agent is not transferable.

(5) *By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual’s agent for service of process in any civil action related to the individual’s acting as an athlete agent.*

(6) *The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.*

(7)(a) An individual who has submitted an application and holds a certificate, registration, or license as an athlete agent in another state may submit a copy of the application and certificate, registration, or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Section 24. Section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) *An agent contract must be in a record, signed, or otherwise authenticated by the parties.*

(2) *An agent contract must state:*

(a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;

(b) The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;

(c) A description of any expenses that the student-athlete agrees to reimburse;

(d) A description of the services to be provided to the student-athlete;

(e) The duration of the contract; and

(f) *The date of execution.*

(3) *An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:*

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;**
 2. **IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND**
 3. **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.**
- (4) *An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*
- (5) *The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.*
- (6) *Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.*
- (7) *Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.*
- (8) *A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.*
- (9) *A student-athlete may not waive the right to cancel an agent contract.*
- (10) *If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*

(1) ~~An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

(2) ~~A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point bold-faced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO~~

~~PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

(3) ~~An agent contract which does not meet the requirements of this section is void and unenforceable.~~

(4) ~~Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

(5) ~~A postdated agent contract is void and unenforceable.~~

(11)(6) ~~An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.~~

(12)(7) ~~An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.~~

Section 25. Subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227, and an administrative fine not to exceed \$25,000 for each separate offense. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 26. Subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) *An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:*

1. *Give any materially false or misleading information or make a materially false promise or representation;*
2. *Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or*
3. *Furnish anything of value to any individual other than the student-athlete or another athlete agent.*

(b) *An athlete agent may not intentionally:*

1. *Initiate contact with a student-athlete unless licensed under this part;*
2. *Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;*
3. *Provide materially false or misleading information in an application for licensure;*
4. *Predate or postdate an agent contract;*
5. *Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or*

6. *Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.*

(c) *An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 27. Section 468.4562, Florida Statutes, is amended to read:
468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization and, because of that penalty, disqualification, ~~or~~ suspension, or action the institution:

- (a) Loses revenue from media coverage of a sports contest;
 - (b) Loses the right to grant an athletic scholarship;
 - (c) Loses the right to recruit an athlete;
 - (d) Is prohibited from participating in postseason athletic competition;
 - (e) Forfeits an athletic contest; or
 - (f) Otherwise suffers an adverse financial impact.
- (3) An institution that prevails in a suit brought under this section may recover:
- (a) Actual damages;
 - (b) Punitive damages;
 - (c) Treble damages;
 - (d) Court costs; and
 - (e) Reasonable attorney's fees.

(4) *A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.*

(5) *Any liability of the athlete agent or the former student-athlete under this section is several and not joint.*

(6) *This part does not restrict rights, remedies, or defenses of any person under law or equity.*

Section 28. Subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) ~~An athlete agent who holds an active license and engages in business as an athlete agent shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least 5 4 years from the date of entry. These records must include, but shall not be limited to:~~

- (a) *The name and address of each individual represented by the athlete agent;*
- (b) *Any agent contract entered into by the athlete agent; and*

(c) *Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.*

Section 29. Sections 468.4563 and 468.4564, Florida Statutes, are repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 41, line 30, after the semicolon (;) insert: amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 348** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term “average final compensation” with respect to the Florida Retirement System; revising contribution rates as part of the funding process; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (982212)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(1) **NORMAL RETIREMENT BENEFIT.**—Upon attaining his or her normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall begin to accrue on the first day of the month of retirement and be payable on the last day of that month and each month thereafter during his or her lifetime. The normal retirement benefit, including any past or additional retirement credit, may not exceed 100 percent of the average final compensation. The amount of monthly benefit shall be calculated as the product of A and B, subject to the adjustment of C, if applicable, as set forth below:

(a)1. For creditable years of Regular Class service, A is 1.60 percent of the member's average final compensation, up to the member's normal retirement date. Upon completion of the first year after the normal retirement date, A is 1.63 percent of the member's average final compensation. Following the second year after the normal retirement date, A is

1.65 percent of the member's average final compensation. Following the third year after the normal retirement date, and for subsequent years, A is 1.68 percent of the member's average final compensation.

2. For creditable years of special risk service, A is:
 - a. Two percent of the member's average final compensation for all creditable years prior to October 1, 1974;
 - b. Three percent of the member's average final compensation for all creditable years after September 30, 1974, and before October 1, 1978;
 - c. Two percent of the member's average final compensation for all creditable years after September 30, 1978, and before January 1, 1989;
 - d. Two and two-tenths percent of the member's final monthly compensation for all creditable years after December 31, 1988, and before January 1, 1990;
 - e. Two and four-tenths percent of the member's average final compensation for all creditable years after December 31, 1989, and before January 1, 1991;
 - f. Two and six-tenths percent of the member's average final compensation for all creditable years after December 31, 1990, and before January 1, 1992;
 - g. Two and eight-tenths percent of the member's average final compensation for all creditable years after December 31, 1991, and before January 1, 1993;
 - h. Three percent of the member's average final compensation for all creditable years after December 31, 1992; and
 - i. Three percent of the member's average final compensation for all creditable years of service after September 30, 1978, and before January 1, 1993, for any special risk member who retires after July 1, 2000, or any member of the Special Risk Administrative Support Class entitled to retain the special risk normal retirement date who was a member of the Special Risk Class during the time period and who retires after July 1, 2000. *Those members with creditable service in these classes who have served between these dates and who have retired, are participants in the deferred retirement option program, or have terminated employment with vested rights before July 1, 2000, shall receive a 12 percent increase in their benefits effective January 1, 2002.*
3. For creditable years of Senior Management Service Class service after January 31, 1987, A is 2 percent;
4. For creditable years of Elected Officers' Class service as a Supreme Court Justice, district court of appeal judge, circuit judge, or county court judge, A is 3½ percent of the member's average final compensation, and for all other creditable service in such class, A is 3 percent of average final compensation;
 - (b) B is the number of the member's years and any fractional part of a year of creditable service earned subsequent to November 30, 1970; and
 - (c) C is the normal retirement benefit credit brought forward as of November 30, 1970, by a former member of an existing system. Such normal retirement benefit credit shall be determined as the product of X and Y when X is the percentage of average final compensation which the member would have been eligible to receive if the member had attained his or her normal retirement date as of November 30, 1970, all in accordance with the existing system under which the member is covered on November 30, 1970, and Y is average final compensation as defined in s. 121.021(25). However, any member of an existing retirement system who is eligible to retire and who does retire, become disabled, or die prior to April 15, 1971, may have his or her retirement benefits calculated on the basis of the best 5 of the last 10 years of service.
 - (d) A member's average final compensation shall be determined by formula to obtain the coverage for the 5 highest fiscal years' salaries, calculated as provided by rule.

Section 2. *It is the intent of the Legislature that the costs attributable to increases in the repurchase of retirement accrual rates for retired and*

inactive members of the Special Risk Class from October 1978 through December 1992 shall be funded by recognition of a level lump sum of \$370.6 million, amortized over 30 years in equal annual payments, from the excess actuarial assets of the Florida Retirement System Trust Fund. Such benefits shall increase with prior cost-of-living adjustments beginning on the date of benefit commencement, as provided in this act, excluding any missed or retroactive payments. If, after recognition of the excess actuarial assets, there remains an unfunded actuarial liability attributable to the increase in the retirement accrual rates, the payroll contribution rate for the Special Risk Class shall be increased by up to 0.10 percentage points, effective July 1, 2002, unless the Legislature provides an alternative funding mechanism.

Section 3. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions and the dependents, survivors, and beneficiaries of such employees and retirees are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner, as required by Section 14, Article X, of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 4. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

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

Amendment 1A (903260)(with title amendment)—On page 4, line 28 through page 5, line 13, delete those lines and insert:

Section 2. *For those members with creditable service in the Florida Retirement System Special Risk Class who have retirement service credit in the Special Risk Class after September 30, 1978, and before January 1, 1993, and who retired or entered the Deferred Retirement Option Program of the Florida Retirement System prior to July 1, 2000, such members, or their beneficiaries if the member is deceased, shall receive a one-time special cost-of-living increase on January 1, 2002, equal to 12 percent of their gross retirement benefit. Such increase shall be in addition to the normal cost-of-living increase provided to such members on July 1, 2001.*

Section 3. *It is the intent of the Legislature that the costs attributable to the additional cost-of-living increase for special risk retirees and Deferred Retirement Option Program participants as provided under section 2 shall be funded by recognition of excess actuarial assets, amortized over 30 years with the payments assumed to remain relatively stable when expressed as a percentage of payroll. For fiscal year 2001-2002, the payment shall be \$9.3 million. For fiscal year 2002-2003, the payment shall be \$19 million, and, thereafter, payments shall increase by 5 percent per year. If insufficient funds are available to fund this additional cost through recognition of excess actuarial assets in fiscal year 2002-2003 and any year thereafter, and there remains an unfunded actuarial liability attributable to the one-time cost-of-living increase provided under section 2, the payroll contribution rate for the Special Risk Class of the Florida Retirement System shall be increased by .93 percent effective July 1 of that year, unless the Legislature provides an alternative funding mechanism before that date.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 11, after the semicolon (;) insert: providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

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

Amendment 1 (022416)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(a) The following table states the required retirement contribution rates for members of the Elected Officers' Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
July 1, 1972, through September 30, 1977		
Legislators	8%	8%
All Other Members	8%	8%
October 1, 1977, through September 30, 1978		
Legislators	8%	8%
All Other Members	4%	12%
October 1, 1978, through September 30, 1979		
Legislators	8%	10.57%
All Other Members	4%	16.78%
October 1, 1979, through September 30, 1981		
Legislators	8%	10.57%
Governor, Lt. Governor, Cabinet Officers	4%	16.78%
All Other Members	0%	20.78%
July 1, 1981, through June 30, 1984		
County Elected Officers	0%	19.30%
July 1, 1984, through September 30, 1984		
County Elected Officers	0%	20.25%
October 1, 1981, through September 30, 1984		

Dates of Contribution Rate Changes	Members	Employers
Legislators	0%	19.30%
Governor, Lt. Governor, Cabinet Officers	0%	21.03%
State Attorneys, Public Defenders	0%	20.95%
Justices, Judges	0%	22.55%
October 1, 1984, through September 30, 1986		
Legislators	0%	10.98%
Governor, Lt. Governor, Cabinet Officers	0%	10.98%
State Attorneys, Public Defenders	0%	10.98%
Justices, Judges	0%	21.79%
County Elected Officers	0%	16.97%
October 1, 1986, through December 31, 1988		
Legislators	0%	11.50%
Governor, Lt. Governor, Cabinet Officers	0%	11.50%
State Attorneys, Public Defenders	0%	11.50%
Justices, Judges	0%	20.94%
County Elected Officers	0%	17.19%
January 1, 1989, through December 31, 1989		
Legislators	0%	13.70%
Governor, Lt. Governor, Cabinet Officers	0%	13.70%
State Attorneys, Public Defenders	0%	13.70%
Justices, Judges	0%	22.58%
County Elected Officers	0%	18.44%
January 1, 1990, through December 31, 1990		
Legislators	0%	15.91%
Governor, Lt. Governor, Cabinet Officers	0%	15.91%
State Attorneys, Public Defenders	0%	15.91%
Justices, Judges	0%	24.22%
County Elected Officers	0%	19.71%
January 1, 1991, through December 31, 1991		
Legislators	0%	17.73%
Governor, Lt. Governor, Cabinet Officers	0%	17.73%
State Attorneys, Public Defenders	0%	17.73%
Justices, Judges	0%	26.63%
County Elected Officers	0%	23.32%
January 1, 1992, through December 31, 1992		
Legislators	0%	19.94%
Governor, Lt. Governor, Cabinet Officers	0%	19.94%
State Attorneys, Public Defenders	0%	19.94%
Justices, Judges	0%	28.27%
County Elected Officers	0%	24.59%
January 1, 1993, through December 31, 1993		
Legislators	0%	22.14%
Governor, Lt. Governor, Cabinet Officers	0%	22.14%
State Attorneys, Public Defenders	0%	22.14%
Justices, Judges	0%	29.91%
County Elected Officers	0%	25.84%
January 1, 1994, through December 31, 1994		
Legislators	0%	22.65%
Governor, Lt. Governor, Cabinet Officers	0%	22.65%
State Attorneys, Public Defenders	0%	22.65%

Dates of Contribution Rate Changes	Members	Employers
Justices, Judges	0%	30.52%
County Elected Officers	0%	26.07%
January 1, 1995, through December 31, 1995		
Legislators	0%	22.80%
Governor, Lt. Governor, Cabinet Officers	0%	22.80%
State Attorneys, Public Defenders	0%	22.80%
Justices, Judges	0%	30.21%
County Elected Officers	0%	27.48%
January 1, 1996, through June 30, 1996		
Legislators	0%	22.90%
Governor, Lt. Governor, Cabinet Officers	0%	22.90%
State Attorneys, Public Defenders	0%	22.90%
Justices, Judges	0%	30.15%
County Elected Officers	0%	27.54%
July 1, 1996, through June 30, 1998		
Legislators	0%	23.07%
Governor, Lt. Governor, Cabinet Officers	0%	23.07%
State Attorneys, Public Defenders	0%	23.07%
Justices, Judges	0%	29.55%
County Elected Officers	0%	27.33%
July 1, 1998, through June 30, 1999		
Legislators	0%	22.33%
Governor, Lt. Governor, Cabinet Officers	0%	22.33%
State Attorneys, Public Defenders	0%	22.33%
Justices, Judges	0%	27.21%
County Elected Officers	0%	26.99%
Effective July 1, 1999		
Legislators	0%	14.31%
Governor, Lt. Governor, Cabinet Officers	0%	14.31%
State Attorneys, Public Defenders	0%	14.31%
Justices, Judges	0%	20.48%
County Elected Officers	0%	17.05%
Effective July 1, 2001		
Legislators	0%	15.14%
Governor, Lt. Governor, Cabinet Officers	0%	15.14%
State Attorneys, Public Defenders	0%	15.14%
Justices, Judges	0%	20.61%
County Elected Officers	0%	17.61%

Section 2. Paragraph (a) of subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member’s gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
February 1, 1987, through December 31, 1988	0%	13.88%
January 1, 1989, through		

Dates of Contribution Rate Changes	Members	Employers
December 31, 1989	0%	14.95%
January 1, 1990, through December 31, 1990	0%	16.04%
January 1, 1991, through December 31, 1991	0%	18.39%
January 1, 1992, through December 31, 1992	0%	19.48%
January 1, 1993, through December 31, 1993	0%	20.55%
January 1, 1994, through December 31, 1994	0%	23.07%
January 1, 1995, through December 31, 1995	0%	23.88%
January 1, 1996, through June 30, 1996	0%	24.14%
July 1, 1996, through June 30, 1998	0%	21.58%
July 1, 1998, through June 30, 1999	0%	23.10%
Effective July 1, 1999	0%	11.19%
Effective July 1, 2001	0%	11.73%

Section 3. Subsection (1) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class and their employers in terms of a percentage of the member’s gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	4%	4%
December 1, 1970, through September 30, 1975, for all other local government agencies	4%	4%
January 1, 1975, through September 30, 1978, for state agencies and state universities	0%	9%
January 1, 1975, through July 31, 1978, for community colleges and district school boards	0%	9%
October 1, 1975, through September 30, 1978, for all other local government agencies	0%	9%
August 1, 1978, through September 30, 1981, for community colleges and district school boards	0%	9.1%
October 1, 1978, through September 30, 1981, for all other agencies	0%	9.1%
October 1, 1981, through September 30, 1984	0%	10.93%
October 1, 1984, through		

Dates of Contribution Rate Changes	Members	Employers	Dates of Contribution Rate Changes	Members	Employers
September 30, 1986	0%	12.24%	December 31, 1988	0%	15.11%
October 1, 1986, through December 31, 1988	0%	13.14%	January 1, 1989, through December 31, 1989	0%	17.50%
January 1, 1989, through December 31, 1989	0%	13.90%	January 1, 1990, through December 31, 1990	0%	19.90%
January 1, 1990, through December 31, 1990	0%	14.66%	January 1, 1991, through December 31, 1991	0%	25.52%
January 1, 1991, through December 31, 1991	0%	15.72%	January 1, 1992, through December 31, 1992	0%	26.35%
January 1, 1992, through December 31, 1992	0%	16.51%	January 1, 1993, through December 31, 1993	0%	27.14%
January 1, 1993, through December 31, 1993	0%	17.27%	January 1, 1994, through December 31, 1994	0%	27.03%
January 1, 1994, through December 31, 1994	0%	17.10%	January 1, 1995, through December 31, 1995	0%	26.83%
January 1, 1995, through December 31, 1995	0%	16.91%	January 1, 1996, through June 30, 1996	0%	26.84%
January 1, 1996, through June 30, 1996	0%	17.00%	July 1, 1996, through June 30, 1998	0%	26.44%
July 1, 1996, through June 30, 1998	0%	16.77%	July 1, 1998, through June 30, 1999	0%	24.38%
July 1, 1998, through June 30, 1999	0%	15.51%	July 1, 1999, through June 30, 2000	0%	20.22%
Effective July 1, 1999	0%	9.21%	Effective July 1, 2000	0%	20.35%
Effective July 1, 2001	0%	9.91%	Effective July 1, 2001	0%	22.07%

(b) Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through September 30, 1974	6%	6%
October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	8%	8%
October 1, 1974, through September 30, 1975, for all other local government agencies	8%	8%
January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	0%	13%
October 1, 1975, through September 30, 1978, for other local government agencies	0%	13%
October 1, 1978, through September 30, 1981	0%	13.95%
October 1, 1981, through September 30, 1984	0%	13.91%
October 1, 1984, through September 30, 1986	0%	14.67%
October 1, 1986, through		

(c) Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	Members	Employers
July 1, 1982, through September 30, 1984	0%	11.14%
October 1, 1984, through September 30, 1986	0%	13.09%
October 1, 1986, through December 31, 1988	0%	15.44%
January 1, 1989, through December 31, 1989	0%	14.76%
January 1, 1990, through December 31, 1990	0%	14.09%
January 1, 1991, through December 31, 1991	0%	20.16%
January 1, 1992, through December 31, 1992	0%	19.51%
January 1, 1993, through December 31, 1993	0%	18.83%
January 1, 1994, through December 31, 1994	0%	18.59%
January 1, 1995, through		

Dates of Contribution Rate Changes	Members	Employers
December 31, 1995	0%	17.81%
January 1, 1996, through June 30, 1996	0%	17.80%
July 1, 1996, through June 30, 1998	0%	17.20%
July 1, 1998, through June 30, 1999	0%	14.64%
July 1, 1999, through June 30, 2000	0%	11.53%
Effective July 1, 2000	0%	11.74%
Effective July 1, 2001	0%	12.55%

Section 4. Paragraph (b) of subsection (12) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(b) The monthly contributions required to be paid pursuant to paragraph (a) on the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
July 1, 1996, through June 30, 1998	5.64%
Effective July 1, 1998, through June 30, 2001	7.17%
Effective July 1, 2001	6.96%

Section 5. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a) *Through June 30, 2001*, each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System *defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The department shall deduct, less an amount approved by the Legislature which shall be deducted by the department* to provide for the administration of this program. The payment of the contributions to the optional program which is required by this paragraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) shall not be forwarded to a company and shall not begin to accrue interest until the employee has executed an annuity contract and notified the department.

Section 6. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of members of the Florida Community College System or charter technical career centers sponsored by members of the Florida Community College System, as designated in s. 240.3031, who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and in s. 240.3195 may elect, in lieu of participating in the Florida Retirement System, to withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program, to be known as the State Community College System Optional Retirement Program, which may be provided by the employing agency under s. 240.3195. Pursuant thereto:

1. *Through June 30, 2001*, the cost to the employer for such annuity shall equal the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class *defined benefit program*, plus the portion of the contribution rate required by s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct, and less an amount approved by the employer* to provide for the administration of the optional retirement program. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in such an optional retirement program shall be irrevocable for as long as the employee holds a position eligible for participation. Any service creditable under the Florida Retirement System shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Florida Retirement System shall not be earned while a member of the optional retirement program.

3. Participation in an optional annuity program shall be limited to those employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12).

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and:

(A) The duties and responsibilities of the position include either the formulation, interpretation, or implementation of policies; or

(B) The duties and responsibilities of the position include the performance of functions that are unique or specialized within higher education and that frequently involve the support of the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

4. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively.

5. Eligible community college employees shall be compulsory members of the Florida Retirement System until, pursuant to the procedures set forth in s. 240.3195, the first day of the next full calendar month following the filing of both a written election to withdraw and a completed application for an individual contract or certificate with the program administrator and receipt of such election by the division.

Section 7. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(6)

(d) Contributions.—

1. *Through June 30, 2001*, each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a Senior Management Service Class member of the Florida Retirement System *defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 12.49 percent of the participant’s gross monthly compensation. The department shall deduct, less an amount approved by the Legislature which shall be deducted by the department* to provide for the administration of this program. The payment of the contributions to the optional program which is required by this subparagraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

2. Each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program participants, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each participant in the Senior Management Service retirement program and shall be in addition to the retirement contributions specified in this paragraph.

5. Each participant in the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the participant’s gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the participant’s contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

Section 8. Paragraph (a) of subsection (4) of section 240.3195, Florida Statutes, is amended to read:

240.3195 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 240.319(4)(r), under which annuity contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

(4)(a) *Through June 30, 2001*, each college must contribute on behalf of each program participant an amount equal to the normal cost portion of the employer retirement contribution which would be required if the

program participant were a member of the Regular Class of the Florida Retirement System as provided in s. 121.071, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each college must contribute on behalf of each program participant an amount equal to 10.43 percent of the participant’s gross monthly compensation. The college shall deduct, and less an amount approved by the community college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the community college or through the program administrator to the designated company contracting for payment of benefits to the program participant.*

(b) Each community college must contribute on behalf of each program participant an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System. Payment of this contribution must be made directly by the college to the department for deposit in the Florida Retirement System Trust Fund.

(c) Each program participant who has executed an annuity contract may contribute by way of salary reduction or deduction a percentage of the program participant’s gross compensation, but this percentage may not exceed the corresponding percentage contributed by the community college to the optional retirement program. Payment of this contribution may be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(d) Contributions to an optional retirement program by a college or a program participant are in addition to, and have no effect upon, contributions required now or in future by the federal Social Security Act.

Section 9. (1) *It is the intent of the Legislature that the normal costs attributable to the actuarial experience study and six-year vesting as determined by Milliman & Robertson, Inc., consulting actuaries for the system, shall be funded by recognition of a lump sum from the excess actuarial assets of the Florida Retirement System Trust Fund. For fiscal year 2001-2002, the lump sum to be recognized shall be the annual cost attributable to the actuarial experience study and six-year vesting.*

(2) *Effective July 1, 2001, for fiscal year 2001-2002 only, the contribution rates set forth in sections 1 through 3 of this act shall be reduced as follows:*

(a) *The contribution rate that applies to the Regular Class of the Florida Retirement System defined benefit program shall be reduced by 0.70 percentage points.*

(b) *The contribution rate that applies to the Special Risk Class of the Florida Retirement System defined benefit program shall be reduced by 1.72 percentage points.*

(c) *The contribution rate that applies to the Special Risk Administrative Support Class of the Florida Retirement System defined benefit program shall be reduced by 0.81 percentage points.*

(d) *The contribution rate that applies to the Judicial subclass of the Elected Officers’ Class of the Florida Retirement System defined benefit program shall be reduced by 0.14 percentage points.*

(e) *The contribution rate that applies to the legislative-attorney-Cabinet subclass of the Elected Officers’ Class of the Florida Retirement System defined benefit program shall be reduced by 0.83 percentage points.*

(f) *The contribution rate that applies to the County Officers’ subclass of the Elected Officers’ Class of the Florida Retirement System defined benefit program shall be reduced by 0.56 percentage points.*

(g) *The contribution rate that applies to the Senior Management Service Class of the Florida Retirement System defined benefit program shall be reduced by 0.54 percentage points.*

Section 10. (1) *Effective July 1, 2001, for fiscal year 2001-2002 only, the contribution rates for the defined benefit program for the Regular Class, Special Risk Class, Special Risk Administrative Support Class, each subclass of the Elected Officers’ Class, and the Senior Management*

Service Class each shall be reduced by 3.02 percentage points. These reductions shall be in addition to all other changes to such contribution rates which may be enacted into law after July 1, 2001.

(2) *It is the intent of the Legislature that the costs attributable to the reduction of contribution rates pursuant to subsection (1) shall be funded by recognition of a lump sum equal to the annual cost attributable to this reduction of the contribution rates from the excess actuarial assets of the Florida Retirement System Trust Fund.*

Section 11. *Section 20 of chapter 2000-169, Laws of Florida, is repealed.*

Section 12. *The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14 of Art. X of the State Constitution and part VII of chapter 112 of the Florida Statutes. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

Section 13. Paragraph (f) is added to subsection (8) of section 112.363, Florida Statutes, to read:

112.363 Retiree health insurance subsidy.—

(8) CONTRIBUTIONS.—For purposes of funding the insurance subsidy provided by this section:

(f) *Beginning July 1, 2001, the employer of each member of a state-administered plan shall contribute 1.11 percent of gross compensation each pay period.*

Such contributions shall be submitted to the Department of Management Services and deposited in the Retiree Health Insurance Subsidy Trust Fund.

Section 14. Paragraph (c) of subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(c) The following table states the required employer contribution on behalf of each member of the Elected Officers' Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
Effective July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 15. Paragraph (c) of subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(3)

(c) The following table states the required employer contribution on behalf of each member of the Senior Management Service Class in terms

of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
Effective July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 16. Subsection (4) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(4) The following table states the required employer contribution on behalf of each member of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
Effective July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 17. Subsection (4) of section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the Public Employee Optional Retirement Program shall be made as follows:

(4) CONTRIBUTIONS FOR SOCIAL SECURITY COVERAGE AND FOR RETIREE HEALTH INSURANCE SUBSIDY.—Contributions required under this section shall be in addition to employer and member contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund as provided in ss. 112.363, 121.052, 121.055, and s. 121.071, as appropriate.

Section 18. *The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded governmental retirement systems that provide fair and adequate benefits, including health insurance subsidies, and that are managed, administered, and funded in a reasonable manner. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

Section 19. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for

participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; amending s. 112.363, 121.052, 121.055, and 121.071, F.S.; changing the employer contribution for the retiree health insurance subsidy; amending s. 121.571, F.S.; adding cross references; providing a finding of important state interest; providing an effective date.

Pursuant to Rule 4.19, **HB 1821** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 432** was deferred.

CS for CS for SB 460—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory

Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms “elderly” and “housing for the elderly” under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; providing effective dates.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1 (915380)—On page 61, line 2, delete “using” and insert: *marketing*

Amendment 2 (660596)(with title amendment)—On page 86, between lines 8 and 9, insert:

Section 35. *The Florida Department of Citrus or its successor may collect dues, contributions, or any other financial payment upon request by, and on behalf of, any not-for-profit corporation and its related not-for-profit corporations. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 2, after the semicolon (;) insert: authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations;

Amendment 3 (760952)(with title amendment)—On page 86, between lines 8 and 9, insert:

Section 35. Section 446.609, Florida Statutes, is amended to read:

446.609 Jobs for Florida’s Graduates Act.—

(1) **SHORT TITLE.**—This section may be cited as the “Jobs for Florida’s Graduates Act.”

(2) **DEFINITIONS.**—For the purposes of this section:

(a) “Board” means the board of directors of the Florida Endowment Foundation for Florida’s Graduates.

(b) “Department” means the Department of Education.

(c) “Endowment fund” means an account established within the Florida Endowment Foundation for Florida’s Graduates to provide a continuing and growing source of revenue for school-to-work transition efforts.

(d) “Foundation” means the Florida Endowment Foundation for Florida’s Graduates.

(e) “Operating account” means an account established under paragraph (7)(8)(h) to carry out the purposes of this section.

(3) **LEGISLATIVE INTENT.**—The Legislature recognizes that it is in the best interest of the citizens of this state that the state have a well-educated and skilled workforce to be competitive in a changing economy.

It is the intent of the Legislature to meet the challenge of ensuring a skilled workforce by creating a formal program to facilitate the important school-to-work transition and to provide additional funding to achieve this goal. Accordingly, the Legislature finds and declares that:

(a) The purpose of this section is to broaden the participation and funding potential for further significant support for Florida students who are approaching the transition from school to work.

(b) It is appropriate to encourage individual and corporate support and involvement, as well as state support and involvement, to promote employment opportunities for Florida's students.

(4) PROGRAM.—There is hereby created, ~~for an initial 5-year period,~~ a school-to-work program to be known as Jobs for Florida's Graduates which shall, ~~during the initial 5-year phase set forth in this section~~ and except as otherwise provided by law or by rule of the Department of Education, be operated in accordance with the process and outcome standards of Jobs for America's Graduates, Inc. To that end, the board shall enter into a sponsoring agreement with Jobs for America's Graduates, Inc., to carry out the Jobs for America's Graduates model within the state.

(a) ~~During the first year of operation, the Jobs for Florida's Graduates Program shall be operated in not less than 25 nor more than 50 high schools in the state to be chosen by the board.~~ The goal of the program shall be to have a minimum of 300 high schools participating in the program by the end of the 2001-2002 school year.

(b) The schools chosen by the board to participate in the program must represent a demographically balanced sample population, include both urban and rural schools, and be comprised of schools, *including charter schools*, in all geographic areas of the state. Each school selected to participate shall enter into a formal written agreement with the board which, at a minimum, details the responsibilities of each party and the process and outcome goals of the ~~initial 5-year~~ Jobs for Florida's Graduates Program.

(c) Students shall be selected and approved for participation in the program by the educational institutions in which they are enrolled, and such selection and approval shall be based on their being classified as ~~12th grade~~ at-risk students pursuant to the Jobs for America's Graduates model.

~~(5) REVENUE FOR THE ENDOWMENT FUND.—~~

~~(a) An endowment fund is created as a long-term, stable, growing source of revenue to be administered by the foundation in accordance with rules promulgated by the department.~~

~~(b) The principal of the endowment fund shall consist of legislative appropriations that are made to the endowment fund and bequests, gifts, grants, and donations as may be solicited from public or private sources by the foundation.~~

~~(c) The State Board of Administration shall invest and reinvest moneys of the endowment fund principal in accordance with the provisions of ss. 215.44-215.53. Interest and investment income earned on the endowment fund principal shall be annually transmitted to the foundation, based upon a fiscal year which runs from July 1 through June 30, and shall be deposited in the foundation's operating account for distribution as provided in this section.~~

~~(5)(6) THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA'S GRADUATES.—~~

~~(a) The Florida Endowment Foundation for Florida's Graduates is created as a direct support organization of the Department of Education to encourage public and private support to enhance school-to-work transition. As a direct support organization, the foundation shall operate under contract with the department and shall be:~~

1. A Florida corporation not for profit which is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to do the following: raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; receive, hold, and administer property; and make expenditures to or for the benefit of

school-to-work transition programs approved by the board of directors of the foundation.

~~(b) As a direct support organization,~~ The foundation shall:

1. Develop articles of incorporation.

2. Create a board of directors appointed by the Commissioner of Education.

3. Perform an annual financial and performance review to determine if the foundation is operating in a manner consistent with the goals of the Legislature in providing assistance for school-to-work transitions.

4. Provide a mechanism for the reversion to the state of moneys in the foundation and in any other funds and accounts held in trust by the foundation if the foundation is dissolved.

~~(6)(7) BOARD OF DIRECTORS.—~~The foundation shall be administered by a board of directors, as follows:

~~(a) The board shall consist of at least 15 members a majority of which shall. At least 9 of the 15 members must be from the private sector, and the remaining members may be from the public sector. Among the public sector members, representation shall come from secondary education, vocational education, and job training programs such as Job Education Partnership. The chair shall may be from either the private sector or the public sector.~~

(b) All members shall have an interest in school-to-work transition and, insofar as is practicable, shall:

1. Have skills in foundation work or other fundraising activities, financial consulting, or investment banking or other related experience; or

2. Have experience in policymaking or senior management level positions or have distinguished themselves in the fields of education, business, or industry.

(c) *Initially*, the chair and all board members shall be appointed by the Commissioner of Education. *Effective July 1, 2001, all reappointments shall be made by a membership committee comprised of current board members.*

1. The chair shall be appointed for a term of 2 years and may be reappointed. However, no chair may serve more than 6 consecutive years.

2. Board members shall serve for 3-year terms or until resignation or removal for cause, except that members appointed to serve initial terms shall be appointed for staggered terms of 1, 2, and 3 years, respectively.

(d) In the event of a vacancy on the board caused by an occurrence other than the expiration of a term, a new member shall be appointed.

(e) Each member is accountable to the Commissioner of Education for the proper performance of the duties of office. The commissioner may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading nolo contendere to, or being found guilty of, a crime.

~~(7)(8) ORGANIZATION, POWERS, AND DUTIES.—~~Within the limits prescribed in this section or by rule of the department:

(a) Upon appointment, the board shall meet and organize. Thereafter, the board shall hold such meetings as are necessary to implement the provisions of this section and shall conduct its business in accordance with rules promulgated by the department.

(b) The board may solicit and receive bequests, gifts, grants, donations, goods, and services. When gifts are restricted as to purpose, they may be used only for the purpose or purposes stated by the donor.

(c) The board may enter into contracts with the Federal Government, state or local agencies, private entities, or individuals to carry out the purposes of this section.

(d) The board may identify, initiate, and fund Jobs for Florida's Graduates programs to carry out the purposes of this section.

(e) The board may make gifts or grants:

1. To the state, or any political subdivision thereof, or any public agency of state or local government.

2. To a corporation, trust, association, or foundation organized and operated exclusively for charitable, educational, or scientific purposes.

3. To the department for purposes of program recognition and marketing, public relations and education, professional development, and technical assistance and workshops for grant applicants and recipients and the business community.

(f) The board may advertise and solicit applications for funding and shall evaluate applications and program proposals submitted thereto.

(g) The board shall monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.

(h) The board shall establish an operating account for the deposit of funds to be used in carrying out the purposes of this section.

(i) The board shall operate the Jobs for Florida's Graduates Program in such a way, and shall recommend to the Department of Education the adoption of such rules as may be necessary, to ensure that the following outcome goals are met:

1. In year 1:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 82 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 70 to 75 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in post-secondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

2. In year 2:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 85 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 75 to 78 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in post-secondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

3. In years 3 through 5:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 90 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 80 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

(j) The board may take such additional actions, including independently organizing and conducting hiring practices, as are deemed necessary and appropriate to administer the provisions of this section. To the maximum extent possible, the board shall hire Jobs for Florida's Graduates Program staff who operate in selected schools to fill necessary staff positions and shall provide for salary, benefits, discipline, evaluation, or discharge according to a contractual agreement. These positions shall not be state employee positions.

~~(9) DISTRIBUTION OF EARNINGS ON ENDOWMENT FUND PRINCIPAL.—The board shall use the moneys in the operating account, by whatever means, to provide for:~~

~~(a) Planning, research, and policy development for issues related to school-to-work transition and publications and dissemination of such information as may serve the objectives of this section.~~

~~(b) Promotion of initiatives for school-to-work transition.~~

~~(c) Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for school-to-work transition research, education, or demonstration, or other related activities.~~

~~(d) Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the school-to-work transition.~~

~~(10) STARTUP FUNDING.—Notwithstanding any provision of this section to the contrary, in order to provide for first year startup funds, 50 percent of the money allocated during the 12-month period beginning July 1, 1998, shall not be available for investment by the State Board of Administration, but shall be transmitted quarterly to the foundation board and shall be available to the foundation for the purposes set forth in this section.~~

~~(8)(11) ACCREDITATION.—During the initial 5-year period, The board shall request and contract with the national accreditation process of Jobs for America's Graduates, Inc., to ensure the viability and efficacy of the individual school-based Jobs for Florida's Graduates programs in the state.~~

~~(9)(12) ANNUAL AUDIT.—The board shall cause an annual audit of the foundation's financial accounts to be conducted by an independent certified public accountant in accordance with rules adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.~~

~~(10)(13) ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:~~

(a) No later than November 1 of each year of the Jobs for Florida's Graduates Program, Jobs for America's Graduates, Inc., shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of the program's activities. The Office of Program Policy Analysis and Government Accountability shall audit and review the report and deliver the report, along with its analysis and any recommendations for expansion, curtailment, modification,

or continuation, to the board not later than December 31 of the same year.

(b) Beginning in the first year of the Jobs for Florida's Graduates Program, the Division of Economic and Demographic Research of the Joint Legislative Management Committee shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

(11)(14) ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education by March 1, 2000, and each year thereafter, summarizing the performance of the endowment fund for the previous fiscal year and the foundation's fundraising activities and performance and detailing those activities and programs supported by the earnings on the endowment principal or by bequests, gifts, grants, donations, and other valued goods and services received.

(12)(15) RULES.—The department shall ~~adopt~~ promulgate rules to implement for the implementation of this section.

Section 36. *The State Board of Administration shall transfer all principal and interest in the endowment fund, as defined in section 446.609, Florida Statutes, to the Board of Directors of the Florida Endowment Foundation for Florida's Graduates to be used for the Jobs for Florida's Graduates Program as provided by law.*

Section 37. *Section 3 of chapter 98-218, Laws of Florida, is repealed.*
(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 2, after the semicolon (;) insert: amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program;

On motion by Senator Clary, further consideration of **CS for CS for SB 460** as amended was deferred.

On motion by Senator Sanderson—

SB 768—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

MOTION

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

Senators Sanderson and Crist offered the following amendment which was moved by Senator Sanderson and adopted:

Amendment 1 (620124)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. ~~The home addresses and home telephone numbers of county and municipal code inspectors and code enforcement officers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.~~

2. *The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

3. *The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

4.2. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., or subparagraph 3. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2., or subparagraph 3. shall maintain the confidentiality of the personal information only if the officer, employee, justice, judge, other person, or employing agency

of the designated employee submits a written request for confidentiality to the custodial agency.

Section 2. *The Legislature finds that the exemption from public records requirements provided by this act for identifying information relating to current and former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of local government agencies or water management districts and their families is justified because, if such information were not confidential, a human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager or such person's family could be harmed or threatened with harm by a current or former employee or a friend or family member of a current or former employee.*

Section 3. *The Legislature finds that the exemption from public records requirements provided for by this act for identifying information relating to current and former code enforcement officers and their families is a public necessity. The current exemption of names and addresses has not completely shielded the identities of county and municipal code enforcement officers. The responsibilities of these employees regularly take them into areas of neglect, abuse, and personal danger. Citations issued in response to violations that they encounter often lead to retribution by the offenders. Their personnel files are reviewed on numerous occasions by code violators seeking information relating to the code enforcement officers and their families. The disclosure of this personal information has led to threats, acts of violence, and unwarranted risk to the officers and their families.*

Section 4. This act shall take effect October 1, 2001.
And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

Pursuant to Rule 4.19, **SB 768** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 874** was deferred.

On motion by Senator Cowin—

SB 1022—A bill to be entitled An act relating to public procuring and contracting; providing a short title; providing a purpose; prohibiting the state, and any political subdivision, agency, or instrumentality of the state, from engaging in specified activities under certain procurement or contracting circumstances; authorizing challenge of certain procurement or contracting documents or agreements; providing for award of costs and attorney's fees under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Cowin and adopted:

Amendment 1 (452092)—On page 2, lines 16-22, delete those lines and insert: *employment, to become members of or become affiliated with a labor organization.*

Pursuant to Rule 4.19, **SB 1022** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 876**, **SJR 1176** and **CS for SB 1812** was deferred.

On motion by Senator Constantine—

CS for SB 1896—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1896** to **CS for HB 455**.

Pending further consideration of **CS for SB 1896** as amended, on motion by Senator Constantine, by two-thirds vote **CS for HB 455** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 455—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—a companion measure, was substituted for **CS for SB 1896** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 455** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1914** was deferred.

CS for CS for SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing

contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term "airport or aviation development project"; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department's authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion "lowest responsible bidder" for "lowest competent bidder"; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 337.408, F.S.; revising provisions regulating benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 338.165, F.S.; revising provisions relating to toll revenues; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise;

amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department's expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.754, F.S.; revising the authority of the Orlando-Orange County Expressway Authority; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term "federal-aid primary highway system"; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; amending s. 331.308, F.S.; revising the membership of the board of supervisors of the Spaceport Florida Authority; designating the Lieutenant Governor as the chair and as the state's space policy leader; allowing the Lieutenant Governor to assign proxy voting power; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; providing effective dates.

—was read the second time by title.

On motion by Senator Sebesta, further consideration of **CS for CS for SB 2056** was deferred.

On motion by Senator Burt—

CS for SB 2044—A bill to be entitled An act relating to motor vehicles, vessels, and mobile homes; amending s. 320.03, F.S.; prohibiting the issuance of license plates or revalidation stickers to persons against whom a wrecker operator's lien has been filed; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing procedures for wrecker operators to notify the department of the existence of a wrecker operator's lien and providing procedures for the discharge of such liens; providing for fees and service charges; requiring the department to maintain a list of persons against whom such liens are filed and prohibiting the issuance of license plates or revalidation stickers to such persons; providing guidelines and providing for the adoption of rules; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 1 (872888)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), or s. 316.1967(6), or s. 713.78(13) a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. *As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13).* If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Paragraph (b) of subsection (4) and subsection (6) are amended, and subsection (13) is added to section 713.78, Florida Statutes, to read:

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

(4)

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

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days ~~following from~~ the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less.* The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be

mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(13)(a) *Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of a vehicle, vessel, or mobile home, upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:*

1. *The name, address, and telephone number of the wrecker operator.*
2. *The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).*
3. *A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.*
4. *The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.*
5. *The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.*
6. *The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).*

(b) *For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.*

(c)1. *The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:*

- a. *The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.*
- b. *The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.*

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the regis-

tered owner's name from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than \$500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint challenging the validity of the lien or the amount thereof in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle, vessel, or mobile home attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator

a fee of \$2, which shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund established under s. 860.158. A service charge of \$2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross-reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** failed.

SENATOR SILVER PRESIDING

Senator Burt moved the following amendment:

Amendment 2 (260936)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), ~~or s. 316.1967(6)~~, or s. 713.78(13) a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Paragraph (b) of subsection (4) and subsection (6) are amended, and subsection (13) is added to section 713.78, Florida Statutes, to read:

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

(4)

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

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of a vehicle, vessel, or mobile home, upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.
2. The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).
3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.
4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than \$500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license

plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle, vessel, or mobile home attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of \$2, which shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund established under s. 860.158. A service charge of \$2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross-reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

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

Amendment 2A (050818)—On page 4, line 25, after "home" insert: *abandoned under s. 705.103*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2044** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 2074—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing exemption from permits for certain floating vessel platforms; requiring the Department of Environmental Protection to adopt a general permit by rule for floating vessel platforms after January 1, 2002, which meet certain conditions; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 1 (940990)—On page 9, lines 13-16, delete those lines and insert:

4. *No activities under this exemption are conducted in wetland areas, as defined by s. 373.019(22), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys, except when a governmental entity is permitted pursuant to s. 369.20 to conduct such activities as a part of a restoration or enhancement project.*

Amendment 2 (264448)—On page 12, lines 17-21, delete those lines and insert: *defined in s. 253.141.*

3. *Such structures shall be constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where no seagrasses exist if such areas are present adjacent to the dock.*

4. *Such structures shall not be constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or Part IV of Chapter 373, or other form of authorization issued by a local government.*

Pursuant to Rule 4.19, **CS for SB 2074** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 2004—A bill to be entitled An act relating to education; providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; providing an effective date.

—was read the second time by title.

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

Amendment 1 (313224)—On page 3, line 8; on page 13, line 27; and on page 14, line 4, delete "1.5" and insert: *1.15*

Senator Garcia offered the following amendment which was moved by Senator Horne and adopted:

Amendment 2 (830362)(with title amendment)—On page 17, between lines 9 and 10, insert:

Section 11. Section 446.609, Florida Statutes, is amended to read:

446.609 *Jobs for Florida's Graduates Act.*—

(1) **SHORT TITLE.**—This section may be cited as the “Jobs for Florida’s Graduates Act.”

(2) **DEFINITIONS.**—For the purposes of this section:

(a) “Board” means the board of directors of the Florida Endowment Foundation for Florida’s Graduates.

(b) “Department” means the Department of Education.

(c) “Endowment fund” means an account established within the Florida Endowment Foundation for Florida’s Graduates to provide a continuing and growing source of revenue for school-to-work transition efforts.

(d) “Foundation” means the Florida Endowment Foundation for Florida’s Graduates.

(e) “Operating account” means an account established under paragraph (7)(8)(h) to carry out the purposes of this section.

(3) **LEGISLATIVE INTENT.**—The Legislature recognizes that it is in the best interest of the citizens of this state that the state have a well-educated and skilled workforce to be competitive in a changing economy. It is the intent of the Legislature to meet the challenge of ensuring a skilled workforce by creating a formal program to facilitate the important school-to-work transition and to provide additional funding to achieve this goal. Accordingly, the Legislature finds and declares that:

(a) The purpose of this section is to broaden the participation and funding potential for further significant support for Florida students who are approaching the transition from school to work.

(b) It is appropriate to encourage individual and corporate support and involvement, as well as state support and involvement, to promote employment opportunities for Florida’s students.

(4) **PROGRAM.**—There is hereby created, ~~for an initial 5-year period~~, a school-to-work program to be known as Jobs for Florida’s Graduates which shall, ~~during the initial 5-year phase set forth in this section and~~ except as otherwise provided by law or by rule of the Department of Education, be operated in accordance with the process and outcome standards of Jobs for America’s Graduates, Inc. To that end, the board shall enter into a sponsoring agreement with Jobs for America’s Graduates, Inc., to carry out the Jobs for America’s Graduates model within the state.

(a) ~~During the first year of operation, the Jobs for Florida’s Graduates Program shall be operated in not less than 25 nor more than 50 high schools in the state to be chosen by the board.~~ The goal of the program shall be to have a minimum of 300 high schools participating in the program by the end of the 2001-2002 school year.

(b) The schools chosen by the board to participate in the program must represent a demographically balanced sample population, include both urban and rural schools, and be comprised of schools, *including charter schools*, in all geographic areas of the state. Each school selected to participate shall enter into a formal written agreement with the board which, at a minimum, details the responsibilities of each party and the process and outcome goals of the ~~initial 5-year~~ Jobs for Florida’s Graduates Program.

(c) Students shall be selected and approved for participation in the program by the educational institutions in which they are enrolled, and such selection and approval shall be based on their being classified as ~~12th grade~~ at-risk students pursuant to the Jobs for America’s Graduates model.

~~(5) REVENUE FOR THE ENDOWMENT FUND.~~

~~(a) An endowment fund is created as a long-term, stable, growing source of revenue to be administered by the foundation in accordance with rules promulgated by the department.~~

~~(b) The principal of the endowment fund shall consist of legislative appropriations that are made to the endowment fund and bequests, gifts, grants, and donations as may be solicited from public or private sources by the foundation.~~

~~(c) The State Board of Administration shall invest and reinvest moneys of the endowment fund principal in accordance with the provisions~~

~~of ss. 215.44-215.53. Interest and investment income earned on the endowment fund principal shall be annually transmitted to the foundation, based upon a fiscal year which runs from July 1 through June 30, and shall be deposited in the foundation’s operating account for distribution as provided in this section.~~

~~(5)(6) THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA’S GRADUATES.—~~

~~(a) The Florida Endowment Foundation for Florida’s Graduates is created as a direct support organization of the Department of Education to encourage public and private support to enhance school-to-work transition. As a direct support organization, the foundation shall operate under contract with the department and shall be:~~

1. A Florida corporation not for profit which is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to do the following: raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; receive, hold, and administer property; and make expenditures to or for the benefit of school-to-work transition programs approved by the board of directors of the foundation.

~~(b) As a direct support organization,~~ The foundation shall:

1. Develop articles of incorporation.

2. Create a board of directors appointed by the Commissioner of Education.

3. Perform an annual financial and performance review to determine if the foundation is operating in a manner consistent with the goals of the Legislature in providing assistance for school-to-work transitions.

4. Provide a mechanism for the reversion to the state of moneys in the foundation and in any other funds and accounts held in trust by the foundation if the foundation is dissolved.

~~(6)(7) BOARD OF DIRECTORS.~~—The foundation shall be administered by a board of directors, as follows:

~~(a) The board shall consist of at least 15 members a majority of which shall. At least 9 of the 15 members must be from the private sector, and the remaining members may be from the public sector. Among the public sector members, representation shall come from secondary education, vocational education, and job-training programs such as Job Education Partnership. The chair shall may be from either the private sector or the public sector.~~

(b) All members shall have an interest in school-to-work transition and, insofar as is practicable, shall:

1. Have skills in foundation work or other fundraising activities, financial consulting, or investment banking or other related experience; or

2. Have experience in policymaking or senior management level positions or have distinguished themselves in the fields of education, business, or industry.

(c) *Initially*, the chair and all board members shall be appointed by the Commissioner of Education. *Effective July 1, 2001, all reappointments shall be made by a membership committee comprised of current board members.*

1. The chair shall be appointed for a term of 2 years and may be reappointed. However, no chair may serve more than 6 consecutive years.

2. Board members shall serve for 3-year terms or until resignation or removal for cause, except that members appointed to serve initial terms shall be appointed for staggered terms of 1, 2, and 3 years, respectively.

(d) In the event of a vacancy on the board caused by an occurrence other than the expiration of a term, a new member shall be appointed.

(e) Each member is accountable to the Commissioner of Education for the proper performance of the duties of office. The commissioner may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading nolo contendere to, or being found guilty of, a crime.

(7)(9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits prescribed in this section or by rule of the department:

(a) Upon appointment, the board shall meet and organize. Thereafter, the board shall hold such meetings as are necessary to implement the provisions of this section and shall conduct its business in accordance with rules promulgated by the department.

(b) The board may solicit and receive bequests, gifts, grants, donations, goods, and services. When gifts are restricted as to purpose, they may be used only for the purpose or purposes stated by the donor.

(c) The board may enter into contracts with the Federal Government, state or local agencies, private entities, or individuals to carry out the purposes of this section.

(d) The board may identify, initiate, and fund Jobs for Florida's Graduates programs to carry out the purposes of this section.

(e) The board may make gifts or grants:

1. To the state, or any political subdivision thereof, or any public agency of state or local government.

2. To a corporation, trust, association, or foundation organized and operated exclusively for charitable, educational, or scientific purposes.

3. To the department for purposes of program recognition and marketing, public relations and education, professional development, and technical assistance and workshops for grant applicants and recipients and the business community.

(f) The board may advertise and solicit applications for funding and shall evaluate applications and program proposals submitted thereto.

(g) The board shall monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.

(h) The board shall establish an operating account for the deposit of funds to be used in carrying out the purposes of this section.

(i) The board shall operate the Jobs for Florida's Graduates Program in such a way, and shall recommend to the Department of Education the adoption of such rules as may be necessary, to ensure that the following outcome goals are met:

1. In year 1:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 82 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 70 to 75 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

2. In year 2:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at

least 85 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 75 to 78 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

3. In years 3 through 5:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 90 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 80 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

(j) The board may take such additional actions, including independently organizing and conducting hiring practices, as are deemed necessary and appropriate to administer the provisions of this section. To the maximum extent possible, the board shall hire Jobs for Florida's Graduates Program staff who operate in selected schools to fill necessary staff positions and shall provide for salary, benefits, discipline, evaluation, or discharge according to a contractual agreement. These positions shall not be state employee positions.

~~(9) DISTRIBUTION OF EARNINGS ON ENDOWMENT FUND PRINCIPAL.—The board shall use the moneys in the operating account, by whatever means, to provide for:~~

~~(a) Planning, research, and policy development for issues related to school to work transition and publications and dissemination of such information as may serve the objectives of this section.~~

~~(b) Promotion of initiatives for school-to-work transition.~~

~~(c) Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for school-to-work transition research, education, or demonstration, or other related activities.~~

~~(d) Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the school-to-work transition.~~

~~(10) STARTUP FUNDING.—Notwithstanding any provision of this section to the contrary, in order to provide for first year startup funds, 50 percent of the money allocated during the 12-month period beginning July 1, 1998, shall not be available for investment by the State Board of Administration, but shall be transmitted quarterly to the foundation board and shall be available to the foundation for the purposes set forth in this section.~~

~~(8)(11) ACCREDITATION.—During the initial 5-year period, The board shall request and contract with the national accreditation process~~

of Jobs for America's Graduates, Inc., to ensure the viability and efficacy of the individual school-based Jobs for Florida's Graduates programs in the state.

(9)(12) ANNUAL AUDIT.—The board shall cause an annual audit of the foundation's financial accounts to be conducted by an independent certified public accountant in accordance with rules adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.

(10)(13) ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:

(a) No later than November 1 of each year of the Jobs for Florida's Graduates Program, Jobs for America's Graduates, Inc., shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of the program's activities. The Office of Program Policy Analysis and Government Accountability shall audit and review the report and deliver the report, along with its analysis and any recommendations for expansion, curtailment, modification, or continuation, to the board not later than December 31 of the same year.

(b) Beginning in the first year of the Jobs for Florida's Graduates Program, the Division of Economic and Demographic Research of the Joint Legislative Management Committee shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

(11)(14) ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education by March 1, 2000, and each year thereafter, summarizing the performance of the endowment fund for the previous fiscal year and the foundation's fundraising activities and performance and detailing those activities and programs supported by the earnings on the endowment principal or by bequests, gifts, grants, donations, and other valued goods and services received.

(12)(15) RULES.—The department shall adopt promulgate rules to implement for the implementation of this section.

Section 12. *The State Board of Administration shall transfer all principal and interest in the endowment fund, as defined in s. 446.609, Florida Statutes, to the Board of Directors of the Florida Endowment Foundation for Florida's Graduates to be used for the Jobs for Florida's Graduates Program as provided by law.*

Section 13. *Section 3 of chapter 98-218, Laws of Florida, is repealed.*
(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program;

Senator Horne moved the following amendment which was adopted:

Amendment 3 (333290)(with title amendment)—On page 1, line 26, insert:

Section 1. *Florida Bright Futures Scholarship Testing Program.*—

(1) *By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination,*

College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) *Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.*

(3) *Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.*

(4) *Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.*

(5) *Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than \$46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.*

(6) *The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to Section 240.115(6), Florida Statutes.*

(7) *The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.*

(8) *Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program;

Pursuant to Rule 4.19, **SB 2004** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2124** was deferred.

On motion by Senator Constantine—

CS for SB 892—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 892** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 934—A bill to be entitled An act relating to Florida Academic Improvement Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida Academic Improvement Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for administration of funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 934** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 930—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida Academic Improvement Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 930** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the Department of Law Enforcement to adopt rules for specific security standards; providing requirements for such rules; providing requirements for criminal-history checks on applicants for employment or current employees of a seaport; providing for a seaport to request a waiver or variance from a particular standard; requiring that security plans and other information be made available to the Department of Law Enforcement for review; providing for inspections of seaports; providing requirements for compliance by seaports; providing for additional security measures at specified seaports; providing for the Department of Law Enforcement to impose civil penalties if a seaport fails to initiate or take corrective action; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (140968)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 311.12, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 311.12, F.S., for present text.)

311.12 Seaport security standards.—

(1) *The statewide minimum standards for seaport security for each seaport identified in s. 311.09, shall be those based upon the Florida Seaport Security Assessment 2000 and set forth in the "Port Security Standards - Compliance Plan" delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000, pursuant to s. 311.12. The statewide minimum standards are hereby adopted. The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards for use of the public, at its offices, and shall provide copies to each affected seaport upon request.*

(2) *Each seaport identified in s. 311.09 shall maintain a security plan relating to the specific and identifiable needs of the seaport which assures that the seaport is in substantial compliance with the statewide minimum standards established pursuant to subsection (1). Each plan adopted or revised pursuant to this subsection must be reviewed and approved by the Office of Drug Control and the Department of Law Enforcement. All such seaports shall allow unimpeded access by the Department of Law Enforcement to the affected facilities for purposes of inspections or other operations authorized by this section. Each seaport security plan may establish restricted access areas within the seaport consistent with the requirements of the statewide minimum standards. In such cases, a Restricted Access Area Permit shall be required for any individual working within or authorized to regularly enter a restricted access area and the requirements in subsection (3) relating to criminal history checks and employment restrictions shall be applicable only to employees or other persons working within or authorized to regularly enter a restricted access area. Every seaport security plan shall set forth the conditions and restrictions to be imposed upon others visiting the port or any restricted access area sufficient to provide substantial compliance with the statewide minimum standards.*

(3)(a) *A fingerprint-based criminal history check shall be performed on any applicant for employment, every current employee, and other persons as designated pursuant to the seaport security plan for each seaport. The criminal history check shall be performed in connection with employment within or other authorized regular access to a restricted access area or the entire seaport if the seaport security plan does not designate one or more restricted access areas. With respect to employees or others with regular access, such checks shall be performed at least once every 5 years or at other more frequent intervals as provided by the seaport security plan. Each individual subject to the background criminal history check shall file a complete set of fingerprints taken in a manner required by the Department of Law Enforcement and the seaport security plan. Fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The results of each fingerprint-based check shall be reported to the requesting seaport. The costs of the checks, consistent with s. 943.053(3), shall be paid by the seaport or other employing entity or by the person checked.*

(b) *By January 1, 2002, each seaport security plan shall identify criminal convictions or other criminal history factors consistent with paragraph (c) which shall disqualify a person from either initial seaport employment or new authorization for regular access to seaport property or to a restricted access area. Such factors shall be used to disqualify all applicants for employment or others seeking regular access to the seaport or restricted access area on or after January 1, 2002, and may be used to disqualify all those employed or authorized for regular access on that date. Each seaport security plan may establish a procedure to appeal a denial of employment or access based upon criminal history factors established pursuant to this paragraph. The appeal procedure may allow the granting of waivers or conditional employment or access. In addition, a seaport may allow waivers on a temporary basis to meet special or emergency needs of the seaport or its users. Policies, procedures, and criteria for implementation of this subsection shall be included in the seaport security plan.*

(c) *In addition to other requirements for employment or access established by each seaport pursuant to its seaport security plan, each seaport security plan shall provide that:*

1. *Any person who has within the past 5 years been convicted, regardless of whether adjudication was withheld, for dealing in stolen property;*

any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses shall not be qualified for initial employment within or regular access to a seaport or restricted access area; and

2. Any person who has at any time been convicted for any of the listed offenses shall not be qualified for initial employment within or authorized regular access to a seaport or restricted access area unless, after release from incarceration and any supervision imposed as a sentence, the person remained free from a subsequent conviction, regardless of whether adjudication was withheld, for any of the listed offenses for a period of at least 5 years prior to the employment or access date under consideration.

(d) By October 1 of each year, each seaport shall report to the Department of Law Enforcement each determination of denial of employment or access, and any determination to authorize employment or access after an appeal of a denial made during the previous 12 months. The report shall include the identity of the individual affected, the factors supporting the determination, any special condition imposed, and any other material factors used in making the determination.

(4)(a) Subject to the provisions of subsection (6), each affected seaport shall begin to implement its security plan developed under this section by July 1, 2001, shall implement restrictions on employment and access including the enforcement of any restricted access area by January 1, 2002, and shall be in substantial compliance with all security standards and physical facility requirements imposed by this section no later than June 30, 2004.

(b) The Office of Drug Control and the Department of Law Enforcement may modify or waive any physical facility or other requirement contained in the statewide minimum standards for seaport security upon a finding or other determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. Such modifications or waivers shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to this subsection.

(c) Beginning with the 2001-2002 fiscal year, the Department of Law Enforcement, or any entity designated by the department, shall conduct no less than one annual unannounced inspection of each seaport listed in s. 311.09 to determine whether the seaport is meeting the minimum standards established pursuant to this section, and to identify seaport security changes or improvements necessary or otherwise recommended. The Department of Law Enforcement, or any entity designated by the department, may conduct additional announced or unannounced inspections or operations within or affecting any affected seaport to test compliance with, or the effectiveness of, security plans and operations at each seaport, to determine compliance with physical facility requirements and standards, or to assist the department in identifying changes or improvements necessary to bring a seaport into compliance with the statewide minimum security standards.

(d) By December 31, 2001, and annually thereafter, the Department of Law Enforcement, in consultation with the Office of Drug Control, shall complete a report indicating the observations and findings of all inspections or operations conducted during the year and any recommendations developed by reason of such inspections. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief administrator of each seaport inspected. The report shall include responses from the chief administrator of any seaport indicating what actions, if any, have been taken or are planned to be taken in response to the recommendations, observations, and findings reported by the department.

(e) In making security project or other funding decisions applicable to each seaport listed in s. 311.09, the Legislature may consider as authoritative the annual report of the Department of Law Enforcement required by this section, especially regarding each seaport's degree of substantial compliance with the statewide minimum security standards established by this section.

(5) Nothing in this section shall be construed as preventing any seaport from implementing security measures that are more stringent,

greater than, or supplemental to the statewide minimum standards established by this section.

(6) When funds are appropriated for seaport security, the Office of Drug Control and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans required by this section. Any seaport that receives state funds for security projects must enter into a joint-participation agreement with the appropriate state entity and must use the seaport security plan developed pursuant to this section as the basis for the agreement. If funds are made available over more than one fiscal year, such agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year. The joint-participation agreement may include specific time-frames for completion of a security project and the applicable funding reimbursement dates. The joint-participation agreement may also require a contractual penalty, not to exceed \$1,000 per day, to be imposed for failure to meet project completion dates provided state funding is available. Any such penalty shall be deposited into the State Transportation Trust Fund to be used for seaport security operations and capital improvements.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the approval of seaport security plans by the Office of Drug Control and the Department of Law Enforcement; providing requirements for criminal history checks on applicants for employment or current employees of a seaport; providing an appeal procedure; providing for modification or variance from a particular standard; providing for inspections of seaports; providing requirements for compliance by seaports; providing for the Department of Law Enforcement to impose penalties if a seaport fails to meet certain project timelines; requiring certain reports; providing funding criteria; providing an effective date.

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

Amendment 1A (955332)—On page 5, lines 10-15, delete those lines and insert: *plan developed under this section by July 1, 2001.*

Senator Miller moved the following amendment to **Amendment 1** which failed:

Amendment 1B (462614)—On page 7, lines 20-26, delete those lines and insert: *applicable funding reimbursement dates.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 978** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, consideration of **CS for CS for CS for SB 1068** was deferred.

On motion by Senator Laurent—

SB 1382—A bill to be entitled An act relating to real estate brokers; amending s. 475.01, F.S.; expanding the definition of the term “broker”; amending s. 475.25, F.S.; specifying additional actions for which the Florida Real Estate Commission may institute disciplinary action; amending s. 475.42, F.S.; prohibiting specified breach of fiduciary duties and providing penalties therefor; reenacting ss. 468.383(7), 475.25(1)(h), and 475.274, F.S., to incorporate the amendment to s. 475.01(1)(a), F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (291908)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 475.015, Florida Statutes, is created to read:

475.015 Applicability.—A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to real estate brokers; creating s. 475.015, F.S.; clarifying applicability of ch. 475, F.S., to a broker acting as a trustee or in a fiduciary capacity; providing an effective date.

Pursuant to Rule 4.19, **SB 1382** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1234—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing definitions; creating s. 548.015, F.S.; authorizing the commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; amending s. 548.008, F.S.; increasing the penalty for participating in or promoting a toughman or badman competition; providing for certification of violations; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules providing for background investigations of applicants for licensure; authorizing the commission to require submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission may not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendments which were adopted:

Amendment 1 (081718)(with title amendment)—On page 7, line 15 through page 8, line 3, delete those lines and insert:

Section 4. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned, and shall provide recommendations to the department and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

And the title is amended as follows:

On page 1, lines 11-15, delete those lines and insert: responsibilities of the commission; requiring the commission to make recommendations with respect to unregulated and unsanctioned boxing competitions; amending s. 548.017, F.S.;

Amendment 2 (391282)(with title amendment)—On page 9, line 29, delete "may" and insert: *shall*

And the title is amended as follows:

On page 1, delete line 24 and insert: providing for the

Amendment 3 (382366)(with title amendment)—On page 14, lines 20-30, delete those lines and insert:

(2)(a) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) *The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If required by the commission and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.*

And the title is amended as follows:

On page 2, line 9, after the semicolon (;) insert: authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the commission to adopt rules relating to blood tests;

Pursuant to Rule 4.19, **CS for SB 1234** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 1408—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Citrus/Hernando Waterways restoration program; providing for demonstration restoration projects; providing appropriations; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **SB 1408** to **CS for HB 161**.

Pending further consideration of **SB 1408** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 161** was withdrawn from the Committee on Natural Resources.

On motion by Senator Brown-Waite—

CS for HB 161—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of funds; providing for demonstration restoration projects; providing effective dates.

—a companion measure, was substituted for **SB 1408** as amended and read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (603048)—Delete everything after the enacting clause and insert:

Section 1. (1) *The Citrus/Hernando Waterways Restoration Council.—There is created within the Withlacoochee and Coastal Rivers Basins of the Southwest Florida Water Management District a council to be known as the Citrus/Hernando Waterways Restoration Council. The council shall be coordinated by representatives of the following agencies: the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection, and the Southwest Florida Water Management District. The council is subject to the provisions of chapters 119 and 120, Florida Statutes. The lead agency shall be the Fish and Wildlife Conservation Commission.*

(2) *Members of the council shall consist of twelve voting members with six appointed by the President of the Senate and six appointed by the Speaker of the House of Representatives. The council shall consist of representatives as follows:*

- a. *Waterfront property owners from each county,*
- b. *An attorney from each county,*
- c. *A member of the Board of Directors of the Chamber of Commerce from each county,*
- d. *An environmental engineer from each county,*
- e. *An engineer from each county, and*
- f. *A person from each county with training in biology or another scientific discipline.*

(3) *The council members from each county are to form two separate county task forces from the council to review and make recommendations on specific waterways. The Hernando County Task Force shall develop plans for the restoration of the Weeki Wachee River and Springs. The Citrus County Task Force shall develop plans for the restoration of the Tsala-Apopka Chain of Lakes.*

(4) *There shall be a technical advisory group to the council and the two county task forces which shall consist of one representative each from the Southwest Florida Water Management District, the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers, each of whom shall be appointed by his or her respective agency, and each of whom, with the exception of the representatives from the Withlacoochee River Basin Board and Coastal Rivers Basin Board, shall have had training in biology or another scientific discipline.*

(5) *Immediately after appointment, the council shall meet and organize by electing a chair, a vice chair, and a secretary, whose terms shall be for 2 years each. Council officers shall not serve consecutive terms. Each council member shall be a voting member. Additionally, the two county task forces shall elect a chair and a secretary whose terms shall be for 2 years each.*

(6) *The council or the county task forces shall meet at the call of its chair, at the request of six of its members, or at the request of the chair of the governing board of the Southwest Florida Water Management District.*

(7) *The council shall have the powers and duties to:*

(a) *Review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, including data and strategies for shoreline restoration, sand and other sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, particularly as they may apply to the Citrus/Hernando waterways.*

(b) *Evaluate whether additional studies are needed.*

(c) *Explore all possible sources of funding to conduct the restoration activities.*

(d) *Report to the Speaker of the House of Representatives and the President of the Senate before November 25 of each year on the progress of the Citrus/Hernando Waterways restoration program and any recommendations for the next fiscal year.*

(8) *The Southwest Florida Water Management District shall provide staff to assist the council in carrying out the provisions of this act.*

(9) *Members of the council shall receive no compensation for their services, but are entitled to be reimbursed for per diem and travel expenses incurred during execution of their official duties, as provided in s. 112.061, Florida Statutes. State and federal agencies shall be responsible for the per diem and travel expenses of their respective appointees to the council, and the Southwest Florida Water Management District shall be responsible for per diem and travel expenses of other appointees to the council.*

Section 2. *The Citrus/Hernando Waterways restoration program.—*

(1) *The Fish and Wildlife Conservation Commission and the Southwest Florida Water Management District, in conjunction with the Department of Environmental Protection, pertinent local governments, and the Citrus/Hernando Waterways Restoration Council, shall review existing restoration proposals to determine which ones are the most environmentally sound and economically feasible methods of improving the fish and wildlife habitat and natural systems of the Citrus/Hernando waterways.*

(2) *To initiate the Citrus/Hernando Waterways restoration program recommended by the Citrus/Hernando Waterways Restoration Council, the Fish and Wildlife Conservation Commission, with assistance from the Southwest Florida Water Management District and in consultation and by agreement with the Department of Environmental Protection and pertinent local governments, shall develop tasks to be considered by those entities for the enhancement of fish and wildlife habitat. These agencies shall:*

(a) *Evaluate different methodologies for removing the extensive tussocks and buildup of organic matter along the shoreline and of the aquatic vegetation in the lake.*

(b) *Conduct any additional studies as recommended by the Citrus/Hernando Waterways Restoration Council.*

(3) *Contingent on the Legislature's appropriating funds for the Citrus/Hernando Waterways restoration program and in conjunction with financial participation by federal, other state, and local governments, the appropriate agencies shall, through competitive bid, award contracts to implement the activities of the Citrus/Hernando Waterways restoration program.*

Section 3. *The sum of \$45,000 is appropriated from the General Revenue Fund to the Southwest Florida Water Management District for the purpose of paying administrative, per diem, and travel expenses of the Citrus/Hernando Waterways Restoration Council.*

Section 4. *The Fish and Wildlife Conservation Commission is authorized to conduct a demonstration restoration project on the Tsala-Apopka Chain of Lakes for the purpose of removing, with proper permits, overlying undesirable vegetation and associated organic material down to mineralized soils, thus allowing for the establishment of a more desirable aquatic plant community on hard, sandy substrate and creating better habitat for fish and wildlife.*

Section 5. *The Southwest Florida Water Management District is authorized to conduct a demonstration restoration project on the Weeki Wachee River, with proper permits, to improve the water flow by a sand containment and erosion control project, including other restoration activities related to this problem.*

Section 6. This act shall take effect upon becoming a law.

Pursuant to Rule 4.19, **CS for HB 161** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1410** was deferred.

On motion by Senator Smith—

CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice; amending s. 230.23161, F.S.; providing legislative goals with respect to educational services within department programs; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01, 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; prohibiting the Department of Juvenile Justice from exempting certain persons from a disqualification from employment; amending s. 985.03, F.S.; revising definitions; defining the term “respite” for purposes of ch. 985, F.S.; amending ss. 985.207, 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; providing for the clerk of the court to collect and maintain certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; requiring the parent or guardian to provide certain information; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231, 985.233, F.S.; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; providing for the clerk of the court to collect and maintain certain fees; requiring the parent or guardian to provide certain information; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; clarifying conditions under which a juvenile may be transferred; creating s. 985.4043, F.S.; providing certain payments made under a provider service contract to be deposited into the Administrative Trust Fund; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the department to take necessary action to collect or settle unpaid fees or judgments; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1914** to **CS for CS for HB 267**.

Pending further consideration of **CS for SB 1914** as amended, on motion by Senator Smith, by two-thirds vote **CS for CS for HB 267** was withdrawn from the Committee on Criminal Justice.

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

CS for CS for HB 267—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice upon the request of the provider; amending s. 230.23161, F.S.; providing legislative goals with respect to education within department programs; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; limiting the department’s authority to provide an exemption; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; providing for retroactive effect; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01 and 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; amending s. 985.02, F.S.; clarifying legislative intent concerning the responsibilities of parents, custodians, and guardians of children in the juvenile justice system; amending s. 985.03, F.S.; revising definitions; defining the term “respite” for purposes of ch. 985, F.S.; amending s. 985.04, F.S.; providing that certain records maintained by the Department of Juvenile Justice need only be retained for 25 years; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; amending ss. 985.207 and 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; revising provisions related to the collection of certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; revising provisions related to the collection of certain fees; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 985.31, F.S., relating to serious

or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; providing legislative intent with regard to contracting with faith-based organizations that provide services to juveniles; clarifying conditions under which a juvenile may be transferred; deleting language relating to the collection and reporting of cost data and program ranking; amending s. 985.412, F.S.; adding requirements relating to the collection and reporting of cost data and program ranking; requiring the Department of Juvenile Justice to submit proposals for funding incentives and disincentives based upon quality assurance performance and cost-effectiveness performance to the Legislature by a date certain; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the deposit of repair and maintenance funds into the Administrative Trust Fund; amending s. 985.401, F.S., to conform; requiring the Office of Program Policy Analysis and Government Accountability to annually review certain safety and security best practices; requiring school districts to use such practices to conduct certain assessments; requiring school district superintendents to make certain recommendations to school boards based on such assessments; requiring school boards to hold public meetings on the assessments and recommendations; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.

—a companion measure, was substituted for **CS for SB 1914** as amended and by two-thirds vote read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (104772)—On page 68, line 5, after “damages” insert: *in non-hardware-secure facilities until January 1, 2002*

Amendment 2 (903206)(with title amendment)—On page 71, line 31, insert:

Section 42. Paragraph (e) is added to subsection (15) of section 121.021, Florida Statutes, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15)

(e) *Effective July 1, 2001, the term “special risk member” includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in s. 121.0515(2)(g).*

Section 43. Paragraph (g) is added to subsection (2) of section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(g) *The member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member’s primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 5, after the semicolon (;) insert: amending s. 121.021, F.S.; amending the definition of the term “special risk member”; amending s. 121.0515, F.S.; providing an additional criterion for designation as a special risk member;

Pursuant to Rule 4.19, **CS for CS for HB 267** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 1410—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing ss. 121.22, 121.23, 121.231, 121.24, F.S., to abolish the State Retirement Commission and delete provisions relating to its duties; amending ss. 121.0515, 121.091, F.S.; transferring to the Department of Management Services duties of the State Retirement Commission and revising cross references, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending s. 272.121, 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26), 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 570.248, F.S., to abolish the Agricultural Economic Development Project Review Committee; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing

the Florida Business Partners for Prevention under the Department of Juvenile Justice; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Agriculture and Livestock Fair Council, Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Racing Quarter Horse Advisory Council, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1410** to **CS for HB 501**.

Pending further consideration of **CS for SB 1410** as amended, on motion by Senator Posey, by two-thirds vote **CS for HB 501** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Posey—

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission

and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

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

Senator Posey moved the following amendment:

Amendment 1 (450098)(with title amendment)—On page 42, between lines 3 and 4, insert:

Section 44. Section 272.133, Florida Statutes, is created to read:

272.133 Vested rights of projects approved by Capitol Center Planning Commission.—Upon the abolishment of the Capitol Center Planning Commission or the restriction by law of its jurisdiction to state-owned lands, any private project that received design approval before the effective date of an act that provides for such abolishment or restriction shall be considered vested for the zoning, land use, and variances approved by the commission. A vested project is required to demonstrate only that it is in compliance with environmental and building-permitting requirements to be eligible for the issuance of a building permit.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: providing for the vesting of certain rights pertaining to private projects that have been approved by the Capitol Center Planning Commission, in specified circumstances;

On motion by Senator Posey, further consideration of **CS for HB 501** with pending **Amendment 1** was deferred.

On motion by Senator Klein—

CS for SB 1342—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student

Assistance Grant program for part-time students; providing for rule-making by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

—was read the second time by title.

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

Consideration of **SB 1616** was deferred.

On motion by Senator King—

CS for CS for SB 2066—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (692930)—On page 4, between lines 27 and 28 insert:

(7)(a) An individual who has submitted an application and holds a certificate, registration, or license as an athlete agent in another state may submit a copy of the application and certificate, registration, or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. *Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;*
2. *Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and*
3. *Was signed by the applicant under penalty of perjury.*

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Pursuant to Rule 4.19, **CS for CS for SB 2066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

SB 1648—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1648** to **HB 1863**.

Pending further consideration of **SB 1648** as amended, on motion by Senator Mitchell, by two-thirds vote **HB 1863** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Appropriations.

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

HB 1863—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing for review of the need for licensing the portable restroom industry; requiring a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **SB 1648** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1863** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Sanderson, by two-thirds vote **SB 1620** was removed from the Special Order Calendar and withdrawn from further consideration.

On motion by Senator Constantine—

CS for SB 1670—A bill to be entitled An act relating to security for public deposits; revising the Florida Security for Public Deposits Act; amending s. 280.02, F.S.; defining terms; amending s. 280.04, F.S.; revising general provisions relating to collateral for public deposits; amending s. 280.041, F.S.; prescribing requirements for collateral arrangements; prescribing requirements for Federal Reserve Bank agreements; allowing the use of letters of credit under certain conditions; revising the description of triggering events that result in the Treasurer's requiring certain deposits or transfers for the purpose of properly maintaining collateral; amending s. 280.05, F.S.; revising the powers and duties of the Treasurer; amending s. 280.051, F.S.; specifying the grounds for suspending or disqualifying a qualified public depository; amending s. 280.054, F.S.; describing acts for which a qualified public depository is subject to an administrative penalty; amending s. 280.055, F.S.; revising grounds for the issuance of cease and desist orders and corrective orders; amending s. 280.07, F.S.; providing for contingent liability of a qualified public depository; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing the purpose of the board; providing for identifying representative qualified public depositories; providing for member selection and responsibilities; providing for rulemaking by the Treasurer; amending s. 280.08, F.S.; prescribing the procedure for payment of losses after a default or insolvency has occurred; conforming a cross-reference; amending s. 280.09, F.S.; providing for deposit into the Public Deposits Trust Fund of the draw on letters of credit held as collateral; conforming a cross-reference; amending s. 280.10, F.S.; providing for the effect of consolidations of a qualified public depository with an institution that is not such a depository; providing for rulemaking; amending s. 280.11, F.S.; conforming a cross-reference; amending s. 280.13, F.S.; providing collateral requirements for letters of credit issued by a Federal Home Loan Bank; amending other collateral requirements; providing for rulemaking; amending s. 280.16, F.S.; eliminating a date that is no longer relevant; prescribing requirements of qualified public depositories; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **CS for SB 1670** to **HB 625**.

Pending further consideration of **CS for SB 1670** as amended, on motion by Senator Constantine, by two-thirds vote **HB 625** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Constantine—

HB 625—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing a custodian to withdraw as custodian under certain circumstances; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders; providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing effective dates.

—a companion measure, was substituted for **CS for SB 1670** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 625** was placed on the calendar of Bills on Third Reading.

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

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability

to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver’s Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—which was previously considered this day. Pending **Amendment 1 (450098)** by Senator Posey was adopted.

Senator Posey moved the following amendment which was adopted:

Amendment 2 (304148)(with title amendment)—On page 42, between lines 3 and 4, insert:

Section 44. Subsection (1) of section 121.22, Florida Statutes, is amended to read:

121.22 State Retirement Commission; creation; membership; compensation.—

(1) There is created within the Department of Management Services a State Retirement Commission composed of ~~three seven~~ members: One member who is retired under a state-supported retirement system administered by the department; ~~one member who is an two members from different occupational backgrounds who are active member of members~~ in a state-supported retirement system that is administered by the department; and ~~one member who is neither a retiree, beneficiary, or member four members who are not retirees, beneficiaries, or members of a state-supported retirement system that is administered by the department.~~ Each member shall have a different occupational background from the other members. The presence of two members constitutes a quorum for the purpose of conducting official business.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: amending s. 121.22, F.S.; modifying the membership of the State Retirement Commission;

Pursuant to Rule 4.19, **CS for HB 501** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 254** was deferred.

On motion by Senator Campbell—

CS for SB 2210—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 476.034, F.S.; redefining the term “board”; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term “board”; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers’ Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reduc-

ing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors’ Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors’ Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term “registered agent”; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 489.537, F.S.; providing that a municipality or county may require the presence of a licensed electrical journeyman on certain construction sites; requiring the Department of Business and Professional Regulation to adopt rules implementing a required statewide registration designation for electrical journeyman for industrial and commercial job sites; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing effective dates.

—was read the second time by title.

Senator Campbell moved the following amendment:

Amendment 1 (690828)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) is repealed and paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board of *Barbering and Cosmetology*, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6. Board of Cosmetology, created under chapter 477.~~

6.7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.8. Board of Employee Leasing Companies, created under part XI of chapter 468.

8.9. Board of Funeral Directors and Embalmers, created under chapter 470.

9.10. Board of Landscape Architecture, created under part II of chapter 481.

~~10.11.~~ Board of Pilot Commissioners, created under chapter 310.

~~11.12.~~ Board of Professional Engineers, created under chapter 471.

~~12.13.~~ Board of Professional Geologists, created under chapter 492.

~~13.14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

~~14.15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more than seven members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with seven or fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

~~(7) No board, with the exception of joint coordinators, shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.~~

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter Sections 326.001-326.006 may be cited as the "Yacht and Ship Brokers' Act."*

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter ss. 326.001-326.006*, the term:

(1) "Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) "Department" "Division" means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

(3) "Salesperson" means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) "Yacht" means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The ~~department division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter ss. 326.001-326.006*.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer this chapter implement ss. 326.001-326.006* and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter ss. 326.001-326.006* against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers' Act. The ~~department division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The ~~department division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed \$500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the ~~department division~~ in *this chapter ss. 326.001-326.006*.

(6) The ~~department division~~ may deny a license or license renewal to any applicant who does not:

(a) Furnish proof satisfactory to the ~~department division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers' Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the ~~department division~~ a good and sufficient

surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of \$25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the *department division* and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers' Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the *department division* and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter ss. 326.001-326.006*. When the *department division* determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers' Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the *department division* at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson's license or its renewal must deposit with the *department division* a bond or equivalent securities in the sum of \$10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter ss. 326.001-326.006* which results in any action being commenced on the bond or letter of credit, the *department division* may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers' Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the *department division* that it is no longer the surety for a licensee, the *department division* shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee's principal office. Upon the termination of such surety the licensee's license is automatically suspended until he or she files a new bond with the *department division*.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office. The *department division* shall establish by rule a fee not to exceed \$100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the *department division* for cancellation.

(15) The *department division* shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement and the Federal Bureau of Investigation conduct ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of *department division*.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The *department may division has the power to* enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the *department division* has the following powers and duties:

(a) The *department division* may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The *department division* may require or permit any person to file a statement in writing, under oath or otherwise, as the *department division* determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the *secretary of the department division director* or any officer or employee designated by the *secretary division director* may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the *department investigating officer* and upon reasonable notice to all persons affected thereby, the *department division* may apply to the circuit court for an order compelling compliance, *may impose a civil penalty, and may suspend or revoke the licensee's license.*

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the *department division* has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the *department division* may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The *department division* may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The *department division* may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the *department division* will carry out the purposes of this chapter.

3. The *department division* may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The *department division* may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All amounts collected must be deposited with the Treasurer to the credit of the *Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes*

Trust Fund. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the ~~department division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the ~~department division~~ must be brought in the county in which the ~~department division~~ has its executive offices or in the county where the violation occurred.

(e) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.
2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.
3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.
4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.
5. Commingles the money or other property of his or her principal with his or her own.
6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.
7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.
8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.
9. *Engages in acts that are evidence of a lack of good moral character.*
10. *Is convicted of a felony.*

(f) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.
2. Been found guilty of a felony or a crime of moral turpitude.
3. *Had a license or registration revoked, suspended, or sanctioned in another state.*

(3) All fees must be deposited in the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~ as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.*

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator~~

~~inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for routine inspection.

(2) The division ~~may~~ shall employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

(12) *The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and*

conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) "Registration" "License" means a registration license issued by the department of Business and Professional Regulation to carry on the business of a talent agency under this part.

(11) "Registrant" "Licensee" means a talent agency that which holds a valid unrevoked and unforfeited registration license issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 Operation of a talent agency Duties of the department; authority to issue and revoke license; adoption of rules.—

(1) It is unlawful to have ~~The department may take any one or more of the actions specified in subsection (5) against any person who has:~~

(a) Obtained or attempted to obtain a registration ~~any~~ license by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection ~~as required by to the department or any authorized agent thereof acting within its jurisdiction or by authority of law.~~

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department.~~

(i) Had a license or registration to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license or registration for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the registrant ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the registrant's ~~licensee's~~ capacity as a registered licensed talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the registration ~~license~~.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent registration ~~license~~.

(o) Permitted, aided, assisted, procured, or advised any unlicensed person to operate a talent agency contrary to this part or ~~other law to a rule of the department.~~

(p) Failed to perform any statutory or legal obligation placed on a licensed talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the registrant ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with another licensee or with any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* licensee from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* licensee or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

~~(2)(3) The department may has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer implement the provisions of this part.~~

~~(3)(4) A revoked or suspended registration license must be returned to the department within 7 days after the time for appeal has elapsed.~~

~~(4)(5) Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department may take the following actions:~~

~~(a) Deny an application for registration licensure as a talent agency.~~

~~(b) Permanently Revoke or suspend the registration license of a talent agency.~~

~~(c) Impose an administrative fine, not to exceed \$5,000, for each count or separate offense.~~

~~(d) Require restitution.~~

~~(e) Issue a public reprimand.~~

~~(f) Place the licensee on probation, subject to such conditions as the department may specify.~~

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

~~(5)(7) The department may deny a registration license if any owner or operator listed on the application has been associated with a talent agency whose registration license has been revoked or otherwise disciplined.~~

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration License* requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first registers with procures a license for the talent agency from the department. However, a registration license is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a registration license must be accompanied by an application fee set by the department not to exceed \$300, plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant. Each application for a change of operator must be accompanied by an application fee of \$150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full~~

~~set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(3)(4) Each application must include:~~

~~(a) The name and address of the owner of the talent agency.~~

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

~~(b)(e) The street and number of the building or place where the talent agency is to be located.~~

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

~~(4)(6) If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.~~

~~(5)(7) If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or registrant's licensee's office.~~

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

~~(6)(9) If any information in the application supplied to the department by the applicant or registrant licensee changes in any manner whatsoever, the applicant or registrant licensee shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or registrant licensee.~~

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration License*; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial registration licensing, renewal of registration license, and reinstatement of registration license, none of which fees shall exceed \$400. The department may by rule establish a delinquency fee of no more than \$50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the registering regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency registration license has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The registrant's licensee's good standing under this part shall be contingent upon the department's approval of any such new owner or operator.

(3) No registration license shall be valid to protect any business transacted under any name other than that designated on in the registration license, unless consent is first obtained from the department, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department, and unless the registration license is returned to the department for the recording thereon of such changes. A charge of \$25 shall be made by the department for the recording of authorization for each change of name or change of location.

(4) No *registration* license issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* applicant for a license shall maintain and provide to its artists or potential clients file with the application an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by notifying its artists filing with the department an amended or supplemental schedule at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration* License; content; posting.—

(1) The talent agency *registration* license shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* license, the full names and titles of the owner and the operator, and the number of the *registration* license.

(2) The talent agency *registration* license shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* licensee desires to cancel his or her *registration* license, he or she must notify the department and forthwith return to the department the *registration* license so canceled. No *registration* license fee may be refunded upon cancellation of the *registration* license.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered with regulated* by the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency requirements regulations.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; and

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto. ~~and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)(4) Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part. The department shall furnish to talent agencies printed copies of any statute or rule required to be posted under this subsection.

~~(4)(5) No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.~~

~~(5)(6) No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the registered licensed name, department registration license number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.~~

~~(6)(7) No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.~~

~~(7)(8) No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.~~

~~(8)(9) If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.~~

~~(9)(10) Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.~~

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* Legal requirements; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with procuring a license from* the department.

(b) Obtaining or attempting to obtain a *registration* license by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration* license, unless written notification is given to the department and to the surety or sureties on the original bond, and unless the *registration* license is returned to the department for the recording thereon of such changes.

(b) Assigning or attempting to assign a *registration license* issued under this part.

(c) Failing to show on a *registration license* application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* regulated by the department, ~~and which lists the address and telephone number of the department.~~

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or subsection (2)*, suspend or revoke the *registration license* of any *person licensee* under this part who has been found guilty of any *violation of subsection (1) or misdemeanor listed in subsection (2)*.

(4) ~~If a in the event the department or any state attorney finds shall have probable cause to believe that a talent agency or other person has violated any provision of subsection (1) or subsection (2), an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may permanently prohibit a person from operating or working for a talent agency assess a penalty against any talent agency or any person in an amount not to exceed \$1,000.~~

(5) *Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed \$5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.*

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~fines, fees, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the operation of a talent agency. If any agent, owner, or operator of a ~~registered licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency *registration license* shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future *registration licensure* as owner or operator of a Florida talent agency.

Section 22. *Sections 468.405 and 468.408, Florida Statutes, are repealed.*

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)1. A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. *Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.*

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, ~~the forms a form~~ of seals seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain *at least one an impression-type metal* seal in the form *approved by board rule aforesaid* and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in *this chapter* ~~ss. 472.001–472.041.~~

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 *Exemptions Persons not affected by* ~~ss. 472.001–472.041.—*This chapter does* Sections 472.001–472.041 do not apply to:~~

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under *this chapter* ~~the provisions of ss. 472.001–472.041.~~

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)(a) ~~and (b).~~

(5)(a) *Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

(b) *Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.*

(c) *Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in *this chapter* ~~ss. 472.001–472.041:~~

(1) “Board” means the Board of Professional Surveyors and Mappers.

(2) “Department” means the Department of Business and Professional Regulation.

(3) “Surveyor and mapper” includes the term “professional surveyor and mapper” and means a person who is registered to engage in the practice of surveying and mapping under *this chapter* ~~ss. 472.001–472.041.~~ For the purposes of this *subsection* ~~statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) “Practice of surveying and mapping” means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ “Surveyor and mapper intern” includes ~~the term~~ “surveyor-mapper-in-training” and means a person who complies with the requirements of *this chapter* ~~provided by ss. 472.001–472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ “Responsible charge” means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scribe, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ “License” means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) “Photogrammetric mapper” means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) “Employee” means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers’ compensation, all as prescribed by law.

(10) “Subordinate” means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) “Monument” means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) “Legal entity” means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and record-keeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement *this chapter* ~~ss. 472.001–472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of *this chapter ss. 472.001-472.041* or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under *this chapter ss. 472.001-472.041* as agents, employees, officers, or partners, is permitted subject to the provisions of *this chapter ss. 472.001-472.041*, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by *this chapter ss. 472.001-472.041*, and, further, provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of *this chapter ss. 472.001-472.041*.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 ~~Authorization~~ ~~Surveyors and mappers authorized~~ to enter lands of third parties; ~~under certain~~ conditions.—Surveyors and mappers ~~and their subordinates~~ may go on, over, and upon the lands of others when necessary to make surveys and maps or to search for, uncover, locate, or set monuments, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their ~~subordinates~~ and duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry ~~as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.~~; However, this section does not give authority to registrants, ~~subordinates~~, agents, or employees to destroy, injure, damage, or otherwise move any physical improvements ~~anything~~ on lands of another without the written permission of the landowner. ~~No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.~~

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers, ~~and~~ surveyors and mappers, ~~and other persons~~ authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered under *this chapter pursuant to ss. 472.001-472.041*;

(b) Use the name or title “registered surveyor and mapper” when such person has not registered under *this chapter pursuant to ss. 472.001-472.041*;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of *chapter ss. 472.001-472.041*.—

(1) Nothing contained in *this chapter ss. 472.001-472.041* shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of *this chapter ss. 472.001-472.041*.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of *this chapter ss. 472.001-472.041* have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in *this chapter ss. 472.001-472.041*.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of *this chapter*.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—*This chapter* ~~æ~~ may be cited as the “Barbers’ Act.”

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in *this chapter* ~~æ~~:

(1) “Barber” means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) “Barbering” means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board of Barbering and Cosmetology.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board of Barbering and Cosmetology.—

(1) There is created within the department the ~~Barbers'~~ Board of Barbering and Cosmetology, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) ~~Two~~ ~~Five~~ members of the board ~~must~~ ~~shall~~ be licensed barbers who have practiced the occupation of barbering in this state for at least 5 years. ~~Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years. The remaining member must two~~ members of the board shall be a resident citizens of the state who ~~is~~ are not presently a licensed barber or cosmetologist barbers. No person may ~~shall~~ be appointed to the board who is in any way connected with the manufacture, rental, or wholesale distribution of barber or cosmetology equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person may ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive \$50 per day, up to a maximum of \$2,000 per year, for time spent on board business, plus per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)(6) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetence, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as may be necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this chapter ~~act~~. Such personnel need not be licensed barbers or cosmetologists and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

~~(3) The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the~~

~~board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)(4) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer ~~implement the provisions~~ of this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this chapter ~~act~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this chapter ~~act~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this chapter ~~act~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this chapter ~~act~~ by the department.

(b) Engage in willful or repeated violations of this chapter ~~act~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this chapter ~~act~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this chapter ~~act~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this chapter ~~act~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this chapter ~~act~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) “Board” means the Board of *Barbering and Cosmetology*.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers’ Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers’ Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers’ Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers’ compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) *The board shall by rule establish criteria for the approval of continuing education courses and providers. The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.*

(d) *The department shall approve all continuing education courses and providers as set forth in this subsection. The board may not approve any course which does not substantially and exclusively relate to the practice of cosmetology and serve to ensure the protection of the public. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the department.*

(e) *Correspondence courses may be approved if offered by a provider approved by the board under paragraph (d) and meet all relevant course criteria established by the board. Correspondence courses must include a written post course examination developed and graded by the course provider which demonstrates the licensee’s understanding of the subject matter taught by the course. The board may, by rule, set the minimum allowed passing score for such examinations.*

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed \$50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed \$50.

(d) For specialists, fees for application and endorsement registration shall not exceed \$30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

~~(b)1. Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, ~~including those schools and colleges accredited by the National Architectural Accreditation Board;~~ and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; *injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title “architect” or “registered architect,” or “interior designer” or “registered interior designer,” or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) *Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney's fees.*

(b) *For purposes of this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.*

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

- (2) The board shall consist of ~~16~~ 18 members, of whom:
- (a) Four are primarily engaged in business as general contractors;
 - (b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;
 - (c) One is primarily engaged in business as a roofing contractor;
 - (d) One is primarily engaged in business as a sheet metal contractor;
 - (e) One is primarily engaged in business as an air-conditioning contractor;
 - (f) One is primarily engaged in business as a mechanical contractor;
 - (g) One is primarily engaged in business as a pool contractor;
 - (h) One is primarily engaged in business as a plumbing contractor;
 - (i) One is primarily engaged in business as an underground utility and excavation contractor;
 - (j) *Notwithstanding the provisions of s. 20.165(6), one is a ~~Two~~ are consumer member members who is are not, and has have never been, a member members or practitioner practitioners of a profession regulated by the board or a member members of any closely related profession; and*
 - (k) *One is a ~~Two~~ are building official officials of a municipality or county.*
 - (l) *On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.*
- (4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j); and one of the member members appointed pursuant to paragraph (2)(k).~~ Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; ~~and one of the member members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k).~~ Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 Temporary certificate or registration.—The department may issue a temporary certificate or registration to any applicant who has submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. ~~Contractors defined in s. 489.105(3)(a)-(c) Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) or holds a valid registered local specialty license which substantially corresponds to a type of

specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).

Section 60. Subsection (6) of section 489.507, Florida Statutes, is repealed.

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by \$25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and applying for certification* who:

(a) meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; ~~or~~

(b) ~~holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.*

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) “Division” means the Division of ~~Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.~~—

(1) ~~There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

(2) ~~All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to each category of business covered by this trust fund. The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation~~

~~among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the division. This subsection shall operate pursuant to the provisions of s. 215.20.~~

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to \$10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) ~~The Division of Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) “Division” means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the

developer. If the developer cannot be located, the clerk shall disburse the money to the division of Florida Land Sales, Condominiums, and Mobile Homes for deposit in the Division of Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation~~; mandatory nonbinding arbitration *and mediation*; local resolution; exemptions; legislative findings.—

(1) ~~APPLICABILITY DEFINITIONS.~~—

(a) ~~The provisions of subsection (3) apply to~~ *As used in this section, the term “dispute” means any disagreement between two or more parties that involves:*

~~(a) The authority of the board of directors, under this chapter or association document to:~~

~~1. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto.~~

~~2. Alter or add to a common area or element.~~

~~(b) the failure of a governing body, when required by this chapter or an association document, to:~~

~~1. properly conduct elections or to recall a board member.~~

~~(b) The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:~~

~~1. The authority of the board of directors, under this chapter or an association document, to:~~

~~a. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto; or~~

~~b. Alter or add to a common area or element.~~

~~2. The failure of a governing body, when required by this chapter or an association document, to:~~

~~a.2. Give adequate notice of meetings or other actions; or~~

~~b.3. Properly conduct meetings; or~~

~~c.4. Allow inspection of books and records.~~

~~“Dispute” does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

~~(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.~~

(2)(3) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney’s fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)(4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall provide ~~employ full-time attorneys to act as arbitrators to conduct the arbitration hearings as required provided by this chapter.~~ *The department may employ attorneys to act as arbitrators, and the division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter section.* No person may be employed by the department as ~~an a full-time arbitrator unless he or she is a member in good standing of The Florida Bar.~~ *an a full-time arbitrator unless he or she is a member in good standing of The Florida Bar.* The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of \$50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;
2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and
3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents’ answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) ~~The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose.~~ *Upon referral of a case to mediation, or the parties may agree on* ~~must select~~ *a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division*

under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator *or the division*, the arbitrator *or the division* shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator *or the division may* ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. *The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases.* The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. ~~If the case was referred to mediation by an arbitrator and the mediator declares an impasse after a mediation conference ends in an impasse has been held,~~ the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. ~~If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.~~ The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees

incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* ~~and~~ Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) *In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.*

(4) **EXEMPTIONS.**—*A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:*

- (a) *Title to any unit or common element;*
- (b) *The interpretation or enforcement of any warranty;*
- (c) *The levy of a fee or assessment or the collection of an assessment levied against a party;*
- (d) *The eviction or other removal of a tenant from a unit;*
- (e) *Alleged breaches of fiduciary duty by one or more directors; or*
- (f) *Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.*

(5) **DISPUTES INVOLVING ELECTION IRREGULARITIES.**—*Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.*

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and \$440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile Homes.—

(1) The Division of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce

and ensure compliance with the provisions of this chapter and rules adopted promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the

division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of Florida Land Sales, Condominiums, *Timeshare*, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the

original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of \$4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of

\$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f) An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR

ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: **THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.**

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

- (a) The names of contracting parties.
- (b) The term of the contract.
- (c) The nature of the services included.
- (d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.
- (e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: **THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER).** Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: **THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD.** Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: **THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED.** Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: **THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM.** Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: **BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM**

MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: **THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION.** Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used facilities.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.
 - i. Other expenses.
 - j. Operating capital.
 - k. Reserves.
1. Fees payable to the division.
2. Expenses for a unit owner:
 - a. Rent for the unit, if subject to a lease.
 - b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—

(1) *There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the*

administration and operation of this chapter and chapters 719, 721, and 723 by the division.

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~ created by s. 718.509 ~~498.019~~. The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~, (Tallahassee address and telephone number of division).

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) "Division" means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—~~The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall provide for alternative dispute resolution in accordance with s. 718.1255.~~

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~.—

(1) The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules ~~adopted~~ promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation

of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of \$4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled “Frequently Asked Questions and Answers,” which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

- (a) The name of the cooperative.
- (b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A COOPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f1) An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a

description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

- (a) Each building and facility committed to be built.
- (b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.
- (c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.
- (d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

- (8) Recreation lease or associated club membership:
 - (a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: **THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE;** or, **THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE.** There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.
 - (b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:
 1. **MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS;** or
 2. **UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE;** or
 3. **UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES);** or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: **THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS.** Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN;** or

2. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.**

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: **RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S).** Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: **THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.**

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

- (a) The names of contracting parties.
- (b) The term of the contract.
- (c) The nature of the services included.
- (d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.
- (e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall

appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 719.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how

such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

- a. Administration of the association.
- b. Management fees.
- c. Maintenance.
- d. Rent for recreational and other commonly used areas.
- e. Taxes upon association property.
- f. Taxes upon leased areas.
- g. Insurance.
- h. Security provisions.
- i. Other expenses.
- j. Operating capital.
- k. Reserves.

1. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit

owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the cooperative.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any

extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes, (Tallahassee address and telephone number of division).

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) “Division” means the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division’s current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not

materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division’s current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser’s last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent’s attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser’s timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent’s delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and manag-

ing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—All funds collected by the division and any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund created by s. 718.509 ~~498.019~~.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, not to exceed \$50,000 annually, to support the projects and proposals

undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the “McAllister Act” in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, former Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) “Registered agent” means an agent duly appointed ~~by the obligor~~ under s. 721.84 for the purpose of accepting all notices and service of process under this part for the obligor. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)1. A successor registered agent is appointed by the resigning registered agent and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1); or

2. ~~The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien; and~~

(c)1. *If a successor registered agent is appointed under subparagraph (b)1., copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders; or*

2. *If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.*

(6) *If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as*

successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.

(7) *If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.*

(8) *If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.*

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term “division” means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund.

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction,

and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund.—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund created by s. 718.509 ~~498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

- (a) The name and address of the condemning authority.
- (b) A written or visual description of the property.
- (c) The public purpose for which the property is needed.
- (d) The appraisal value of the property.
- (e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.
- (f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regula-

tion may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund established pursuant to s. 718.509 ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

- 1.a. The same person has retained or shared control of the developments;
- b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

(1) This part does not apply to:

(a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;

(b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;

(c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;

(d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other

places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;

(e) Persons involved solely in the rental, leasing, or sale of residential property;

(f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;

(g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;

(h) A developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or

(i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

~~(c)(d)~~ Has completed the application form and remitted an application fee not to exceed \$500, ~~an examination fee not to exceed the actual cost for the examination plus \$500~~, an active licensure fee not to exceed \$2,000, and all other applicable fees provided for in this part or in chapter 455.

~~(d)(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card

to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

(e)(f) Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

(g) ~~Has posted with the department a \$15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) *A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and*

(b) *Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. ~~Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.~~*

(4) A license issued to an athlete agent is not transferable.

(5) *By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.*

(6) *The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.*

(7)(a) *An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:*

1. *Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;*

2. *Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and*

3. *Was signed by the applicant under penalty of perjury.*

(b) *An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.*

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) *An agent contract must be in a record, signed, or otherwise authenticated by the parties.*

(2) *An agent contract must state:*

(a) *The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;*

(b) *The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;*

(c) *A description of any expenses that the student-athlete agrees to reimburse;*

(d) *A description of the services to be provided to the student-athlete;*

(e) *The duration of the contract; and*

(f) *The date of execution.*

(3) *An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:*

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;**

2. **IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND**

3. **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.**

(4) *An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*

(5) *The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.*

(6) *Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.*

(7) *Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.*

(8) *A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.*

(9) *A student-athlete may not waive the right to cancel an agent contract.*

(10) *If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*

(1) ~~An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to~~

provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point bold-faced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

~~(11)(6) An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.~~

~~(12)(7) An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.~~

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227, and an administrative fine not to exceed \$25,000 for each separate offense. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:

1. Give any materially false or misleading information or make a materially false promise or representation;
2. Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or

3. Furnish anything of value to any individual other than the student-athlete or another athlete agent.

(b) An athlete agent may not intentionally:

1. Initiate contact with a student-athlete unless licensed under this part;
2. Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;
3. Provide materially false or misleading information in an application for licensure;
4. Predate or postdate an agent contract;
5. Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or
6. Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

(c) An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, or is disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, or by an intercollegiate athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization and, because of that penalty, disqualification, or suspension, or action the institution:

- (a) Loses revenue from media coverage of a sports contest;
- (b) Loses the right to grant an athletic scholarship;
- (c) Loses the right to recruit an athlete;
- (d) Is prohibited from participating in postseason athletic competition;
- (e) Forfeits an athletic contest; or
- (f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

- (a) Actual damages;
- (b) Punitive damages;
- (c) Treble damages;
- (d) Court costs; and
- (e) Reasonable attorney's fees.

(4) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

(5) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

(6) *This part does not restrict rights, remedies, or defenses of any person under law or equity.*

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) ~~An athlete agent who holds an active license and engages in business as an athlete agent shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least 5 4 years from the date of entry. These records must include, but shall not be limited to:~~

(a) *The name and address of each individual represented by the athlete agent;*

(b) *Any agent contract entered into by the athlete agent; and*

(c) *Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.*

Section 116. *Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.*

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words “decree of foreclosure” shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word “mortgage” shall mean any written instrument securing the payment of money or advances and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720; the word “debt” shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words “foreclosure proceedings” shall embrace every action in the circuit or county courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word “property” shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If a the declaration recorded on or after July 1, 2000, for a condominium operated by a multicondominium association, as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number “one” and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration as originally recorded, or as amended pursuant to the procedures provided therein, may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted pursuant to the provisions contained therein ~~under s. 718.110(2).~~ *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements or association property; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to expenses incurred by an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property

shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, lease, or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of cause to be prepared and completed by a third party*, a financial report for the preceding fiscal year. Within 21 days after the *final* financial report is completed by the association or received by the association from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws*, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$100,000 or more, but less than \$200,000, shall prepare compiled financial statements.
2. An association with total annual revenues of at least \$200,000, but less than \$400,000, shall prepare reviewed financial statements.
3. An association with total annual revenues of \$400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than \$100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;
2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or
3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) OPTIONAL PROVISIONS.—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein*, may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This*

paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000, if the declaration for each condominium to be operated by that association shall provide provides for participation in a multicondominium, in conformity with this section, and disclose discloses or describe describes:*

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, ~~as well as a copy of the question and answer sheet provided for by s. 718.504~~ and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND THE QUESTION AND ANSWER SHEET MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT;~~ or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND QUESTION AND ANSWER SHEET IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, AND RULES, AND QUESTION AND ANSWER SHEET IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.~~

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall

state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If a ~~the~~ condominium created on or after July 1, 2000, is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) “*Concessionaire*” means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) “*Second*” or “*cornerman*” means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 *Concessionaires; security.*—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; powers; organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor,

subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) *Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;*

(c) *Requirements regarding a participant’s apparel, bandages, hand-wraps, gloves, mouthpiece, and appearance during a match;*

(d) *Requirements relating to a manager’s participation, presence, and conduct during a match;*

(e) *Duties and responsibilities of all licensees under this chapter;*

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) *Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;*

(i) *Designation and duties of a knockdown timekeeper; and*

(j) *Setting fee and reimbursement schedules for referees and other officials appointed by the commission or the representative of the commission.*

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire*, or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)(1) Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)(2) Be verified by the applicant.

(c)(3) Be complete and have attached to the application any photographs and other exhibits required.

(2)(4) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—The commission shall not issue a license to:

(1) Any person or business entity that ~~who in any jurisdiction~~ has been convicted of any act, or who has a trustee, partner, officer, director, or owner that has been convicted of any act, which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or

(2) Any person or business entity that ~~who~~ has been named in any ~~an~~ information or indictment, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment, for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.

Section 136. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

(a) Is under the age of 18;

(b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or

(c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than

4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission, or the commission representative, shall assign to each match *at least one* a physician who shall observe the physical condition of the participants and advise the commissioner or *commission representative deputy* in charge and the referee of the participants' conditions before, and during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. *The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.*

(2)(a) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) *The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.*

(3)(a) *In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.*

(b) *The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.*

(c) *Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.*

(4) *The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the pur-*

pose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than \$20,000 ~~\$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. *Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.*

(2) The commission may also require participants to be covered by not less than \$20,000 ~~\$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts *executed in this state between managers between promoters, foreign copromoters, and professionals. All such contracts shall be in writing and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.*

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of Referee and judges; attendance at match; scoring; seconds.—~~

(6) *No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.*

(7) *No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.*

(8) *Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.*

(9) *The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.*

(10) *The judges shall be located in seats designated for them by the commission representative.*

(11) *In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.*

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) *Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this*

state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569. ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines; citations.—

(1) The commission may impose a fine of not more than \$5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. Section 548.045, Florida Statutes, is repealed.

Section 146. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent

agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and

duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for

participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing effective dates.

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

Amendment 1A (371766)(with title amendment)—On page 193, between lines 30 and 31, insert:

Section 146. *Notwithstanding any other provision of law, Workforce Florida, Inc., shall develop strategies and policies for incorporating the use of private-sector staffing services firms into the operation of the state's workforce system, in order to reduce duplication in the delivery of workforce services to individuals and employers. Workforce Florida, Inc., shall incorporate provisions relating to the use of such staffing services firms into the strategic plan required under section 445.006, Florida Statutes. In addition, Workforce Florida, Inc., shall develop policies and guidelines for use by the regional workforce boards in fulfilling the ability of the boards to use private-sector staffing services firms to the maximum extent feasible in the one-stop delivery system, pursuant to section 445.009(9), Florida Statutes. In developing the strategies, policies, and guidelines under this section, Workforce Florida, Inc., shall consider the extent to which the use of private-sector staffing services firms could result in more efficient delivery of workforce services, including, but not limited to, the extent to which portions of the one-stop delivery system or specific activities of the one-stop delivery system could be reduced or replaced by activities conducted by such staffing services firms. By January 1, 2002, Workforce Florida, Inc., shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on its progress in fulfilling the requirements and on additional options for the state to increase the use of private-sector staffing services firms in the workforce system. The report shall also include recommendations on whether the membership of the board of Workforce Florida, Inc., and the regional workforce boards should be amended to include representatives from staffing services firms.*

[Redesignate subsequent sections.]

And the title is amended as follows:

On page 204, line 10, after the semicolon (;) insert: providing for the use of private sector staffing services firms in the delivery of workforce services; requires the development of policies and guidelines by Workforce Florida, Inc., related to the use of staffing services in the operation of the workforce system; requires a report by Workforce Florida, Inc.;

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

Amendment 1B (531594)(with title amendment)—On page 193, between lines 30 and 31, insert:

Section 146. Section 399.001, Florida Statutes, is created to read:

399.001 *Short title and purpose.*—*This chapter may be cited as the "Elevator Safety Act." The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida*

Building Code. This chapter establishes the minimum standards for elevator personnel.

Section 147. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

(1) “Alteration” means any change or addition to the *vertical conveyance equipment* other than maintenance, repair, or replacement.

(2) “Certificate of competency” means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any *vertical conveyance elevator*.

(3) “Certificate of operation” means a document *issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.*

(4) “Conveyance” means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) “Department” means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~

(6) (4) “Division” means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) (5) “Elevator” means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

(8) “Escalator” means an installation defined as an escalator in the Florida Building Code.

(9) “Existing installation” means an installation defined as an “installation, existing” in the Florida Building Code.

(10) “Elevator Safety Technical Advisory Committee” means the committee appointed by the Secretary of the Department of Business and Professional Regulation.

(11) “Private residence” means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

(6) “Elevator company” means any person that constructs, installs, inspects, maintains, or repairs any elevator.

(12)(7) “Service maintenance contract” means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests *such as* on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

(13) “Temporarily dormant conveyance” means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the “OFF” position. The car

is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) “Temporary operation permit” means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) “Registered elevator company” means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) “Certified elevator inspector” is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) “Certified elevator technician” means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) “Elevator helper” means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) “Elevator certificate of competency” means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of \$50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder’s completion of 8 hours of continuing education and a renewal fee of \$50.

All other building transportation terms are defined in the current Florida Building Code.

Section 148. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The Elevator Safety Technical Advisory Committee ~~division~~ shall develop and submit to the Division of Hotels and Restaurants recommendations regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1. Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of “The Safety Code for Elevators and Escalators ASME A17.1.”

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage~~

~~pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

~~(4)(3) Each elevator shall have a serial number assigned by the department division painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.~~

~~(5)(4)(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the department division. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the department division.~~

~~(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the department division. The responsibilities of the elevator owner may be assigned by lease.~~

~~(c) The elevator owner shall report to the department division 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the department division requires. The department division shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the department division. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The department division shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.~~

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

~~(6)(5) The department division is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety.~~

~~(7)(6) The Elevator Safety Technical Advisory Committee division shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, ASME A18.1, or other related model codes and amendments thereto, concurrent with the update of the Florida Building Code and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.~~

Section 149. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of conveyances elevators.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permitholder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

(8) ~~(1)~~ Each elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator.

(9) ~~(2)~~ Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(10) ~~(3)~~ When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code or Elevator Safety Code that were in effect at the time of receipt of the application for the construction permit for the change in classification.

Section 150. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) **SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.**—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to \$1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.

(c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) **DISCIPLINARY ACTION.**—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 151. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division, pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect.~~ A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for a routine inspection.

(2) The division ~~may~~ shall employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 152. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The ~~department~~ division shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The ~~department~~ division shall charge an annual fee for issuance of a certificate of operation in amount to be set by rule. ~~The fee must be~~

set by rule in an amount not to exceed \$100 for an elevator not covered by a service maintenance contract or \$50 for an elevator covered by a service maintenance contract. However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The ~~department division~~ may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the ~~department division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The ~~department division~~ shall charge a fee, set by rule in an amount not greater than \$100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The ~~department division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the ~~department division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 153. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the ~~department division~~ to enforce the provisions of this chapter. The ~~department division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 154. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the ~~department division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the ~~department division~~ the permit or certificate is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by

law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than \$1,000 ~~\$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the ~~department division~~ in an amount not to exceed \$1,000 ~~\$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 155. Section 399.106, Florida Statutes, is created to read:

399.106 Elevator Safety Technical Advisory Committee.—

(1) *The Elevator Safety Technical Advisory Committee is created within the Department of Business and Professional Regulation, Division of Hotels and Restaurants, consisting of seven members to be appointed by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.*

(2) *The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.*

(3) *The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminates December 31, 2003.*

(4) *The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.*

Section 156. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the ~~department division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as *credentialed under this chapter* a holder of a certificate of competency issued pursuant to s. 399.045 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 157. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents or incidents; penalties.—Within 5 working days after any accident or incident occurring in or upon any elevator, *the certificate of operation holder shall report the accident or incident to the division on a form prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident,*

whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject to an administrative fine, to be imposed by the division, in an amount not to exceed \$1,000 \$500.

Section 158. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The ~~department division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the ~~department division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the ~~department division~~; and may include such other provisions as the ~~department division~~ deems necessary.

(2) The ~~department division~~ may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the ~~department division~~ finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 159. Sections 399.045 and 399.05, Florida Statutes, are repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 204, line 10, after the semicolon (;) insert: creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits;

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

Amendment 1C (222190)(with title amendment)—On page 1, line 17 through page 3, line 8, delete those lines and insert:

Section 1. Paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board of *Barbering and Cosmetology*, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6.—Board of Cosmetology, created under chapter 477.~~

~~6.7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

~~7.8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

~~8.9.~~ Board of Funeral Directors and Embalmers, created under chapter 470.

~~9.10.~~ Board of Landscape Architecture, created under part II of chapter 481.

~~10.11.~~ Board of Pilot Commissioners, created under chapter 310.

~~11.12.~~ Board of Professional Engineers, created under chapter 471.

~~12.13.~~ Board of Professional Geologists, created under chapter 492.

~~13.14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

~~14.15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more than seven members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with seven or fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

And the title is amended as follows:

On page 1, lines 18-20, delete those lines and insert: on professional licensing boards; amending ss. 326.001, 326.002,

On motion by Senator Campbell, further consideration of **CS for SB 2210** with pending **Amendment 1** as amended was deferred.

Consideration of **CS for CS for SB 1612** was deferred.

On motion by Senator Klein—

CS for SB 1310—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1 (150442)—On page 2, lines 7 and 8, delete all of said lines and insert: (d) *Refereeing or advertising animal*

Pursuant to Rule 4.19, **CS for SB 1310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 1471** was withdrawn from the Committees on Appropriations; and Regulated Industries.

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

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

—a companion measure, was substituted for **CS for SB 1902** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1471** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 22** was deferred.

On motion by Senator Villalobos—

SB 20—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, Sean Ryan Calderon, and Lily Ann Calderon; authorizing and directing Miami-Dade County to compensate them for the death of Roberto Luis Calderon which was caused by the negligence of a Miami-Dade County employee; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Villalobos and adopted:

Amendment 1 (720922)—On page 2, lines 13-17, delete those lines and insert: *appropriated and to draw a warrant in the sum of \$2,100,000 payable to Jessica Ann Calderon, as personal representative of the estate of Roberto Luis Calderon, which funds shall not be spent until allocated between Jessica Ann Calderon and her minor children, Sean Ryan Calderon, and Lily Ann Calderon pursuant to an order of the probate court In Re: Estate of Roberto Luis Calderon, 11th Circuit for Miami-Dade County, Case 00-1510CP(02).*

Pursuant to Rule 4.19, **SB 20** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 50—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (741478)—On page 3, lines 1-6, delete all of said lines and insert: *appropriated and to draw warrants payable as follows: upon passage of this bill, the City of Miami shall pay Oscar Ortiz \$2,566,667. One year from the first payment, the City of Miami shall pay Oscar Ortiz \$1,166,667; and one year from the second payment, the City of Miami shall pay Oscar Ortiz \$1,166,666, for a total of \$4,900,000. After payment of attorney's fees and costs, medical bills and other immediate needs, the remaining proceeds shall be placed into a special needs trust created for the exclusive use and benefit of Oscar Ortiz. After the reimbursement of any outstanding Medicaid liens, any funds remaining in the special needs trust at the time of Oscar Ortiz' death will revert to the City of Miami.*

Pursuant to Rule 4.19, **SB 50** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

SENATOR SILVER PRESIDING

On motion by Senator Latvala—

CS for SB 1614—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1614** to **CS for HB 589**.

Pending further consideration of **CS for SB 1614** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 589** was withdrawn from the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Latvala—

CS for HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1614** as amended and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (984190)(with title amendment)—On page 3, line 25 through page 4, line 5, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 10-16, delete those lines and insert: water-wastewater utilities; requiring the Department of

Pursuant to Rule 4.19, **CS for HB 589** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **HJR 571** was withdrawn from the Committee on Ethics and Elections.

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

HJR 571—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution requiring the Legislature to provide by general law for the provision of an economic impact statement of each amendment proposed by initiative to the State Constitution prior to its adoption by the voters of the state.

—a companion measure, was substituted for **SJR 1176** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HJR 571** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definition of the term “operating capital outlay”; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

On motion by Senator Horne, further consideration of **CS for SB 1784** was deferred.

THE PRESIDENT PRESIDING

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable John M. McKay May 3, 2001
 President, The Florida Senate

Dear President McKay:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Accountancy Appointee: Puissegur, Frank D.	10/31/2004
Board of Acupuncture Appointee: Ni, Hai-Sha	10/31/2004
Board of Architecture and Interior Design Appointees: Del Bianco, Sharon M. Hall, Daniel-Christopher Planas, Ivette	10/31/2003 10/31/2003 10/31/2002
Greater Orlando Aviation Authority Appointees: Bradley, Jacqueline L. Rey, Jose A. Theisen, Robert W., Jr. Van Meter, Jeanne L.	04/16/2002 04/16/2004 04/16/2004 04/16/2004
Florida State Boxing Commission Appointee: Entin, Alvin E.	09/30/2004
Florida Building Code Administrators and Inspectors Board Appointee: Nagin, Robert D.	10/31/2003
Secretary of Business and Professional Regulation Appointee: Binkley-Seyer, Kim	Pleasure of Governor
Capital Collateral Regional Counsel - Southern Region Appointee: Dupree, Neal A.	09/30/2003
Capitol Center Planning Commission Appointee: Block, Charles E.	09/30/2004
Board of Chiropractic Medicine Appointees: LaRusso, Salvatore D. Wolfson, Wayne C.	10/31/2004 10/31/2004
Florida Citrus Commission Appointees: Falk, Harry Heller Jackson, Raymond A. Kemper, William E. Raley, W. Lindsay, Jr. Richey, Daniel R. Schafer, Nancy Jackson	05/31/2003 05/31/2003 05/31/2004 05/31/2004 05/31/2004 05/31/2003
Escambia County Civil Service Board Appointees: Gilliam, Thomas J., Jr. Phillips, Sandra M. Rittenhouse, Diana A.	02/09/2005 02/13/2005 02/13/2005
Hillsborough County Civil Service Board Appointees: Cyrise, Margaret D. Diaz, Andrew G.	07/02/2003 07/02/2003
Board of Clinical Laboratory Personnel Appointee: Gereg, Andrea	10/31/2004
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointee: Gray, Susan W.	10/31/2004
Regulatory Council of Community Association Managers Appointees: Battista, Marilyn M. Czonstka, Steven J. Glass, Debra B. Yates, Edith L.	10/31/2003 10/31/2002 10/31/2003 10/31/2002
Florida Communities Trust Appointees: Alfonso, Carlos J. Streetman, Fred W., Jr.	01/31/2005 01/31/2003
State Board of Community Colleges Appointees: Berridge, Randy Hanna, Randall W. Thomas, George Velazquez, Silvia M.	09/30/2005 09/30/2005 09/30/2005 09/30/2001
Florida Commission on Community Service	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Asia, Cynthia O.	09/14/2002	Board of Trustees for the Florida School for the Deaf and the Blind	
Barrett, Alix U.	09/14/2003	Appointees: Dillon, Mary Jane	11/20/2001
Bell, Honor M., Sr.	09/14/2002	Fuller, Barbara	02/07/2003
Bielinski, Julie Prevatt	09/14/2003	Parrish, Herschel H., Jr.	11/07/2003
Brooks, Deborah H.	09/14/2002	Ponchak, Kurt D.	12/10/2004
Buckner, Michael L.	09/14/2003	Turner, Edgar Malone	11/19/2004
Donley, Jeffrey R.W.	09/14/2003	Board of Dentistry	
Enfield, Lisa	09/14/2003	Appointees: Haering, Harold J., Jr.	10/31/2004
Evans, Gloria E.	09/14/2002	Poitevent, Benjamin E.	10/31/2004
King, Daniel S.	09/14/2001	Stavros, Irene J.	10/31/2004
Morris, Patrick G.	09/14/2003	Education Practices Commission	
Oliva, Maria Cristina	09/14/2002	Appointees: Ansley, Clarence Wayne	09/30/2001
Rivas, Eduardo R.	09/14/2001	Demetriades, Lynn F.	09/30/2003
Ruano, Robert	09/14/2003	Pinsky, Kimberly	09/30/2004
Sanjuan, Maria T.	09/14/2001	Rayburn, Patsy	09/30/2004
Scarborough, Ryan Paul	09/14/2001	Whitson, Kathryn L.	09/30/2004
Wallace, Joan S.	09/14/2002	Education Standards Commission	
Weinrich, Carl L.	09/14/2001	Appointees: Bouzianis, Stephen	09/30/2003
Worthington, Terry	09/14/2001	Bullard, Michelle M.	09/30/2001
Zipperer, Roberta C.	09/14/2002	Ciliento, John	09/30/2002
Board of Trustees of Central Florida Community College		Holmes, Pamela R.	09/30/2002
Appointee: Strifler, Betty	05/31/2003	Horton, J. Wiley	09/30/2003
Board of Trustees of Daytona Beach Community College		Little, Wesley	09/30/2003
Appointee: Desai, Pramila	05/31/2003	Lynch, Thomas E.	09/30/2001
Board of Trustees of Edison Community College		Magee, Molly	09/30/2003
Appointees: Carr, Darol Howell Melvin	05/31/2002	Roberts, Charles L.	09/30/2001
Downing, Kenneth	05/31/2004	Vasquez, Anete	09/30/2003
Gorvine, Enid S.	05/31/2002	Florida Elections Commission	
Warr, Gregory D.	05/31/2004	Appointees: Cunningham, J. Courtney	12/31/2003
Board of Trustees of Gulf Coast Community College		Rancourt, David A.	12/31/2003
Appointee: Bloodworth, Leon R.	05/31/2004	Tokley, Joanna N.	12/31/2003
Board of Trustees of Manatee Community College		Electrical Contractors' Licensing Board	
Appointees: Fogarty, Julia B.	05/31/2004	Appointees: DeBerry, Kimberly A.	10/31/2001
Watts, Mary M.	05/31/2004	Kiner, Jeffrey M.	10/31/2003
Board of Trustees of North Florida Community College		Langer, Roger E.	10/31/2002
Appointee: Gibson, Linda F.	05/31/2002	Poole, Michele M.	10/31/2002
Board of Trustees of Okaloosa-Walton Community College		Tibbs, Clarence Kelley	10/31/2003
Appointee: Wells, Esteena K.	05/31/2002	Board of Employee Leasing Companies	
Board of Trustees of Pasco-Hernando Community College		Appointees: Crum, Frank W., Jr.	10/31/2002
Appointee: Church, John	05/31/2001	Dockery, Celeste D.	10/31/2003
Board of Trustees of St. Johns River Community College		Stroyan, David B.	10/31/2003
Appointee: Wilson, Dale S.	05/31/2001	Board of Directors, Enterprise Florida, Inc.	
Board of Trustees of Valencia Community College		Appointee: Bowden, Travis J.	07/01/2004
Appointees: Hoyas, Jose M.	05/31/2001	Commission on Ethics	
Slocum, Lawrence D.	05/31/2004	Appointees: Colson, Dean C.	06/30/2002
Construction Industry Licensing Board		Wright, Joseph T.	06/30/2001
Appointees: Brown, Joan M.	10/31/2003	Tampa-Hillsborough County Expressway Authority	
Hageman, Gregory A.	10/31/2002	Appointee: Gagalis-Brasier, Rebecca	07/01/2004
Florida Corrections Commission		Board of Funeral Directors and Embalmers	
Appointees: Griffis, John D.	06/30/2004	Appointees: Deakins, John P.	10/31/2004
Lancaster, Leon Scott	06/30/2004	Hall, Alfonza L.	10/31/2002
Martinez, Edward, Jr.	06/30/2004	Board of Professional Geologists	
Urette, Tara R.	06/30/2004	Appointees: Blackledge, K. Dawn	10/31/2002
State of Florida Correctional Medical Authority		Francisco, Valerie R.	10/31/2003
Appointees: Baker, Jeannie B.	09/30/2003	Board of Hearing Aid Specialists	
Etheredge, H. Rex	09/30/2004	Appointee: Smith, Wayne Lee	10/31/2004
Griffin, E. Rawson III	07/01/2003	Citrus County Hospital Board	
Mahaney, Patricia LaHaie	09/30/2002	Appointees: Chadwick, Sandra Lee	07/03/2003
Rainey, Russell B.	07/01/2004	Fredrick, Debra S.	07/07/2004
Russell, Barbara	07/01/2004	Jenkins, Randall	07/08/2002
Board of Cosmetology		Board of Trustees of South Lake County Hospital District	
Appointees: Caetano, Joseph P.	10/31/2004	Appointees: Bailey, Donald B.	07/05/2003
Osborne, Donna J.	10/31/2004		

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Berens, Robert E., Jr.	07/05/2003	Board of Nursing	
McLean, Susan	07/05/2003	Appointees: Chally, Pamela S.	10/31/2004
Smoak, Claude E.	07/05/2001	Dittman, Patricia W.	10/31/2004
Wade, Robert J.	07/05/2003	Hockett, Keri A.	10/31/2004
Wilburn, Ruby J.	07/05/2003	Perry, Mignon Marie	10/31/2004
Zahn, Paula J.	07/05/2004	Powers, Patsey J.	10/31/2002
Florida Housing Finance Corporation		Board of Nursing Home Administrators	
Appointees: Cabrera, Orlando J.	11/13/2004	Appointees: Barnett, Brett	10/31/2004
Calvet, Cesar E.	11/13/2004	Reynolds, Suyrea	10/31/2004
Meyer-Webb, Cindy	11/13/2004		
Terry, Sandra	11/13/2004	Board of Optometry	
Florida Commission on Human Relations		Appointee: Schlofman, Arthur Leonard	10/31/2004
Appointees: Cannon, Gayle B.	09/30/2004	Board of Orthotists and Prosthetists	
Elam, Donna	09/30/2004	Appointees: Fredrick, Jeffrey Ryan	10/31/2004
Roberts, Keith A.	09/30/2003	Gallo, Morris G.	10/31/2003
Stall, Billy Whitefox	09/30/2004	Gillis, Arlene	10/31/2002
		Goris, David S.	10/31/2002
State Board of Independent Colleges and Universities		Morris, George R.	10/31/2004
Appointees: Baker, Gregory E.	09/30/2003	Renish, Keith J.	10/31/2003
Beard, Timothy L.	09/30/2002		
Matos, Iliia Y.	09/30/2002	Board of Osteopathic Medicine	
Mullenix, Joel H.	09/30/2003	Appointees: Andriole, James M.	10/31/2002
Ploessl, Jodie M.	09/30/2003	Fedor, Robert P.	10/31/2004
Florida Inland Navigation District		Parole Commission	
Appointees: Barck, Grayce K.	01/09/2005	Appointee: David, Monica	06/30/2006
Byrd, Gail A.	01/09/2005		
Engle, Susan M.	01/09/2005	Board of Pharmacy	
Hoffman, Kenneth F.	01/09/2005	Appointees: Parrado, Robert Mario	10/31/2004
Padera, Charles A.	01/09/2005	Poston, Rebecca R.	10/31/2004
Southeast Interstate Low-Level Radioactive Waste Management Commission		Board of Physical Therapy Practice	
Appointees: Hodes, Richard S.	06/30/2001	Appointees: Bumgarner, David	10/31/2004
Hunter, Richard G.	06/30/2002	Watson, Nancy Lou	10/31/2004
Escambia County Interstate 110 Extension Authority		Board of Pilot Commissioners	
Appointee: Windham, Patricia S.	05/02/2004	Appointee: Frudaker, Richard N.	10/31/2004
Investment Advisory Council		Board of Podiatric Medicine	
Appointees: Dahl, James H.	12/12/2004	Appointee: Hodson, Larry L.	10/31/2004
Nast, Donald A.	12/12/2004	Jacksonville Port Authority	
Pinellas County Board of Juvenile Welfare		Appointee: Townsend, Ronald	09/30/2004
Appointees: Burke, Cecilia M.	08/11/2004	Postsecondary Education Planning Commission	
Faulkner, Sandra M.	07/18/2004	Appointees: Carlton, Michelle Chira	02/04/2004
Milford, John A.	08/07/2004	James, Cornelia Sha'Ron	08/31/2001
		Leone, Diane P.	02/04/2004
Board of Landscape Architecture		Historic Pensacola Preservation Board of Trustees	
Appointees: Davis, Paul M.	10/31/2003	Appointee: Langhorne, Patricia A.	06/30/2003
Gillick, Elizabeth A.	10/31/2002		
Walter, Collene W.	10/31/2004	Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.	
Secretary of Management Services		Appointees: Hamilton, Lawrence W.	09/30/2002
Appointee: Henderson, Cynthia A.	Pleasure of Governor	Wallace, Derrick D.	09/30/2003
Atlantic States Marine Fisheries Commission		Board of Psychology	
Appointee: Lane, Kathy Barco	09/04/2001	Appointees: Hoffman, Richard A.	10/31/2004
Gulf States Marine Fisheries Commission		Martin-Lavielle, Ana	10/31/2002
Appointee: Ward, William M.	01/05/2004	Swan, Amy C.	10/31/2004
Board of Massage Therapy		Public Employees Relations Commission	
Appointee: Quiring, David C.	10/31/2004	Appointee: Kossuth, Charles H., Jr.	01/01/2005
Board of Medicine		Chair, Public Employees Relations Commission	
Appointees: Davies, Laurie K.	10/31/2004	Appointee: Poole, Donna Maggart	01/01/2004
Kent, Kriston J.	10/31/2004	Florida Public Service Commission	
Lamelas, Peter	10/31/2004	Appointees: Baez, Braulio L.	01/01/2002
Long, Monique W.	10/31/2004	Jaber, Lila A.	01/01/2005
Rodriguez, Gilbert M.	10/31/2004	Commission for Purchase from the Blind or Other Severely Handicapped	
State Board of Nonpublic Career Education		Appointees: Fassett, Donna	10/01/2004
Appointees: Bradley, Nancy M.	07/01/2001	Thompson, William S.	10/01/2003
Crocitto, Peter F., Jr.	07/01/2001		
Hill, Suzanne Barto	07/01/2002	Florida Real Estate Appraisal Board	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Wright, Cynthia H.	10/31/2002	Appointees: Ratliff, Michael R.	10/01/2001
Florida Real Estate Commission		Richardson, Charles R.	10/01/2003
Appointee: Valdes, Carlos L.	10/31/2004	Tucker, Jacqueline W.	10/01/2001
West Florida Regional Planning Council, Region 1		Tampa Bay Regional Planning Council, Region 8	
Appointees: Bellamy, Gary D.	Pleasure of Governor	Appointees: Amor, Jack	10/01/2001
	Pleasure of Governor	Castriota, Anita	10/01/2003
Bruce, Ira Mae	Pleasure of Governor	Collins, Jill M.	10/01/2003
Carlan, Charles H.	Pleasure of Governor	Curtis, Wilhelmina B.	10/01/2001
Darnell, Jesse C.	Pleasure of Governor	Ghovae, Housh	10/01/2003
Little, Bennie J.	Pleasure of Governor	Hoyt, Kenneth S.	10/01/2003
Pate, S. Joel	Pleasure of Governor	O'Reilly, Lona Ann	10/01/2003
Sims, John C. III	Pleasure of Governor	Russell, Donald	10/01/2003
Smith, Joseph D.	Pleasure of Governor	Shikarpuri, Roshan	10/01/2003
Thornber, Patricia M.	Pleasure of Governor	Southwest Florida Regional Planning Council, Region 9	
Apalachee Regional Planning Council, Region 2		Appointees: Adams, Kathy A.	10/01/2003
Appointees: Barry, Betty Harley	10/01/2003	Crumbie, James H.	10/01/2001
Collins, Fred H.	10/01/2003	Emblidge, Margaret	10/01/2001
Frisby, David	10/01/2002	Groves, Janice E.	10/01/2003
Ranie, Benjamin F.	10/01/2001	Leonard, F. Richard	10/01/2003
Sanson, Tom	10/01/2001	Maio, Alan	10/01/2003
Shuler, Merel York	10/01/2003	Parsons, Adria D.	10/01/2002
Stanfield, Kevin L.	10/01/2001	Paulmann, James A.	10/01/2002
Stephens, Donald R.	10/01/2003	Volpe, Michael J.	10/01/2002
Taylor, Jack, Jr.	10/01/2003	Watts, John R.	10/01/2001
North Central Florida Regional Planning Council, Region 3		Treasure Coast Regional Planning Council, Region 10	
Appointees: Donovan, Dixie	10/01/2001	Appointees: Bonan, W. Martin	10/01/2003
Haas, Sandra K.	10/01/2001	Foley, Kevin J.	10/01/2003
Maultsby, Charles T.	10/01/2003	Gray, Harry D.	10/01/2003
Naulls, William D.	10/01/2001	Haynie, Susan	10/01/2003
Robinson, Thomas A.	10/01/2002	South Florida Regional Planning Council, Region 11	
Northeast Florida Regional Planning Council, Region 4		Appointees: Asseff, Patricia	10/01/2001
Appointees: Benton, Jesse L.	10/01/2001	Cates, Cheryl	10/01/2003
Berry, Clare G.	10/01/2001	Cochran, Lynea E.	10/01/2001
Carroll, Jennifer S.	10/01/2001	Kerdyk, William H., Sr.	10/01/2003
Dungey, Mary Louise	10/01/2001	Nixon, Christine P.	10/01/2003
Fleckenstein, Rea T.	10/01/2001	Riesco, Jose A.	10/01/2001
Laibl, George W. "Chip", Jr.	10/01/2003	State Retirement Commission	
Maxwell, Harry L.	10/01/2001	Appointees: Cole, Alice S.	12/31/2001
Prachar, Charles J.	10/01/2003	Maxwell, Janet Sue	12/31/2002
Sgroi, Robert E.	10/01/2003	Myers, Alice C.	12/31/2003
Spaeth, Robert W.	10/01/2003	Peacock, Julian Wayne	12/31/2003
Withlacoochee Regional Planning Council, Region 5		Rivas, Lourdes T.	12/31/2003
Appointees: Beard, Terrell E.	10/01/2003	Walker, Hunter	12/31/2002
Bertoch, Carl A.	10/01/2003	Partnership For School Safety and Security	
Carlson, Carey J.	10/01/2003	Appointees: Adams, Valerie S.	10/12/2004
Caruthers, Reginald P.	10/01/2003	Anderson, Barbara Jean	10/12/2002
Gabriel, Patricia R.	10/01/2001	Coughlin, Timothy S.	10/12/2004
Moore, Mark L., Jr.	10/01/2003	Gallucci, E. Jane	10/12/2003
Poole, Eugene A.	10/01/2001	Gonzalez, Elisha	10/12/2003
Powers, Linda B.	10/01/2003	Gray-Williams, Juliet	10/12/2003
Sawyer, Joseph Wayne	10/01/2003	Halbig, Wolfgang W.	10/12/2002
Schraut, Gary E.	10/01/2003	Hernandez, Anna M.	10/12/2002
East Central Florida Regional Planning Council, Region 6		Jones, Lois	10/12/2002
Appointees: Acevedo, Nancy C.	10/01/2003	Norcum, Beverly A.	10/12/2004
DiLavore, Peter V.	10/01/2003	Board of Supervisors, Spaceport Florida Authority	
Greene, Ronald C.	10/01/2003	Appointees: Haiko, Kenneth J.	06/30/2004
Kuenkele, Barbara Jean	10/01/2002	Harris, Marcelite J.	06/30/2001
Rawlson, Jon B.	10/01/2002	Scott, Winston E.	06/30/2004
Smith, Evelyn H.	10/01/2001	Tolley, James	06/30/2004
Central Florida Regional Planning Council, Region 7		Board of Speech-Language Pathology and Audiology	
		Appointees: Goldsmith, Carole B.	10/31/2004
		Ramirez, Dania Lopez	10/31/2002
		Board of Professional Surveyors and Mappers	
		Appointees: Armenteros, Omar	10/31/2002
		Blankenship, Dennis E.	10/31/2004
		Bush, Louie G.	10/31/2004
		Florida Commission on Tourism	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Banks, Walter L.	06/30/2004	Northwest Hillsborough County Basin Board of the	
Barnette, Thomas E.	06/30/2002	Southwest Florida Water Management District	
Craven, Mary B.	06/30/2004	Appointees: Adams, Frank Lester III	03/01/2004
Fowler, R. Dean	06/30/2002	Francois, Sharlene	03/01/2004
Freed, Vicki L.	06/30/2004	Jordon-Robinson, Joseph W., Jr.	03/01/2003
Gill, Linda L.	06/30/2002		
Halford, Nancy Stanton	06/30/2002	Peace River Basin Board of the Southwest Florida Water	
Healan, Jack B., Jr.	06/30/2004	Management District	
Lounsberry, Fred J.	06/30/2002	Appointees: Dunlap, Ann W.	03/01/2004
Parsons, Webster Craig	06/30/2004	Harrison, Ken	03/01/2004
Smith, Roxanna L.	06/30/2004	McClellan, Larry H., Jr.	03/01/2002
Stork, Thomas F.	06/30/2004		
Winn, Sherman S.	06/30/2001	Pinellas-Anclote River Basin Board of the Southwest	
		Florida Water Management District	
Florida Commission on Veterans' Affairs		Appointees: Fischer, Rodney S.	03/01/2003
Appointees: Dozier, James L.	11/16/2004	Harris, Tina C.	03/01/2004
Ebitz, Curtis V.	11/16/2004		
Kelly, Everett A.	11/16/2004	Withlacoochee River Basin Board of the Southwest	
Whibbs, Vince	11/16/2004	Florida Water Management District	
		Appointees: Alexander, JoAnn R.	03/01/2004
Board of Veterinary Medicine		Lyons, Samuel H.	03/01/2004
Appointees: Horky, Katherine G.	10/31/2003	Trimpert, Seeth K.	03/01/2002
Lewis, Cynthia N.	10/31/2004		
O'Neil, Robert E.	10/31/2004	Governing Board of the Suwannee River Water	
		Management District	
Governing Board of the Northwest Florida Water		Appointees: Jones, Georgia Cochran	03/01/2002
Management District		Lake, Oliver J.	03/01/2002
Appointees: Carter, Hulan	03/01/2002	Maultsby, John Paul	03/01/2005
Hughes, Stephanie C.	03/01/2002	Shiver, Louis C.	03/01/2005
Petermann, Richard P.	03/01/2005		
Stuparich, Nancy	03/01/2005	Workers' Compensation Panel	
		Appointee: Dickinson, Anne W.	Pleasure of Governor
Governing Board of the St. Johns River Water			
Management District		As required by Rule 12.7(a), the committee caused to be conducted an	
Appointees: Branch, W. Michael	03/01/2002	inquiry into the qualifications, experience, and general suitability of the	
Graham, David G.	03/01/2005	above-named appointees for appointment to the office indicated. In aid	
Moore, Ann Taylor	03/01/2005	of such inquiry the committee held a public hearing at which members	
Walker, Catherine A.	03/01/2002	of the public were invited to attend and offer evidence concerning the	
		qualifications, experience and general suitability of the appointees.	
Governing Board of the South Florida Water		After due consideration of the findings of such inquiry and the evidence	
Management District		adduced at the public hearing, the Committee on Ethics and Elections	
Appointees: Brooks-Thomas, Pamela D.	03/01/2002	respectfully advises and recommends that:	
English, Hugh M.	03/01/2005		
Lindahl, Lennart E.	03/01/2005	1) the executive appointments of the above-named appointees, to	
		the office and for the term indicated, be confirmed by the Sen-	
Governing Board of the Southwest Florida Water		ate;	
Management District		2) Senate action on said appointments be taken prior to the ad-	
Appointees: Chance, Edward W.	03/01/2005	journalment of the 2001 Regular Session; and	
Dabney, Thomas G.	03/01/2004	3) there is no necessity known to the committee for the delibera-	
Dominguez, Margarita N.	03/01/2005	tions on said appointments to be held in executive session.	
Fentress, Pamela L.	03/01/2004		
Johnson, Ronald C.	03/01/2005		
Kovach, Janet D.	03/01/2002		
McCree, Heidi B.	03/01/2004		
		Respectfully submitted,	
Alafia River Basin Board of the Southwest Florida Water		<i>Bill Posey</i> , Chairman	
Management District			
Appointees: Hinton, Carol M.	03/01/2004	On motion by Senator Posey, the report was adopted and the Senate	
Kixmiller Shamblyn, Brenda Lee	03/01/2003	confirmed the appointments identified in the foregoing report of the	
Minthorn, Robert Edward	03/01/2004	committee to the offices and for the terms indicated in accordance with	
		the recommendation of the committee. The vote was:	
Coastal Rivers Basin Board of the Southwest Florida			
Water Management District		Yeas—39	
Appointees: Howland, George A. III	03/01/2004	Mr. President	Dawson
Whitehead, Judith C.	03/01/2003	Bronson	Diaz de la Portilla
		Brown-Waite	Dyer
Hillsborough River Basin Board of the Southwest Florida		Burt	Geller
Water Management District		Campbell	Holzendorf
Appointees: Baldwin, Martha Jane	03/01/2004	Carlton	Horne
Johnson, Fred O.	03/01/2003	Clary	Jones
Mai, Hung T.	03/01/2004	Constantine	King
		Cowin	Klein
Manasota Basin Board of the Southwest Florida Water		Crist	Latvala
Management District			
Appointees: Almy, Marion M.	03/01/2004		
Benac, Elizabeth O.	03/01/2004		
Rathke, Edwin T.	03/01/2004		
		Laurent	Sanderson
		Lawson	Saunders
		Lee	Sebesta
		Meek	Silver
		Miller	Smith
		Mitchell	Sullivan
		Peaden	Villalobos
		Posey	Wasserman Schultz
		Pruitt	Webster
		Rossin	
		Nays—None	

VOTES RECORDED

Senator Holzendorf was recorded as voting “nay” on the appointment of Jennifer S. Carroll, for a term ending October 1, 2001, as a member of the **Northeast Florida Regional Planning Council, Region 4**.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Latvala, by two-thirds vote **HB 1927** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 1927—A bill to be entitled An act relating to workers’ compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers’ compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers’ Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney’s fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney’s fees in medical-only cases; prohibiting approval of attorney’s fees in excess of certain amounts; deleting criteria for determining certain attorney’s fees; amending s. 440.345, F.S.; requiring a summary report of attorney’s fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 440.4416, F.S.; revising membership, member criteria, terms, and meetings requirements of the Workers’ Compensation Oversight Board; deleting an obsolete provision; providing additional reporting requirements for the board; amending s. 627.0915, F.S.; deleting obsolete provisions; providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1188** and read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (025544)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (7), (14), (15), (16), and (37) of section 440.02, Florida Statutes, are amended to read:

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

(7) “Construction industry” means *any business that carries out for-profit activities involving the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction. However, the term “construction” does shall not mean a homeowner’s landowner’s act of construction or the result of a construction upon his or her own premises, provided such premises are not intended to be sold or resold or leased by the owner within 1 year after the commencement of the construction. The division may by rule establish those standard industrial classification codes and their definitions which meet the criteria of the definition of the term “construction industry” as set forth in this section.*

(14)(a) “Employee” means any person *who receives remuneration from an employer for the performance of any work or service or for the provision of any goods or supplies, whether by engaged in any employment under any appointment or contract for of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.*

(b) “Employee” includes any person who is an officer of a corporation and who performs services *within this state* for remuneration for such corporation *within this state*, whether or not such services are continuous.

1. ~~Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.~~

2. ~~As to officers of a corporation who are actively engaged in the construction industry, no more than three officers may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.~~

3. ~~An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee.~~

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) “Employee” includes *all persons who are being paid by a general contractor for work performed by or as a subcontractor or employee of a subcontractor are employees of the general contractor, except any person who: a sole proprietor or a partner who devotes full time to the proprietorship or partnership and, except as provided in this paragraph, elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05. Partners or sole proprietors actively engaged in the construction industry are considered employees unless they elect to be excluded from the definition of employee by filing written notice of the election with the division as provided in s. 440.05. However, no more than three partners in a partnership that is actively engaged in the construction industry may elect to be excluded. A sole proprietor or partner who is actively engaged in the construction industry and who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee. For purposes of this chapter, an independent contractor is an employee unless he or she meets all of the conditions set forth in subparagraph (d)1.*

(d) “Employee” does not include:

1. An independent contractor, if:

a. The independent contractor

1. Maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

~~2.b. Has a social security number; or The independent contractor holds or has applied for a federal employer identification number, if required to do so by any federal, state, or local statute, rule, or regulation unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;~~

~~3.e. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and Controls the means of performing the services or work that he or she was hired to perform or supply;~~

~~4.d. The independent contractor Incurs the principal expenses related to the service or work that he or she performs or agrees to perform;~~

~~5.e. The independent contractor Is responsible for the satisfactory completion of work or services that he or she performs or agrees to perform and is or could be held liable for a failure to complete the work or services;~~

~~6.f. The independent contractor Receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis, such as salary or wages;~~

~~7.g. The independent contractor May realize a profit or suffer a loss in connection with performing work or services; and~~

~~8.h. The independent contractor Has continuing or recurring business liabilities or obligations.;~~ and

~~i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.~~

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.

(d) The term "employee" does not include:

1.2. A real estate salesperson or agent, if that person agrees, in writing, to perform for remuneration solely by way of commission.

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

3.4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

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

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

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

receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the division; and

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

6. Domestic servants in private houses.

7. Agricultural laborers on a farm in the employ of a bona fide farmer or association of farmers who employ 5 or fewer regular employees and who employ fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, if such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.

8. Professional athletes, such as professional boxers, wrestlers, baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motor sports teams competing in a motor racing event as defined in s. 549.08.

9. Persons performing labor under a sentence of a court to perform community services as provided in s. 316.193.

~~7. Any officer of a corporation who elects to be exempt from this chapter.~~

~~8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.~~

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

~~11.10.~~ A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

(15)(a) "Employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, every person carrying on any employment, and the legal representative of a deceased person or the receiver or trustees of any person. If the employer is a corporation, parties in actual control of the corporation, including, but not limited to, the president, officers who exercise broad corporate powers, directors, and all shareholders who directly or indirectly own a controlling interest in the corporation, are considered the employer for the purposes of ss. 440.105 and 440.106.

(b) However, a landowner shall not be considered the employer of any person hired by the landowner to carry out construction upon his or her own premises, if those premises are not intended for immediate sale or resale within 1 year.

(16)(a) "Employment," means, not including subsection (4), the payment of any remuneration for work or services rendered or promised, or the provision of goods or services and, subject to the other provisions of this chapter, means any service performed by an employee for the person employing him or her; and-

(b) "Employment" includes:

(a)1. Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

(b)2. All private employments in which four or more employees are employed by the same employer or, with respect to the construction

industry, all private employment in which one or more employees are employed by the same employer.

(c) Volunteer firefighters responding to or assisting with fire or medical emergencies whether or not the firefighters are on duty.

(e) "Employment" does not include service performed by or as:

1. Domestic servants in private homes.
2. Agricultural labor performed on a farm in the employ of a bona fide farmer, or association of farmers, who employs 5 or fewer regular employees and who employs fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.

3. Professional athletes, such as professional boxers, wrestlers, baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motorsports teams competing in a motor racing event as defined in s. 549.08.

4. Labor under a sentence of a court to perform community services as provided in s. 316.193.

(37) "Catastrophic injury" means a permanent impairment constituted by:

(a) Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;

(b) Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage;

(c) Severe brain or closed-head injury as evidenced by:

1. Severe sensory or motor disturbances;
2. Severe communication disturbances;
3. Severe complex integrated disturbances of cerebral function;
4. Severe episodic neurological disorders; or
5. Other severe brain and closed-head injury conditions at least as severe in nature as any condition provided in subparagraphs 1.-4.;

(d) Second-degree or third-degree burns of 25 percent or more of the total body surface or third-degree burns of 5 percent or more to the face and hands; or

(e) Total or industrial blindness; or

(f) ~~Any other injury that would otherwise qualify under this chapter of a nature and severity that would qualify an employee to receive disability income benefits under Title II or supplemental security income benefits under Title XVI of the federal Social Security Act as the Social Security Act existed on July 1, 1992, without regard to any time limitations provided under that act.~~

Section 2. Section 440.05, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 440.05, F.S., for present text.)

440.05 Election of exemption; revocation of election.—

(1) The following classes of persons, as defined by s. 440.02, who are not primarily engaged in the construction industry, as that term is defined in s. 440.02, are exempt from this chapter unless they elect otherwise in accordance with subsection (2):

- (a) Sole proprietors;
- (b) Partners as defined in this section; and
- (c) Corporate officers as defined in this section.

(2) Any person who is exempt from this chapter under this section who secures, or whose employer secures for him or her, workers' compensation insurance coverage is considered to have waived the right to such an exemption and is subject to the provisions of this chapter.

(3) Every enterprise conducting business in this state shall maintain business records as specified by the division by rule, which rules must include the provision that any corporation with exempt officers and any partnership with exempt partners must maintain written statements of those exempted persons affirmatively acknowledging each such individual's exempt status.

(4) Any sole proprietor or partner claiming an exemption under this section shall maintain a copy of his or her federal income tax records for each of the immediately previous 3 years in which he or she claims an exemption. Such federal income tax records must include a complete copy of the following for each year in which an exemption is claimed:

(a) For sole proprietors, a copy of Federal Income Tax Form 1040 and its accompanying Schedule C;

(b) For partners, a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065) and Federal Income Tax Form 1040 and its accompanying Schedule E. The sole proprietor or partner in question shall produce, upon request by the division, a copy of those documents together with a statement by the sole proprietor that the tax records provided are true and accurate copies of what the sole proprietor or partner has filed with the federal Internal Revenue Service. The statement must be signed under oath by the sole proprietor or partner in question and must be notarized. The division shall issue a stop-work order under s. 440.107(5) to any sole proprietor or partner who fails or refuses to produce a copy of the tax records and affidavit required under this paragraph to the division within 3 business days after that request and who has failed to otherwise secure insurance for the provision of workers' compensation benefits for himself or herself if required under this chapter to do so.

(5) Any corporate officer claiming an exemption under this section must be listed on the records of this state's Secretary of State, Division of Corporations, as a corporate officer. If the person who claims exemption as a corporate officer is not so listed on the records of the Secretary of State, the individual must provide to the division, upon request by the division, a notarized affidavit stating that the individual is a bona fide officer of the corporation and stating the date his or her appointment or election as a corporate officer became or will become effective. The statement must be signed under oath by both the officer in question and the president or chief operating officer of the corporation and must be notarized. The division shall issue a stop-work order under s. 440.107(1) to any person who claims to be exempt as a corporate officer but who fails or refuses to produce the documents required under this subsection to the division within 3 business days after the request is made and who has failed to otherwise secure the insurance of workers' compensation benefits for himself or herself if required under this chapter to do so.

(6) A sole proprietor, partner, or corporate officer of a business entity that has not been in operation long enough to have filed with the Internal Revenue Service, or to have been required by the Internal Revenue Service to file, its first annual federal income tax return is not eligible for exemption from this chapter.

(7) Exemptions pertain only to the person claiming exemption and only for the entity that is the subject of the federal income tax reports filed by the person claiming the exemption. A separate exemption is required for every proprietorship, partnership, or corporation from which an individual receives any remuneration for labor, services, or products provided.

(8) Sole proprietors, partners, and corporate officers, as those terms are defined in s. 440.02, of sole proprietorships, partnerships, and corporations that are primarily engaged in the construction industry as that term is defined in s. 440.02 are not eligible for exemption from this chapter.

Section 3. Section 440.06, Florida Statutes, is amended to read:

440.06 Failure to secure compensation; effect.—Every employer who fails to secure the payment of compensation as provided in s. 440.10 by failing to meet the requirements of ~~under this chapter as provided in~~ s. 440.38 may not, in any suit brought against him or her by an employee subject to this chapter to recover damages for injury or death, defend

such a suit on the grounds that the injury was caused by the negligence of a fellow servant, that the employee assumed the risk of his or her employment, or that the injury was due to the comparative negligence of the employee.

Section 4. Subsection (1) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(1) The employer shall pay compensation or furnish benefits required by this chapter if the employee suffers an accidental *compensable* injury or death arising out of work performed in the course and the scope of employment. The injury, its occupational cause, and any resulting manifestations or disability shall be established to a reasonable degree of medical certainty and by objective medical findings. Mental or nervous injuries occurring as a manifestation of an injury compensable under this section shall be demonstrated by clear and convincing evidence.

(a) This chapter does not require any compensation or benefits for any subsequent injury the employee suffers as a result of an original injury arising out of and in the course of employment unless the original injury is the major contributing cause of the subsequent injury.

(b) If an injury arising out of and in the course of employment combines with a preexisting disease or condition to cause or prolong disability or need for treatment, the employer must pay compensation or benefits required by this chapter only to the extent that the injury arising out of and in the course of employment is and remains the major contributing cause of the disability or need for treatment.

(c) Death resulting from an operation by a surgeon furnished by the employer for the cure of hernia as required in s. 440.15(6) shall for the purpose of this chapter be considered to be a death resulting from the accident causing the hernia.

(d) If an accident happens while the employee is employed elsewhere than in this state, which would entitle the employee or his or her dependents to compensation if it had happened in this state, the employee or his or her dependents are entitled to compensation if the contract of employment was made in this state, or the employment was principally localized in this state. However, if an employee receives compensation or damages under the laws of any other state, the total compensation for the injury may not be greater than is provided in this chapter.

Section 5. Section 440.10, Florida Statutes, is amended to read:

440.10 Liability for compensation.—

(1)(a) Every employer coming within the provisions of this chapter, including any brought within the chapter by ~~waiver of exclusion or of exemption~~, shall be liable for, and shall secure, the payment to his or her employees, or any physician, surgeon, or pharmacist providing services under the provisions of s. 440.13, of the compensation payable under ss. 440.13, 440.15, and 440.16. Any contractor or subcontractor who engages in any public or private construction in the state shall secure and maintain compensation for his or her employees under this chapter as provided in s. 440.38.

(b) In case a contractor sublets any part or parts of his or her contract work to a subcontractor or subcontractors, all of the employees of such contractor and subcontractor or subcontractors engaged on such contract work shall be deemed to be employed in one and the same business or establishment; and the contractor shall be liable for, and shall secure, the payment of compensation to all such employees, except to employees of a subcontractor who has secured such payment.

(c) A contractor ~~shall~~ ~~may~~ require a subcontractor to provide evidence of workers' compensation insurance ~~or a copy of his or her certificate of election. A subcontractor electing to be exempt as a sole proprietor, partner, or officer of a corporation shall provide a copy of his or her certificate of election to the contractor.~~

(d)~~1.~~ If a contractor becomes liable for the payment of compensation to the employees of a subcontractor who has failed to secure such payment in violation of s. 440.38, the contractor or other third-party payor shall be entitled to recover from the subcontractor all benefits paid or payable plus interest unless the contractor and subcontractor have agreed in writing that the contractor will provide coverage.

~~2.—If a contractor or third-party payor becomes liable for the payment of compensation to the employee of a subcontractor who is actively engaged in the construction industry and has elected to be exempt from the provisions of this chapter, but whose election is invalid, the contractor or third-party payor may recover from the claimant, partnership, or corporation all benefits paid or payable plus interest, unless the contractor and the subcontractor have agreed in writing that the contractor will provide coverage.~~

(e) A subcontractor is not liable for the payment of compensation to the employees of another subcontractor on such contract work and is not protected by the exclusiveness-of-liability provisions of s. 440.11 from action at law or in admiralty on account of injury of such employee of another subcontractor.

(f) If an employer willfully fails to secure compensation as required by this chapter, the division may assess against the employer a penalty not to exceed \$5,000 for each employee of that employer who is classified by the employer as an independent contractor but who is found by the division to not meet the criteria for an independent contractor that are set forth in s. 440.02.

(g) For purposes of this section, a person is conclusively presumed to be an independent contractor if:

~~1.~~ the independent contractor provides the general contractor with an affidavit stating that he or she meets all the requirements of s. 440.02(14)(d). ~~And~~

~~2.—The independent contractor provides the general contractor with a valid certificate of workers' compensation insurance or a valid certificate of exemption issued by the division.~~

~~A sole proprietor, partner, or officer of a corporation who elects exemption from this chapter by filing a certificate of election under s. 440.05 may not recover benefits or compensation under this chapter. An independent contractor who provides the general contractor with both an affidavit stating that he or she meets the requirements of s. 440.02(14)(d) and a certificate of exemption is not an employee under s. 440.02(14)(c) and may not recover benefits under this chapter. For purposes of determining the appropriate premium for workers' compensation coverage, carriers may not consider any person who meets the requirements of this paragraph to be an employee.~~

(2) Compensation shall be payable irrespective of fault as a cause for the injury, except as provided in s. 440.09(3).

Section 6. Section 440.1025, Florida Statutes, is created to read:

440.1025 Consideration of public employer workplace safety program in rate-setting; program requirements; rulemaking.—For a public employer to be eligible for receipt of specific identifiable consideration under s. 627.0915 for a workplace safety program in the setting of rates, the public employer must have a workplace safety program. At a minimum, the program must include a written safety policy and safety rules, and make provision for safety inspections, preventative maintenance, safety training, first-aid, accident investigation, and necessary record keeping. For purposes of this section, "public employer" means "any agency within state, county, or municipal government employing individuals for salary, wages, or other remuneration." The Division may promulgate rules for insurers to utilize in determining public employer compliance with the requirements of this section.

Section 7. Subsection (5) of section 440.107, Florida Statutes, is amended to read:

440.107 Division powers to enforce employer compliance with coverage requirements.—

(5) Whenever the division determines that an employer who is required to secure the payment to his or her employees of the compensation provided for by this chapter has failed to do so or the division determines that an employer has misrepresented to a carrier the size or classification of the employer's payroll, such failure or misrepresentation shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by the division of a stop-work order on the employer, requiring the cessation of all business operations *within the state* at the place of employment or job site. The order shall take effect upon the date of service upon the employer, unless the employer provides evidence satisfactory to the division of having secured

any necessary insurance or self-insurance and pays a civil penalty to the division, to be deposited by the division into the Workers' Compensation Administration Trust Fund, in the amount of \$100 per day for each day the employer was not in compliance with this chapter.

Section 8. Subsections (2), (5), (12), and (14) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(a) Subject to the limitations specified elsewhere in this chapter, the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically necessary apparatus. Remedial treatment, care, and attendance, including work-hardening programs or pain-management programs accredited by the Commission on Accreditation of Rehabilitation Facilities or Joint Commission on the Accreditation of Health Organizations or pain-management programs affiliated with medical schools, shall be considered as covered treatment only when such care is given based on a referral by a physician as defined in this chapter. Each facility shall maintain outcome data, including work status at discharges, total program charges, total number of visits, and length of stay. The department shall utilize such data and report to the President of the Senate and the Speaker of the House of Representatives regarding the efficacy and cost-effectiveness of such program, no later than October 1, 1994. Medically necessary treatment, care, and attendance does not include chiropractic services in excess of 18 treatments or rendered 8 weeks beyond the date of the initial chiropractic treatment, whichever comes first, unless the carrier authorizes additional treatment or the employee is catastrophically injured.

(b) The employer shall provide appropriate professional or nonprofessional attendant care performed only at the direction and control of a physician when such care is medically necessary. The value of nonprofessional attendant care provided by a family member must be determined as follows:

1. If the family member is not employed, the per-hour value equals the federal minimum hourly wage.

2. If the family member is employed and elects to leave that employment to provide attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's former employment, not to exceed the per-hour value of such care available in the community at large.

3. *If the family member remains employed while providing attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's employment, not to exceed the per-hour value of such care available in the community at large.*

4. A family member or a combination of family members providing nonprofessional attendant care under this paragraph may not be compensated for more than a total of 12 hours per day.

(c) If the employer fails to provide treatment or care required by this section after request by the injured employee, the employee may obtain such treatment at the expense of the employer, if the treatment is compensable and medically necessary. There must be a specific request for the treatment, and the employer or carrier must be given a reasonable time period within which to provide the treatment or care. However, the employee is not entitled to recover any amount personally expended for the treatment or service unless he or she has requested the employer to furnish that treatment or service and the employer has failed, refused, or neglected to do so within a reasonable time or unless the nature of the injury requires such treatment, nursing, and services and the employer or his or her superintendent or foreman, having knowledge of the injury, has neglected to provide the treatment or service.

(d) The carrier has the right to transfer the care of an injured employee from the attending health care provider if an independent medical examination determines that the employee is not making appropriate progress in recuperation.

(e) Except in emergency situations and for treatment rendered by a managed care arrangement, after any initial examination and diagnosis by a physician providing remedial treatment, care, and attendance, and before a proposed course of medical treatment begins, each insurer shall review, in accordance with the requirements of this chapter, the proposed course of treatment, to determine whether such treatment would be recognized as reasonably prudent. The review must be in accordance with all applicable workers' compensation practice parameters. The insurer must accept any such proposed course of treatment unless the insurer notifies the physician of its specific objections to the proposed course of treatment by the close of the tenth business day after notification by the physician, or a supervised designee of the physician, of the proposed course of treatment.

(f) Upon the written request of the employee, the carrier shall give the employee the opportunity for one change of physician during the course of treatment for any one accident. In the event such a physician ceases to practice in Florida or relocates his or her office at a location that is greater than a 50-mile radius from the employee's residence, the employee is entitled to select another physician from among not fewer than three carrier-authorized physicians who are not professionally affiliated. The employee shall be entitled to select another physician from among not fewer than three carrier-authorized physicians not professionally affiliated.

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters. *Upon the written request of the employee, the carrier shall pay the cost of one independent medical examination per accident. The cost of any additional independent medical examination must be borne by the party requesting the additional independent medical examination. The costs of independent medical examinations expressly relied upon by the judge of compensation claims to award benefits in the final compensation order are taxable costs under s. 440.34(3).*

~~(b) Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:~~

~~1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;~~

~~2. The examiner ceases to practice in the specialty relevant to the employee's condition;~~

~~3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or~~

~~4. The parties agree to an alternate examiner.~~

Any party may request, or a judge of compensation claims may require, designation of a division medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The

employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or division, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims. *The employee or the carrier may each submit into evidence, and the judge of compensation claims shall admit, the medical opinion of no more than one independent medical examiner per specialty.*

(f) Attorney's fees incurred by an injured employee in connection with ~~delay of or opposition to~~ an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the division. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year, *except when the three-member panel adopts a nationally recognized reimbursement methodology.* An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus \$4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services

provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;
2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;
3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.4001, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and
4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(14) PAYMENT OF MEDICAL FEES.—

(a) Except for emergency care treatment, fees for medical services are payable only to a health care provider certified and authorized to render remedial treatment, care, or attendance under this chapter. A health care provider may not collect or receive a fee from an injured employee within this state, except as otherwise provided by this chapter. Such providers have recourse against the employer or carrier for payment for services rendered in accordance with this chapter.

(b) Fees charged for remedial treatment, care, and attendance may not exceed the applicable fee schedules adopted under this chapter, *except as provided under a contract entered into between an employer or carrier and a certified health care provider or health care facility for the payment of medical services for covered expenses.*

(c) Notwithstanding any other provision of this chapter, following overall maximum medical improvement from an injury compensable under this chapter, the employee is obligated to pay a copayment of \$10 per visit for medical services. The copayment shall not apply to emergency care provided to the employee.

Section 9. Paragraph (d) of subsection (1), paragraph (b) of subsection (2), and subsection (15) of section 440.134, Florida Statutes, are amended to read:

440.134 Workers' compensation managed care arrangement.—

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

(d) "Grievance" means *a direct written complaint filed by an injured worker expressing dissatisfaction with the insurer's workers' compensation managed care arrangement's refusal to provide medical care provided by an insurer's workers' compensation managed care arrangement health care providers, expressed in writing by an injured worker.*

(2)

(b) ~~Effective January 1, 1997,~~ The employer shall, subject to the limitations specified elsewhere in this chapter, furnish to the employee ~~solely~~ through managed care arrangements *or without a managed care arrangement* such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery requires.

(15)(a) A workers' compensation managed care arrangement must have and use procedures for hearing complaints and resolving written grievances from injured workers and health care providers. The procedures must be aimed at mutual agreement for settlement and may

include arbitration procedures. Procedures provided herein are in addition to other procedures contained in this chapter.

(b) The grievance procedure must be described in writing and provided to the affected workers and health care providers.

(c) At the time the workers' compensation managed care arrangement is implemented, the insurer must provide detailed information to workers and health care providers describing how a grievance may be registered with the insurer. *Within 15 days after the date of the request for medical care is received by the insurer or by the insurer's managed care arrangement, whichever date is earlier, the insurer shall grant or deny the request. If the insurer denies the request, the insurer shall notify the injured worker in writing of his or her right to file a grievance.*

(d) Grievances must be considered in a timely manner and must be transmitted to appropriate decisionmakers who have the authority to fully investigate the issue and take corrective action. *If the insurer or the insurer's workers' compensation arrangement fails to notify the injured worker of the outcome of the grievance in writing within 15 days from the date of receiving the grievance, the grievance shall be presumed to be resolved against the injured worker and the grievance procedures shall be presumed exhausted for purposes of s. 440.192(3).*

(e) If a grievance is found to be valid, corrective action must be taken promptly.

(f) All concerned parties must be notified of the results of a grievance.

(g) The insurer must report annually, no later than March 31, to the agency regarding its grievance procedure activities for the prior calendar year. The report must be in a format prescribed by the agency and must contain the number of grievances filed in the past year and a summary of the subject, nature, and resolution of such grievances.

Section 10. Paragraph (a) of subsection (1) of section 440.14, Florida Statutes, is amended to read:

440.14 Determination of pay.—

(1) Except as otherwise provided in this chapter, the average weekly wages of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined, subject to the limitations of s. 440.12(2), as follows:

(a) If the injured employee has worked in the employment in which she or he was working at the time of the injury, whether for the same or another employer, during substantially the whole of 13 weeks immediately preceding the injury, her or his average weekly wage shall be one-thirteenth of the total amount of wages earned in such employment during the 13 weeks. As used in this paragraph, the term "substantially the whole of 13 weeks" means an actual ~~shall be deemed to mean and refer to a constructive~~ period of 13 weeks as a whole, which shall be defined as *the 13 complete weeks before the date of the accident, excluding the week the injury occurs. a consecutive period of 91 days, and* The term "during substantially the whole of 13 weeks" shall be deemed to mean during not less than 90 percent of the total customary full-time hours of employment within such period considered as a whole.

Section 11. Paragraphs (b) and (f) of subsection (1) and paragraph (a) of subsection (3) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(b) *Any compensable injury eligible for permanent total benefits must be of a nature and severity that prevents the employee from being able to perform his or her previous work. If the employee is engaged in or is capable of being engaged in any substantial, gainful employment, he or she is not entitled to permanent total disability. The burden is on the employee to establish that he or she is unable to perform work if such work is available within a 50-mile radius of the employee's residence. In addition, ~~only~~ a catastrophic injury as defined in s. 440.02 shall, in the absence of conclusive proof of a substantial earning capacity, constitute*

permanent total disability. ~~Only claimants with catastrophic injuries are eligible for permanent total benefits.~~ In no other case may permanent total disability be awarded.

(f1) If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(11), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. s. ~~ss.~~ 402 or s. ~~and~~ 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total disability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(3) PERMANENT IMPAIRMENT AND ~~WAGE LOSS~~ BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American

Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at a rate equal to the rate of 50 percent of the employee's compensation rate average weekly temporary total disability benefit, not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work or from any preexisting mental, psychological, or emotional condition. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The division may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

Section 12. Subsection (2) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(2) Within 7 days after actual knowledge of injury or death, the employer shall report such injury or death to its carrier, in a format prescribed by the division, and shall provide a copy of such report to the employee or the employee's estate. The report of injury shall contain the following information:

(a) The name, address, and business of the employer;

(b) The name, social security number, street, mailing address, telephone number, and occupation of the employee;

(c) The cause and nature of the injury or death;

(d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; and

(e) A record of the employee's earnings for the 13 weeks before the date of injury; and

(f) Such other information as the division may require by rule.

The carrier shall, within 14 days after the employer's receipt of the form reporting the injury, file the information required by this subsection with the division in Tallahassee. However, the division may by rule provide for a different reporting system for those types of injuries which it determines should be reported in a different manner and for those cases which involve minor injuries requiring professional medical attention in which the employee does not lose more than 7 days of work as a result of the injury and is able to return to the job immediately after treatment and resume regular work.

Section 13. Section 440.191, Florida Statutes, is amended to read:

440.191 Employee Assistance and Ombudsman Office.—

(1)(a) In order to effect the self-executing features of the Workers' Compensation Law, this chapter shall be construed to permit injured employees and employers or the employer's carrier to resolve disagreements without undue expense, costly litigation, or delay in the provisions of benefits. It is the duty of all who participate in the workers' compensation system, including, but not limited to, carriers, service providers, health care providers, managed care arrangements, attorneys, employers, and employees, to attempt to resolve disagreements in good faith and to cooperate with the division's efforts to resolve disagreements between the parties. The division may by rule prescribe definitions that are necessary for the effective administration of this section.

(b) An Employee Assistance and Ombudsman Office is created within the Division of Workers' Compensation to inform and assist injured workers, employers, carriers, and health care providers, and managed care arrangements in fulfilling their responsibilities under this chapter. The division may by rule specify forms and procedures for administering requests for assistance provided by this section.

(c) The Employee Assistance and Ombudsman Office, ~~Division of Workers' Compensation~~, shall be a resource available to all employees who participate in the workers' compensation system and shall take all steps necessary to educate and disseminate information to employees and employers. Upon receiving a notice of injury or death, the Employee Assistance and Ombudsman Office is authorized to initiate contact with the injured employee or employee's representative to discuss rights and responsibilities of the employee under this chapter and the services available through the Employee Assistance and Ombudsman Office.

(2)(a) ~~An employee may not file a petition requesting any benefit under this chapter unless the employee has exhausted the procedures for informal dispute resolution under this section.~~

(a)(b) If at any time the employer or its carrier fails to provide benefits to which the employee believes she or he is entitled, the employee shall contact the office to request assistance in resolving the dispute. The office may review petitions for benefits filed under s. 440.192 shall investigate the dispute and may shall attempt to facilitate an agreement between the employee and the employer or carrier. The employee, the employer, and the carrier shall cooperate with the office and shall timely provide the office with any documents or other information that it may require in connection with its efforts under this section.

(b)(e) The office may compel parties to attend conferences in person or by telephone in an attempt to resolve disputes quickly and in the most efficient manner possible. Settlement agreements resulting from such conferences must be submitted to the Office of the Judges of Compensation Claims for approval.

(c)(d) The Employee Assistance and Ombudsman Office may assign an ombudsman to assist the employee in resolving the dispute. ~~If the dispute is not resolved within 30 days after the employee contacts the office, The ombudsman may shall, at the employee's request, assist the employee in drafting a petition for benefits and explain the procedures for filing petitions. The division may by rule determine the method used to calculate the 30-day period.~~ The Employee Assistance and Ombudsman Office may not represent employees before the judges of compensation claims. An employer or carrier may not pay any attorneys' fees on behalf of the employee for services rendered or costs incurred in connection with this section, unless expressly authorized elsewhere in this chapter.

Section 14. Section 440.192, Florida Statutes, is amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Subject to s. 440.191, any employee who has not received a benefit to which the employee believes she or he is entitled under this chapter shall file by certified mail, or by electronic means approved by the Deputy Chief Judge, with the Office of the Judges of Compensation Claims within the Division of Administrative Hearings a petition for benefits which meets the requirements of this section. The division shall inform employees of the location of the Office of the Judges of Compensation Claims for purposes of filing a petition for benefits. The employee shall also serve copies of the petition for benefits by certified mail, or by electronic means approved by the Deputy Chief Judge, upon the employer and, the employer's carrier, and the division in Tallahassee a petition for benefits that meets the requirements of this section. The Deputy Chief Judge shall refer the petitions to the judges of compensation claims. ~~The division shall refer the petition to the Office of the Judges of Compensation Claims.~~

(2) Upon receipt the Office of the Judges of Compensation Claims shall review each petition and shall dismiss each petition, or any portion of the petition, ~~upon its own motion or~~ upon the motion of any party, that does not on its face specifically identify or itemize the following:

(a) Name, address, telephone number, and social security number of the employee.

(b) Name, address, and telephone number of the employer.

(c) A detailed description of the injury and cause of the injury, including the location of the occurrence and the date of the accident.

(d) A detailed description of the employee's job, work responsibilities, and work the employee was performing when the injury occurred.

(e) The time period for which compensation was not timely provided and the specific classification of the compensation.

(f) Date of maximum medical improvement, character of disability, and specific statement of all benefits or compensation that the employee is seeking.

(g) The specific ~~All~~ travel costs to which the employee believes she or he is entitled, including dates of travel and purpose of travel, means of transportation, and mileage, including the date the request for mileage was filed with the carrier, and a copy of the request for mileage filed with the carrier.

(h) Specific listing of all medical charges alleged unpaid, including the name and address of the medical provider, the amounts due, and the specific dates of treatment.

(i) The type or nature of treatment care or attendance sought and the justification for such treatment. *If the employee is under the care of a physician for the injury identified in paragraph (c), a copy of the physician's request, authorization, or recommendation for treatment, care, or attendant care must accompany the petition.*

(j) Specific explanation of any other disputed issue that a judge of compensation claims will be called to rule upon.

(k) Any other information and documentation the Deputy Chief Judge may require by rule.

(3) A petition for benefits may contain a claim for past benefits and continuing benefits in any benefit category, but is limited to those in default and ripe, due, and owing on the date the petition is filed. If the employer has elected to satisfy its obligation to provide medical treatment, care, and attendance through a managed care arrangement designated under this chapter, the employee must exhaust all managed care grievance procedures before filing a petition for benefits under this section.

(4) *The dismissal of any petition or portion of the petition under this section is without prejudice and does not require a hearing.*

(5)(4) The petition must include a certification by the claimant or, if the claimant is represented by counsel, the claimant's attorney, stating that the claimant, or attorney if the claimant is represented by counsel, has made a good faith effort to resolve the dispute and that the claimant or attorney was unable to resolve the dispute with the carrier.

(6)(6) All motions to dismiss must state with particularity the basis for the motion. The judge of compensation claims shall enter an order upon such motions without hearing, unless good cause for hearing is shown. When any petition or portion of a petition is dismissed for lack of specificity under this subsection, the claimant must be allowed 20 days after the date of the order of dismissal in which to file an amended petition. Any grounds for dismissal for lack of specificity under this section not asserted within 60 ~~30~~ days after receipt of the petition for benefits are thereby waived.

(7)(6) If the claimant is not represented by counsel, the Office of the Judges of Compensation Claims may request the Employee Assistance and Ombudsman Office to assist the claimant in filing a petition that meets the requirements of this section.

(8)(7) Notwithstanding the provisions of s. 440.34, a judge of compensation claims may not award attorney's fees payable by the carrier for services expended or costs incurred prior to the filing of a petition that does not meeting meet the requirements of this section.

(9)(8) Within 30 ~~14~~ days after receipt of a petition for benefits by certified mail, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days from receipt of the petition or file a response to the petition ~~notice of denial~~ with the Office of the Judges of Compensation Claims ~~division~~. The carrier must list all benefits requested but not paid and explain its justification for nonpayment in the response to the petition ~~notice of denial~~. A carrier that does not deny compensability in accordance with s. 440.20(4) is deemed to have accepted the employee's injuries as compensable, unless it can establish material facts relevant to the issue of compensability that could not have been discovered through reasonable investigation within the 120-day period. The carrier shall provide copies of the response ~~notice~~ to the filing party, employer, and claimant by certified mail.

Section 15. Subsections (4) and (11) of section 440.20, Florida Statutes, are amended to read:

440.20 Time for payment of compensation; penalties for late payment.—

(4) If the carrier is uncertain of its obligation to provide benefits or compensation, it may initiate payment without prejudice and without admitting liability. The carrier shall immediately and in good faith commence investigation of the employee's entitlement to benefits under this chapter and shall admit or deny compensability within 120 days after the initial provision of compensation or benefits as required by subsection (2) or s. 440.192(8). Upon commencement of payment as required by subsection (2) or s. 440.192(8), the carrier shall provide written notice to the employee that it has elected to pay all or part of the claim pending further investigation, and that it will advise the employee of claim acceptance or denial within 120 days. A carrier that fails to deny compensability within 120 days after the initial provision of benefits or payment of compensation, as required by subsection (2) or s. 440.192(8), waives the right to deny compensability, unless the carrier can establish material facts relevant to the issue of compensability that it could not have discovered through reasonable investigation within the 120-day period. *The initial provision of compensation or benefits, for purposes of this subsection, shall mean the first installment of compensation or benefits to be paid by the carrier under subsection (2) or pursuant to a petition of benefits under s. 440.192(8).*

(11)(a) *When a claimant is not represented by counsel, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the employer receives notice date of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well*

as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) *When a claimant is not represented by counsel*, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made by the Rehabilitation Section of the Division of Workers' Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. ~~When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump-sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days after the filing of such joint petition and stipulation without a hearing, unless the judge of compensation claims determines, in her or his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties.~~ The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) *Notwithstanding s. 440.21(2), when a claimant is represented by counsel, the claimant may waive all rights to all benefits under this chapter by entering into a settlement agreement releasing the employer and the carrier from liability for workers' compensation benefits in exchange for a lump-sum payment to the claimant. The settlement agreement requires approval by the judge of compensation claims only as to the attorney's fees paid to the claimant's attorney by the claimant. The judge of compensation claims shall not approve settlement proposals, including any stipulations or agreements between the parties or between a claimant and his or her attorney related to the settlement proposal, which provide for an attorney's fee in excess of the amount permitted in s. 440.34. The parties need not submit any information or documentation in support of*

the settlement, except as needed to justify the amount of the attorney's fees. Neither the employer nor the carrier is responsible for any attorney's fees relating to the settlement and release of claims under this section. Payment of the lump-sum settlement amount must be made within 14 days after the date the judge of compensation claims mails the order approving the attorney's fees. Any order entered by a judge of compensation claims approving the attorney's fees as set out in the settlement under this subsection is not considered to be an award and is not subject to modification or review. The judge of compensation claims shall report these settlements to the chief judge in accordance with the requirements set forth in s. 440.11(a) and (b). Settlements entered into under this subsection are valid and apply to all dates of accident.

(d) *With respect to any lump-sum settlement under this subsection, a judge of compensation claims must consider whether the settlement provides for appropriate recovery of any child-support arrearage. Neither the employer nor the carrier has a duty to investigate or collect information regarding child-support arrearages.*

(e)(e) This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

Section 16. Subsections (1), (2), (3), and (4) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(1) Within ~~90~~ ²¹ days after a petition for benefits is filed under s. 440.192, a mediation conference concerning such petition shall be held. Within ~~40~~ ⁷ days after such petition is filed, the judge of compensation claims shall notify the interested parties *by order* that a mediation conference concerning such petition will be held ~~unless the parties have notified the Office of the Judges of Compensation Claims that a mediation has been held.~~ Such order ~~must~~ ^{notice} shall give the date *by which, time, and location* of the mediation conference ~~must be held.~~ Such order ~~notice~~ may be served personally upon the interested parties or may be sent to the interested parties by mail. *Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. Any order granting a continuance must set forth the date of the rescheduled mediation conference. A mediation conference may not be used solely for the purpose of mediating attorney's fees.*

(2) Any party who participates in a mediation conference shall not be precluded from requesting a hearing following the mediation conference should both parties not agree to be bound by the results of the mediation conference. A mediation conference is required to be held unless this requirement is waived by the Chief Judge. No later than 3 days prior to the mediation conference, all parties must submit any applicable motions, including, but not limited to, a motion to waive the mediation conference, to the judge of compensation claims.

(3)(a) Such mediation conference shall be conducted informally and ~~shall~~ ^{does} not require the use of formal rules of evidence or procedure. Any information from the files, reports, case summaries, mediator's notes, or other communications or materials, oral or written, relating to a mediation conference under this section obtained by any person performing mediation duties is privileged and confidential and may not be disclosed without the written consent of all parties to the conference. Any research or evaluation effort directed at assessing the mediation program activities or performance must protect the confidentiality of such information. Each party to a mediation conference has a privilege during and after the conference to refuse to disclose and to prevent another from disclosing communications made during the conference whether or not the contested issues are successfully resolved. This subsection and paragraphs (4)(a) and (b) shall not be construed to prevent or inhibit the discovery or admissibility of any information that is otherwise subject to discovery or that is admissible under applicable law or rule of procedure, except that any conduct or statements made during a mediation conference or in negotiations concerning the conference are inadmissible in any proceeding under this chapter.

(b)1. *Unless the parties conduct a private mediation under subparagraph 2., mediation shall be conducted by a mediator selected by the Deputy Chief Judge from among mediators. The Chief Judge shall select a mediator. The mediator shall be employed on a full-time basis by the Office of the Judges of Compensation Claims. A mediator must be a member of The Florida Bar for at least 5 years and must complete a*

mediation training program approved by the Chief Judge. Adjunct mediators may be employed by the Office of the Judges of Compensation Claims on an as-needed basis and shall be selected from a list prepared by the Chief Judge. An adjunct mediator must be independent of all parties participating in the mediation conference. An adjunct mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the Chief Judge. An adjunct mediator shall have access to the office, equipment, and supplies of the judge of compensation claims in each district.

2. *In the event the parties agree or in the event no mediators under subparagraph 1. are available to conduct the required mediation within the period specified in this section, the parties shall hold a mediation conference at the carrier's expense within the 90-day period set for mediation. The mediation conference shall be conducted by a mediator who is a member in good standing of The Florida Bar with at least 5 years' of Florida practice and is certified under s. 44.106. If the parties do not agree upon a mediator within 10 days after the date of the order, the claimant shall notify the judge in writing and the judge shall appoint a mediator under this subparagraph within 7 days. In the event both parties agree, the results of the mediation conference shall be binding and neither party shall have a right to appeal the results. In the event either party refuses to agree to the results of the mediation conference, the results of the mediation conference as well as the testimony, witnesses, and evidence presented at the conference shall not be admissible at any subsequent proceeding on the claim. The mediator shall not be called in to testify or give deposition to resolve any claim for any hearing before the judge of compensation claims. The employer may be represented by an attorney at the mediation conference if the employee is also represented by an attorney at the mediation conference.*

(c) *The parties shall make a good-faith effort to complete the pretrial stipulations before the conclusion of the mediation conference if the claims, except for attorney's fees and costs, have not been settled and if any claims in any filed petition remain unresolved. The judge of compensation claims may sanction a party or both parties for failure to complete the pretrial stipulations before the conclusion of the mediation conference.*

(4)(a) *If the parties fail to submit written pretrial stipulations at the mediation conference, on the 10th day following commencement of mediation, the questions in dispute have not been resolved, the judge of compensation claims shall order a pretrial hearing to occur within 14 days after the date of mediation ordered by the judge of compensation claims hold a pretrial hearing. The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the pretrial hearing by mail. At the pretrial hearing, the judge of compensation claims shall, subject to paragraph (b), set a date for the final hearing that allows the parties at least 30 days to conduct discovery unless the parties consent to an earlier hearing date.*

(b) *The final hearing must be held and concluded within 90 45 days after the mediation conference is held pretrial hearing. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. The written consent of the claimant must be obtained before any request is granted for an additional continuance after the initial continuance is granted. Any order granting a continuance must set forth the date and time of the rescheduled hearing. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuances arises from circumstances beyond the party's control. If a judge of compensation claims grants two or more continuances to a requesting party, the judge of compensation claims shall report such continuances to the Deputy Chief Judge.*

(c) *The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the final hearing, served upon the interested parties by mail.*

(d) *The final hearing shall be held within 210 days after receipt of the petition for benefits in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. If the injury occurred outside without the state and is one for which compensation is payable under this chapter, then the final hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state that*

which will, in the discretion of the Chief Judge, be the most convenient for a hearing. The final hearing shall be conducted by a judge of compensation claims, who shall, within 30 44 days after final hearing or closure of the hearing record, unless otherwise agreed by the parties, enter a final order on the merits of the disputed issues determine the dispute in a summary manner. The judge of compensation claims may enter an abbreviated final order in cases when compensability is not disputed. Either party may request separate findings of fact and conclusions of law. At the final such hearing, the claimant and employer may each present evidence in respect of the claims presented by the petition for benefits such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of compensation claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e) *The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the office of the division at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.*

(f) *Each judge of compensation claims is required to submit a special report to the Chief Judge in each contested workers' compensation case in which the case is not determined within 14 days of final hearing. Said form shall be provided by the Chief Judge and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. The Chief Judge shall compile these special reports into an annual public report to the Governor, the Secretary of Labor and Employment Security, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.*

~~(g) Judges of compensation claims shall adopt and enforce uniform local rules for workers' compensation.~~

(g)(h) *Notwithstanding any other provision of this section, the judge of compensation claims may require the appearance of the parties and counsel before her or him without written notice for an emergency conference where there is a bona fide emergency involving the health, safety, or welfare of an employee. An emergency conference under this section may result in the entry of an order or the rendering of an adjudication by the judge of compensation claims.*

(h)(i) *To expedite dispute resolution and to enhance the self-executing features of the Workers' Compensation Law, the Chief Judge shall make provision by rule or order for the resolution of appropriate motions by judges of compensation claims without oral hearing upon submission of brief written statements in support and opposition, and for expedited discovery and docketing. Unless the judge of compensation claims orders a hearing under paragraph (i), claims related to the determination of pay under s. 440.14 shall be resolved under this paragraph.*

(i)(j) *To further expedite dispute resolution and to enhance the self-executing features of the system, those petitions filed in accordance with s. 440.192 that involve a claim for benefits of \$5,000 or less shall, in the absence of compelling evidence to the contrary, be presumed to be appropriate for expedited resolution under this paragraph; and any other claim filed in accordance with s. 440.192, upon the written agreement of both parties and application by either party, may similarly be resolved under this paragraph. Claims for medical-only benefits of \$5,000, or less, or medical mileage reimbursement shall, in the absence of compelling evidence to the contrary, be resolved through the expedited dispute resolution process under this paragraph. For purposes of expedited resolution pursuant to this paragraph, the Chief Judge shall make provision by rule or order for expedited and limited discovery and expedited docketing in such cases. At least 15 days prior to hearing, the parties shall*

exchange and file with the judge of compensation claims a pretrial outline of all issues, defenses, and witnesses on a form promulgated by the Chief Judge; provided, in no event shall such hearing be held without 15 days' written notice to all parties. No pretrial hearing shall be held. The judge of compensation claims shall limit all argument and presentation of evidence at the hearing to a maximum of 30 minutes, and such hearings shall not exceed 30 minutes in length. Neither party shall be required to be represented by counsel. The employer or carrier may be represented by an adjuster or other qualified representative. The employer or carrier and any witness may appear at such hearing by telephone. The rules of evidence shall be liberally construed in favor of allowing introduction of evidence.

(j) *A judge of compensation claims, either upon the motion of a party or its own motion, may dismiss a petition for lack of prosecution if no petitions, responses, motions, orders, requests for hearings, or notices of deposition have been filed for a period of 12 months, unless good cause is shown. Dismissals for lack of prosecution are without prejudice and do not require a hearing.*

(k) *A judge of compensation claims may not award interest on unpaid medical bills, nor may the amount of such bills be used to calculate the amount of interest awarded.*

Regardless of the date benefits were initially requested, attorney's fees do not attach under this subsection until 30 days from the date the carrier or employer, if self-insured, receives the petition.

Section 17. Subsection (4) of section 440.29, Florida Statutes, is amended to read:

440.29 Procedure before the judge of compensation claims.—

(4) All medical reports of authorized treating health care providers or independent medical examiners whose medical opinion is submitted under s. 440.13(5)(e) relating to the claimant and subject accident shall be received into evidence by the judge of compensation claims upon proper motion. However, such records must be served on the opposing party at least 30 days before the final hearing. This section does not limit any right of further discovery, including, but not limited to, depositions.

Section 18. Subsections (1) and (3) of section 440.34, Florida Statutes, are amended to read:

440.34 Attorney's fees; costs.—

(1) A fee, gratuity, or other consideration may not be paid for services rendered for a claimant in connection with any proceedings arising under this chapter, unless approved as reasonable by the judge of compensation claims or court having jurisdiction over such proceedings. Except as provided by this subsection, any attorney's fee approved by a judge of compensation claims for services rendered to a claimant must equal to 25 ~~20~~ percent of the first \$5,000 of the amount of the benefits secured, 20 ~~15~~ percent of the next \$5,000 of the amount of the benefits secured, 15 ~~10~~ percent of the remaining amount of the benefits secured to be provided during the first 10 years after the date the claim is filed, and 10 ~~5~~ percent of the benefits secured after 10 years.

(a) ~~However, the judge of compensation claims shall consider the following factors in each case and may approve an increase or decrease the attorney's fee of up to \$2,500, based on a reasonable hourly rate, except in those cases set forth in s. 440.34(3)(c), if, in her or his judgment, the judge of compensation claims expressly finds that the attorney's fees based on benefits secured fails to fairly compensate the attorney and that the circumstances of the particular case warrant such action. Such fees shall be allowed for any petition for benefits that were ripe, due, and owing and should have been raised in such petition under this paragraph. Any fees are waived on any other benefits which were not raised and which were ripe, due, and owing at the time the issues are resolved.~~

(b) *The judge of compensation claims shall not approve a compensation order, a joint stipulation for lump-sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter which provides for an attorney's fee in excess of the amount permitted by this section.:*

(a) ~~The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.~~

(b) ~~The fee customarily charged in the locality for similar legal services.~~

(c) ~~The amount involved in the controversy and the benefits resulting to the claimant.~~

(d) ~~The time limitation imposed by the claimant or the circumstances.~~

(e) ~~The experience, reputation, and ability of the lawyer or lawyers performing services.~~

(f) ~~The contingency or certainty of a fee.~~

(3) If the claimant should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the attorney's fees of the claimant. A claimant shall be responsible for the payment of her or his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(a) Against whom she or he successfully asserts a *petition claim* for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage-loss, or death benefits, arising out of the same accident; or

(b) In any case in which the employer or carrier files a *response to petition denying benefits* ~~notice of denial~~ with the office of the Judges of Compensation Claims ~~division~~ and the injured person has employed an attorney in the successful prosecution of the *petition claim*; or

(c) In a proceeding in which a carrier or employer denies that an injury occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or

(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28.

Regardless of the date benefits were initially requested, attorney's fees may not attach under this subsection until 30 days from the date the carrier or employer, if self-insured, receives the petition and denies benefits.

~~In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), (c), and (d), the judge of compensation claims must only consider only such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), (c), and (d).~~

Section 19. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of attorney's fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the *Office of the Judges of Compensation Claims* ~~division~~ as the *Office of the Judges of Compensation Claims* ~~division~~ requires by rule. The *Office of the Judges of Compensation Claims* ~~division~~ shall annually summarize such data in a report to the *President of the Senate, the Speaker of the House of Representatives, and the Governor* ~~Workers' Compensation Oversight Board~~.

Section 20. Subsection (8) is added to section 440.39, Florida Statutes, to read:

440.39 Compensation for injuries when third persons are liable.—

(8) *This section does not impose on the carrier a duty to preserve evidence pertaining to the industrial accident or to injuries arising therefrom.*

Section 21. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the Division of Workers' Compensation of the Department of Labor and Employment Security or implement a safety program *pursuant to provisions of the rating plan approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security* or implement both a drug-free workplace program

and a safety program. ~~The Division of Safety may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound, and must state the savings anticipated to result from such drug testing and safety programs.~~

Section 22. *The amendments to sections 440.02 and 440.15, Florida Statutes, in this act shall not be construed to affect any determination of disability under section 112.18, section 112.181, or section 112.19, Florida Statutes.*

Section 23. Subsection (4) is added to section 627.412, Florida Statutes, to read:

627.412 Standard provisions, in general.—

(4) *Notwithstanding any other law, a public entity or agency may purchase a consolidated insurance program for the purpose of providing coverage for workers' compensation, employer's liability, general liability, builder's risk, or pollution liability to the public entity or agency or to a contractor or subcontractor for a public construction project.*

Section 24. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 25. *Subsection (3) of section 440.45, Florida Statutes, is repealed.*

Section 26. *Effective October 1, 2001, section 440.4416, Florida Statutes, is repealed.*

Section 27. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions of terms used in chapter 440, F.S.; amending s. 440.05, F.S.; revising exemptions from the requirement for employers to obtain workers' compensation coverage; specifying who may be exempt and the conditions for an exemption; specifying the effect of an exemption; requiring businesses, sole proprietors, and partners to maintain certain records; amending s. 440.06, F.S.; requiring employers to secure workers' compensation coverage; amending s. 440.09, F.S.; requiring compensation for accidental compensable injuries; amending s. 440.10, F.S.; revising references to persons who are exempt from coverage to conform; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.107, F.S.; authorizing the Division of Workers' Compensation to issue stop-work orders in certain circumstances; amending s. 440.13, F.S.; specifying the value of nonprofessional attendant care provided by a family member that is reimbursable; requiring the carrier to give the employee the opportunity to change physicians under certain circumstances and limitations; revising the effect of an independent medical examination; limiting the admissibility of certain medical opinions; revising the limitation on medical fees; amending s. 440.134, F.S.; revising the definitions applied to workers' compensation managed care arrangements; eliminating provisions mandating the use of such arrangements; revising the procedures governing grievances related to such arrangements; amending s. 440.14, F.S.; revising the computation of the average weekly wage of an employee for the purposes of determining benefits; amending s. 440.15, F.S.; revising the criteria for permanent total disability; revising the compensation rate for impairment income benefits; amending s. 440.185, F.S.; specifying the information that must be included in a report of injury; amending s. 440.191, F.S.; requiring the Employee Assistance and Ombudsman Office to initiate contact with an injured employee to discuss rights and responsibilities; revising other duties of the office; amending s. 440.192, F.S.; revising the procedures for resolving benefit disputes and filing petitions for benefits; specifying the information that must be included in a petition for benefits; amending s. 440.20, F.S.; specifying time for payment of compensation; prescribing the criteria for determining when a lump-sum settlement may be entered; specifying the effect of a lump-sum settlement; amending s. 440.25, F.S.; revising the procedures governing mediation and the hear-

ing of claims; amending s. 440.29, F.S.; requiring opinions of independent medical examiners to be received into evidence under certain conditions; amending s. 440.34, F.S.; revising the limit on the amount of attorney's fees that may be approved by a judge of compensation claims and eliminating factors that the judge must consider; applying such limits to any agreement related to benefits under chapter 440, F.S.; amending s. 440.345, F.S.; requiring the reporting of attorney's fees to the Office of the Judges of Compensation Claims and requiring the Office of the Judges of Compensation Claims to report such data to the Legislature and Governor; amending s. 440.39, F.S.; providing that the section does not impose a duty on the employer to preserve evidence; amending s. 627.0915, F.S.; providing for a safety program discount; amending s. 627.412, F.S.; providing that a public entity or agency may purchase a consolidated insurance program for public construction projects; repealing s. 440.4416, F.S., which creates the Workers' Compensation Oversight Board; repealing s. 440.45(3), F.S.; eliminating the requirement that the Chief Judge select judges to rotate as docketing judges; providing for severability; providing effective dates.

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

Amendment 1A (780742)(with title amendment)—On page 10, line 12 through page 13, line 8, delete those lines and insert:

Section 2. Subsections (10), (11), (12), (13), (14), and (15) are added to section 440.14, Florida Statutes, to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(10) *Any person who is exempted from this chapter under this section who secures, or whose employer secures for him or her, workers' compensation insurance coverage is considered to have waived the right to such an exemption and is subject to the provisions of this chapter.*

(11) *Every enterprise conducting business in this state shall maintain business records as specified by the division by rule, which rules must include the provision that any corporation with exempt officers and any partnership with exempt partners must maintain written statements of those exempted persons affirmatively acknowledging each such individual's exempt status.*

(12) *Any sole proprietor or partner claiming an exemption under this section shall maintain a copy of his or her federal income tax records for each of the immediately previous 3 years in which he or she claims an exemption. Such federal income tax records must include a complete copy of the following for each year in which an exemption is claimed:*

(a) *For sole proprietors, a copy of Federal Income Tax Form 1040 and its accompanying Schedule C;*

(b) *For partners, a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065) and Federal Income Tax Form 1040 and its accompanying Schedule E. The sole proprietor or partner in question shall produce, upon request by the division, a copy of those documents together with a statement by the sole proprietor that the tax records provided are true and accurate copies of what the sole proprietor or partner has filed with the federal Internal Revenue Service. The statement must be signed under oath by the sole proprietor or partner in question and must be notarized. The division shall issue a stop-work order under s. 440.107(5) to any sole proprietor or partner who fails or refuses to produce a copy of the tax records and affidavit required under this paragraph to the division within 3 business days after that request and who has failed to otherwise secure insurance for the provision of workers' compensation benefits for himself or herself if required under this chapter to do so.*

(13) *Any corporate officer claiming an exemption under this section must be listed on the records of this state's Secretary of State, Division of Corporations, as a corporate officer. If the person who claims exemption as a corporate officer is not so listed on the records of the Secretary of State, the individual must provide to the division, upon request by the division, a notarized affidavit stating that the individual is a bona fide officer of the corporation and stating the date his or her appointment or election as a corporate officer became or will become effective. The statement must be signed under oath by both the officer in question and the president or chief operating officer of the corporation and must be notarized. The division shall issue a stop-work order under s. 440.107(1) to any person who claims to be exempt as a corporate officer but who fails*

or refuses to produce the documents required under this subsection to the division within 3 business days after the request is made and who has failed to otherwise secure the insurance of workers' compensation benefits for himself or herself if required under this chapter to do so.

(14) A sole proprietor, partner, or corporate officer of a business entity that has not been in operation long enough to have filed with the Internal Revenue Service, or to have been required by the Internal Revenue Service to file, its first annual federal income tax return is not eligible for exemption from this chapter.

(15) Exemptions pertain only to the person claiming exemption and only for the entity that is the subject of the federal income tax reports filed by the person claiming the exemption. A separate exemption is required for every proprietorship, partnership, or corporation from which an individual receives any remuneration for labor, services, or products provided.

And the title is amended as follows:

On page 62, lines 6-12, delete those lines and insert: 440.05, F.S.; revising exemptions from the requirement for employers to obtain workers' compensation coverage; specifying who may be exempt and the conditions for an exemption; specifying the effect of an exemption; requiring businesses, sole proprietors, and partners to maintain certain records; amending s. 440.06, F.S.; requiring employers to secure workers' compensation coverage; amending

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

Amendment 1B (572758)—On page 32, delete line 3 and insert: security benefits under 42 U.S.C. ss. 402 and 423,

Senator Wasserman Schultz moved the following amendment to **Amendment 1** which failed:

Amendment 1C (955728)—On page 47, lines 29-31, delete those lines and insert:

(d) *With respect to any lump-sum settlement or any other benefits under this chapter to be approved at the time of settlement, a judge of compensation claims must consider whether the settlement or any other benefits provides for appropriate recovery of*

Senator Silver moved the following amendment to **Amendment 1** which failed:

Amendment 1D (641680)—On page 57, line 22 through page 58, line 1, delete those lines and insert: *on a reasonable hourly rate, in those cases set forth in s. 440.34(3)(a) and (b), if, in her or his judgment, the judge of compensation claims expressly finds that the attorney's fees based on benefits secured fails to fairly compensate the attorney and that the circumstances of the particular case warrant such action. Such fees shall be allowed for any petition for benefits that were ripe, due, and owing and should have been raised in such petition under this paragraph. Any fees are waived on any other benefits which were not raised and which were ripe, due, and owing at the time the issues are resolved. In those cases set forth in s. 440.34(3)(c), the judge of compensation claims may approve an attorney's fee, based on a reasonable hourly rate, if the judge of compensation claims expressly finds that the attorney's fee, based on benefits secured, fails to fairly compensate the attorney and that the circumstances of the particular case warrant such action.*

Senator Holzendorf moved the following amendment to **Amendment 1**:

Amendment 1E (110260)(with title amendment)—On page 1, line 17 through page 18, line 25, delete those lines and insert:

Section 1. *Paragraph (f) of subsection (37) of section 440.02, Florida Statutes, is repealed.*

Section 2. *Limitation on construction industry business activities; penalties.—*

(1) *Notwithstanding any other provision of chapter 440, Florida Statutes, with respect to persons and entities actively engaged in the construction industry, a corporation, partnership, sole proprietorship, or independent contractor that fails to maintain coverage or is otherwise*

without coverage required by chapter 440, Florida Statutes, may not enter into a contract, subcontract, or other business relationship, for the purposes of construction, with another corporation, partnership, sole proprietorship, or independent contractor.

(2) *Any sole proprietor or partner of a business actively engaged in the construction industry who violates subsection (1) shall immediately forfeit any election of exclusion or election of exemption available under chapter 440, Florida Statutes, and may not elect or receive an exclusion or exemption from the requirements of chapter 440, Florida Statutes, for a period of 5 years following the date of the violation.*

(3) *Any corporate officer of a corporation actively engaged in the construction industry who violates subsection (1) shall immediately forfeit any election of exclusion or election of exemption available under chapter 440, Florida Statutes, and may not elect or receive an exclusion or exemption from the requirements of chapter 440, Florida Statutes, for a period of 5 years following the date of the violation.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 62, lines 2-24, delete those lines and insert: An act relating to insurance; repealing s. 440.02(37)(f), F.S., relating to the definition of the term "catastrophic injury"; prohibiting a corporation or other business entity that fails to maintain coverage under ch. 440, F.S., from entering into a construction contract; amending s. 440.13,

Senator Latvala moved the following substitute amendment for **Amendment 1E** which was adopted:

Amendment 1F (754484)—On page 2, lines 13-31, delete those lines and insert:

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.

2. *Effective January 1, 2002, as to officers of a corporation who are actively engaged in the construction industry, no more than two three officers of such corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05, however;*

a. *Such election is valid only with respect to an officer who is the president, vice president, secretary, or treasurer of the corporation.*

b. *Such election is valid only with respect to an officer who owns not less than 10 percent of the stock of the corporation.*

3. An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns. *The term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation actively engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business entity is affiliated with another.*

Senator Holzendorf moved the following amendment to **Amendment 1**:

Amendment 1G (095748)(with title amendment)—On page 61, between lines 14 and 15, insert:

Section 24. *The board of governors of the joint underwriting plan authorized under section 627.311(4), Florida Statutes, shall conduct a*

study of the exemptions granted to the construction industry under chapter 440, Florida Statutes. The study must contain an examination of the ramifications of such exemptions on the construction industry and on the entire Florida workers' compensation system, including the potential impact of requiring all persons actively engaged in the construction industry who elect to be excluded from the definition of "employee" as provided in section 440.02, Florida Statutes, to obtain a minimum premium or an "if any" workers' compensation insurance policy. The study must also examine the cost and availability of such insurance coverage and make recommendations regarding insurance coverage for persons who currently elect to be excluded from chapter 440, Florida Statutes. The board of governors shall submit a written report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002. The sum of \$250,000 is transferred to the joint underwriting plan from the Workers' Compensation Administrative Trust Fund for the purpose of funding the costs associated with this study.

Section 25. Effective January 1, 2004, all persons actively engaged in the construction industry shall secure the payment of compensation under chapter 440, Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 24, after the semicolon (;) insert: requiring a study of the exemptions granted to the construction industry under ch. 440, F.S.; requiring a report to the Legislature; providing for a transfer of funds to pay the costs of the study; requiring persons engaged in the construction industry to secure workers' compensation insurance by a specified date;

Senator Latvala moved the following substitute amendment for **Amendment 1G** which was adopted:

Amendment 1H (865282)(with title amendment)—On page 13, line 21 through page 14, line 29, delete those lines and insert:

Section 4. Subsection (1) of section 440.09, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

440.09 Coverage.—

(1) The employer shall pay compensation or furnish benefits required by this chapter if the employee suffers an accidental *compensable* injury or death arising out of work performed in the course and the scope of employment. The injury, its occupational cause, and any resulting manifestations or disability shall be established to a reasonable degree of medical certainty and by objective medical findings. Mental or nervous injuries occurring as a manifestation of an injury compensable under this section shall be demonstrated by clear and convincing evidence.

(a) This chapter does not require any compensation or benefits for any subsequent injury the employee suffers as a result of an original injury arising out of and in the course of employment unless the original injury is the major contributing cause of the subsequent injury.

(b) If an injury arising out of and in the course of employment combines with a preexisting disease or condition to cause or prolong disability or need for treatment, the employer must pay compensation or benefits required by this chapter only to the extent that the injury arising out of and in the course of employment is and remains the major contributing cause of the disability or need for treatment.

(c) Death resulting from an operation by a surgeon furnished by the employer for the cure of hernia as required in s. 440.15(6) shall for the purpose of this chapter be considered to be a death resulting from the accident causing the hernia.

(d) If an accident happens while the employee is employed elsewhere than in this state, which would entitle the employee or his or her dependents to compensation if it had happened in this state, the employee or his or her dependents are entitled to compensation if the contract of employment was made in this state, or the employment was principally localized in this state. However, if an employee receives compensation or damages under the laws of any other state, the total compensation for the injury may not be greater than is provided in this chapter.

(9) Notwithstanding any other provision of this chapter, effective January 1, 2004, any partnership, corporation, or sole proprietor, regardless of the number of employees, actively engaged in the construction industry shall secure and maintain workers' compensation insurance coverage at all times.

And the title is amended as follows:

On page 62, line 16, after the semicolon (;) insert: requiring partnerships, corporations, or sole proprietors in the construction industry to maintain workers' compensation insurance;

Senator Campbell moved the following amendments to **Amendment 1** which were adopted:

Amendment 1I (533840)—On page 24, line 7, after the period (.) insert: *In cases involving occupational disease or repetitive trauma, no medical opinions are admissible unless based on reliable scientific principles sufficiently established to have gained general acceptance in the pertinent area of specialty.*

Amendment 1J (741820)—On page 14, line 2, after the period (.) insert: *In cases involving occupational disease or repetitive exposure, both causation and sufficient exposure to support causation shall be proven by the preponderance of evidence.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1927** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

HB 1737—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for compilation and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency's notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (804456)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 3. Subsection (2) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than seven commissioners. *However, the governing body of a municipality with a population of more than 100,000 and an area of more than 100 square miles may appoint a board of commissioners of up to nine members.* The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, following the second semicolon (;) insert: amending s. 163.356, F.S.; revising the number of members on community redevelopment boards in certain municipalities;

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 2 (311554)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 3. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section shall stand repealed on June 30, 2002 2001, and shall be reviewed by the Legislature prior to that date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the second semicolon (;) insert: amending s. 163.3244, F.S.; postponing the repeal of that section;

Senator Pruitt moved the following amendment which was adopted:

Amendment 3 (973780)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 3. Subsection (6) is added to section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(6)(a) *The Legislature finds that electric utilities have a statutory duty pursuant to this chapter to provide reasonably sufficient, adequate, and efficient service. The Legislature further finds that electric substations are an indispensable component of the grid system by which electric utilities deliver reliable electric service to all public and private persons as required by law. The Legislature further finds that electric utility substations are essential services for the public health, safety, and welfare and therefore are in the public interest.*

(b) *Nothing in this section shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, and landscaping and other such site conditions which ensure consistency with the local comprehensive plan for a substation that will be constructed or operated by an electric utility. Compliance with any such adopted standards creates a presumption that the substation is compatible with adjacent land uses and consistent with the local comprehensive plan.*

(c) *If an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application unless the preponderance of the evidence applying a strict scrutiny standard of review demonstrates the application does not meet the requirements of the comprehensive plan or applicable land development regulations.*

Section 4. Paragraph (b) of subsection (3) of section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after “reference;” insert: amending s. 163.3202, F.S.; providing for the siting of substations; amending s. 380.04, F.S.; revising the definition of development;

Pursuant to Rule 4.19, **HB 1737** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 986—A bill to be entitled An act relating to the state university system; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating a fiscally autonomous campus of the University of South Florida in Sarasota; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (021836)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 240.3836, Florida Statutes, is amended to read:

240.3836 Site-determined baccalaureate degree access program; funding.—

(1) The Legislature recognizes that public and private postsecondary education institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of community colleges ~~apply this concept in the creation and funding of a program that supports local economic development and responds to public demand for increased access to baccalaureate degrees in areas of the state that are underserved by 4-year institutions.~~

(2) A community college may be authorized by the State Board of Education to offer a limited number of baccalaureate degrees designed to meet local workforce needs through one of the following processes:

(a) A community college may enter into a formal agreement with the state university in its service area for the community college to deliver specified baccalaureate degree programs. The agreement must be submitted to the State Board of Education for approval. The college’s proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(b) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district. The proposal must be submitted to the State Board of Education for approval. The college’s proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. *The community college has the facilities and academic resources to deliver the program.*

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(3) *A community college may not terminate its Associate-in-Arts or Associate-in-Science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a college that offers baccalaureate-degree programs, continues to be the provision of associate degrees that provide access to a university.*

(2) ~~Categorical funding is authorized for the site-determined baccalaureate degree access program created by this section. Funds may not be used to support the construction, renovation, or remodeling of facilities. This program is voluntary and does not preclude other mutually agreed-upon arrangements between community colleges and 4-year institutions for the delivery of baccalaureate degrees on community college sites.~~

(3) ~~Each community college wishing to participate in the site-determined baccalaureate degree access program must:~~

(a) ~~Identify baccalaureate degree programs that are not currently offered at the community college but are proposed for delivery at the college to meet the academic and economic development needs of one or more communities within the college's service area. When assessing local needs, the college should seek input from the appropriate chamber of commerce, workforce development council, and other civic and business groups. As used in this section, the term "economic development" means entrepreneurial efforts, the attraction of new business and industry to the area, and the expansion of existing business and industry.~~

(b) ~~Determine the number of students interested in pursuing each proposed baccalaureate degree program and identify the enrollment patterns, any special characteristics of those students, and any unique combination or modification of course offerings that may be necessary to meet student enrollment needs.~~

(c) ~~Submit a proposal to the Postsecondary Education Planning Commission requesting validation of the need for the proposed baccalaureate degree program and tentative approval for program funding. The proposal must include:~~

1. ~~A description of each proposed baccalaureate degree program identifying the junior-level and senior-level courses to be offered and designating whether the program should be offered for a cohort group or as an ongoing degree program.~~

2. ~~Evidence that local occupational forecasts support the existence of jobs for graduates of the proposed baccalaureate degree programs.~~

3. ~~An estimated number of students to be served by each proposed degree program.~~

4. ~~An assurance that the community college's existing facilities are sufficient to meet the additional demands for classroom and laboratory space for the proposed degree programs.~~

5. ~~Evidence that the college has requested the participation of no fewer than three regionally accredited 4-year postsecondary institutions, including at least one member of the State University System. Any member of the State University System and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in, Florida may be a partner in a site-determined baccalaureate degree access program at any community college.~~

6. ~~A tentative agreement between the community college and the 4-year postsecondary institution selected to offer the upper-level courses leading to the proposed degree or degrees.~~

7. ~~Any additional provisions that the Postsecondary Education Planning Commission considers pertinent to the proposal.~~

(4) ~~The Postsecondary Education Planning Commission, after soliciting comments from the Board of Regents and the State Board of Community Colleges, shall validate the need for each baccalaureate degree program proposed for delivery according to this section and shall notify the community college that its proposal has been approved or rejected. The commission shall establish procedures for the timely submission, review, and approval of the proposals and agreements required by this section. These procedures must be designed to allow the initiation of approved baccalaureate degree programs at least 3 times each fiscal year.~~

(5) ~~Once the Postsecondary Education Planning Commission validates the need for the proposed baccalaureate degree program and notifies the community college that its proposal has been approved, the community college shall finalize an agreement with the regionally accredited, public or nonpublic, 4-year postsecondary institution selected to provide the upper-level instructional services in the approved baccalaureate degree program. The commission shall identify the common aspects that each agreement must address, including, but not limited to:~~

(a) ~~A course delivery pattern based on the student enrollment patterns and characteristics included in the approved proposal.~~

(b) ~~An articulation provision that guarantees acceptance of students who hold an associate in arts or associate in science degree and satisfy any other prerequisites for admission to the specific baccalaureate degree program.~~

(c) ~~The provision of library services and student support services.~~

(d) ~~An agreement that the participating 4-year postsecondary institution will continue offering instructional services at least until all qualified members of the initial group of students have had an opportunity to complete the degree program.~~

(e) ~~The specific and measurable performance criteria that the Postsecondary Education Planning Commission may use to evaluate the outcomes and outputs of the baccalaureate degree program within an identified timeframe.~~

(f) ~~An agreement that in-state student tuition for the degree program will not exceed the matriculation fee for the State University System unless the proposal approved by the Postsecondary Education Planning Commission allows the participating institutions to charge differentiated tuition and fees to encourage student attendance and participation. Out-of-state students shall pay full costs. Notwithstanding s. 240.605, students participating in a site-determined baccalaureate degree program may not receive a Florida Resident Access Grant.~~

(6) ~~Each participating community college must submit the agreement required by this section to the Postsecondary Education Planning Commission for review and final approval before initiating an approved site-determined baccalaureate degree access program. Subject to the availability of legislative appropriations specifically provided for this purpose, the Postsecondary Education Planning Commission must recommend to the Commissioner of Education the total funds to be released to each participating community college for the initiation of the approved site-determined baccalaureate degree access program. The community college shall distribute funds to the participating 4-year postsecondary institution at the rate specified in the approved agreement. The Postsecondary Education Planning Commission shall not recommend the release of funding for any program that is terminated before or after the evaluation required by this section. The total funds to be released for the initiation of an approved program shall be based on the number of fundable upper-level student credit hours for each term. Unless otherwise provided in an appropriations act, the funding per credit hour shall be an amount equal to the state funds, excluding student fees, appropriated to the State University System for each full-time equivalent student enrolled in upper-level course work. Student credit hours funded under this program may not be duplicated in any other calculation of state funding for the 4-year institution.~~

(7) ~~The Postsecondary Education Planning Commission may require the participating community colleges and 4-year postsecondary institutions to submit information necessary to monitor the annual performance of the program. Within 90 days after the 2nd and 4th year of the site-determined baccalaureate degree access program, the commission shall submit to the chairs of the education and fiscal committees of the Legislature a progress report, including an evaluation of the funding~~

mechanism created by this section. The commission shall review each site-determined baccalaureate degree access program funded under this section to ascertain whether the performance measures specified in the agreement between the participating community college and the 4-year institution have been met. Each program must be reviewed 4 years after initiation unless a shorter timeframe is specified in the agreement. The performance measures must include the student graduation rate, the employment rate of program graduates both within and outside the community college service area, the continuing need to offer the specific baccalaureate degree program in the community college service area, and such other information as the Postsecondary Education Planning Commission may determine necessary for program and performance evaluation. Based on its evaluation, the commission shall either approve continuation of the program, require modifications prior to program approval, or recommend that the participating institutions terminate the program after all qualified members of the initial group of students have an opportunity to complete the degree program. The commission must submit to the Commissioner of Education for inclusion in the legislative budget a request for funding for approved site-determined baccalaureate degree access programs.

(8) If no accredited 4-year institution is willing to provide a baccalaureate degree program approved by the Postsecondary Education Planning Commission under this section, the community college board of trustees may ask the commission to evaluate the college's request to offer the degree program. If the commission is satisfied that the community college should offer the degree program, it shall recommend to the Legislature the enactment of statutory authority for the community college to offer that specific baccalaureate degree program.

Section 2. Effective July 1, 2001, subsection (5) of section 240.2011, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County and two fiscally autonomous campuses, one in Pinellas County, named the University of South Florida St. Petersburg, and the other named the University of South Florida Sarasota/Manatee.

(12) New College of Florida, located in Sarasota County, which is the 4-year residential liberal arts honors college of the state of Florida.

Section 3. Section 240.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.527, F.S., for present text.)

240.527 The University of South Florida St. Petersburg.—

(1) The St. Petersburg campus of the University of South Florida is established and shall be known as the "University of South Florida St. Petersburg."

(a) The Legislature intends that the University of South Florida St. Petersburg be operated and maintained as a separate organizational and budget entity of the University of South Florida, and that all legislative appropriations for the University of South Florida St. Petersburg be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida St. Petersburg shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than the effective date of this act, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida St. Petersburg. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall

select one joint member. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida St. Petersburg Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) The following entities are not affected by this section and remain under the administrative control of the University of South Florida:

(a) The University of South Florida College of Marine Science, which is a component college of the main campus.

(b) *The Florida Institute of Oceanography, which is a Type One Institute.*

(c) *The University of South Florida Pediatric Research Center.*

(d) *The University of South Florida / USGS joint facility.*

Section 4. *The University of South Florida Sarasota / Manatee.—*

(1) *The Sarasota / Manatee campus of the University of South Florida is established and shall be known as the “University of South Florida Sarasota / Manatee.”*

(a) *The Legislature intends that the University of South Florida Sarasota / Manatee be operated and maintained as a separate organizational and budget entity of the University of South Florida and that all legislative appropriations for the University of South Florida Sarasota / Manatee be set forth as separate line items in the annual General Appropriations Act.*

(b) *The University of South Florida Sarasota / Manatee shall have a Campus Board and a Campus Executive Officer.*

(c) *As soon as possible, but no later than July 1, 2002, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida Sarasota / Manatee. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.*

(2) *The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County is appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the campus board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:*

(a) *Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.*

(b) *Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida Sarasota / Manatee Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.*

(c) *Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota / Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida’s main campus and the Sarasota / Manatee campus.*

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) *The University of South Florida Sarasota / Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus*

Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) *Administer campus operations within the annual operating budget as approved by the Campus Board.*

(b) *Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.*

(c) *Recommend to the Campus Board an annual campus operating budget.*

(d) *Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.*

(e) *Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.*

(4) *Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.*

(5) *Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.*

Section 5. *New College of Florida.—*

(1) *Mission and goals.—As a member of the State University System of Florida, New College of Florida preserves its distinctive mission as a residential liberal arts honors college. To maintain this mission, New College of Florida has the following goals:*

(a) *To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.*

(b) *To engage in undergraduate educational reform by combining educational innovation with educational excellence.*

(c) *To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.*

(d) *To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.*

(2) *Accreditation.—As soon as possible, New College of Florida shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.*

(3) *Board of Trustees.—The Governor shall appoint 11 members to the Board of Trustees, to serve 4-year staggered terms, as follows:*

(a) *Three residents of Sarasota County.*

(b) *Two residents of Manatee County.*

(c) *Until the expiration date of the terms of office of the members who are on the board June 30, 2001, six members shall be selected from the Board of Trustees of the New College Foundation.*

Section 6. *Legislative intent.—The Legislature intends to create an innovative means to increase access to baccalaureate-degree-level education in populous counties that are underserved by public baccalaureate-degree-granting institutions. This education is intended to address the state’s workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.*

Section 7. *St. Petersburg College; mission.*—*St. Petersburg Junior College is redesignated as St. Petersburg College. The college shall immediately seek accreditation from the Southern Association of Colleges and Schools as a baccalaureate-degree-granting college.*

(1) *The primary mission of St. Petersburg College is to provide high-quality undergraduate education at an affordable price for students and the state. The purpose is to promote economic development by preparing people for occupations that require a bachelor's degree and are in demand by existing or emerging public and private employers in this state.*

(2) *The college is to maintain the mission and policies of a Florida community college, including the open-door admissions policy and the authority to offer all programs consistent with a public community college's authority.*

(3) *St. Petersburg College shall maintain the distinction between the college and its university center. St. Petersburg College is limited to community college programs and to selected baccalaureate-degree-level programs that meet community needs and are authorized as provided by this act. The University Center may make available more diverse program offerings, but those programs are offered by a participating college or university and are not to be classified or funded as a program of St. Petersburg College.*

(4) *The academic policies of the upper-division program at St. Petersburg College must be in accordance with policies of the State University System.*

(5) *Sections 240.293 and 240.2945, Florida Statutes, apply to St. Petersburg College.*

Section 8. *St. Petersburg College; students.*—

(1) *St. Petersburg College shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate program, according to the Common Course Numbering System. A student shall be reported as a community college student for enrollment in a lower-division course and as a baccalaureate-degree-program student for enrollment in an upper-division course.*

(2) *The Board of Trustees of St. Petersburg College shall establish the level of matriculation, tuition, and other authorized student fees.*

(a) *For each credit hour of enrollment in a certificate-level course or lower-division-level college credit course, matriculation and tuition fees must be within the range authorized in law and rule for a community college student at that level.*

(b) *For each credit hour of enrollment in an upper-division-level course, matriculation and tuition fees must be in an amount established by the Board of Trustees of St. Petersburg College. However, fees for upper-division students must reflect the fact that the college does not incur the costs of major research programs. Therefore, the board shall establish fees for upper-division students within a range that is lower than the fees established for students at a public university but higher than the fees for community college students.*

(c) *Other mandatory fees and local fees must be at the same level for all lower division students. For upper division students, other mandatory fees and local fees must be at a level less than fees established for University of South Florida students, regardless of program enrollment or level. However, students in workforce development education courses maintain the authorized fee exemptions described in section 239.117, Florida Statutes, and may be exempt from local fees imposed by the Board of Trustees, at the board's discretion.*

Section 9. *St. Petersburg College; degrees.*—

(1) *In addition to the certificates, diplomas, and degrees authorized in section 240.301, Florida Statutes, St. Petersburg College may offer selected baccalaureate degrees. Initially, the college may offer programs that lead to a baccalaureate degree in the following fields:*

(a) *Bachelor of Science in Nursing. This program must be designed to articulate with the Associate in Science Degree in nursing. St. Petersburg College shall continue to offer the Associate in Science degree in nursing.*

(b) *Bachelor of Arts and Bachelor of Science in Elementary Education.*

(c) *Bachelor of Arts and Bachelor of Science in Special Education.*

(d) *Bachelor of Arts and Bachelor of Science in Secondary Education.*

(e) *Bachelor of Applied Science in fields selected by the Board of Trustees of St. Petersburg College. The board shall base the selection on an analysis of workforce needs and opportunities in the following counties: Pinellas, Pasco, Hernando, and other counties approved by the Florida Department of Education. For each program selected, St. Petersburg College must offer a related Associate-in-Science or Associate-in-Applied-Science degree program, and the baccalaureate-degree-level program must be designed to articulate fully with at least one Associate-in-Science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related Associate-in-Applied-Science degree programs.*

(2) *St. Petersburg College may offer courses that enable teachers to qualify for certification and recertification as required by law or rule.*

(3) *The college may offer programs to provide opportunities for a person who holds a baccalaureate degree, but is not certified to teach, to obtain any additional courses required for teacher certification.*

(4) *Masters-degree-level programs and doctoral programs may be provided by agreement with a college or university participating in the University Center of St. Petersburg College.*

(5) *For those students living outside Pinellas County, St. Petersburg College shall recruit for the upper-division only those students who have earned an associate degree. In recruiting upper division students in Pasco and Hernando Counties, St. Petersburg College shall work cooperatively with Pasco-Hernando Community College and shall seek to offer courses and programs at Pasco-Hernando Community College when feasible. The nursing programs, in particular, must be conducted cooperatively, and programs at St. Petersburg College shall not conflict with Pasco-Hernando Community College's and the University of South Florida's cooperative nursing program.*

Section 10. *St. Petersburg College; boards.*—

(1) *The Board of Trustees of St. Petersburg Junior College is renamed the Board of Trustees of St. Petersburg College and serves as its governing board. The Governor shall appoint members as provided in section 240.313, Florida Statutes, and the board has the duties and authorities granted in sections 240.315 and 240.319, Florida Statutes, and by rules of the State Board of Education.*

(2) *The Board of Trustees of St. Petersburg College may authorize direct support organizations as authorized in sections 240.299 and 240.331, Florida Statutes.*

(3) *The Board of Trustees of St. Petersburg College may continue to award degrees, diplomas, and certificates as authorized for St. Petersburg Junior College, and in the name of St. Petersburg Junior College, until St. Petersburg College receives its accreditation.*

(4) *A coordinating board shall assist the Board of Trustees in its deliberations concerning issues that affect the upper division of the college. The coordinating board consists of the President of the University of South Florida, the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chairpersons of the boards of trustees of those institutions.*

(5) *Beginning 4 years after the college receives accreditation to offer baccalaureate degrees, the Board of Trustees of St. Petersburg College may determine additional programs to be offered, with the approval of the coordinating board. The determination must consider community needs and economic opportunities.*

(6) *The coordinating board shall meet at the request of the President of the University of South Florida or the President of St. Petersburg College.*

(7) *If the coordinating board cannot decide an issue of importance to the programs designed for upper-division students, the chief educational officer of this state shall resolve the issue.*

Section 11. *St. Petersburg College; employees.—*

(1) *Employment at St. Petersburg College is governed by the same laws that govern community colleges, except that upper-division faculty are eligible for continuing contract upon the completion of the fifth year of teaching.*

(2) *Employee records for all personnel shall be maintained as required by s. 240.337, Florida Statutes.*

Section 12. *St. Petersburg College; facilities.—The St. Petersburg College may request funding from the Public Education Capital Outlay and Debt Service Trust Fund as a community college and as a university. The municipalities of Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Trustees in establishing this institution. The acquisition and donation of lands, buildings, and equipment for the use of St. Petersburg College are authorized as a public purpose. The Board of County Commissioners of Pinellas County and all municipalities in Pinellas County may exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of St. Petersburg College, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.*

Section 13. *St. Petersburg College; state funding.—*

(1) *The Legislature intends to fund St. Petersburg College as a community college for its workforce development education programs and for its lower-division-level college credit courses and programs.*

(2) *The Legislature intends to fund St. Petersburg College as a baccalaureate-degree-level institution for its upper-division-level courses and programs.*

(3) *During the 2001-2002 fiscal year, St. Petersburg College shall estimate the appropriate level of funding for these programs. By March 1, 2002, the college shall complete a cost study and shall submit to the Legislature a proposal for cost accounting and legislative budget requests designed to acknowledge its unique classification. The cost study must indicate actual costs projected for the first 4 years of operation as a baccalaureate-level institution, with the first students expected to enroll in the upper division in fall semester of 2002.*

Section 14. *Nothing contained within this act shall be construed to adversely impact the accreditation of the University of South Florida.*

Section 15. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 986** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB's 128 and 1598—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

—was read the second time by title.

Senator Carlton offered the following amendment which was moved by Senator King and adopted:

Amendment 1 (783332)(with title amendment)—On page 1, line 10, insert:

Section 1. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 2. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 3. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to taxation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 199.185, F.S.; increasing

Senator Horne offered the following amendment which was moved by Senator King and adopted:

Amendment 2 (250420)(with title amendment)—On page 1, between lines 30 and 31, insert:

Section 2. Effective July 1, 2001, paragraph (a) of subsection (4) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(4) **EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.**—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation, ~~minerals~~, or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be

applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

Section 3. Subsection (8) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) *The taxes imposed by this section do not apply to deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, is granted, assigned, transferred, or otherwise conveyed from an electric utility to a regional transmission organization under the jurisdiction of the Federal Energy Regulatory Commission.*

Section 4. Paragraph (g) of subsection (10) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(10) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) "Lease," "let," or "rental" also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. The term "lease," "let," or "rental" does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the ~~Surface Transportation Board United States Interstate Commerce Commission~~, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer, or charges made pursuant to car service agreements. *The terms "lease," "let," "rental," or "license" do not include payments by a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission which are made to an electric utility in connection with the regional transmission organization's use or control of the utility's high-voltage bulk transmission facilities.* However, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 166.231, the term "lease or rental" means only the net amount of rental involved.

Section 5. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)

(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance

Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 6. Effective July 1, 2003, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by section 3 of chapter 2000-345, Laws of Florida, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property;

Pursuant to Rule 4.19, **CS for SB's 128 and 1598** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 904—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to supplemental drug rebates; providing an exemption from the public meetings law for certain portions of meetings of the Medicaid Pharmaceutical and Therapeutics Committee; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 904** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for SB's 1960 and 1760—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association

be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB's 1960 and 1760** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption pro-

ceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 3 (304386)**.

On motion by Senator Campbell, further consideration of **CS for HB 415** with pending **Amendment 3** was deferred.

On motion by Senator Constantine—

SB 432—A bill to be entitled An act relating to growth management; amending s. 163.3244, F.S.; providing for a livable-communities certification program; providing for certification criteria; eliminating state review of certain local comprehensive plan amendments within certified areas; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendments which were moved by Senator Constantine and failed:

Amendment 1 (503650)—On page 3, line 4, after the period (.) insert: *Key natural areas shall include, but not be limited to:*

- a. *Wildlife corridors.*
- b. *Lands with high biological diversity, important areas for threatened and endangered species, migratory bird habitat, and significant intact natural communities.*
- c. *Significant surface waters and springs, aquatic preserves and outstanding Florida waters.*
- d. *Water resources suitable for water resource development.*

Amendment 2 (605160)—On page 4, after line 19, insert:

(4) *The department shall adopt rules defining the eligibility criteria set forth in subsection (3) and outcome measures to evaluate the progress of designated communities in meeting the objectives to the program and the terms of the local government's designation agreement.*

(Redesignate subsequent sections.)

Amendment 3 (411838)—On page 6, delete line 20 and insert: *Commission, and the executive directors of the eleven regional planning councils and the five water*

Amendment 4 (213414)—On page 7, between lines 15 and 16, insert: (9) *The five communities designated as sustainable communities under the sustainable communities project created by chapter 96-416, Laws of Florida, shall be certified by the state land planning agency as livable communities for an initial 5-year period.*

Amendment 5 (801448)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (9) of section 163.3244, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

163.3244 Sustainable communities demonstration project.—

(9) This section shall stand repealed on June 30, 2002 2001, and shall be reviewed by the Legislature prior to that date.

(10) *The Department of Community Affairs shall prepare a final report on the results of the demonstration project, including an evaluation of its successes and failures. The report must specify the methodology used to perform the evaluation and the assumptions upon which the conclusions are based. The Legislative Committee on Intergovernmental Relations shall review the final report and, in coordination with the department, shall assess the merits of the project, determine what can be learned from it, and identify appropriate changes for purposes of implementing a similar program on a statewide basis. It is the intent of the Legislature that the department and the committee develop and recommend a local government certification program for livable communities. Local governments that qualify as livable communities shall have greater autonomy in growth management implementation and administration, including reduced state review of local government comprehensive plans.*

A recommended certification program must include appropriate certification criteria, measurements of livability and sustainability, opportunities for citizen involvement, accountability mechanisms, and state authority to decertify a local government that fails to adhere to the terms of certification. Recommendations shall include proposed legislation that is timely submitted for final action during the 2002 Legislative Session. Such recommendations may also include incentives for enhanced sustainability and livability of local communities.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; requiring the Department of Community Affairs to report on the sustainable communities demonstration project; requiring the Legislative Committee on Intergovernmental Relations to review the report and assess the merits of statewide implementation; providing for recommendations of legislation; providing an effective date.

Senators Constantine and Wasserman Schultz offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 6 (225900)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable Communities Demonstration Project.—

(9) This section is ~~shall stand repealed on June 30, 2002 2001, and shall be reviewed by the Legislature prior to that date.~~

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3244, F.S.; extending the repeal date of the Sustainable Communities Demonstration Project; providing an effective date.

Pursuant to Rule 4.19, **SB 432** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 460—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.;

revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; providing effective dates.

—which was previously considered and amended this day.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 4 (092220)—On page 75, line 14, delete "200" and insert: 150

Pursuant to Rule 4.19, **CS for CS for SB 460** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 874—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential

employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range-program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S., relating to review of agency information resources management needs; eliminating the Technology Review Workgroup; providing for assumption of the duties of the Technology Review Workgroup by the State Technology Office; requiring the reporting of specified information to the Executive Office of the Governor; providing powers and duties of the State Technology Office; amending s. 216.181, F.S., relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original approved operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; transferring, renumbering, and amending s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be an agency head; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending ss. 282.104, 282.105, 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending

s. 282.322, F.S.; eliminating provisions relating to the special monitoring process for designated information resources management projects; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; establishing a pilot project for a statewide eLibrary system; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources that were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; providing an effective date.

—was read the second time by title.

Senator Garcia offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (215204)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) and subsection (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and programs within the Department of Management Services are established:

(b) *State Technology Office Information Technology Program.*

(3) The *State Technology Office Information Technology Program* shall operate and manage the Technology Resource Center.

Section 2. Subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (i) (4), shall be exempted if the position reports to a position in the career service:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) *The Chief Information Officer, deputy chief information officers, chief technology officers, and deputy chief technology officers in the State Technology Office. Unless otherwise fixed by law, the State Technology Office shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.*

(f)(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

(g)(f) Judges, referees, and receivers.

(h)(g) Patients or inmates in state institutions.

(i)(h) All positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

(j)(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(k)(j) The personal secretary to the incumbent of each position exempted in ~~paragraphs~~ paragraph (a), (e), and (j). ~~and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i).~~ Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(l)(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (r) (4), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(m)(4) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; posi-

tions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(n)(m)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(o)(n) The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(p)(o)1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(q)(p) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department

directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(r)(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions except for such positions in the Department of Transportation; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(s)(r) The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(t)(s) The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(u)(t) All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

(v)(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(w) *All managers, supervisors, and confidential employees of the State Technology Office. The State Technology Office shall set the salaries and benefits of these positions in accordance with the rules established for the Selected Exempt Service.*

Section 3. Section 186.022, Florida Statutes, is amended to read:

186.022 Information ~~technology resource~~ strategic plans.—By June 1 of each year, ~~the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall each develop and submit to the State Technology Office an information technology resource strategic plan to the Executive Office of the Governor in a form and manner prescribed in written instructions from prepared by the State Technology Office Executive Office of the Governor in consultation with the Executive Office of the Governor and the legislative appropriations committees. The State Technology Office Executive Office of the Governor shall review each such the strategic plan and may provide comments within 30 days. In its review, the Executive Office of the Governor shall determine consider all comments and findings of the Technology Review Workgroup as to whether each such the plan is consistent with the State Annual Report on Enterprise Resource Planning and Information Resources Management and statewide policies adopted by the State Technology Office, and by July 1 of each year shall develop and transmit to each such board and council a written expression of its findings, conclusions, and required changes, if any, with respect to each such strategic plan recommended by the State Technology Council. If any change to any such strategic plan is revisions are required, each affected board boards and council shall revise its strategic plan to the extent necessary to incorporate such required changes councils have 30 days to incorporate those revisions and shall resubmit its strategic return the plan to the State Technology Office for final approval and acceptance Executive Office of the Governor.~~

Section 4. Subsection (4) of section 216.013, Florida Statutes, is amended to read:

216.013 Long-range program plan.—

(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request. In its review, the Executive Office of the Governor shall consider the findings of the *State Technology Office Technology Review Workgroup* as to the consistency of the information technology portion of long-range program plans with the State Annual Report on *Enterprise Resource Planning and Information Resources Management* and statewide policies adopted recommended by the State Technology Office Council and the state's plan for facility needs pursuant to s. 216.0158. Based on the results of the review, the Executive Office of the Governor may require an agency to revise the plan.

Section 5. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information resources management needs.—

(1) There is created within the Legislature the Technology Review Workgroup. The workgroup and the *State Technology Office* shall independently review and make recommendations with respect to the portion of agencies' long-range program plans which pertains to information resources management needs and with respect to agencies' legislative budget requests for information *technology and related resources management*. The Technology Review Workgroup shall report such recommendations, together with the findings and conclusions on which such recommendations are based, be responsible to the Legislative Budget Commission chairs of the legislative appropriations committees. The *State Technology Office* shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Executive Office of the Governor and to the chairs of the legislative appropriations committees.

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency long-range program plans for consistency with the State Annual Report on *Enterprise Resource Planning and Information Resources Management* and statewide policies recommended by the State Technology Office Council, and make recommendations to the Legislative Budget Commission chairs of the legislative appropriations committees.

(b) To review and make recommendations to the Legislative Budget Commission chairs of the legislative appropriations committees on proposed budget amendments and agency transfers associated with information *technology resources management* initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period, or that are requested by the Legislative Budget Commission to be reviewed.

Section 6. Subsection (5) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(5) An amendment to the original operating budget for an information *technology resources management* project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds \$500,000 in total cost over a 1-year period, except for those projects that are a continuation of hardware or software maintenance or software licensing agreements, or that are for desktop replacement that is similar to the technology currently in use must be reviewed by the Technology Review Workgroup pursuant to s. 216.0466 and approved by the Executive Office of the Governor for the executive branch or by the Chief Justice for the judicial branch, and shall be subject to the notice and review procedures set forth in s. 216.177.

Section 7. Section 216.235, Florida Statutes, is amended to read:

216.235 Innovation Investment Program; intent; definitions; composition and responsibilities of State Innovation Committee; responsibilities of the *Office of Tourism, Trade, and Economic Development Department of Management Services, the Information Resource Commission,*

and the review board; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(1) This section shall be cited as the "Innovation Investment Program Act."

(2) The Legislature finds that each state agency should be encouraged to pursue innovative investment projects which demonstrate a novel, creative, and entrepreneurial approach to conducting the agency's normal business processes; effectuate a significant change in the accomplishment of the agency's activities; address an important problem of public concern; and have the potential of being replicated by other state agencies. The Legislature further finds that investment in innovation can produce longer-term savings and that funds for such investment should be available to assist agencies in investing in innovations that produce a cost savings to the state or improve the quality of services delivered. The Legislature also finds that any eligible savings realized as a result of investment in innovation should be available for future investment in innovation.

(3) For purposes of this section:

(a) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

(b) "Commission" means the Information Resource Commission.

(c) "Committee" means the State Innovation Committee.

(d) "Office" means the *Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor. "Department" means the Department of Management Services.*

(e) "Review board" means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(4) There is hereby created the State Innovation Committee, which shall have final approval authority as to which innovative investment projects submitted under this section shall be funded. Such committee shall be comprised of seven five members. Appointed members shall serve terms of 1 year and may be reappointed. The committee shall include:

(a) The Lieutenant Governor.

(b) The director of the Governor's Office of Planning and Budgeting.

(c) The Chief Information Officer in the State Technology Office.

(d)(e) The Comptroller.

(e)(d) One representative of the private sector appointed by the Commission on Government Accountability to the People.

(f)(e) The director of the *Office of Tourism, Trade, and Economic Development. One representative appointed by Enterprise Florida, Inc.*

(g) The Chair of *IT Florida.com, Inc.*

The Secretary of Management Services shall serve as an alternate in the event a member is unable to attend the committee meeting.

(5) Agencies shall submit proposed innovative investment projects to the *Office of Tourism, Trade, and Economic Development* department by a date established and in the format prescribed by the office department. Such innovative investment project proposals shall include, but not be limited to:

(a) The identification of a specific innovative investment project.

(b) The name of the agency's innovative investment project administrator.

(c) A cost/benefit analysis which is a financial summary of how the innovative investment project will produce a cost savings for the agency or improve the quality of the public services delivered by the agency. The analysis shall include a breakdown of each project cost category, including, but not limited to: the costs associated with hiring of other-personal-

services staff, re-engineering efforts, purchase of equipment, maintenance agreements, training, consulting services, travel, acquisition of information technology resources; any monetary or in-kind contributions made by the agency, another public entity, or the private sector; and available baseline data, performance measures, and outcomes as defined in s. 216.011(1).

(d) The approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the innovative investment project involves information technology resources, the information resource manager.

(6) Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the commission. The ~~office department~~ shall consult with the commission for any project proposal that involves information resource technology. The commission is responsible for evaluating these projects and for advising the committee and review board of the technical feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the commission any information requested by the commission to aid in determining that the proposed technology is appropriate for the project's success.

(7) The ~~office department~~ shall select a review board composed of private and public members. Terms of review board members shall be for 1 year beginning on a date established by the ~~office department~~. Review board members may serve more than one term. The board shall evaluate innovative investment projects and shall make recommendations to the committee as to which innovative projects should be considered for funding.

(8) When evaluating projects, the committee and the review board shall consider whether the innovative investment project meets the following criteria:

- (a) Increases the quality of public services by the agency.
- (b) Reduces costs for the agency.
- (c) Involves a cooperative effort with another public entity or the private sector.
- (d) Reduces the need for hiring additional employees or avoids other operating costs incurred by the agency in the future.
- (9) The committee shall allocate funds based on a competitive evaluation process and award funds to agencies for innovative investment projects demonstrating quantifiable savings to the state, or improved customer service delivery.
- (10) The awarded agency shall monitor and evaluate the projects to determine if the anticipated results were achieved.

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. The ~~office department~~ may transfer funds from the annual appropriation as necessary to administer the program.

Section 8. Paragraph (c) is added to subsection (1) of section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(1)

(c) *Notwithstanding any other provision of this section or the provisions of s. 216.351, for fiscal year 2001-2002, state agencies may transfer positions and appropriations as necessary to comply with any provision of the General Appropriations Act, or any other provision of law, that requires or specifically authorizes the transfer of positions and appropriations in the consolidation of information technology resources to the State Technology Office.*

Section 9. Section 282.005, Florida Statutes, is amended to read:

282.005 Legislative findings and intent.—The Legislature finds that:

(1) Information is a strategic asset of the state, and, as such, it should be managed as a valuable state resource.

(2) The state makes significant investments in information technology resources in order to manage information and to provide services to its citizens.

(3) An office must be created to provide support and guidance to enhance the state's use and management of information technology resources and to design, procure, and deploy, on behalf of the state, information technology resources.

(4) The cost-effective deployment of ~~information technology and information resources~~ by state agencies can best be managed by a Chief Information Officer.

(5) ~~The head of each state agency, in consultation with The State Technology Office, has primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use, and management of information technology resources within the state agency. The State Technology Office shall use the state's information technology in the best interest of the state as a whole and shall contribute to and make use of shared data and related resources whenever appropriate. Each agency head has primary responsibility and accountability for setting agency priorities, identifying business needs, and determining agency services and programs to be developed as provided by law. The State Technology Office, through service level agreements with each agency, shall provide the information technology needed for the agency to accomplish its mission.~~

(6) The expanding need for, use of, and dependence on information technology resources requires focused management attention and managerial accountability by state agencies and the state as a whole.

~~(7) The agency head, in consultation with the State Technology Office, has primary responsibility for the agency's information technology resources and for their use in accomplishing the agency's mission. However, each agency shall also use its information technology resources in the best interests of the state as a whole and thus contribute to and make use of shared data and related resources whenever appropriate.~~

(7)(8) The state, through the State Technology Office, shall provide, by whatever means is most cost-effective and efficient, *the information technology, enterprise resource planning and management, and enterprise resource management infrastructure* the information resources management infrastructure needed to collect, store, and process the state's data and information, provide connectivity, and facilitate the exchange of data and information among both public and private parties.

(8)(9) A necessary part of the state's information ~~technology resources management~~ infrastructure is a statewide communications system for all types of signals, including, *but not limited to*, voice, data, video, radio, *telephone, wireless*, and image.

(9)(10) To ensure the best management of the state's information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information ~~technology resources management~~ are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the Florida Community College System; to the Supreme Court, for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the executive branch of state government.

(10) *The State Technology Office shall take no action affecting the supervision, control, management or coordination of information technology and information technology personnel, that any cabinet officer listed in s. 4 Art. IV of the State Constitution deems necessary for the exercise of his or her statutory or constitutional duties.*

~~(11) Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision or control of the personnel or data processing equipment that the Comptroller deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(d) and (e), Art. IV of the State Constitution.~~

(12) ~~Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision and control of the personnel or data processing equipment which the Attorney General deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(c), Art. IV of the State Constitution.~~

Section 10. Section 282.303, Florida Statutes, is renumbered as section 282.0041, Florida Statutes, and amended to read:

282.0041 ~~282.303~~ Definitions.—For the purposes of *this part ss. 282.303-282.322*, the term:

(1) “Agency” means those entities described in s. 216.011(1)(~~qq~~)(~~mm~~).

(2)(8) “Agency Annual Enterprise Resource Planning and Management Report” means the report prepared by *each Agency* the Chief Information Officer of *each agency* as required by s. 282.3063.

(3)(2) “Agency Chief Information Officer” means the person appointed by the agency head, in consultation with the State Technology Office; to coordinate and manage the information *technology resources management* policies and activities *applicable to within* that agency.

(4)(3) “Agency Chief Information Officers Council” means the council created in s. 282.315 to facilitate the sharing and coordination of information *technology resources management* issues and initiatives among the agencies.

(5)(13) “Enterprise resources management infrastructure” means the hardware, software, networks, data, human resources, policies, standards, and facilities, *maintenance, and related materials and services* that are required to support the business processes of an agency or state enterprise.

(5) ~~“Information technology hardware” means equipment designed for the automated storage, manipulation, and retrieval of data, voice or video, by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including miniprocessors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, word processing systems, equipment and systems for computer networks, personal communication devices, and wireless equipment.~~

(6)(11) “Enterprise resource planning and management” means the planning, budgeting, acquiring, developing, organizing, directing, training, and control, *and related services* associated with government information technology *resources*. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(7) *“Information technology” means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.*

(6) ~~“Information technology services” means all services that include, but are not limited to, feasibility studies, systems design, software development, enterprise resource planning, application service provision, consulting, or time-sharing services.~~

(7) ~~“Data processing software” means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.~~

(8)(10) “Project” means an undertaking directed at the accomplishment of a strategic objective relating to enterprise resources management or a specific appropriated program.

(9) “State Annual Report on Enterprise Resource Planning and Management” means the report prepared by the State Technology Office as defined in s. 282.3093.

(10)(16) “Standards” means the use of current, open, nonproprietary, or non-vendor-specific technologies.

(11)(4) ~~“State Technology Office” or “office” means the office created in s. 282.102 to support and coordinate cost effective deployment of technology and information resources and services across state government.~~

(12)(15) ~~“Total cost” means all costs associated with information technology resources management projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value.~~

(12) ~~“Information technology resources” means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.~~

(14) ~~“Technology Review Workgroup” means the workgroup created in s. 216.0446 to review and make recommendations on agencies’ information resources management planning and budgeting proposals.~~

Section 11. Section 282.102, Florida Statutes, is amended to read:

282.102 ~~Creation of the State Technology Office; powers and duties of the State Technology Office of the Department of Management Services.—There is created a State Technology Office, administratively placed within the Department of Management Services. The office shall be a separate budget entity, and which shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The Chief Information Officer shall be an agency head for all purposes. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the Chief Information Officer. The office may adopt policies and procedures regarding personnel, procurement, and transactions for State Technology Office personnel. The office shall have the following powers, duties, and functions:~~

(1) To publish electronically the portfolio of services available from the office, including pricing information; the policies and procedures of the office governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. ~~The office shall provide a hard copy of its portfolio of services upon request.~~

(2) ~~To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology. To coordinate the purchase, lease, and use of all information technology services for state agencies, including communications services provided as part of any other total system to be used by the state or any of its agencies.~~

(3) ~~To perform, in consultation with an agency, the enterprise resource planning and management for the agency.~~

(4)(3) To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting information technology requirements efficiently and effectively.

(5)(4) To integrate the information technology systems and services of state agencies.

(6)(5) To adopt technical standards for the state information technology system which will assure the interconnection of computer networks and information systems of state agencies.

(7)(6) To assume management responsibility for any integrated information technology system or service when determined by the office to be economically efficient or performance-effective.

(8)(7) To enter into agreements *related to* ~~for the support and use of the information technology with services of~~ state agencies and of political subdivisions of the state.

(9)(8) To use *and* ~~or~~ acquire, with agency concurrence, information technology facilities now owned or operated by any state agency.

~~(9) To standardize policies and procedures for the use of such services.~~

(10) To purchase from or contract with information technology providers for information technology ~~facilities or services~~, including private line services.

(11) To apply for, receive, and hold, ~~and to or~~ assist agencies in applying for, receiving, or holding, such authorizations, *patents, copyrights, trademarks, service marks*, licenses, and allocations or channels and frequencies to carry out the purposes of *this part ss. 282.101-282.109*.

(12) *To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal estate, equipment, and intellectual other property, including, but not limited to, patents, trademarks, copyrights, and service marks.*

(13) To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(14) To delegate, *as necessary*, to state agencies the *authority to purchase, lease, or otherwise acquire and to use powers of acquisition and utilization of information technology equipment, facilities, and services or, as necessary*, to control and approve the purchase, lease, or acquisition and the use of all information technology ~~equipment, services, and facilities~~, including, *but not limited to*, communications services provided as part of any other total system to be used by the state or any of its agencies.

(15) To ~~acquire take~~ ownership, possession, custody, and control of existing communications equipment and facilities, ~~with agency concurrence~~, including all right, title, interest, and equity therein, *as necessary*, to carry out the purposes of *this part ss. 282.101-282.109*. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(16) To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information technology and to administer the provisions of this part.

(17) To provide a means whereby political subdivisions of the state may use ~~the~~ state information technology *systems system* upon such terms and under such conditions as the office may establish.

(18) To apply for and accept federal funds for any of the purposes of *this part ss. 282.101-282.109* as well as gifts and donations from individuals, foundations, and private organizations.

(19) To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(20) Unless delegated to the agencies by the Chief Information Officer, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with ~~the standards and policies of all state agencies~~ and the service level agreements executed with state agencies.

(21) To plan, design, and conduct experiments for information technology services, equipment, and technologies, and to implement enhancements in the state information technology system when in the public interest and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed

2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act ~~for fiscal year 2000-2001~~. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(22) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under office control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The office may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The office and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the office by the wireless provider or telecommunications company. All such fees collected by the office shall be deposited directly into the ~~State Agency Law Enforcement Radio Operating System~~ Trust Fund, and may be used by the office to construct, maintain, or support the system.

(23) To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses.

(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections ~~and of~~ security of private information as well as maintenance of public records.

(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.

(24) To provide administrative support to the Agency Chief Information Officers Council and other workgroups created by the Chief Information Officer.

(25) To facilitate state information technology education and training for senior management and other agency staff.

(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.

(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.

(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.

(29) To facilitate the development of a network access point in this state, as needed.

(30) To designate a State Chief Privacy Officer who shall be responsible for the continual review of policies, laws, rules, and practices of state agencies which may affect the privacy concerns of state residents.

Section 12. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the State Technology Office ~~of the Department of Management Services~~ the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The State Technology Office ~~of the Department of Management Services~~ shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies are required to use the SUNCOM Network for agency communications services as the services become available; however, no agency is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency, the agency shall notify the State Technology Office of the Department of Management Services in writing and detail the requirements for that communications service. If the office is unable to meet an agency's requirements by enhancing SUNCOM Network service, the office ~~may~~ shall grant the agency an exemption from the required use of specified SUNCOM Network services.

Section 13. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the State Technology Office of the Department of Management Services to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the office ~~department~~ may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the office. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 14. Subsection (1) of section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The State Technology Office of the Department of Management Services shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

Section 15. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.—The State Technology Office of the Department of Management Services may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, the State University System, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 16. Subsection (1), paragraphs (f) and (g) of subsection (2), and subsections (3), (4), and (5) of section 282.1095, Florida Statutes, are amended to read:

282.1095 State agency law enforcement radio system.—

(1) The State Technology Office of the Department of Management Services may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel. The Joint Task Force on State Agency Law Enforcement Communications is established in the State Technology Office of the Department of Management Services to advise the office of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the State Technology Office of the Department of Management Services. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)

(f) The State Technology Office of the Department of Management Services is hereby authorized to rent or lease space on any tower under

its control. The office may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the office for each site, when it is determined to be practicable and feasible to make space available. The office may refuse to lease space on any tower at any site. All moneys collected by the office for such rents, leases, and subleases shall be deposited directly into the State Agency Law Enforcement Radio Operating System Trust Fund and may be used by the office to construct, maintain, or support the system.

(g) The State Technology Office of the Department of Management Services is hereby authorized to rent, lease, or sublease ground space on lands acquired by the office for the construction of privately owned or publicly owned towers. The office may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the office to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the State Agency Law Enforcement Radio Operating System Trust Fund.

(3) Upon appropriation, moneys in the trust fund may be used by the office to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the office to provide for payment of the recurring maintenance costs of the system. Moneys in the trust fund may be appropriated to maintain and enhance, over and above existing agency budgets, existing radio equipment systems of the state agencies represented by the task force members, in an amount not to exceed 10 percent per year per agency, of the existing radio equipment inventory until the existing radio equipment can be replaced pursuant to implementation of the statewide radio communications system.

(4)(a) The ~~office joint task force~~ shall establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force, *in consultation with the office*, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5)(a) The State Technology office of the Department of Management Services shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(b) ~~The positions necessary for the office to accomplish its duties under this section shall be established through the budgetary process and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.~~

Section 17. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the State Technology Office of the Department of Management Services with any information the office requests for the purpose of implementing the provisions of subsection (2).

(2) The State Technology Office of the Department of Management Services is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the office shall divide the state into appropriate

regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The office shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The Chief Information Officer of the State Technology Office or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the State Technology Office of the Department of Management Services.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the State Technology Office of the Department of Management Services in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 18. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The State Technology Office of the Department of Management Services shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. “Office” means the State Technology Office of the Department of Management Services.

1.2. “Information-system utility” means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

2.3. “Customer” means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The Technology Resource Center shall:

(a) Serve the office and other customers as an information-system utility.

(b) Cooperate with customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the office to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The office may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

~~(4) Acceptance of any new customer other than a state agency which is expected to pay during the initial 12 months of use more than 5~~

~~percent of the previous year’s revenues of the Technology Resource Center shall be contingent upon approval of the Office of Planning and Budgeting in a manner similar to the budget amendment process in s. 216.181.~~

(4)(5) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any single fiscal year. Any experiment, pilot project, plan, or design must be approved by the Chief Information Officer of the State Technology Office.

(5)(6) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend the funds in the reserve account of the *Technology Enterprise Operating Trust Fund* its working capital trust fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the Chief Information Officer of the State Technology Office. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the Chief Information Officer of the State Technology Office, provided that such approval conforms to any applicable provisions of chapter 216.

Section 19. Section 282.21, Florida Statutes, is amended to read:

282.21 The State Technology Office’s Office of the Department of Management Services’ electronic access services.—The State Technology Office of the Department of Management Services may collect fees for providing remote electronic access pursuant to s. 119.085. The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 20. Subsections (1) and (2) of section 282.22, Florida Statutes, are amended to read:

282.22 The State Technology Office; of the Department of Management Services production, and dissemination, and ownership of materials and products.—

(1) It is the intent of the Legislature that when materials, products, information, and services are *acquired* collected or developed by or under the direction of the State Technology Office of the Department of Management Services, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the office is authorized to publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The office is authorized to charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services, when appropriate, to any entity who is authorized to use the SUNCOM Network pursuant to this part and to the public.

Section 21. Section 282.23, Florida Statutes, is created to read:

282.23 *State Strategic Information Technology Alliance*.—

(1) *The State Technology Office, in consultation with the Department of Management Services, may establish a State Strategic Information Technology Alliance for the acquisition and use of information technology and related material in accordance with competitive procurement provisions of chapter 287.*

(2) *The State Technology Office, in consultation with the Department of Management Services, shall adopt rules implementing policies and procedures applicable to establishing the strategic alliances with pre-qualified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.*

Section 22. Section 282.3041, Florida Statutes, is repealed:

~~282.3041 State agency responsibilities.—The head of each state agency, in consultation with the State Technology Office, is responsible and accountable for enterprise resource planning and management within the agency in accordance with legislative intent and as defined in this part.~~

Section 23. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency Chief Information Officer; appointment; duties.—

(1)(a) To assist the *State Technology Officer* ~~agency head~~ in carrying out the enterprise resource planning and management responsibilities, the *Chief Information Officer* ~~may agency head shall appoint, in consultation with the State Technology Office, or contract for an Agency a Chief Information Officer at a level commensurate with the role and importance of information technology resources in the agency.~~ This position may be full time or part time.

(b) The *Agency Chief Information Officer* must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the *Agency Chief Information Officer* include, but are not limited to:

(a) Coordinating and facilitating agency enterprise resource planning and management projects and initiatives.

(b) Preparing an agency annual report on enterprise resource planning and management pursuant to s. 282.3063.

(c) Developing and implementing agency enterprise resource planning and management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources *in accordance with the office's policies and procedures.*

(d) Advising agency senior management as to the enterprise resource planning and management needs of the agency for inclusion in planning documents required by law.

(e) Assisting in the development and prioritization of the enterprise resource planning and management schedule of the agency's legislative budget request.

Section 24. Subsection (1) of section 282.3063, Florida Statutes, is amended to read:

282.3063 Agency Annual Enterprise Resource Planning and Management Report.—

(1) By September 1 of each year, and for the State University System within 90 days after completion of the expenditure analysis developed pursuant to s. 240.271(4), each *Agency Chief Information Officer* shall prepare and submit to the State Technology Office an Agency Annual Enterprise Resource Planning and Management Report. Following consultation with the State Technology Office and the *Agency Chief Information Officers Council*, the Executive Office of the Governor and the fiscal committees of the Legislature shall jointly develop and issue instructions for the format and contents of the report.

Section 25. Subsections (1) and (2) of section 282.315, Florida Statutes, are amended to read:

282.315 *Agency Chief Information Officers Council*; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide enterprise resource planning and management issues is essential to improving state management of such resources.

(1) There is created an *Agency Chief Information Officers Council* to:

(a) Enhance communication among the *Agency Chief Information Officers of state agencies* by sharing enterprise resource planning and management experiences and exchanging ideas.

(b) Facilitate the sharing of best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies.

(c) Identify efficiency opportunities among state agencies.

(d) Serve as an educational forum for enterprise resource planning and management issues.

(e) Assist the State Technology Office in identifying critical statewide issues and, when appropriate, make recommendations for solving enterprise resource planning and management deficiencies.

(2) Members of the council shall include the *Agency Chief Information Officers of all state agencies*, including the Chief Information Officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one Chief Information Officer selected by the state attorneys and one Chief Information Officer selected by the public defenders. The chairs, or their designees, of the ~~Geographic Information Board~~, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Chief Information Officers Council as voting members.

Section 26. Subsection (2) of section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(2)(a) ~~Each agency head, in consultation with~~ The State Technology Office, *in consultation with each agency head*, is responsible and accountable for assuring an adequate level of security for all data and information technology resources of ~~each the~~ agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of ~~each the~~ agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources of ~~each the~~ agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology resources of ~~each the~~ agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources of ~~each the~~ agency.

5. Ensure that periodic internal audits and evaluations of ~~each the~~ security program for the data and information technology resources of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the *State Technology Office, in consultation with each agency head*, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the State Technology Office ~~of the Department of Management Services~~ develops state contracts for use by state agencies, the ~~office department~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 27. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.

(1) For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project or at least 90 days, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report, which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

(2) *The Enterprise Project Management Office of the State Technology Office shall report any information technology projects the office identifies as high-risk to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees. Within the limits of current appropriations, the Enterprise Project Management Office shall monitor and report on such high-risk information technology projects, and assess the levels of risks associated with proceeding to the next stage of the project.*

Section 28. Paragraph (f) of subsection (2) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(f) The Governor's recommendations for ~~high-risk critical information technology resource management~~ projects which should be subject to special monitoring under s. 282.322. These recommendations shall include proviso language which specifies whether funds are specifically provided to contract for project monitoring, or whether the Auditor General will conduct such project monitoring. When funds are recommended for contracting with a project monitor, such funds may equal 1 percent to 5 percent of the project's estimated total costs. These funds shall be specifically appropriated and nonrecurring.

Section 29. Paragraph (b) of subsection (1) and paragraph (o) of subsection (3) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(1)

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training ~~shall have the same meaning as in s. 282.303(12).~~

(3)

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. As used in this paragraph:

1. "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs ~~has the same meaning as in s. 282.303(7).~~

2. "Sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);

b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

c. Control and direct access authorizations and security measures for automated systems.

Section 30. Paragraph (b) of subsection (1) of section 119.083, Florida Statutes, is amended to read:

119.083 Definitions; copyright of data processing software created by governmental agencies; fees; prohibited contracts.—

(1) As used in this section:

(b) "Data processing software" has the same meaning as in s. 119.07(3)(o) ~~282.303~~.

Section 31. (1) *Each state agency that entered into a memorandum of agreement with the State Technology Office by March 15, 2001, regarding consolidation of information technology resources and staff, shall transfer the positions identified in the memoranda and the associated rate and the amount of approved budget to the State Technology Office on October 1, 2001. The total number of positions transferred to the State Technology Office shall not exceed 1,760 full-time positions. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.*

(2) *Each state agency required to transfer positions pursuant to subsection (1) shall also transfer administrative support personnel and associated rate and the amount of approved budget to the State Technology Office. The number of administrative support positions transferred by each agency shall not exceed 5 percent of the number of positions transferred pursuant to subsection (1). Such transfers shall take effect July 15, 2001. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.*

(3) *The State Technology Office and the individual agencies may request subsequent transfers of full-time positions and associated rate and funds during the fiscal year to meet the levels of service agreed to between the State Technology Office and the agencies. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.*

(4) *The State Technology Office is authorized to charge back to each participating agency an amount equal to the total of all direct and indirect costs of administering the agreement with the agency and the total of all direct and indirect costs of rendering the performances required of the State Technology Office under such agreements.*

(5) *Any resources transferred to the State Technology Office which were dedicated to a federally funded system shall remain allocated to that system until the appropriate federal agency or authority confirms in writing that another plan for supporting the system will not result in federal sanctions.*

(6) *The corresponding amounts necessary to execute subsections (1)-(3) are appropriated to the state agencies for transfer to the State Technology Office. Such amounts and specific funds shall be equivalent to the amount of approved budget reduced from state agencies in subsections (1)-(3), subject to approval by the Legislative Budget Commission.*

Section 32. *Section 282.404, Florida Statutes, is repealed.*

Section 33. Subsection (6) is added to section 11.90, Florida Statutes, to read:

11.90 Legislative Budgeting Commission.—

(6) *The Commission shall review information resources management needs identified in agency long-range program plans for consistency with the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office. The Commission shall also review proposed budget amendments associated with information technology that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over 1-year period.*

Section 34. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management

Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by cabinet officers; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor's recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining "information technology resources" and "data processing software"; amending s. 119.083, F.S.; correcting cross-references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 874** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 876—A bill to be entitled An act relating to state technology resource procurement; amending s. 287.042, F.S.; requiring the State Technology Office to assess technological needs of agencies and to evaluate contracts; amending s. 287.057, F.S.; requiring state agencies to participate in the on-line procurement program; requiring the State Technology Office to determine criteria for exceptions to participation; authorizing the collection of fees for use of the procurement program; authorizing the creation of State Strategic Information Technology Alliances; amending s. 287.0731, F.S.; requiring the Department of Management Services to consult with the State Technology Office in the establishment of a permanent team for contract negotiations; providing an effective date.

—was read the second time by title.

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

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

CS for CS for SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term “airport or aviation development project”; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department’s authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion “lowest responsible bidder” for “lowest competent bidder”; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way

services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 337.408, F.S.; revising provisions regulating benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 338.165, F.S.; revising provisions relating to toll revenues; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term “economically feasible” as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department’s expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.754, F.S.; revising the authority of the Orlando-Orange County Expressway Authority; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term “federal-aid primary highway system”; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disad-

vantaged Trust Fund; amending s. 331.308, F.S.; revising the membership of the board of supervisors of the Spaceport Florida Authority; designating the Lieutenant Governor as the chair and as the state's space policy leader; allowing the Lieutenant Governor to assign proxy voting power; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; providing effective dates.

—which was previously considered this day.

An amendment was considered and adopted to conform **CS for CS for SB 2056** to **CS for CS for HB 1053**.

Pending further consideration of **CS for CS for SB 2056** as amended, on motion by Senator Sebesta, by two-thirds vote **CS for CS for HB 1053** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll

Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are

agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2056** as amended and by two-thirds vote read the second time by title.

Senator Sebesta moved the following amendment:

Amendment 1 (510902)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)(a)1. The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(b)2. The secretary shall be a proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities.

(b)1. ~~The secretary shall employ all personnel of the department. He or she shall implement all laws, rules, policies, and procedures applicable to the operation of the department and may not by his or her actions disregard or act in a manner contrary to any such policy. The secretary shall represent the department in its dealings with other state agencies, local governments, special districts, and the Federal Government. He or she shall have authority to sign and execute all documents and papers necessary to carry out his or her duties and the operations of the department. At each meeting of the Florida Transportation Commission, the~~

~~secretary shall submit a report of major actions taken by him or her as official representative of the department.~~

2. ~~The secretary shall cause the annual department budget request, the Florida Transportation Plan, and the tentative work program to be prepared in accordance with all applicable laws and departmental policies and shall submit the budget, plan, and program to the Florida Transportation Commission. The commission shall perform an in-depth evaluation of the budget, plan, and program for compliance with all applicable laws and departmental policies. If the commission determines that the budget, plan, or program is not in compliance with all applicable laws and departmental policies, it shall report its findings and recommendations regarding such noncompliance to the Legislature and the Governor.~~

(c)3. The secretary shall provide to the Florida Transportation Commission or its staff, such assistance, information, and documents as are requested by the commission or its staff to enable the commission to fulfill its duties and responsibilities.

(d)(e) ~~The secretary shall appoint two three assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are specified in this section and such other duties as are assigned by the secretary. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary. The department has the authority to adopt rules necessary for the delegation of authority beyond the assistant secretaries. The assistant secretaries shall serve at the pleasure of the secretary.~~

(e)(d) Any secretary appointed after July 5, 1989, and the assistant secretaries shall be exempt from the provisions of part III of chapter 110 and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. When the salary of any assistant secretary exceeds the limits established in part III of chapter 110, the Governor shall approve said salary.

(2)(a)1. The Florida Transportation Commission is hereby created and shall consist of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of the state. Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain such experts as are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of such experts.

(c) The commission or a member thereof may not enter into the day-to-day operation of the department and is specifically prohibited from taking part in:

1. The awarding of contracts.
2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.
3. The selection of a route for a specific project.
4. The specific location of a transportation facility.
5. The acquisition of rights-of-way.
6. The employment, promotion, demotion, suspension, transfer, or discharge of any department personnel.
7. The granting, denial, suspension, or revocation of any license or permit issued by the department.

(d)1. The chair of the commission shall be selected by the commission members and shall serve a 1-year term.

2. The commission shall hold a minimum of 4 regular meetings annually, and other meetings may be called by the chair upon giving at least 1 week's notice to all members and the public pursuant to chapter 120. Other meetings may also be held upon the written request of at least four other members of the commission, with at least 1 week's notice of such meeting being given to all members and the public by the chair pursuant to chapter 120. Emergency meetings may be held without notice upon the request of all members of the commission. *At each meeting of the commission, the secretary or his or her designee shall submit a report of major actions taken by him or her as official representative of the department.*

3. A majority of the membership of the commission constitutes a quorum at any meeting of the commission. An action of the commission is not binding unless the action is taken pursuant to an affirmative vote of a majority of the members present, but not fewer than four members of the commission at a meeting held pursuant to subparagraph 2., and the vote is recorded in the minutes of that meeting.

4. The chair shall cause to be made a complete record of the proceedings of the commission, which record shall be open for public inspection.

(e) The meetings of the commission shall be held in the central office of the department in Tallahassee unless the chair determines that special circumstances warrant meeting at another location.

(f) Members of the commission are entitled to per diem and travel expenses pursuant to s. 112.061.

(g) A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his or her appointment and for 2 years after the termination of such appointment.

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

(i) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department, but such budget shall be submitted to the Governor along with the budget of the department.

~~(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts and central office units that implement transportation programs. Major transportation policy initiatives or revisions shall be submitted to the commission for review. The central office monitoring function shall be based on a plan that clearly specifies what areas will be monitored, activities and criteria used to measure compliance, and a feedback process that assures monitoring findings are reported and deficiencies corrected. The secretary is responsible for ensuring that a central office monitoring function is implemented, and that it functions properly. In conjunction with its monitoring function, the central office shall provide such training and administrative support to the districts as the department determines to be necessary to ensure that the department's programs are carried out in the most efficient and effective manner.~~

~~(b) The resources necessary to ensure the efficiency, effectiveness, and quality of performance by the department of its statutory responsibilities shall be allocated to the central office.~~

~~(b)(e) The secretary shall appoint an Assistant Secretary for Transportation Policy and; an Assistant Secretary for Finance and Administration, and an Assistant Secretary for District Operations, each of whom shall serve at the pleasure of the secretary. The positions are responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of these positions include, but are not limited to, the following functional areas:~~

- ~~1. Assistant Secretary for Transportation Policy.—~~
 - ~~a. Development of the Florida Transportation Plan and other policy planning;~~
 - ~~b. Development of statewide modal systems plans, including public transportation systems;~~
 - ~~c. Design of transportation facilities;~~
 - ~~d. Construction of transportation facilities;~~
 - ~~e. Acquisition and management of transportation rights-of-way; and~~
 - ~~f. Administration of motor carrier compliance and safety.~~
- ~~2. Assistant Secretary for District Operations.—~~
 - ~~a. Administration of the eight districts; and~~
 - ~~b. Implementation of the decentralization of the department.~~
- ~~3. Assistant Secretary for Finance and Administration.—~~
 - ~~a. Financial planning and management;~~
 - ~~b. Information systems;~~
 - ~~c. Accounting systems;~~
 - ~~d. Administrative functions; and~~
 - ~~e. Administration of toll operations.~~

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

- a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;
- b. Performing statewide activities which it is more cost effective to perform in a central location;
- e. Assessing and ensuring the accuracy of information within the department's financial management information systems; and
- d. Performing other activities of a statewide nature.

1.2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

- a. The Office of Administration;
- b. The Office of Policy Planning;
- c. The Office of Design;
- d. The Office of Highway Operations;
- e. The Office of Right-of-Way;
- f. The Office of Toll Operations;
- g. The Office of Information Systems; and
- h. The Office of Motor Carrier Compliance;
- i. *The Office of Management and Budget; and*
- j. *The Office of Comptroller.*

2.3. Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

3.4. During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.

(e) The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical aspects of a complete cost accounting system, budget preparation and management, and management information systems. The Assistant Secretary for Finance and Administration must be a proven, effective manager with specialized skills in financial planning and management. The Assistant Secretary for Finance and Administration shall ensure that financial information is processed in a timely, accurate, and complete manner.

(f)1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget is responsible to the Assistant Secretary for Finance and Administration and is exempt from part II of chapter 110.

2. The functions of the Office of Management and Budget include, but are not limited to:

- a. Preparation of the work program;
- b. Preparation of the departmental budget; and
- e. Coordination of related policies and procedures.

3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the work program.

(c)(g) The secretary shall may appoint an inspector general pursuant to s. 20.055 who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110. The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

(i)1. The secretary shall appoint a comptroller who is responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 110.

2.—The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3.—The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

- a.—The several appropriations available for the use of the department;
- b.—The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;
- c.—The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;
- d.—The amount or portion of each such apportionment against general contractual and other liabilities then created;
- e.—The amount expended and still to be expended in connection with each contractual and other obligation of the department;
- f.—The expense and operating costs of the various activities of the department;
- g.—The receipts accruing to the department and the distribution thereof;
- h.—The assets, investments, and liabilities of the department; and
- i.—The cash requirements of the department for a 36-month period.

4.—The comptroller shall maintain a separate account for each fund administered by the department.

5.—The comptroller shall perform such other related duties as designated by the department.

(d)(4) The secretary shall appoint a general counsel who shall be employed full time and shall be directly responsible to the secretary and shall serve at the pleasure of the secretary. The general counsel is responsible for all legal matters of the department. The department may employ as many attorneys as it deems necessary to advise and represent the department in all transportation matters.

(e)(k) The secretary shall appoint a state transportation planner who shall report to the Assistant Secretary for Transportation Policy. The state transportation planner's responsibilities shall include, but are not limited to, policy planning, systems planning, and transportation statistics. This position shall be classified at a level equal to a deputy assistant secretary.

(f)(4) The secretary shall appoint a state highway engineer who shall report to the Assistant Secretary for Transportation Policy. The state

highway engineer's responsibilities shall include, but are not limited to, design, construction, and maintenance of highway facilities; acquisition and management of transportation rights of way; traffic engineering; and materials testing. This position shall be classified at a level equal to a deputy assistant secretary.

(g)(m) The secretary shall appoint a state public transportation administrator who shall report to the Assistant Secretary for Transportation Policy. The state public transportation administrator's responsibilities shall include, but are not limited to, the administration of statewide transit, rail, intermodal development, and aviation programs. This position shall be classified at a level equal to a deputy assistant secretary. The department shall also assign to the public transportation administrator an organizational unit the primary function of which is to administer the high-speed rail program.

(4)(a) The operations of the department shall be organized into seven districts, including a turnpike district, each headed by a district secretary, and a turnpike enterprise, headed by an executive director. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, and Hillsborough, and Leon Counties. The headquarters of the turnpike enterprise shall be located in Orange County. The turnpike district must be relocated to Orange County in the year 2000. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. However, before making a decision to centralize or decentralize department operations or relocate the turnpike district, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

(b) The primary responsibility for the implementation of the department's transportation programs shall be delegated by the secretary to the district secretaries, and sufficient authority shall be vested in each district to ensure adequate control of the resources commensurate with the delegated responsibility. Each district secretary shall also be accountable for ensuring their district's quality of performance and compliance with all laws, rules, policies, and procedures related to the operation of the department.

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 110.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. The offices may include planning, design, construction, right of way, maintenance, and public transportation. The heads of these offices shall be exempt from part II of chapter 110.

(e) The district director for the Fort Myers Urban Office of the Department of Transportation is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office also is responsible for providing policy, direction, local government coordination, and planning for those counties.

(f)1. The responsibility for the turnpike system shall be delegated by the secretary to the executive director of the turnpike enterprise, who shall serve at the pleasure of the secretary. The executive director shall report directly to the secretary, and the turnpike enterprise shall operate pursuant to ss. 338.22-338.241.

2. To facilitate the most efficient and effective management of the turnpike enterprise, including the use of best business practices employed by the private sector, the turnpike enterprise shall be exempt from departmental policies, procedures, and standards, subject to the Secretary having the authority to apply any such policies, procedures, and standards to the turnpike enterprise from time to time as deemed appropriate.

3. To enhance the ability of the turnpike enterprise to use best business practices employed by the private sector, the Secretary shall promulgate rules which exempt the turnpike enterprise from department rules and authorize the turnpike enterprise to employ procurement methods available to the private sector.

(5) Notwithstanding the provisions of s. 110.205, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(i) or positions which are comparable to positions in the Selected Exempt Service under s. 110.205(2)(l).

~~(6) To facilitate the efficient and effective management of the department in a businesslike manner, the department shall develop a system for the submission of monthly management reports to the Florida Transportation Commission and secretary from the district secretaries. The commission and the secretary shall determine which reports are required to fulfill their respective responsibilities under this section. A copy of each such report shall be submitted monthly to the appropriations and transportation committees of the Senate and the House of Representatives. Recommendations made by the Auditor General in his or her audits of the department that relate to management practices, systems, or reports shall be implemented in a timely manner. However, if the department determines that one or more of the recommendations should be altered or should not be implemented, it shall provide a written explanation of such determination to the Legislative Auditing Committee within 6 months after the date the recommendations were published.~~

(6)(7) The department is authorized to contract with local governmental entities and with the private sector if the department first determines that:

- (a) Consultants can do the work at less cost than state employees;
- (b) State employees can do the work at less cost, but sufficient positions have not been approved by the Legislature as requested in the department's most recent legislative budget request;
- (c) The work requires specialized expertise, and it would not be economical for the state to acquire, and then maintain, the expertise after the work is done;
- (d) The workload is at a peak level, and it would not be economical to acquire, and then keep, extra personnel after the workload decreases; or
- (e) The use of such entities is clearly in the public's best interest.

Such contracts shall require compliance with applicable federal and state laws, and clearly specify the product or service to be provided.

Section 2. Paragraphs (i) and (l) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(b)1.(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to

such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(b)2.(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 3. Paragraph (k) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. An amendment proposed by a local government

for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs and sources for a 10-year period. This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells and cones of influence where applicable.
2. Beaches and shores, including estuarine systems.
3. Rivers, bays, lakes, flood plains, and harbors.
4. Wetlands.
5. Minerals and soils.

The land uses identified on such maps shall be consistent with applicable state law and rules.

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities.

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
2. Continued existence of viable populations of all species of wildlife and marine life.
3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoidance of irreversible and irretrievable loss of coastal zone resources.
5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.
6. Proposed management and regulatory techniques.
7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.
8. Protection of human life against the effects of natural disasters.
9. The orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.
10. Preservation, including sensitive adaptive use of historic and archaeological resources.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent

counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which shall be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:

1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.

2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

3. Parking facilities.

4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.

6. The capability to evacuate the coastal population prior to an impending natural disaster.

7. Airports, projected airport and aviation development, and land use compatibility around airports.

8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(k) *An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under section 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plan; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan shall not be a development of regional impact.*

Section 4. Paragraph (c) of subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities designated as part of the Florida Intra-state Highway System needed to serve new development shall be in place or under actual construction no more than 5 years after issuance by the local government of a certificate of occupancy or its functional equivalent. Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.

Section 5. Section 189.441, Florida Statutes, is amended to read:

189.441 Contracts.—Contracts for the construction of projects and for any other purpose of the authority may be awarded by the authority in a manner that will best promote free and open competition, including advertisement for competitive bids; however, if the authority determines that the purposes of this act will be more effectively served thereby, the authority may award or cause to be awarded contracts for the construction of any project, including design-build contracts, or any part thereof, or for any other purpose of the authority upon a negotiated basis as determined by the authority. Each contractor doing business with the authority and required to be licensed by the state or local general-purpose governments must maintain the license during the term of the contract with the authority. The authority may prescribe bid security requirements and other procedures in connection with the award of contracts which protect the public interest. ~~Section 287.055 does not apply to the selection of professional architectural, engineering, landscape architectural, or land surveying services by the authority or to the procurement of design-build contracts.~~ The authority may, and in the case of a new professional sports franchise must, by written contract engage the services of the operator, lessee, sublessee, or purchaser, or prospective operator, lessee, sublessee, or purchaser, of any project in the construction of the project and may, and in the case of a new professional sports franchise must, provide in the contract that the lessee, sublessee, purchaser, or prospective lessee, sublessee, or purchaser, may act as an agent of, or an independent contractor for, the authority for the performance of the functions described therein, subject to the conditions and requirements prescribed in the contract, including functions such as

the acquisition of the site and other real property for the project; the preparation of plans, specifications, financing, and contract documents; the award of construction and other contracts upon a competitive or negotiated basis; the construction of the project, or any part thereof, directly by the lessee, purchaser, or prospective lessee or purchaser; the inspection and supervision of construction; the employment of engineers, architects, builders, and other contractors; and the provision of money to pay the cost thereof pending reimbursement by the authority. Any such contract may, and in the case of a new professional sports franchise must, allow the authority to make advances to or reimburse the lessee, sublessee, or purchaser, or prospective lessee, sublessee, or purchaser for its costs incurred in the performance of those functions, and must set forth the supporting documents required to be submitted to the authority and the reviews, examinations, and audits that are required in connection therewith to assure compliance with the contract.

Section 6. Subsection (6) is added to section 73.092, Florida Statutes, to read:

73.092 Attorney's fees.—

(6) If a defendant does not accept the last written settlement offer by the condemning authority before the final judgment, and the final judgment obtained by the defendant, exclusive of any interest accumulated after the written settlement offer was initially made, is equal to or less than the written settlement offer, then the court shall not award any attorney fees or costs incurred by the defendant after the date the written settlement offer was received. This subsection shall not apply to s. 73.092.

Section 7. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed \$200 ~~\$135~~ million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 8. Paragraph (a) of subsection (1) of section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of more than \$200,000. For electrical work, local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have a cost of more than \$50,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, construction costs include the cost of all labor, except inmate labor, and include the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordi-

nance or special district resolution, procedures for conducting the bidding process.

(a) The provisions of this subsection do not apply:

1. When the project is undertaken to replace, reconstruct, or repair an existing facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:

- a. An immediate danger to the public health or safety;
- b. Other loss to public or private property which requires emergency government action; or
- c. An interruption of an essential governmental service.

2. When, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or responses.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system when such work on the public utility system is performed by personnel of the system.

4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. When the project is undertaken as repair or maintenance of an existing public facility.

6. When the project is undertaken exclusively as part of a public educational program.

7. When the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.

8. When the local government has competitively awarded a project to a private sector contractor and the contractor has abandoned the project before completion or the local government has terminated the contract.

9. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. In deciding whether it is in the public's best interest for local government to perform a project using its own services, employees, and equipment, the governing board may consider the cost of the project, whether the project requires an increase in the number of government employees, an increase in capital expenditures for public facilities, equipment or other capital assets, the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest.

10. When the governing board of the local government determines upon consideration of specific substantive criteria and administrative procedures that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor according to procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted prior to July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid award of any project in an arbitrary or capricious manner. This exception shall apply when all of the following occur:

- a. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-

thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting ordinance.

b. In the event the project is to be awarded by any method other than a competitive selection process, the governing board must find evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, or will materially increase the cost of the project or will create an undue hardship on the public health, safety, or welfare.

c. In the event the project is to be awarded by any method other than a competitive selection process, the published notice must clearly specify the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. In the event the project is to be awarded by a method other than a competitive selection process, the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection; and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. *To projects subject to chapter 336.*

Section 9. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$1 million \$500,000, for study activity when the fee for such professional service does not exceed \$50,000 \$25,000, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause.

Section 10. Paragraphs (a) and (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)5. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. *Seaport security projects identified pursuant to s. 311.12. Seaport security projects are not subject to the matching fund requirements of paragraph (a).*

Section 11. Subsection (1) of Section 315.031, Florida Statutes is amended to read:

315.031 Promoting and advertising port facilities.—

(1) Each unit is authorized and empowered:

(a) To publicize, advertise and promote the activities and port facilities herein authorized;

(b) To make known the advantages, facilities, resources, products, attractions and attributes of the activities and port facilities herein authorized;

(c) To create a favorable climate of opinion concerning the activities and port facilities herein authorized;

(d) To cooperate with other agencies, public and private, in accomplishing these purposes;

(e) To enter into agreements with the purchaser or purchasers of port facilities bonds issued under the provisions of this law to establish a special fund to be set aside from the proceeds of the revenues collected under the provisions of s. 315.03(13), during any fiscal year, for the promotional activities authorized herein.

(f) *To authorize expenditures for promotional activities authorized by this section, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its port facilities.*

~~Nothing herein shall be construed to authorize any unit to expend funds for meals, hospitality, amusement or any other purpose of an entertainment nature.~~

Section 12. Subsection (12) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall *abide by the provisions of s. 287.055* ~~be exempt from this requirement.~~

Section 13. Paragraph (b) of subsection (1) of section 316.302, Florida Statutes, is amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on *October 1, 2000* ~~March 1, 1999~~.

Section 14. Paragraph (a) of subsection (3) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(3)(a) A civil penalty of \$50 may be assessed for a violation of 49 C.F.R. s. 390.21 ~~s. 316.3027~~.

Section 15. Subsection (2) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(2) HEIGHT LIMITATION.—No vehicle may exceed a height of 13 feet 6 inches, inclusive of load carried thereon. However, an automobile transporter may, ~~with a permit from the Department of Transportation,~~ measure a height not to exceed 14 feet, inclusive of the load carried thereon.

Section 16. Subsection (6) of section 316.535, Florida Statutes, is renumbered as subsection (7), present subsection (7) is renumbered as subsection (8) and amended, and a new subsection (6) is added to said section to read:

316.535 Maximum weights.—

(6) *Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use, when operated as a single unit, shall be subject to all safety and operational requirements of law, except that any such vehicle need not conform to the axle spacing requirements of this section provided that such vehicle shall be limited to a total gross load, including the weight of the vehicle, of 20,000 pounds per axle plus scale tolerances and shall not exceed 550 pounds per inch width tire surface plus scale tolerances. No vehicle operating pursuant to this section shall exceed a gross weight, including the weight of the vehicle and scale tolerances, of 70,000 pounds. Any vehicle violating the weight provisions of this section shall be penalized as provided in s. 316.545.*

(7)(6) The Department of Transportation shall adopt rules to implement this section, shall enforce this section and the rules adopted hereunder, and shall publish and distribute tables and other publications as deemed necessary to inform the public.

(8)(7) Except as hereinafter provided, no vehicle or combination of vehicles exceeding the gross weights specified in subsections (3), (4), ~~and~~ (5), *and* (6) shall be permitted to travel on the public highways within the state.

Section 17. Paragraph (a) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) (6) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits.

Section 18. Section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.36, 330.38, 330.39.—

(1) "Aircraft" means *a powered or unpowered machine or device capable of atmosphere flight* ~~any motor vehicle or contrivance now known, or hereafter invented, which is used or designed for navigation of or flight in the air, except a parachute or other such device contrivance designed for such navigation but used primarily as safety equipment.~~

(2) "Airport" means *an any area of land or water, or any manmade object or facility located thereon, which is used for, or intended to be used for, use, for the landing and takeoff of aircraft, including and any appurtenant areas, which are used, or intended for use, for airport buildings, or other airport facilities, or rights-of-way necessary to facilitate such use or intended use, together with all airport buildings and facilities located thereon.*

(3) "Airport hazard" means *any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off.*

(4) "Aviation" means *the science and art of flight and includes, but is not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.*

(3)(5) "Department" means the Department of Transportation.

(4)(6) "Limited airport" means *any an airport, publicly or privately owned, limited exclusively to the specific conditions stated on the site approval order or license.*

(7) "Operation of aircraft" or "operate aircraft" means *the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.*

(8) "Political subdivision" means *any county, municipality, district, port or aviation commission or authority, or similar entity authorized to establish or operate an airport in this state.*

(5)(9) "Private airport" means an airport, publicly or privately owned, which is not open or available for use by the public. A private airport is registered with the department for use of the person or persons registering the facility used primarily by the licensee but may be made which is available to others for use by invitation of the registrant licensee. Services may be provided if authorized by the department.

(6)(10) "Public airport" means an airport, publicly or privately owned, which meets minimum safety and service standards and is open for use by the public as listed in the current United States Government Flight Information Publication, Airport Facility Directory. A public airport is licensed by the department as meeting minimum safety standards.

(7)(11) "Temporary airport" means any an airport, publicly or privately owned, that will be used for a period of less than 30 90 days with no more than 10 operations per day.

(8)(12) "Ultralight aircraft" means any heavier than air, motorized aircraft meeting which meets the criteria for maximum weight, fuel capacity, and airspeed established for such aircraft by the Federal Aviation Regulation Administration under Part 103 of the Federal Aviation Regulations.

Section 19. Section 330.29, Florida Statutes, is amended to read:

330.29 Administration and enforcement; rules; standards for airport sites and airports.—It is the duty of the department to:

- (1) Administer and enforce the provisions of this chapter.
- (2) Establish minimum standards for airport sites and airports under its licensing and registration jurisdiction.
- (3) Establish and maintain a state aviation data system to facilitate licensing and registration of all airports.

(4)(3) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 20. Section 330.30, Florida Statutes, is amended to read:

330.30 Approval of airport sites and licensing of airports; fees.—

(1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of any proposed airport shall, prior to site the acquisition of the site or prior to the construction or establishment of the proposed airport, obtain approval of the airport site from the department. Applications for approval of a site and for an original license shall be jointly made on a form prescribed by the department and shall be accompanied by a site approval fee of \$100. The department, after inspection of the airport site, shall grant the site approval if it is satisfied:

1. That the site is suitable adequate for the airport as proposed airport;
2. That the airport as proposed airport, if constructed or established, will conform to minimum standards of safety and will comply with the applicable local government land development regulation or county or municipal zoning requirements;
3. That all nearby airports, local governments municipalities, and property owners have been notified and any comments submitted by them have been given adequate consideration; and
4. That safe air-traffic patterns can be established worked out for the proposed airport with and for all existing airports and approved airport sites in its vicinity.

(b) Site approval shall be granted for public airports only after a favorable department inspection of the proposed site.

(c) Site approval shall be granted for private airports only after receipt of documentation the department deems necessary to satisfy the conditions in paragraph (a).

(d)(b) Site approval may be granted subject to any reasonable conditions which the department deems may deem necessary to protect the public health, safety, or welfare.

(e) Such Approval shall remain valid in effect for a period of 2 years after the date of issue issuance of the site approval order, unless sooner revoked by the department or unless, prior to the expiration of the 2-year period, a public airport license is issued or private airport registration granted for an airport located on the approved site has been issued pursuant to subsection (2) prior to the expiration date.

(f) The department may extend a site approval may be extended for up to a maximum of 2 years for upon good cause shown by the owner or lessee of the airport site.

(g)(e) The department may revoke a site such approval if it determines:

1. That there has been an abandonment of the site has been abandoned as an airport site;
2. That there has been a failure within a reasonable time to develop the site has not been developed as an airport within a reasonable time period or development does not to comply with the conditions of the site approval;
3. That except as required for in-flight emergencies the operation of aircraft have operated of a nonemergency nature has occurred on the site; or
4. That, because of changed physical or legal conditions or circumstances, the site is no longer usable for the aviation purposes due to physical or legal changes in conditions that were the subject of for which the approval was granted.

(2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of any an airport in this state must have either a public airport obtain a license or private airport registration prior to the operation of aircraft to or from the facility on the airport. An Application for a such license or registration shall be made on a form prescribed by the department and shall be accomplished jointly with an application for site approval. Upon granting site approval; making a favorable final airport inspection report indicating compliance with all license requirements, and receiving the appropriate license fee, the department shall issue a license to the applicant, subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.

1. For a public airport, the department shall issue a license after a final airport inspection finds the facility to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.

2. For a private airport, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

(b) The department is authorized to license a public an airport that does not meet all of the minimum standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

(c) The department may authorize a site to be used as a temporary airport if it finds, after inspection of the site, that the airport will not endanger the public health, safety, or welfare. A temporary airport will not require a license or registration. Such Authorization to use a site for a temporary airport will be valid for shall expire not more later than 30 90 days after issuance and is not renewable.

(d) The license fees for the four categories of airport licenses are:

1. Public airport: \$100.
2. Private airport: \$70.
3. Limited airport: \$50.

4. ~~Temporary airport: \$25.~~

~~Airports owned or operated by the state, a county, or a municipality and emergency helistops operated by licensed hospitals are required to be licensed but are exempt from the payment of site approval fees and annual license fees.~~

~~(d)(e)1. Each public airport license will expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency. If the expiration date for a public airport is adjusted, the appropriate license fee shall be determined by prorating the annual fee based on the length of the adjusted license period.~~

~~2. Registration The license period for private all airports other than public airports will remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. Recertification shall be required each 12 months. A private airport registration that has not been recertified in the 12-month period following the last certification shall expire. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system. be set by the department, but shall not exceed a period of 5 years. In determining the license period for such airports, the department shall consider the number of based aircraft, the airport location relative to adjacent land uses and other airports, and any other factors deemed by the department to be critical to airport operation and safety.~~

~~3. The effective date and expiration date shall be shown on public airport licenses stated on the face of the license. Upon receiving an application for renewal of a public airport license on a form prescribed by the department and, making a favorable inspection report indicating compliance with all applicable requirements and conditions, and receiving the appropriate annual license fee, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.~~

~~4. The department may require a new site approval for any an airport if the license or registration of the airport has expired not been renewed by the expiration date.~~

~~5. If the renewal application for a public airport license has and fees have not been received by the department or no private airport registration recertification has been accomplished within 15 days after the date of expiration of the license, the department may close the airport.~~

~~(e)(f) The department may revoke any airport registration, license, or license renewal thereof, or refuse to allow registration or issue a registration or license renewal, if it determines:~~

~~1. That the site there has been abandoned as an an abandonment of the airport as such;~~

~~2. That the airport does not there has been a failure to comply with the registration, license, license renewal, or site conditions of the license or renewal thereof; or~~

~~3. That, because of changed physical or legal conditions or circumstances, the airport has become either unsafe or unusable for flight operation due to physical or legal changes in conditions that were the subject of approval the aeronautical purposes for which the license or renewal was issued.~~

(3) EXEMPTIONS.—The provisions of this section do not apply to:

(a) An airport owned or operated by the United States.

(b) An ultralight aircraft landing area; ~~except that any public ultralight airport located more than within 5 nautical miles from a of another public airport or military airport, except of any ultralight landing area with more than 10 ultralight aircraft operating from the site is subject to the provisions of this section.~~

(c) A helistop used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract if the purpose of the helicopter operations at the site is to expedite construction.

~~(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority or the Spaceport Florida Authority; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.~~

~~(d)(e) A helistop used by mosquito control or emergency services, not to include areas where permanent facilities are installed, such as hospital landing sites.~~

~~(e)(f) An airport which meets the criteria of s. 330.27(11) used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year. Such proposed airports, which will be located within 3 miles of existing airports or approved airport sites, shall work out safe air-traffic patterns with such existing airports or approved airport sites, by memorandums of understanding, or by letters of agreement between the parties representing the airports or sites.~~

~~(4) EXCEPTIONS.—Private airports with ten or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27(5) in all other respects.~~

Section 21. Subsection (2) of section 330.35, Florida Statutes, is amended to read:

330.35 Airport zoning, approach zone protection.—

(2) Airports licensed for general public use under the provisions of s. 330.30 are eligible for airport zoning approach zone protection, and the procedure shall be the same as is prescribed in chapter 333.

Section 22. Subsection (2) of section 330.36, Florida Statutes, is amended to read:

330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.—

(2) A municipality may prohibit or otherwise regulate, for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state which are located within the limits or jurisdiction of, or bordering on, the municipality upon adoption of zoning requirements in compliance with the provisions of subsection (1).

Section 23. Subsection (4) of section 332.004, Florida Statutes, is amended to read:

332.004 Definitions of terms used in ss. 332.003-332.007.—As used in ss. 332.003-332.007, the term:

(4) “Airport or aviation development project” or “development project” means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.

Section 24. Subsection (4) is added to section 333.06, Florida Statutes, to read:

333.06 Airport zoning requirements.—

(4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENTS.—An airport master plan shall be prepared by each publicly owned and operated airport licensed by the Department of Transportation under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when

either requesting from or submitting to a state or federal governmental agency with funding or approval jurisdiction a "finding of no significant impact," an environmental assessment, a site-selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendments by certified mail to all affected local governments. For the purposes of this subsection, "affected local government" is defined as any city or county having jurisdiction over the airport and any city or county located within 2 miles of the boundaries of the land subject to the airport master plan.

Section 25. Subsection (5) and paragraph (b) of subsection (15) of section 334.044, Florida Statutes, are amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(15) To regulate and prescribe conditions for the transfer of stormwater to the state right-of-way as a result of manmade changes to adjacent properties.

(b) The department is specifically authorized to adopt rules which set forth the purpose; necessary definitions; permit exceptions; permit and assurance requirements; permit application procedures; permit forms; general conditions for a drainage permit; provisions for suspension or revocation of a permit; and provisions for department recovery of fines, penalties, and costs incurred due to permittee actions. In order to avoid duplication and overlap with other units of government, the department shall accept a surface water management permit issued by a water management district, the Department of Environmental Protection, a surface water management permit issued by a delegated local government, or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided issuance is based on requirements equal to or more stringent than those of the department. *The department may enter into a permit delegation agreement with a governmental entity provided issuance is based on requirements that the department determines will ensure the safety and integrity of the Department of Transportation facilities.*

Section 26. Section 334.193, Florida Statutes, is amended to read:

334.193 Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties.—

(1) It is unlawful for a state officer, or an employee or agent of the department, or for any company, corporation, or firm in which a state officer, or an employee or agent of the department has a financial interest, to bid on, enter into, or be personally interested in:

(a) The purchase or the furnishing of any materials or supplies to be used in the work of the state.

(b) A contract for the construction of any state road, the sale of any property, or the performance of any other work for which the department is responsible.

(2) Notwithstanding the provisions of subsection (1):

(a) *The department may consider competitive bids or proposals by employees or employee work groups who have a financial interest in matters referenced in paragraphs (1)(a) and (b) when the subject matter of a request for bids or proposals by the department includes functions performed by the employees or employee work groups of the department before the request for bids or proposals. However, if the employees, employee work groups, or entity in which an employee of the department has an interest is the successful bidder or proposer, such employee or employees must resign from department employment upon executing an agreement to perform the matter bid upon.*

(b) *The department may consider competitive bids or proposals of employees or employee work groups submitted on behalf of the department*

to perform the subject matter of requests for bids or proposals. The department may select such bid or proposal for performance of the work by the department.

The department may update existing rules or adopt new rules pertaining to employee usage of department equipment, facilities, and supplies during business hours for nondepartment activities in order to implement this subsection.

(3) Any person who is convicted of a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall be removed from his or her office or employment.

Section 27. Section 334.30, Florida Statutes, is amended to read:

334.30 ~~Public-private~~ **Private** transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for ~~public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.~~

(1) ~~The department may receive or solicit proposals and, with legislative approval by a separate bill for each facility, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department is authorized to adopt rules to implement this section and shall by rule establish an application fee for the submission of proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before seeking legislative approval, the department must determine that the proposed project:~~

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless there is an overriding state interest. *However, the department may use state resources for a transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system.* ~~and~~

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or cancellation of the agreement by the department.

The department shall ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity.

(2) *The use of funds from the State Transportation Trust Fund is limited to advancing projects already programmed in the adopted 5-year work program or to no more than a statewide total of \$50 million in capital costs for all projects not programmed in the adopted 5-year work program.*

(3) *The department may request proposals for public-private transportation proposals or, if the department receives a proposal, shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks, stating that the department has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected area.*

(4) *The department shall not commit funds in excess of the limitation in subsection (2) without specific project approval by the legislature.*

(5)(2) Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues may be regulated by the department to avoid unreasonable costs to users of the facility.

(6)(3) Each ~~private~~ **private** transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; department rules, policies, procedures, and standards for transportation facilities; and any other conditions which the department determines to be in the public's best interest.

(7)(4) The department may exercise any power possessed by it, including eminent domain, with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. *For public-private facilities located on the State Highway System, the department may pay all or part of the cost of operating and maintaining the facility. For facilities not located on the State Highway System, the department may provide services to the private entity and agreements for maintenance, law enforcement, and other services entered into pursuant to this section shall provide for full reimbursement for services rendered.*

(8)(5) Except as herein provided, the provisions of this section are not intended to amend existing laws by granting additional powers to, or further restricting, local governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(9) *The department shall have the authority to create, or assist in the creation of, tax-exempt, public-purpose chapter 63-20 corporations as provided for under the Internal Revenue Code, for the purpose of shielding the state from possible financing risks for projects under this section. Chapter 63-20 corporations may receive State Transportation Trust Fund grants from the department. The department shall be empowered to enter into public-private partnership agreements with chapter 63-20 corporations for projects under this section.*

(10) *The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to chapter 63-20 corporations that propose projects containing toll facilities. To be eligible, the chapter 63-20 corporation must meet the provisions of s. 338.251 and must also provide credit support, such as a letter of credit or other means acceptable to the department, to ensure the loans will be repaid as required by law.*

(11)(6) Notwithstanding s. 341.327, a fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 28. Section 335.066, Florida Statutes, is created to read:

335.066 Safe Paths to Schools Program.—

(1) *There is hereby established within the Department of Transportation the Safe Paths to Schools Program to consider the planning and construction of bicycle and pedestrian ways to provide safe transportation for children from neighborhoods to schools, parks, and the state's greenways and trails system.*

(2) *As part of the Safe Paths to Schools Program, the department may establish a grant program to fund local, regional, and state bicycle and pedestrian projects that support the program.*

(3) *The department may adopt appropriate rules for the administration of the Safe Paths to Schools Program.*

Section 29. Subsections (3), (4), and (5) of section 335.141, Florida Statutes, are amended to read:

335.141 Regulation of public railroad-highway grade crossings; reduction of hazards.—

(3) ~~The department is authorized to regulate the speed limits of railroad traffic on a municipal, county, regional, or statewide basis. Such speed limits shall be established by order of the department, which order is subject to the provisions of chapter 120. The department shall have the authority to adopt reasonable rules to carry out the provisions of this subsection. Such rules shall, at a minimum, provide for public input prior to the issuance of any such order.~~

(4) ~~Jurisdiction to enforce such orders shall be as provided in s. 316.640, and any penalty for violation thereof shall be imposed upon the railroad company guilty of such violation. Nothing herein shall prevent a local governmental entity from enacting ordinances relating to the blocking of streets by railroad engines and cars.~~

(4)(5) Any local governmental entity or other public or private agency planning a public event, such as a parade or race, that involves the crossing of a railroad track shall notify the railroad as far in advance of the event as possible and in no case less than 72 hours in advance of

the event so that the coordination of the crossing may be arranged by the agency and railroad to assure the safety of the railroad trains and the participants in the event.

Section 30. Section 336.12, Florida Statutes, is amended to read:

336.12 Closing and abandonment of roads; termination of easement; conveyance of fee; optional conveyance for gated communities.—

(1) *Except as otherwise provided in subsection (2), the act of any commissioners in closing or abandoning any such road, or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, shall abrogate the easement theretofore owned, held, claimed or used by or on behalf of the public and the title of fee owners shall be freed and released therefrom; and if the fee of road space has been vested in the county, same will be thereby surrendered and will vest in the abutting fee owners to the extent and in the same manner as in case of termination of an easement for road purposes.*

(2) *The governing body of the county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a homeowners' association for the subdivision, if the following conditions have been met:*

(a) *The homeowners' association has requested the abandonment and conveyance in writing for the purpose of converting the subdivision to a gated neighborhood with restricted public access.*

(b) *No fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the homeowners' association.*

(c) *The homeowners' association is both a corporation not for profit organized and in good standing under chapter 617, and a "homeowners' association" as defined in s. 720.301(7) with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks, and pavement in the subdivision.*

(d) *The homeowners' association has entered into and executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation, maintenance, and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.*

Upon abandonment of the roads and rights-of-way and the conveyance thereof to the homeowners' association, the homeowners' association shall have all the rights, title, and interests in the roads and rights-of-way, including all appurtenant drainage facilities, as were previously vested in the county. Thereafter, the homeowners' association shall hold the roads and rights-of-way in trust for the benefit of the owners of the property in the subdivision, and shall operate, maintain, repair, and, from time to time, replace and reconstruct the roads, street lighting, sidewalks, and drainage facilities as necessary to ensure their use and enjoyment by the property owners, tenants, and residents of the subdivision and their guests and invitees.

Section 31. Subsection (4) is added to section 336.41, Florida Statutes, to read:

336.41 Counties; employing labor and providing road equipment; definitions.—

(4)(a) *For contracts in excess of \$250,000, any county may require that persons interested in performing work under the contract first be certified or qualified to do the work. Any contractor prequalified and considered eligible to bid by the department to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. Any contractor may be considered ineligible to bid by the county if the contractor is behind an approved progress schedule by 10 percent or more on another project for that county at the time of the advertisement of the work. The county may provide an appeal process to overcome such consideration with de novo review based on the record below to the circuit court.*

(b) *The county shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall*

include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the county for objections to the prequalification process with de novo review based on the record below to the circuit court.

(c) The county shall also publish for comment, prior to adoption, the selection criteria and procedures to be used by the county if such procedures would allow selection of other than the lowest responsible bidder. The selection criteria shall include an appeal process within the county with de novo review based on the record below to the circuit court.

Section 32. Subsection (2) of section 336.44, Florida Statutes, is amended to read:

336.44 Counties; contracts for construction of roads; procedure; contractor's bond.—

(2) Such contracts shall be let to the lowest *responsible competent* bidder, after publication of notice for bids containing specifications furnished by the commissioners in a newspaper published in the county where such contract is made, at least once each week for 2 consecutive weeks prior to the making of such contract.

Section 33. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 or s. 337.025 for right-of-way services on transportation corridors and transportation facilities or the department may include right-of-way services as part of design-build contracts awarded pursuant to s. 337.11. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 34. Paragraph (c) of subsection (6) and paragraph (a) of subsection (7) of section 337.11, Florida Statutes, are amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the ~~threshold amount of \$120,000 provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts for construction and maintenance without advertising and receiving competitive bids. ~~However, if legislation is enacted by the Legislature which changes the category thresholds, the threshold amount shall remain at \$60,000.~~ The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a building, a major bridge, an enhancement project, or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. *Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (c) of subsection (3). However, construction activities may not begin on*

any portion of such projects until title to the necessary rights-of-way and easements for the construction of such portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 35. Subsection (4) of section 337.14, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification *that which*, unless thereafter revoked by the department for good cause, will be valid for a period of ~~18~~ *16* months ~~after from~~ the date of the applicant's financial statement or such shorter period as the department *prescribes* ~~may prescribe~~. ~~If in the event~~ the department finds that an application is incomplete or contains inadequate information or information *that which* cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the application shall be denied.

(9)(a) *Notwithstanding any other law to the contrary, for contracts in excess of \$250,000, an authority created pursuant to chapter 348 or chapter 349 may require that persons interested in performing work under contract first be certified or qualified to do the work. Any contractor may be considered ineligible to bid by the governmental entity or authority if the contractor is behind an approved progress schedule for the governmental entity or authority by 10 percent or more at the time of advertisement of the work. Any contractor prequalified and considered eligible by the department to bid to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. The governmental entity or authority may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.*

(b) *With respect to contractors not prequalified with the department, the authority shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the authority for objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.*

(c) *An authority may establish criteria and procedures whereunder contractor selection may occur on a basis other than the lowest responsible bidder. Prior to adoption, the authority shall publish for comment the proposed criteria and procedures. Review of the adopted criteria and procedures shall be to the circuit court, within 30 days after adoption, with de novo review based on the record below.*

Section 36. Subsection (2) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(2) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. No utility shall be installed, located, or relocated unless authorized by a written permit issued by the authority. *However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit.* The permit shall require the permit holder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce provisions of this subsection or any rule or order issued or entered into pursuant thereto.

Section 37. Subsections (1) and (2) of section 339.08, Florida Statutes, are amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall ~~expend by rule provide for the expenditure of the~~ moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget.

(2) ~~These rules must restrict~~ The use of such moneys shall be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To fund the Transportation Outreach Program created in s. 339.137.

(m) To pay other lawful expenditures of the department.

Section 38. Paragraph (c) of subsection (4) and subsection (5) of section 339.12, Florida Statutes, are amended, to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(4)

(c) The department may enter into agreements under this subsection for a project or project phase not included in the adopted work program. As used in this paragraph, the term “project phase” means acquisition of rights-of-way, construction, construction inspection, and related support phases. The project or project phase must be a high priority of the governmental entity. Reimbursement for a project or project phase must be made from funds appropriated by the Legislature pursuant to s. 339.135(5). All other provisions of this subsection apply to agreements entered into under this paragraph. The total amount of project agreements for projects or project phases not included in the adopted work program may not at any time exceed \$150 \$100 million.

(5) The department and the governing body of a governmental entity may enter into an agreement by which the governmental entity agrees to perform a highway project or project phase in the department’s

adopted work program that is not revenue producing or any public transportation project in the adopted work program. By specific provision in the written agreement between the department and the governing body of the governmental entity, the department may agree to *compensate* reimburse the governmental entity the actual cost of ~~for~~ the project or project phase contained in the adopted work program. *Compensation Reimbursement* to the governmental entity for such project or project phases must be made from funds appropriated by the Legislature, and *compensation reimbursement* for the cost of the project or project phase is to begin in the year the project or project phase is scheduled in the work program as of the date of the agreement.

Section 39. Paragraphs (a), (b), (f), and (g) of subsection (4) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike *enterprise district*, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052.

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Intrastate Highway System established pursuant to s. 338.001. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term “new discretionary highway capacity funds” means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year’s adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and the first 3 years of the adopted work

program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans. (f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of Community Affairs at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of Community Affairs shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization. ~~The commission shall consider the list as part of its evaluation of the tentative work program conducted pursuant to s. 20.23.~~

(g) The Florida Transportation Commission shall conduct a statewide public hearing on the tentative work program and shall advertise the time, place, and purpose of the hearing in the Florida Administrative Weekly at least 7 days prior to the hearing. As part of the statewide public hearing, the commission shall, at a minimum:

1. Conduct an in-depth evaluation of the tentative work program as ~~required in s. 20.23~~ for compliance with applicable laws and departmental policies; and

2. Hear all questions, suggestions, or other comments offered by the public.

By no later than 14 days after the regular legislative session begins, the commission shall submit to the Executive Office of the Governor and the legislative appropriations committees a report that evaluates the tentative work program for:

- a. Financial soundness;
- b. Stability;
- c. Production capacity;
- d. Accomplishments, including compliance with program objectives in s. 334.046;
- e. Compliance with approved local government comprehensive plans;
- f. Objections and requests by metropolitan planning organizations;
- g. Policy changes and effects thereof;
- h. Identification of statewide or regional projects; and
- i. Compliance with all other applicable laws.

Section 40. Section 339.137, Florida Statutes, is amended to read:

339.137 Transportation Outreach Program (TOP) supporting economic development; administration; definitions; eligible projects; Transportation Outreach Program (TOP) advisory council created; limitations; funding.—

(1) There is created within the Department of Transportation, a Transportation Outreach Program (TOP) dedicated to funding transportation projects of a high priority based on the ~~prevailing~~ principles of ~~preserving the existing transportation infrastructure~~; enhancing Florida's economic growth and competitiveness *in national and international markets; promoting intermodal transportation linkages for passengers and freight*; and improving travel choices to ensure *efficient and cost-competitive* mobility for Florida citizens, visitors, services, and goods.

(2) For purposes of this section, words and phrases shall have the following meanings:

(a) ~~Preservation.—Protecting the state's transportation infrastructure investment. Preservation includes:~~

~~1.—Ensuring that 80 percent of the pavement on the State Highway System meets department standards;~~

~~2.—Ensuring that 90 percent of department maintained bridges meet department standards; and~~

~~3.—Ensuring that the department achieves 100 percent of acceptable maintenance standards on the State Highway System.~~

(b) Economic growth and competitiveness.—Ensuring that state transportation investments promote economic activities which result in development or retention of income generative industries which increase per capita earned income in the state, and that such investments improve the state's economic competitiveness.

(b)(e) Mobility.—Ensuring a cost-effective, statewide, interconnected transportation system.

(c)(d) The term “regionally significant transportation project of ~~critical concern~~” means a transportation facility improvement project located in one *or more counties* ~~county~~ which provides significant enhancement of economic development opportunities in *that region an adjoining county or counties and which provides improvements to a hurricane evacuation route*.

(3) *Transportation Outreach Program projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.*

(4)(3) *Proposed Eligible projects that meet the minimum eligibility threshold include those for planning, designing, acquiring rights-of-way for, or constructing the following:*

(a) Major highway improvements to:-

1. *The Florida Intrastate Highway System.*
2. *Major roads and feeder roads which provide linkages to the Florida Intrastate Highway System major highways.*
3. *Bridges of statewide or regional significance.*
4. *Trade and economic development corridors.*
5. *Access projects for freight and passengers.*
6. *Hurricane evacuation routes.*

(b) Major public transportation projects:-

1. *Seaport projects which improve cargo and passenger movements or connect the seaports to other modes of transportation.*
2. *Aviation projects which increase passenger enplanements and cargo activity or connect airports to other modes of transportation.*
3. *Transit projects which improve mobility on interstate highways, or which improve regional or localized travel, or connect to other modes of transportation.*
4. *Rail projects that facilitate the movement of passengers and cargo, including ancillary pedestrian facilities, or connect rail facilities to other modes of transportation.*

5. *Spaceport Florida Authority projects which improve space transportation capacity and facilities consistent with the provisions of s. 331.360.*

~~6.—Bicycle and pedestrian facilities that add to or enhance a statewide system of public trails.~~

(c) Highway and bridge projects that facilitate retention and expansion of military installations, or that facilitate reuse and development of any military base designated for closure by the Federal Government.

Each proposed project must be able to document that it promotes economic growth and competitiveness, as defined in paragraph (2)(a).

(5) In addition to the above minimum eligibility requirements, each proposed project must comply with the following eligibility criteria:

(a) The project or project phase selected can be made production-ready within a 5-year period following the end of the current fiscal year.

(b) The project is consistent with a current transportation system plan such as the Florida Intrastate Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.

(c) The project is not inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part, or, if inconsistent, is accompanied by an explanation of why the project should be undertaken.

One or more of the minimum criteria listed in paragraphs (a)-(c) may be waived for a regionally significant transportation project.

~~(4) Transportation Outreach projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.~~

~~(6)(5) The following criteria shall be used Transportation funding under this section shall use the following mechanisms to prioritize the eligible proposed projects:~~

~~(a) The project must promote economic growth and competitiveness. Economic development related transportation projects may compete for funding under the program. Projects funded under this program should provide for increased mobility on the state's transportation system. Projects which have local or private matching funds may be given priority over other projects.~~

~~(b) The project must promote intermodal transportation linkages for passengers and freight. Establishment of a funding allocation under this program reserved to quickly respond to transportation needs of emergent economic competitiveness development projects that may be outside of the routine project selection process. This funding may be used to match local or private contributions for transportation projects which meet the definition of economic competitiveness contained in this section.~~

~~(c) The project must broaden transportation choices for Florida residents, visitors, and commercial interests in order to ensure efficient and cost-competitive mobility of people, services, and goods. Establish innovative financing methods to enable the state to respond in a timely manner to major or emergent economic development related transportation needs that require timely commitments. These innovative financing methods include, but are not limited to, the state infrastructure bank, state bonds for right-of-way acquisition and bridge construction, state bonds for fixed guideway transportation systems, state bonds for federal aid highway construction, funds previously programmed by the department for high-speed rail development, and any other local, state, or federal funds made available to the department.~~

~~(d) Projects that have local, federal, or private matching funds shall be given priority over projects that meet all the other criteria.~~

~~(7) Eligible projects shall also utilize innovative financing methods that enable the state to respond in a timely manner to major or emergent economic development related transportation needs that require timely commitments. These innovative financing methods include, but are not limited to, private investment strategies, use of the state infrastructure bank, state bonds for right-of-way acquisition and bridge construction, state bonds for fixed guideway transportation systems, state bonds for federal aid highway construction, funds previously programmed by the department for high-speed rail development, and any other local, state, or federal funds made available to the department.~~

~~(6) In addition to complying with the prevailing principles provided in subsection (1), to be eligible for funding under the program, projects must also meet the following minimum criteria:~~

~~(a) The project or project phase selected can be made production-ready within a 5-year period following the end of the current fiscal year.~~

~~(b) The project is listed in an outer year of the 5-year work program and can be made production-ready and advanced to an earlier year of the 5-year work program.~~

~~(e) The project is consistent with a current transportation system plan including, but not limited to, the Florida Intrastate Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.~~

~~(d) The project is not inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part or, if inconsistent, is accompanied by an explanation of why the project should be undertaken.~~

~~(e) One or more of the minimum criteria listed in paragraphs (a)-(d) may be waived for a statewide or regionally significant transportation project of critical concern.~~

~~(8)(7) The Transportation Outreach Program (TOP) advisory council is created to annually make recommendations to the Legislature on prioritization and selection of economic growth projects as provided in this section.~~

~~(a) The council shall consist of:~~

~~(a) The following seven members, each representing districts 1 through 7, who will serve for 2-year terms:~~

~~1. Members representing districts 1, 3, 5, and 7, who will be appointed by the Speaker of the House of Representatives; and~~

~~2. Members representing districts 2, 4, and 6, who will be appointed by the President of the Senate.~~

~~The district appointments provided in this paragraph will alternate between the Senate and the House of Representatives.~~

~~(b) Four members, who will be appointed by the Governor and will serve for 4-year terms.~~

~~Each council member will be allowed one vote.~~

~~1. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Speaker of the House of Representatives.~~

~~2. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the President of the Senate.~~

~~3. Three representatives of private or governmental interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Governor.~~

~~(b) Terms for council members shall be 2 years, and each member shall be allowed one vote.~~

~~(c) Initial appointments must be made no later than 60 days after this act takes effect. Vacancies in the council shall be filled in the same manner as the initial appointments.~~

~~(d) The council shall hold its initial meeting no later than 30 days after the members have been appointed in order to organize and select a chair and vice chair from the council membership. Meetings shall be held at the call of the chair, but not less frequently than quarterly.~~

~~(e) The members of the council shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

~~(f) The department shall provide administrative staff support, ensuring that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257. In addition, the department shall provide in its annual budget for travel and per diem expenses for the council.~~

~~(g) The council shall develop a methodology for scoring and ranking project proposals, based on the prioritization criteria in subsection (6). The council may change a project's ranking based on other factors as determined by the council. However, such other factors must be fully documented in writing by the council.~~

~~(h) The council is encouraged to seek input from transportation or economic-development entities and to consider the reports and recom-~~

mendations of task forces, study commissions, or similar entities charged with reviewing issues relevant to the council's mission.

(9)(8) Because transportation investment plays a key role in economic development, the council and the department shall actively participate in state and local economic development programs, including:

(a) Working in partnership with other state and local agencies in business recruitment, expansion, and retention activities to ensure early transportation input into these activities.

(b) Providing expertise and rapid response in analyzing the transportation needs of emergent economic development projects.

(c) ~~Developing~~ ~~The council and department must develop~~ a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefits of the investments.

(d) *Identifying long-term strategic transportation projects that will promote the principles listed in subsection (1).*

(10)(9) The council shall review and prioritize projects submitted for funding under the program ~~with priority given to projects which comply with the prevailing principles provided in subsection (1),~~ and shall recommend to the Legislature a transportation outreach program. The department shall provide technical expertise and support as requested by the council, and shall develop financial plans, cash forecast plans, and program and resource plans necessary to implement this program. These supporting documents shall be submitted with the Transportation Outreach Program.

(11)(a)(10) Projects recommended for funding under the Transportation Outreach Program shall be submitted to the *Florida Transportation Commission at least 30 days before the start of the regular legislative session. The Florida Transportation Commission shall review the projects to determine whether they are in compliance with this section and prepare a report detailing its findings.*

(b) *The council shall submit its list of recommended projects to the Governor and the Legislature as a separate budget request submitted at the same time as section of the department's tentative work program, which is 14 days before the start of the regular session. The Florida Transportation Commission shall submit its written report at the same time to the Governor and the Legislature. Final approval of the Transportation Outreach Program project list shall be made by the Legislature through the General Appropriations Act. Program projects approved by the Legislature must be included in the department's adopted work program.*

(12)(11) For purposes of funding projects under the *Transportation Outreach Program*, the department shall allocate from the State Transportation Trust Fund in its program and resource plan a minimum of \$60 million each year beginning in fiscal year 2001-2002 ~~for a transportation outreach program. This funding is to be reserved for projects to be funded pursuant to this section under the Transportation Outreach Program.~~ This allocation of funds is in addition to any funding provided to this program by any other provision of law.

(13)(12) Notwithstanding any other law to the contrary the requirements of ss. 206.46(3), 206.606(2), 339.135, 339.155, and 339.175 shall not apply to the Transportation Outreach Program.

(14)(13) The department is authorized to adopt rules to implement the Transportation Outreach Program supporting economic development.

Section 41. Subsection (5) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit programs and projects.—

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.—

(a) The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope; except, however, that departmental participation in the final design, right-of-way acquisition, and construction phases of an individual

fixed-guideway project which is not approved for federal funding shall not exceed an amount equal to 12.5 percent of the total cost of each phase.

~~(b) The Department of Transportation shall develop a major capital investment policy which shall include policy criteria and guidelines for the expenditure or commitment of state funds for public transit capital projects. The policy shall include the following:~~

~~1. Methods to be used to determine consistency of a transit project with the approved local government comprehensive plans of the units of local government in which the project is located.~~

~~2. Methods for evaluating the level of local commitment to a transit project, which is to be demonstrated through system planning and the development of a feasible plan to fund operating cost through fares, value capture techniques such as joint development and special districts, or other local funding mechanisms.~~

~~3. Methods for evaluating alternative transit systems including an analysis of technology and alternative methods for providing transit services in the corridor.~~

(b)(e) The department is authorized to fund up to 100 percent of the cost of any eligible transit capital project or commuter assistance project that is statewide in scope or involves more than one county where no other governmental entity or appropriate jurisdiction exists.

(c)(d) The department is authorized to advance up to 80 percent of the capital cost of any eligible project that will assist Florida's transit systems in becoming fiscally self-sufficient. Such advances shall be reimbursed to the department on an appropriate schedule not to exceed 5 years after the date of provision of the advances.

(d)(e) The department is authorized to fund up to 100 percent of the capital and net operating costs of statewide transit service development projects or transit corridor projects. All transit service development projects shall be specifically identified by way of a departmental appropriation request, and transit corridor projects shall be identified as part of the planned improvements on each transportation corridor designated by the department. The project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the required service, and the criteria by which the success of the project will be judged shall be documented by the department for each such transit service development project or transit corridor project.

(e)(f) The department is authorized to fund up to 50 percent of the capital and net operating costs of transit service development projects that are local in scope and that will improve system efficiencies, ridership, or revenues. All such projects shall be identified in the appropriation request of the department through a specific program of projects, as provided for in s. 341.041, that is selectively applied in the following functional areas and is subject to the specified times of duration:

1. Improving system operations, including, but not limited to, realigning route structures, increasing system average speed, decreasing deadhead mileage, expanding area coverage, and improving schedule adherence, for a period of up to 3 years;

2. Improving system maintenance procedures, including, but not limited to, effective preventive maintenance programs, improved mechanics training programs, decreasing service repair calls, decreasing parts inventory requirements, and decreasing equipment downtime, for a period of up to 3 years;

3. Improving marketing and consumer information programs, including, but not limited to, automated information services, organized advertising and promotion programs, and signing of designated stops, for a period of up to 2 years; and

4. Improving technology involved in overall operations, including, but not limited to, transit equipment, fare collection techniques, electronic data processing applications, and bus locators, for a period of up to 2 years.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 42. Subsection (10) of section 341.302, Florida Statutes, is amended to read:

341.302 Rail program, duties and responsibilities of the department.—The department, in conjunction with other governmental units and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under Title 49 C.F.R. part 212, the department shall:

(10) Administer rail operating and construction programs, which programs shall include ~~the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of traffic control devices at public grade crossings, the administering of the programs by the department~~ including participation in the cost of the programs.

Section 43. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. *The qualifications, the terms of office, and the obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).*

Section 44. Section 348.0012, Florida Statutes, is amended to read:

348.0012 Exemptions from applicability.—The Florida Expressway Authority Act does not apply:

(1) To ~~in a county in which~~ an expressway authority *which* has been created pursuant to parts II-IX of this chapter; or

(2) To a transportation authority created pursuant to chapter 349.

Section 45. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by the issuance of revenue bonds by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution. In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds pursuant to s. 11(f), Art. VII of the State Constitution:

(1) Brandon area feeder roads;

(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment; ~~and~~

(3) Lee Roy Selmon Crosstown Expressway System widening; ~~and~~

(4) *The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.*

Section 46. Paragraph (b) of subsection (1) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(1)

(b) It is the express intention of this part that said authority, in the construction of said Orlando-Orange County Expressway System, shall be authorized to *acquire, finance, construct, and equip* any extensions, additions, or improvements to said system, or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access *as the authority shall deem desirable and proper, together with such changes, modifications, or revisions to of said system or appurtenant facilities project as the authority shall deem be deemed* desirable and proper.

Section 47. Section 348.7543, Florida Statutes, is amended to read:

348.7543 Improvements, bond financing authority for.—Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Orlando-Orange County Expressway Authority *the cost of acquiring, constructing, equipping, improving, or refurbishing any expressway system, including improvements to toll collection facilities, interchanges, future extensions and additions, necessary approaches, roads, bridges, and avenues of access to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system, all as deemed desirable and proper by the authority pursuant to s. 348.754(1)(b).* Subject to terms and conditions of applicable revenue bond resolutions and covenants, such ~~costs financing~~ may be *financed* in whole or in part by revenue bonds *issued pursuant to s. 348.755(1)(a) or (b) whether* currently issued, issued in the future, or by a combination of such bonds.

Section 48. Section 348.7544, Florida Statutes, is amended to read:

348.7544 Northwest Beltway Part A, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is hereby authorized to construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. *This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).*

Section 49. Section 348.7545, Florida Statutes, is amended to read:

348.7545 Western Beltway Part C, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is authorized to exercise its condemnation powers, construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. *This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).*

Section 50. Subsection (1) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(1)(a) *Bonds may be issued on behalf of the authority pursuant to the State Bond Act.*

(b) *Alternatively, the authority may issue its own bonds pursuant to the provisions of this part at such times and in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its purposes; however, such bonds shall not pledge the full faith and credit of the state. Bonds issued by the authority pursuant to paragraphs (a) or (b) shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals or other charges or receipts of the authority including the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in such resolution or resolutions.*

(c)(b)—*Said Bonds issued pursuant to paragraphs (a) and (b) shall be sold at public sale in the same manner provided by the State Bond Act. However, if the authority shall, by official action at a public meeting, determine that a negotiated sale of such the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the State Board of Administration with respect to bonds issued pursuant to paragraph (a) or the authority with respect to bonds issued pursuant to paragraph (b). The authority's determination to negotiate the sale of such bonds may be based in part upon the written advice of its financial advisor. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.*

(d) *The authority may issue bonds pursuant to paragraph (b) to refund any bonds previously issued regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.*

Section 51. Section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(1) The powers conferred by this part shall be in addition and supplemental to the existing powers of said board and the department, and this part shall not be construed as repealing any of the provisions, of any other law, general, special or local, but to supersede such other laws in the exercise of the powers provided in this part, and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of said Orlando-Orange County Expressway System, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in said County of Orange, or in said City of Orlando, or in any other political subdivision of the state, shall be required for the issuance of such bonds pursuant to this part.

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to said State Board of Administration, said Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but shall be deemed to and shall supersede such other law or laws as are inconsistent with the provisions of this part, including, but not limited to, s. 215.821.

Section 52. Subsections (1) through (6) and subsection (8) of section 373.4137, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

373.4137 Mitigation requirements.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the Department of Environmental Protection and the water management districts, including the use of mitigation banks established pursuant to this part.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

(a) By May 1 of each year, the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall submit to the Department of Environmental Protection and the water management districts a copy of its adopted work program and an inventory of habitats addressed in the rules tentatively, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 may also include in its inventory the habitat impacts of any future transportation project identified in the tentative work program.

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a survey of threatened species, endangered species, and species of special concern affected by the proposed project.

(3)(a) To fund the mitigation plan for the projected impacts identified in the inventory described in subsection (2), the Department of Transportation shall identify funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by the Department of Transportation for the current fiscal year. The escrow account will be maintained by the Department of Transportation for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the Department of Transportation.

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 that chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account will be maintained by the authority for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the authority.

(c) The Department of Environmental Protection or water management districts may request a transfer of funds from an the escrow account no sooner than 30 days prior to the date the funds are needed to pay for activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority and the Department of Environmental Protection by November 1 of each year with the plan. The conceptual plan preparation costs of each water management district will be paid based on the amount approved on the mitigation plan and allocated to the current fiscal year projects identified by the water management district. The amount transferred to the escrow accounts account each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of \$75,000 multiplied by

the projected acres of impact identified in the inventory described in subsection (2). However, the \$75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions nor is the cost admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. At the end of each year, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer of funds shall be adjusted accordingly to reflect the overtransfer or undertransfer of funds from the preceding year. The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts ~~account~~ to the Department of Environmental Protection and the water management districts to carry out the mitigation programs.

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(a) For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options to the extent practicable.

(b) Specific projects may be excluded from the mitigation plan and shall not be subject to this section upon the agreement of the Department of Transportation, a transportation authority if applicable, the Department of Environmental Protection, and the appropriate water management district that the inclusion of such projects would hamper the efficiency or timeliness of the mitigation planning and permitting process, or the Department of Environmental Protection and the water management district are unable to identify mitigation that would offset the impacts of the project.

(c) Surface water improvement and management or invasive plant control projects undertaken using the \$12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the \$12 million is fully credited up to and including fiscal year 2004-2005. When these projects are used as mitigation, the \$12 million advance shall be reduced by \$75,000 per acre of

impact mitigated. For any fiscal year through and including fiscal year 2004-2005, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the \$12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

(5) The water management district shall be responsible for ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are met for the impacts identified in the inventory described in subsection (2), by implementation of the approved plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 if applicable. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

(6) The mitigation plans plan shall be updated annually to reflect the most current Department of Transportation work program and project list of a transportation authority established pursuant to chapter 348 or chapter 349 if applicable and may be amended throughout the year to anticipate schedule changes or additional projects which may arise. Each update and amendment of the mitigation plan shall be submitted to the secretary of the Department of Environmental Protection for approval. However, such approval shall not be applicable to a deviation as described in subsection (5).

(8) This section shall not be construed to eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the inventory described in subsection (2).

(9) The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapters 348 and 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply with subsection (6) by timely providing the appropriate water management district and the Department of Environmental Protection with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.

Section 53. Paragraphs (b) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended, and paragraphs (i) and (j) are added to subsection (24) of said section, to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.
3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three

additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

~~7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.~~

7.8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

8.9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

9.10. An increase in commercial development by 6 acres of land area or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or a 5-percent increase of any of these, whichever is greater.

10.11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

11.12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

12.13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

13.14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

14.15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

15.16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 9.10., 13.14., excluding residential uses, and 14.15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 8.9., 9.10., 10.11., and 13.14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1.-14.1.-15., but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.

2. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than 40 percent of any numerical criterion contained in subparagraphs (b)1.-14.1.-15. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)15.16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(b)(~~e~~), (c)(~~d~~), (e)(~~f~~), and (f)(~~g~~) and residential use.

(24) STATUTORY EXEMPTIONS.—

(i) Any proposed facility for the storage of any petroleum product is exempt from the provisions of this section, if such facility is consistent with a local comprehensive plan that is in compliance with s. 163.3177 or is consistent with a comprehensive port master plan that is in compliance with s. 163.3178.

(j) Any development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan under section 163.3177(6)(k), and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, is exempt from the provisions of this section.

Section 54. Subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

- a. A new commercial service or general aviation airport with paved runways.
- b. A new commercial service or general aviation paved runway.
- c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

- 1. For single performance facilities:
 - a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

- a. Provides parking spaces for more than 1,000 cars; or
- b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, “serial performance facilities” means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:

- a. Provides parking spaces for more than 1,500 cars; or
- b. Provides more than 6,000 permanent seats for spectators.

(b)(~~e~~) Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities.—Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:

1. Provides parking for more than 2,500 motor vehicles, *excluding those vehicles which may be included in wholesaling facilities’ inventory*; or

2. Occupies a site greater than 320 acres, *or for motor vehicle wholesaling facilities that conduct wholesaling sales activity no more frequently than an average each year of 3 days per week, occupies a site greater than 500 acres.*

(c)(~~d~~) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

- 1. Encompasses 300,000 or more square feet of gross floor area; or
- 2. Has a total site size of 30 or more acres; or

3. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(d)(~~e~~) Port facilities.—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

1.a. The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

c. The wet or dry storage or mooring of fewer than 150 watercraft on or adjacent to an inland freshwater lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water, or

d. The wet or dry storage or mooring of fewer than 50 watercraft of 40 feet in length or less of any type or purpose. The exceptions to this paragraph’s requirements for development-of-regional-impact review shall not apply to any waterport or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. s. 3501.

In addition to the foregoing, for projects for which no environmental resource permit or sovereign submerged land lease is required, the Department of Environmental Protection must determine in writing that a proposed marina in excess of 10 slips or storage spaces or a combination of the two is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or

likely to be, frequented by manatees. If the Department of Environmental Protection fails to issue its determination within 45 days of receipt of a formal written request, it has waived its authority to make such determination. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.

2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraphs 1.a. and b. and subparagraph 2.

(e)(f) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area;
2. Occupies more than 40 acres of land; or
3. Provides parking spaces for more than 2,500 cars.

(f)(g) Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or

2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000, and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(g)(h) Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(h)(i) Multiuse development.—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(i)(j) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county.

(j)(k) Schools.—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, “full-time equivalent student” means enrollment for 15 or more quarter hours during a single academic semester. In area vocational schools or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the Board of Regents pursuant to s. 240.155.

Section 55. Paragraph (a) of subsection (12) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(12) When authorized by a local comprehensive plan, a multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government’s concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

(a) The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)(h)(i) and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, “construction cost” includes all associated costs of the improvement.

Section 56. Subsection (20) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(20) “Spaceport launch facilities” shall be defined as industrial facilities in accordance with s. 380.0651(3)(b)(e) and include any launch pad, launch control center, and fixed launch-support equipment.

Section 57. Section 331.308, Florida Statutes, is amended to read:

331.308 Board of supervisors.—

(1) There is created within the Spaceport Florida Authority a board of supervisors consisting of

(a) *The Lieutenant Governor, serving as the chair;*

(b) ~~Six seven~~ regular members, ~~who shall be~~ appointed by the Governor; ~~and~~

(c) Two ex officio nonvoting members *who are members of the Legislature, one of whom shall be a state senator selected by the President of the Senate and one of whom shall be a state representative selected by the Speaker of the House of Representatives; and*

(d) *The director of the Office of Tourism, Trade, and Economic Development as an ex officio nonvoting member.*

~~Regular members are, all of whom shall be~~ subject to confirmation by the Senate at the next regular session of the Legislature, ~~and~~ each of ~~them the regular board members~~ must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. One regular member shall represent organized labor interests and one regular member shall represent minority interests.

(2) Each *regular* member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting legislative members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

(5) *The Lieutenant Governor is the state's space policy leader. The Lieutenant Governor may designate a regular member to serve as vice-chair and preside over board meetings in the absence of the chair and may assign proxy voting power to the director of the Office of Tourism, Trade, and Economic Development. Initial appointments shall be made no later than 60 days after this act takes effect.*

(6) ~~The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable, The board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chair. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.~~

(7) The Governor ~~may~~ has the authority to remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations ~~that which may~~ arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 58. (1) *Nothing contained in this act abridges or modifies any vested or other right or any duty or obligation pursuant to any development order or agreement which is applicable to a development of regional impact on the effective date of this act. An airport or petroleum storage facility which has received a development-of-regional-impact development order pursuant to s. 380.06, Florida Statutes 2000, but is no longer required to undergo development-of-regional-impact review by operation of this act, shall be governed by the following procedures:*

(a) *The development shall continue to be governed by the development-of-regional-impact development order, and may be completed in reliance upon and pursuant to the development order. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11, Florida Statutes 2000.*

(b) *If requested by the developer or landowner, the development-of-regional-impact development order may be amended or rescinded by the local government consistent with the local comprehensive plan and land development regulations and pursuant to the local government procedures governing local development orders.*

(2) *An airport or petroleum storage facility with an application for development approval pending on the effective date of this act, or a notification of proposed change pending on the effective date of this act, may elect to continue such review pursuant to s. 380.06, Florida Statutes 2000. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, Florida Statutes 2000, the resulting development order shall be governed by the provisions of subsection (1).*

Section 59. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 60. Subsection (13) is added to section 475.011, Florida Statutes, to read:

475.011 Exemptions.—This part does not apply to:

(13) *Any firm that is under contract with a state or local governmental entity to provide right-of-way acquisition services for property subject to condemnation, or any employee of such a firm, if the compensation for such services is not based upon the value of the property acquired. No firm nor any employee of such a firm may engage in the practice of real estate, except those activities pursuant to a contract with a state or local governmental entity and pursuant to the exception provided in this paragraph, without meeting the licensure and qualifications requirements of chapter 475.*

Section 61. Subsection (2) of section 479.15, Florida Statutes, is amended to read:

479.15 Harmony of regulations.—

(2) A municipality, county, local zoning authority, or other local governmental entity may not remove, or cause to be removed, any lawfully erected sign along any portion of the interstate or federal-aid primary highway system without first paying just compensation for such removal. A local governmental entity may not cause in any way the alteration of any lawfully erected sign located along any portion of the interstate or federal-aid primary highway system without payment of just compensation if such alteration constitutes a taking under state law. The municipality, county, local zoning authority, or other local governmental entity promulgating requirements for such alteration must be responsible for payment of just compensation to the sign owner if such alteration constitutes a taking under state law. This subsection applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. *For the purposes of this subsection, the term "federal-aid primary highway system" means the federal-aid primary highway system in existence on June 1, 1991, and any highway which was not on such system but which is, or hereafter becomes, a part of the National Highway System. This subsection shall not be interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.*

Section 62. Section 479.25, Florida Statutes, is created to read:

479.25 *Application of chapter.—Nothing in this chapter shall prevent a governmental entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased at its permitted location if a noise attenuation barrier, visibility screen, or other highway improvement has been erected in such a way as to screen or block visibility of such a sign; provided, however, that for nonconforming signs located on the federal-aid primary highway system, as such system existed on June 1, 1991, and any highway which was not on such system but which is, or hereinafter becomes, a part of the National Highway System, such agreement must be approved by the Federal Highway Administration. Any increase in height permitted under this provision shall only be that which is required to achieve the same degree of visibility from the right-of-way that the sign had prior to the construction of the noise attenuation barrier, visibility screen, or other highway improvement.*

Section 63. Section 70.20, Florida Statutes, is created to read:

70.20 *Balancing of interests.—It is a policy of this state to encourage municipalities, counties, and other governmental entities and sign owners to enter into relocation and reconstruction agreements that allow governmental entities to undertake public projects and accomplish public goals without the expenditure of public funds, while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication.*

(1) *Municipalities, counties, and all other governmental entities are specifically empowered to enter into relocation and reconstruction agreements on whatever terms are agreeable to the sign owner and the municipality, county, or other governmental entity involved and to provide for relocation and reconstruction of signs by agreement, ordinance, or resolution. As used in this section, a "relocation and reconstruction agreement" means a consensual, contractual agreement between a sign owner and municipality, county, or other governmental entity for either the reconstruction of an existing sign or removal of a sign and the construction of a new sign to substitute for the sign removed.*

(2) *Except as otherwise provided in this section, no municipality, county, or other governmental entity may remove, or cause to be removed, any lawfully erected sign along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such removal as determined by agreement between the parties or through eminent domain proceedings. Except as otherwise provided in this section, no municipality, county, or other governmental entity may cause in any way the alteration of any lawfully erected sign located along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such alteration as determined by agreement between the parties or through eminent domain proceedings. The provisions of this act shall not apply to any ordinance, the validity, constitutionality, and enforceability of which the owner has by written agreement waived all right to challenge.*

(3) In the event that a municipality, county, or other governmental entity shall undertake a public project or public goal requiring alteration or removal of any lawfully erected sign, the municipality, county, or other governmental entity shall notify the owner of the affected sign in writing of the public project or goal and of the intention of the municipality, county, or other governmental entity to seek such removal. Within 30 days after receipt of the notice, the owner of the sign and the municipality, county, or other governmental entity shall attempt to meet for purposes of negotiating and executing a relocation and reconstruction agreement provided for in subsection (1).

(4) If the parties fail to enter into a relocation and reconstruction agreement within 120 days after the initial notification by the municipality, county, or other governmental entity, either party may request mandatory nonbinding arbitration to resolve the disagreements among the parties. Each party shall select an arbitrator, and the individuals so selected shall choose a third arbitrator. The three arbitrators shall constitute the panel that shall arbitrate the dispute between the parties and at the conclusion of the proceedings shall present to the parties a proposed relocation and reconstruction agreement that the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. If the municipality, county, or other governmental entity and the sign owner accept the proposed relocation and reconstruction agreement, the municipality, county, or other governmental entity and sign owner shall each pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree.

(5) If the parties do not enter into a relocation and reconstruction agreement, the municipality, county, or other governmental entity may proceed with the public project or purpose and the alteration or removal of the sign only after first paying just compensation for such alteration or removal as determined by agreement between the parties or through eminent domain proceedings.

(6) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be removed or altered as a condition precedent to the issuance or continued effectiveness of a development order constitutes a compelled removal that is prohibited without prior payment of just compensation under subsection (2). This subsection does not apply when the owner of the land on which the sign is located is seeking to have the property redesignated on the future land use map of the applicable comprehensive plan for exclusively single-family residential use.

(7) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be altered or removed from the premises upon which it is located incident to the voluntary acquisition of such property by a municipality, county, or other governmental entity constitutes a compelled removal which is prohibited without payment of just compensation under subsection (2).

(8) Nothing in this section shall prevent a municipality, county, or other governmental entity from acquiring a lawfully erected sign through eminent domain or from prospectively regulating the placement, size, height, or other aspects of new signs within such entity's jurisdiction, including the prohibition of new signs, unless otherwise authorized pursuant to this section. Nothing in this section shall impair any ordinance or provision of any ordinance not inconsistent with this section, nor shall this section create any new rights for any party other than the owner of a sign, the owner of the land upon which it is located, or a municipality, county, or other governmental entity as expressed in this section.

(9) This section applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located.

(10) This section does not apply to any actions taken by the Florida Department of Transportation which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to the Florida Department of Transportation.

(11) Nothing in this act shall impair or affect any written agreement existing prior to the effective date of this act, including, but not limited to, any settlement agreements reliant upon the legality or enforceability of local ordinances. The provisions of this act shall not apply to any signs

that are required to be removed by a date certain in areas designated by local ordinance as view corridors if the local ordinance creating the view corridors was enacted in part to effectuate a consensual agreement between the local government and two or more sign owners prior to the effective date of this act, nor shall the provisions of this act apply to any signs that are the subject of an ordinance providing an amortization period, which period has expired, and which ordinance is the subject of judicial proceedings which were commenced on or before January 1, 2001.

(12) Subsection (6) hereof does not apply when the development order permits construction of a replacement sign that cannot be erected without the removal of the lawfully erected sign being replaced. Effective upon this section becoming a law, the Office of Program Analysis and Governmental Accountability, in consultation with the property appraisers and the private sector affected parties, shall conduct a study of the value of offsite signs in relation to, and in comparison with, the valuation of other commercial properties for ad valorem tax purposes, including a comparison of tax valuations from other states. OPPAGA shall complete the study by December 31, 2001, and shall report the results of the study to the Legislature.

Section 64. Paragraph (b) of subsection (1) of section 496.425, Florida Statutes, is amended to read:

496.425 Solicitation of funds within public transportation facilities.—

(1) As used in this section:

(b) "Facility" means any public transportation facility, including, but not limited to, railroad stations, bus stations, ship ports, ferry terminals, or roadside welcome stations, highway service plazas, airports served by scheduled passenger service, or highway rest stations.

Section 65. Section 496.4256, Florida Statutes, is created to read:

496.4256 Public transportation facilities not required to grant permit or access.—A governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system as defined in chapter 335 may not be required to issue a permit or grant any person access to such public transportation facilities for the purpose of soliciting funds.

Section 66. Section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, street light poles, and waste disposal receptacles within rights-of-way.—

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that such benches or transit shelters are for the comfort or convenience of the general public, or at designated stops on official bus routes; and, provided further, that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed, or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, with or without public bid, of benches and transit shelters together with advertising displayed thereon, within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding, is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

(2) Waste disposal receptacles the interior collection container volume of which is less than 110 gallons in capacity, including advertising displayed on such waste disposal receptacles, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that written authorization has been given to a qualified private supplier of such service by the appropriate

municipal or county government. A municipality or county may authorize the installation, *with or without* public bid, of waste disposal receptacles together with advertising displayed thereon within the right-of-way limits of such roads. Such waste disposal receptacles may not interfere with right-of-way preservation and maintenance.

(3) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. *As of July 1, 2001, the department, municipality, or county may direct the removal of any bench, transit shelter, or waste disposal receptacle, or advertisement thereon, if the department, municipality, or county determines that the bench, transit shelter, or waste disposal receptacle is structurally unsound or in visible disrepair.*

(4) No bench, transit shelter, or waste disposal receptacle, or advertising thereon, shall be erected or so placed on the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, or waste disposal receptacle services or advertising on such benches, shelters, or receptacles may be regulated, restricted, or denied by the appropriate local government entity consistent with the provisions of this section.

(5) *Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste receptacles, as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertising may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns and other matters of public importance. For the purposes of this section, "street light poles" does not include electric transmission or distribution poles. The department shall have authority to establish administrative rules to implement this subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.*

(6)(5) Wherever the provisions of this section are inconsistent with other provisions of this chapter or with the provisions of chapter 125, chapter 335, chapter 336, or chapter 479, the provisions of this section shall prevail.

Section 67. Subsection (10) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)(a) Health care providers or vendors, or any of their employees or agents, that have contractually agreed to act as agents of the Department of Corrections to provide health care services to inmates of the state correctional system shall be considered agents of the State of Florida, Department of Corrections, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contracts shall provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection shall not be construed as designating persons providing contracted health care services to inmates as employees or agents of the state for the purposes of chapter 440.

(c) For purposes of this section, regional poison control centers created in accordance with s. 395.1027 and coordinated and supervised under the Division of Children's Medical Services Prevention and Intervention of the Department of Health, or any of their employees or agents, shall be considered agents of the State of Florida, Department of Health. Any contracts with poison control centers must provide, to the extent permitted by law, for the indemnification of the state by the agency for any liabilities incurred up to the limits set out in this chapter.

(d) *For the purposes of this section, operators of rail services and providers of security for rail services, or any of their employees or agents, that have contractually agreed to act as agents of the Tri-County Commuter Rail Authority to operate rail services or provide security for rail services, shall be considered agents of the State of Florida while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contract shall provide for the indemnification of the state by the agent for any liability incurred up to the limits set out in this chapter.*

Section 68. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative highway projects; department to establish program.—The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than \$120 million in contracts annually for the purposes authorized by this section. *However, the annual cap on contracts provided in this section shall not apply to turnpike enterprise projects nor shall turnpike enterprise projects be counted toward the department's annual cap.*

Section 69. Paragraph (c) of subsection (3) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(3)

(c) No advertisement for bids shall be published and no bid solicitation notice shall be provided until title to all necessary rights-of-way and easements for the construction of the project covered by such advertisement or notice has vested in the state or a local governmental entity, and all railroad crossing and utility agreements have been executed. *The turnpike enterprise is exempt from this paragraph for a turnpike enterprise project. Title to all necessary rights-of-way shall be deemed to have been vested in the State of Florida when such title has been dedicated to the public or acquired by prescription.*

Section 70. Subsection (7) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(7) This section does not apply to the turnpike system as defined under the Florida Turnpike *Enterprise* Law.

Section 71. Section 338.22, Florida Statutes, is amended to read:

338.22 Florida Turnpike *Enterprise* Law; short title.—Sections 338.22-338.241 may be cited as the "Florida Turnpike *Enterprise* Law."

Section 72. Section 338.221, Florida Statutes, is amended to read:

338.221 Definitions of terms used in ss. 338.22-338.241.—As used in ss. 338.22-338.241, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(1) “Bonds” or “revenue bonds” means notes, bonds, refunding bonds or other evidences of indebtedness or obligations, in either temporary or definitive form, issued by the Division of Bond Finance on behalf of the department and authorized under the provisions of ss. 338.22-338.241 and the State Bond Act.

(2) “Cost,” as applied to a turnpike project, includes the cost of acquisition of all land, rights-of-way, property, easements, and interests acquired by the department for turnpike project construction; the cost of such construction; the cost of all machinery and equipment, financing charges, fees, and expenses related to the financing; establishment of reserves to secure bonds; interest prior to and during construction and for such period after completion of construction as shall be determined by the department; the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues; other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any such turnpike project; administrative expenses; and such other expenses as may be necessary or incident to the acquisition or construction of a turnpike project, the financing of such acquisition or construction, and the placing of the turnpike project in operation.

(3) “Feeder road” means any road no more than 5 miles in length, connecting to the turnpike system which the department determines is necessary to create or facilitate access to a turnpike project.

(4) “Owner” includes any person or any governmental entity that has title to, or an interest in, any property, right, easement, or interest authorized to be acquired pursuant to ss. 338.22-338.241.

(5) “Revenues” means all tolls, charges, rentals, gifts, grants, moneys, and other funds coming into the possession, or under the control, of the department by virtue of the provisions hereof, except the proceeds from the sale of bonds issued under ss. 338.22-338.241.

(6) “Turnpike system” means those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike *Enterprise* Law and such other additional turnpike projects as may be acquired or constructed as approved by the Legislature.

(7) “Turnpike improvement” means any betterment necessary or desirable for the operation of the turnpike system, including, but not limited to, widenings, the addition of interchanges to the existing turnpike system, resurfacings, toll plazas, machinery, and equipment.

(8) “Economically feasible” for a proposed turnpike project means that the revenues of the project in combination with those of the existing turnpike system are sufficient to service the debt of the outstanding turnpike bonds to safeguard investors.:

(a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the debt service on the bonds by the end of the 5th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 15th year of operation. In implementing this paragraph, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.

(b) For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

This subsection does not prohibit the pledging of revenues from the entire turnpike system to bonds issued to finance or refinance a turnpike project or group of turnpike projects.

(9) “Turnpike project” means any extension to or expansion of the existing turnpike system and new limited access toll highways and asso-

ciated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike *Enterprise* Law.

(10) “Statement of environmental feasibility” means a statement by the Department of Environmental Protection of the project’s significant environmental impacts.

Section 73. Section 338.2215, Florida Statutes, is created to read:

338.2215 *Florida Turnpike Enterprise; legislative findings, policy, purpose, and intent.*—It is the intent of the Legislature that the turnpike enterprise be provided additional powers and authority in order to maximize the advantages obtainable through fully leveraging the Florida Turnpike System asset. The additional powers and authority will provide the turnpike enterprise with the autonomy and flexibility to enable it to more easily pursue innovations as well as best practices found in the private sector in management, finance, organization, and operations. The additional powers and authority are intended to improve cost-effectiveness and timeliness of project delivery, increase revenues, expand the turnpike system’s capital program capability, and improve the quality of service to its patrons, while continuing to protect the turnpike system’s bondholders and further preserve, expand, and improve the Florida Turnpike System.

Section 74. Section 338.2216, Florida Statutes, is created to read:

338.2216 *Florida Turnpike Enterprise; powers and authority.*—

(1)(a) In addition to the powers granted to the department, the Florida Turnpike Enterprise has full authority to exercise all powers granted to it under this chapter. Powers shall include, but are not limited to, the ability to plan, construct, maintain, repair, and operate the Florida Turnpike System.

(b) It is the express intention of this part that the Florida Turnpike Enterprise be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage the Florida Turnpike System; to expend funds to publicize, advertise, and promote the advantages of using the turnpike system and its facilities; and to cooperate, coordinate, partner, and contract with other entities, public and private, to accomplish these purposes.

(c) The executive director of the turnpike enterprise shall appoint a staff, which shall be exempt from part II of chapter 110. The fiscal functions of the turnpike enterprise, including those arising under chapters 216, 334, and 339, shall be managed by the turnpike enterprise chief financial officer, who shall possess qualifications similar to those of the department comptroller.

(2)(a) The department shall have the authority to employ procurement methods available to the Department of Management Services under chapters 255 and 287 and under any rule adopted under such chapters solely for the benefit of the turnpike enterprise. In order to enhance the effective and efficient operation of the turnpike enterprise, the department may adopt rules for procurement procedures alternative to chapters 255, 287, and 337.

(3)(a) The turnpike enterprise shall be a single budget entity and shall develop a budget pursuant to chapter 216. The turnpike enterprise’s budget shall be submitted to the Legislature along with the department’s budget.

(b) Notwithstanding the provisions of s. 216.301 to the contrary and in accordance with s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated or provided pursuant to this section for the turnpike enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward. Such funds carried forward shall not exceed 5 percent of the total operating budget of the turnpike enterprise. Funds carried forward pursuant to this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds remaining undisbursed on December 31 of each year shall be carried forward.

(4) The powers conferred upon the turnpike enterprise under ss. 338.22-338.241 shall be in addition and supplemental to the existing powers of the department and the turnpike enterprise, and these powers shall not be construed as repealing any provision of any other law, general or local, but shall supersede such other laws that are inconsistent

with the exercise of the powers provided under ss. 338.22-338.241 and provide a complete method for the exercise of such powers granted.

Section 75. Subsection (4) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(4) The department is authorized, with the approval of the Legislature, to use federal and state transportation funds to lend or pay a portion of the operating, maintenance, and capital costs of turnpike projects. ~~Federal and state transportation funds included in an adopted work program, or the General Appropriations Act, for a turnpike project do not have to be reimbursed to the State Transportation Trust Fund, or used in determining the economic feasibility of the proposed project.~~ For operating and maintenance loans, the maximum net loan amount in any fiscal year shall not exceed ~~1.5~~ 0.5 percent of state transportation tax revenues for that fiscal year.

Section 76. Subsection (2) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided by ss. 338.22-338.241 and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. All revenues and bond proceeds from the turnpike system received by the department pursuant to ss. 338.22-338.241, the Florida Turnpike Enterprise Law, shall be used only for the cost of turnpike projects and turnpike improvements and for the administration, operation, maintenance, and financing of the turnpike system. No revenues or bond proceeds from the turnpike system shall be spent for the operation, maintenance, construction, or financing of any project which is not part of the turnpike system.

Section 77. Subsection (2) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.—

(2) The department is authorized to use turnpike revenues, the State Transportation Trust Fund moneys allocated for turnpike projects pursuant to s. 338.001, federal funds, and bond proceeds, and shall use the most cost-efficient combination of such funds, in developing a financial plan for funding turnpike projects. The department must submit a report of the estimated cost for each ongoing turnpike project and for each planned project to the Legislature 14 days before the convening of the regular legislative session. Verification of economic feasibility and statements of environmental feasibility for individual turnpike projects must be based on the entire project as approved. Statements of environmental feasibility are not required for those projects listed in s. 12, chapter 90-136, Laws of Florida, for which the Project Development and Environmental Reports were completed by July 1, 1990. ~~All required environmental permits must be obtained before~~ The department may advertise for bids for contracts for the construction of any turnpike project *prior to obtaining required environmental permits.*

Section 78. Section 338.234, Florida Statutes, is amended to read:

338.234 Granting concessions or selling along the turnpike system.—

(4) The department may *enter into contracts or licenses with any person for the sale of grant concessions or sell services or products or business opportunities on along the turnpike system, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system, which benefit the traveling public or provide additional revenue to the turnpike system.* Services, *business opportunities,* and products authorized to be sold include, but are not limited to, ~~the sale of~~ motor fuel, *vehicle towing, and vehicle maintenance services; the sale of* food with attendant nonalcoholic beverages; *lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state; the sale of* state lottery tickets sold

by authorized retailers; ~~games and amusements that the granting of concessions for amusement devices which operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; the sale of~~ Florida citrus, goods promoting the state, or handmade goods produced within the state; ~~and the granting of concessions for equipment which provides travel information, or tickets, reservations, or other related services; and the granting of concessions which provide banking and other business services.~~ ~~The department may also provide information centers on the plazas for the benefit of the public.~~

(2) ~~The department may provide an opportunity for governmental agencies to hold public events at turnpike plazas which educate the traveling public as to safety, travel, and tourism.~~

Section 79. Subsection (3) of section 338.235, Florida Statutes, is amended to read:

338.235 Contracts with department for provision of services on the turnpike system.—

(3) The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, turnpike property and other turnpike structures, for the placement of wireless facilities by any wireless provider of mobile services as defined in 47 U.S.C. s. 153(n) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider may negotiate the reduction or elimination of a fee in consideration of *goods or services service* provided to the department by the wireless provider. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used to construct, maintain, or support the system.

Section 80. Subsection (2) of section 338.239, Florida Statutes, is amended to read:

338.239 Traffic control on the turnpike system.—

(2) Members of the Florida Highway Patrol are vested with the power, and charged with the duty, to enforce the rules of the department. ~~Approved expenditures~~ Expenses incurred by the Florida Highway Patrol in carrying out its powers and duties under ss. 338.22-338.241 may be treated as a part of the cost of the operation of the turnpike system, and the Department of Highway Safety and Motor Vehicles shall be reimbursed by the ~~turnpike enterprise~~ Department of Transportation for such expenses incurred on the turnpike system ~~mainline, which is that part of the turnpike system extending from the southern terminus in Florida City to the northern terminus in Wildwood including all contiguous sections.~~ *Florida Highway Patrol Troop K shall be headquartered with the turnpike enterprise and shall be the official and preferred law enforcement troop for the turnpike system. The Department of Highway Safety and Motor Vehicles may, upon request of the executive director of the turnpike enterprise and approval of the Legislature, increase the number of authorized positions for Troop K, or the executive director of the turnpike enterprise may contract with the Department of Highway Safety and Motor Vehicles for additional troops to patrol the turnpike system.*

Section 81. Section 338.241, Florida Statutes, is amended to read:

338.241 Cash reserve requirement.—The budget for the turnpike system shall be so planned as to provide for a cash reserve *at the end of each fiscal year* of not less than 5-10 percent of the unpaid balance of all turnpike system contractual obligations, excluding bond obligations, to be paid from revenues.

Section 82. Section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a

county or combination of contiguous counties *and the turnpike enterprise*.

(1) The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, other appropriate project-related professional services, and advanced right-of-way acquisition to expressway authorities, *the turnpike enterprise*, counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(2) No funds shall be advanced pursuant to this section unless the following is documented to the department:

(a) The proposed facility is consistent with the adopted transportation plan of the appropriate metropolitan planning organization and the Florida Transportation Plan.

(b) A proposed 2-year budget detailing the use of the cash advance and a project schedule consistent with the budget.

(3) Prior to receiving any moneys for advance right-of-way acquisition, it shall be shown that such right-of-way will substantially appreciate prior to construction and that savings will result from its advance purchase. Any such request for moneys for advance right-of-way acquisition shall be accompanied by a preliminary engineering study, environmental impact study, traffic and revenue study, and right-of-way maps along with either a negotiated contract for purchase of the right-of-way, such contract to include a clause stating that it is subject to funding by the department or the Legislature, or an appraisal of the subject property for purpose of condemnation proceedings.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity *or the turnpike enterprise of the facility*, repayment shall begin no later than 7 years after the date of the advance, provided repayment shall be completed no later than 12 years after the date of the advance. However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the time period referred to above, a schedule of such repayment shall be submitted to the department.

(5) No amount in excess of \$1.5 million annually shall be advanced to any one governmental entity *or the turnpike enterprise* pursuant to this section without specific appropriation by the Legislature.

(6) Funds may not be advanced for funding final design costs beyond 60 percent completion until an acceptable plan to finance all project costs, including the reimbursement of outstanding trust fund advances, is approved by the department.

(7) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of \$5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. Any advance under this provision shall require specific appropriation by the Legislature.

(8) No expressway authority, county, or other local governmental entity, *or the turnpike enterprise*, shall be eligible to receive any advance under this section if the expressway authority, county, or other local governmental entity *or the turnpike enterprise* has failed to repay any previous advances as required by law or by agreement with the department.

(9) Repayment of funds advanced, including advances made prior to January 1, 1994, shall not include interest. However, interest accruing to local governmental entities *and the turnpike enterprise* from the investment of advances shall be paid to the department.

Section 83. Subsection (1) of section 553.80, Florida Statutes, as amended by section 86 of chapter 2000-141, Laws of Florida, is amended to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(f) (a)-(e), each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce

the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(a) Construction regulations relating to correctional facilities under the jurisdiction of the Department of Corrections and the Department of Juvenile Justice are to be enforced exclusively by those departments.

(b) Construction regulations relating to elevator equipment under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation shall be enforced exclusively by that department.

(c) In addition to the requirements of s. 553.79 and this section, facilities subject to the provisions of chapter 395 and part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and part II of chapter 400 and the certification requirements of the Federal Government.

(d) Building plans approved pursuant to s. 553.77(6) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections.

(e) Construction regulations governing public schools, state universities, and community colleges shall be enforced as provided in subsection (6).

(f) *Construction regulations relating to transportation facilities under the jurisdiction of the turnpike enterprise of the Department of Transportation shall be enforced exclusively by the turnpike enterprise.*

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

Section 84. (1) *This shall be known as the "Dori Slosberg Act of 2001."*

(2) *Notwithstanding the provisions of s. 318.121, Florida Statutes, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$3 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds. The funds shall be used for direct educational expenses and shall not be used for administration.*

Section 85. *Small Aircraft Transportation System; legislative intent.—*

(1) *The Legislature recognizes that the State of Florida has an opportunity to participate with the National Aeronautics and Space Administration, the Federal Aviation Administration, the aircraft industry, and various universities as partners to provide Florida with improved transportation access and mobility for all of its communities, rural and urban alike, by participating in NASA's Small Aircraft Transportation System. The Legislature recognizes that state support can be leveraged with current federal and industry resources to provide an infrastructure that utilizes the state's network of 129 public-use airports and provides a transportation system capable of competing with the automobile in both convenience and affordability.*

(2) *The Legislature hereby expresses its commitment, through participation in the Small Aircraft Transportation System, to:*

(a) *Improve travel choices, mobility, and accessibility for the citizens of the state.*

(b) *Enhance economic growth and competitiveness for the rural and remote communities of the state through improved transportation choices.*

(c) *Maintain the state's leadership and proactive role in aviation and aerospace through active involvement in advancing aviation technology infrastructure and capabilities.*

(d) *Take advantage of federal programs that can bring investments in technology, research, and infrastructure capable of enhancing competitiveness and opportunities for industry and workforce development.*

(e) *Participate in opportunities that can place the state's industries and communities in a first-to-market advantage when developing, implementing, and proving new technologies which have the potential to satisfy requirements for the public good.*

(f) *Participate as partners with the National Aeronautics and Space Administration, the Federal Aviation Administration, the aircraft industry, local governments, and those universities which comprise the Southeast SATSLab Consortium to implement a Small Aircraft Transportation System infrastructure as a statewide network of airports to support the commitments described in paragraphs (a)-(e).*

Section 86. (1) *That portion of I-275 which begins at the Pinellas County end of the Howard Franklin Bridge and, proceeding south, ends at the beginning of the Sunshine Skyway Bridge is designated as the "St. Petersburg Parkway."*

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

Section 87. *George Crady Bridge designation; markers.—*

(1) *The old Nassau Sound Bridge (bridge number 750055) on State Road 105 in Nassau and Duval Counties is hereby redesignated as the "George Crady Bridge."*

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

Section 88. *Doyle Parker Memorial Highway designation; markers.—*

(1) *U.S. Highway 17 from Wauchula to Bowling Green is hereby designated as the "Doyle Parker Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Doyle Parker Memorial Highway" as described in subsection (1).*

Section 89. *Lynn Haven Parkway designation; markers.—*

(1) *That portion of State Road 77 between Baldwin Road and Mowat School Road in the City of Lynn Haven, Bay County, is hereby designated as the "Lynn Haven Parkway."*

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

Section 90. *Bennett C. Russell Florida/Alabama Parkway designation; markers.—*

(1) *State Road 87 from the Florida/Alabama border to U.S. Highway 98 in Santa Rosa County is hereby designated as the "Bennett C. Russell Florida/Alabama Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Bennett C. Russell Florida/Alabama Parkway" as described in subsection (1).*

Section 91. *Mamie Langdale Memorial Bridge designation; markers.—*

(1) *The new U.S. Highway 27 bridge in the City of Moore Haven in Glades County is hereby designated as the "Mamie Langdale Memorial Bridge."*

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

Section 92. *Martin Luther King, Jr., Memorial Highway designation; markers.—*

(1) *That portion of Highway 41 located in White Springs is hereby designated as the "Martin Luther King, Jr., Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Martin Luther King, Jr., Memorial Highway" as described in subsection (1).*

Section 93. *Purple Heart Highway designation; markers.—*

(1) *Interstate 75 from the Georgia state line to the city limits of Ocala is hereby designated as the "Purple Heart Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Purple Heart Highway" as described in subsection (1).*

Section 94. *Jean-Jacques Dessalines Boulevard designation; markers.—*

(1) *State Road 944 on N.W. 54th Street in Miami-Dade County, from the west boundary of State House District 108 approaching U.S. 1, is hereby designated as "Jean-Jacques Dessalines Boulevard."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Jean-Jacques Dessalines Boulevard" as described in subsection (1).*

Section 95. *Florida Highway Patrol Memorial Highway designation; markers.—*

(1) *I-75 from Tampa to the Georgia State Line is hereby designated as the "Florida Highway Patrol Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Florida Highway Patrol Memorial Highway" as described in subsection (1).*

Section 96. *Jerome A. Williams Memorial Highway designation; markers.—*

(1) *That portion of U.S. Highway 17 from Crescent City south to the Putnam/Volusia County boundary is hereby designated as the "Jerome A. Williams Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Jerome A. Williams Memorial Highway" as described in subsection (1).*

Section 97. *Borinquen Boulevard designation; markers.—*

(1) *That portion of North 36th Street (State Road 25) from Biscayne Boulevard to N.W. 7th Avenue is hereby designated "Borinquen Boulevard" in honor of Miami-Dade County's Puerto Rican community.*

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

Section 98. *Korean War Veterans Memorial Highway designation; markers.—*

(1) *Highway 417 in Seminole County is hereby designated as the "Korean War Veterans Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Korean War Veterans Memorial Highway" as described in subsection (1).*

Section 99. *Veterans Memorial Highway designation; markers.—*

(1) *That portion of State Road 100, beginning at Highway A1A in Flagler County and continuing east to U.S. 1 in Bunnell, is hereby designated as the "Veterans Memorial Highway."*

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

Section 100. *Toni Jennings Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Semoran Boulevard in the City of Orlando in Orange County beginning at the Bee Line Expressway (State Road 528) on the South to Curry Ford Road on the North is hereby designated as “Toni Jennings Boulevard.”*

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

Section 101. *Ed Fraser Memorial Highway designation; markers.—*

(1) *State Road 121, from the Georgia-Florida line in Baker County to the city limits of Lake Butler in Union County is hereby designated as the Ed Fraser Memorial Highway.*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating the Ed Fraser Memorial Highway as described in subsection (1).*

Section 102. *Correctional Officers Memorial Highway designated; markers.—*

(1) *That portion of State Road 16 from the northwestern Starke city limits in Bradford County to State Road 121 in Union County is hereby designated as the “Correctional Officers Memorial Highway.”*

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

Section 103. *“Steven Cranman Boulevard” and “Ethel Beckford Boulevard” designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. 1, between S.W. 136th Street and S.W. 186th Street in Miami-Dade County is hereby designated as Steven Cranman Boulevard. The Department of Transportation is directed to erect suitable markers designating Steven Cranman Boulevard as described in this subsection.*

(2) *That portion of S.W. 186th Street between U.S. 1 and S.W. 107th Avenue in Miami-Dade County is hereby designated as Ethel Beckford Boulevard. The Department of Transportation is directed to erect suitable markers designating Ethel Beckford Boulevard as described in this subsection.*

Section 104. *“Phicol Williams Boulevard” designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of State Road 5 (U.S. 1) between S.W. 312th Street and S.W. 328th Street in Miami-Dade County is hereby designated as Phicol Williams Boulevard.*

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

Section 105. (1) *The portion of New Kings Road (S.R. 15) in Duval County between Moncrief Road and Redpoll Avenue is hereby designated as “Johnnie Mae Chappell Memorial Highway.”*

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

Section 106. *Section 316.3027 and subsection (3) of section 316.610, Florida Statutes, are repealed.*

Section 107. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Transportation Department; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on

major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation’s decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3177(6); providing for incorporation of an airport master plan into the local government comprehensive plan and providing requirements with respect thereto; providing that development that is consistent with an approved plan is not a development of regional impact; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 73.092, F.S., specifying the award of attorney’s fees and costs in eminent domain proceedings; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 311.07, F.S.; providing an exemption from matching funds for seaport security projects; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department’s rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department’s site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s. 332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners’ associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term “competent” with “responsible bidder”; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department

of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.;

requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

Senator Rossin moved the following amendment to **Amendment 1** which failed:

Amendment 1A (975698)(with title amendment)—On page 133, between lines 30 and 31, insert:

(13) *This section does not apply to a county or municipality that has adopted an ordinance or resolution on or before June 1, 2001, which imposes an amortization period, alteration requirement, or other sign regulation.*

And the title is amended as follows:

On page 169, line 14, after "conditions," insert: providing an exemption for certain counties and municipalities that adopt certain sign regulations by a specified date;

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1B (244042)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. (1) *The Legislature recognizes that municipalities, counties, and other governmental entities are empowered to alter or remove signs along roadways for a public purpose and with just compensation, and that such compensation includes amortization or monetary compensation. Further, the Legislature recognizes compensation by amortization may burden, restrict, or limit private property rights. The Legislature therefore determines that there is an important state interest in balancing private property owners' rights and the responsibility of municipalities, counties, and other governmental entities to enhance the safety and aesthetics of their communities.*

(2) *The Sign Valuation Task Force is created and shall be staffed by the Department of Transportation. The task force is charged with developing formulas for providing just compensation through monetary compensation or amortization periods. The task force shall consider whether amortization periods should include a premium in recognition of a potential burden upon private property owners' rights due to the private property owners being compelled by amortization to earn their own compensation.*

(a) *The task force shall be composed of five members. The President of the Senate and the Speaker of the House of Representatives shall each appoint two members. The remaining member shall be appointed by the Secretary of Transportation and shall be an appraiser who is a member of the Appraisal Institute. The task force members shall select a chair of the task force. All appointments must be made by July 15, 2001. Three members of the task force shall constitute a quorum, and the vote of three members shall be necessary for any action taken by the task force. The task force may meet upon the constitution of a quorum.*

(b) *Upon the appointment of the members, the task force shall schedule an organizational meeting to be held no later than August 1, 2001. Thereafter, the task force shall meet at least three times, preferably at various locations throughout the state. The task force may meet by teleconference.*

(c) Members of the task force from the private sector are not entitled to per diem or reimbursement for travel expenses; however, members of the task force from the public sector are entitled to reimbursement, if any, from their respective agencies. Members of the task force may request staff assistance from the Department of Transportation as necessary.

(d) The task force shall conduct an in-depth review of sign valuation methods and methods of providing compensation. In its review, the task force shall analyze existing laws of this state, of other states, and of the Federal Government, including existing case law, all sign appraisal valuation methods, methods of providing compensation, and other related issues.

(e) The task force may conduct meetings, hearings, and workshops in Tallahassee and at other locations around the state, and may take evidence, testimony and debate at the meetings, hearings, and workshops. The task force must keep electronic recordings of the meetings, hearings, and workshops. Such recordings shall be preserved under chapters 119 and 257, Florida Statutes.

(f) The task force shall submit its findings and recommendations in the form of a written report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2001. Upon submission of the written report, the task force shall cease to exist.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: creating the Sign Valuation Task Force; providing for appointment of members; providing duties and responsibilities; providing for a report and termination of the task force upon submission thereof;

Senator Wasserman Schultz moved the following amendment to **Amendment 1** which failed:

Amendment 1C (503742)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Subsection (21) of section 316.003, Florida Statutes, is amended and subsection (82) is added to that section to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) MOTOR VEHICLE.—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, *motorized scooter*, or moped.

(82) *MOTORIZED SCOOTER*.—Any vehicle not having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, and not capable of propelling the vehicle of a speed greater than 30 miles per hour on level ground.

Section 108. Section 316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle and motorized scooter regulations.—

(1) Every person propelling a vehicle by human power, or operating a motorized scooter as defined in s. 316.003, has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

(3)(a) A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling.

(b) Except as provided in paragraph (a), a bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

(c) A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.

(d) A bicycle rider or passenger or motorized scooter rider who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the rider's or passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department. As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger or a motorized scooter rider who violates this subsection. A bicycle rider or passenger or a motorized scooter rider who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider or passenger or a motorized scooter rider for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

(f) A person operating a motorized scooter may not carry passengers.

(4) No person riding upon any bicycle, coaster, roller skates, sled, or motorized scooter, or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway. This subsection does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer is commercially available and has been designed for such attachment.

(5)(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6) Persons riding bicycles upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

(7) Any person operating a bicycle or motorized scooter shall keep at least one hand upon the handlebars.

(8) Every bicycle or motorized scooter in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or motorized scooter its rider may be equipped with lights or reflectors in addition to those required by this section.

(9) No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(10) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

(11)(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) *A motorized scooter may not be operated upon or along a sidewalk. However, an electric personal assistive mobility device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less may be operated upon or along a sidewalk.*

(12) No person upon roller skates, or riding in or by means of any motorized scooter, coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(14) Every bicycle or motorized scooter, shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(15) A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

(16)(a) A person may not knowingly rent or lease any bicycle or motorized scooter to be ridden by a child who is under the age of 16 years unless:

1. The child possesses a bicycle helmet; or
2. The lessor provides a bicycle helmet for the child to wear.

(b) A violation of this subsection is a nonmoving violation, punishable as provided in s. 318.18.

(17) The court may waive, reduce, or suspend payment of any fine imposed under subsection (3) or subsection (16) and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

(18) Notwithstanding s. 318.21, all proceeds collected pursuant to s. 318.18 for violations under paragraphs (3)(e) and (16)(b) shall be deposited into the State Transportation Trust Fund.

(19) The failure of a person to wear a required bicycle helmet or the failure of a parent or guardian to prevent a child from riding a bicycle or motorized scooter without a required bicycle helmet may not be considered evidence of negligence or contributory negligence.

(20) Except as otherwise provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (16) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, they may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

(21) *A county or municipality may adopt an ordinance that authorizes persons to operate a motorized scooter on a roadway or sidewalk, notwithstanding any prohibitions in this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 316.003; defining the term "motorized scooter"; amending s. 316.2065, F.S.; providing motorized scooter operating regulations;

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 1C** failed. **Amendment 1C** was adopted.

Senator Meek moved the following amendment to **Amendment 1** which failed:

Amendment 1D (612728)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 108. *On or before January 1, 2002, each state and local law enforcement agency shall incorporate an anti-racial or other anti-discriminatory profiling policy into the agency's policies and practices. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy;

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

Amendment 1E (624634)(with title amendment)—On page 162, delete line 24 and insert:

Section 107. Effective October 1, 2001, subsection (9) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(9) A nonrefundable fee of \$1.50 shall be charged on the initial and renewal registration of each automobile for private use, and on the initial and renewal registration of each truck, ~~regardless of having a net weight, except those taxed under s. 320.0715 and s. 320.08(3)(d) and (4); each trailer, except those taxed under s. 320.08(5)(a) and (b); and each motorcycle and for each tag transfer and each temporary tag of 5,000 pounds or less.~~ Such fees shall be deposited in the Transportation Disadvantaged Trust Fund created in part I of chapter 427 and shall be used as provided therein, except that priority shall be given to the transportation needs of those who, because of age or physical and mental disability, are unable to transport themselves and are dependent upon others to obtain access to health care, employment, education, shopping, or other life-sustaining activities.

Section 108. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund;

Senator Silver moved the following amendment to **Amendment 1** which failed:

Amendment 1F (855464)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Paragraph (ff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

(ff) *Florida Golf license plate, \$25.*

Section 108. Subsection (32) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(32) **FLORIDA GOLF LICENSE PLATES:**—

(a) *The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf License plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, the Florida Sports Foundation, the LPGA and the PGA of America may submit a revised sample plate for consideration by the department.*

(b) *The department shall distribute the Florida Golf License Plate annual use fee to the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees are to be annually allocated as follows:*

1. *Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation for the administration of the Florida Youth Golf Program.*

2. *The Dade Amateur Golf Association shall receive the first \$80,000 in proceeds from the annual use fees for the operation of youth golf programs in Miami-Dade County. Thereafter, 15 percent of the proceeds from the annual use fee shall be provided to the Dade Amateur Golf Association for the operation of youth golf programs in Miami-Dade County.*

3. *The remaining proceeds from the annual use fee shall be available for grants to nonprofit organizations to operate youth golf programs and for the purpose of marketing the Florida Golf License Plates. All grant recipients, including the Dade Amateur Golf Association, shall be required to provide to the Florida Sports Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.*

(c) *The Florida Sports Foundation shall establish a Florida Youth Golf Program. The Florida Youth Golf Program shall assist organizations for the benefit of youth, introduce young people to golf, instruct young people in golf, teach the values of golf and stress life skills, fair play, courtesy, self-discipline.*

(d) *The Florida Sports Foundation shall establish a five-member committee to offer advice regarding the distribution of the annual use fees for grants to nonprofit organizations. The advisory committee shall consist of one member from a group serving youth, one member from a group serving disabled youth, and three members at large.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, following the semicolon (;) insert: amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate;

providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee;

RECONSIDERATION OF AMENDMENT

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 1F** failed. **Amendment 1F** was adopted.

Senator Dawson moved the following amendment to **Amendment 1** which failed:

Amendment 1G (094580)(with title amendment)—On page 133, between lines 30 and 31, insert:

(13) *This section shall not apply to a charter county with a population of 1.6 million or greater which is not a county defined in s. 125.011(1), 85 percent or more of the county's residents reside in incorporated areas, and the charter county enacted an ordinance regulating signs as described in subsection (9) within the unincorporated area of the county prior to January 1, 2001. Nothing herein is intended to abrogate the rights any sign owner may have to challenge the county's enforcement of its sign ordinance or the removal of any lawfully erected sign after the application amortization period established in the charter county's ordinance has expired.*

And the title is amended as follows:

On page 169, line 14, after the semicolon (;) insert: providing an exemption for certain charter counties;

Senator Sebesta moved the following amendments to **Amendment 1** which were adopted:

Amendment 1H (781254)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *Any multicounty airport authority created as an independent special district which is subject to a development-of-regional-impact development order and which has conducted a noise study in accordance with 14 C.F.R. Part 150 shall, in fiscal year 2002, establish a noise-mitigation-project fund in an amount of \$7.5 million, which shall be increased by another \$2.5 million in fiscal year 2004. The moneys in the project fund shall be segregated and expended by the airport authority by December 31, 2006, to the extent necessary to comply with development-order commitments to acquire property from or otherwise mitigate property owners adversely affected by the development of regional impact. If moneys are not expended for such purposes by December 31, 2006, the airport authority shall not thereafter amend its development-of-regional-impact development order or commence development of airport infrastructure improvements authorized by such development order until such funds are fully expended for such purposes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended;

Amendment 1I (551642)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(1) *The Spaceport Management Council is created within the Spaceport Florida Authority to provide coordination between government agencies and commercial operators for the purpose of developing and recommendations on projects and activities to that will increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, and research, and technology development within the state. The council shall work to create develop integrated facility and programmatic development plans to address commercial, state, and federal requirements*

and to identify appropriate private, state, and federal resources to implement these plans.

(2) The council shall make recommendations regarding:

- (a) The development of a spaceport master plan.
- (b) The projects and levels of commercial financing required from the Florida Commercial Space Financing Corporation created by s. 331.407.
- (c) Development and expansion of space-related education and research facilities and programs within Florida in consultation with the Florida Space Research Institute, including recommendations to be provided to the State University System, the Division of Community Colleges, and the Department of Education.
- (d) The regulation of spaceports and federal and state policy.
- (e) ~~Appropriate levels of governmental and private funding for sustainable Florida's approach to the Federal Government regarding requests for funding of space development.~~

(3) ~~The council shall submit its recommendations to the Governor and Lieutenant Governor and provide copies to the Secretary of Transportation, the director of the Office of Tourism, Trade and Economic Development, the associate administrator for Space Transportation in the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, and the Deputy Assistant Secretary of the Air Force for Space Plans and Policy.~~

(4)(3)(a) ~~The council shall consist of an executive board consisting, which shall consist of representatives of governmental organizations having with responsibilities for developing or operating space transportation facilities, and a Space Industry Committee, which shall consist of representatives of Florida's space industry.~~

(b) ~~The executive board consists of the following individuals or their designees shall serve on the executive board:~~

- 1. ~~The executive director of the Spaceport Florida Authority or his or her designee.~~
- 2. ~~The director of the John F. Kennedy Space Center or his or her designee.~~
- 3. ~~The Commander of the United States Air Force 45th Space Wing or his or her designee.~~
- 4. ~~The Commander of the Naval Ordnance Test Unit or his or her designee.~~
- 2.5. ~~The Secretary of Transportation or his or her designee.~~
- 3.6. ~~The president of Enterprise Florida, Inc., or his or her designee, as an ex officio nonvoting member.~~
- 4.7. ~~The director of the Office of Tourism, Trade, and Economic Development or his or her designee, as an ex officio nonvoting member.~~

(c)1. ~~Participation by the federal agencies having space-related missions in the state will contribute to council effectiveness, and the following installation heads or their designees may serve as official liaisons to the council: the director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit.~~

2. ~~Federal liaison officials may attend and participate in council meetings and deliberations, provide federal-agency views on issues before the council, and present issues of concern and make recommendations to the council.~~

3. ~~The role of federal liaison officials is limited by federal statutes and other constraints, but the determination of this limitation is a federal function.~~

4. ~~The fiduciary responsibility of the official liaisons shall remain at all times with their respective agencies.~~

5. ~~To the extent that the advice or recommendations of the official liaisons are not adopted or incorporated into the final recommendations~~

~~of the council, the official liaisons may append to such final recommendations their advice, recommendations, or opinions.~~

(4) ~~Each member shall be appointed to serve for a 3-year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.~~

(5) ~~The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.~~

(6) ~~All council members must be residents of the state.~~

(5)(7) ~~The executive board council shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.~~

(6)(8) ~~The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.~~

(7)(9) ~~The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of facilities for space manufacturing, research, technology and development, and education educational facilities.~~

(8)(10) ~~The council shall meet at the call of its chairperson, at the request of two or more members of the executive board a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. A majority vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.~~

Section 108. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

- (a) A representative of the Spaceport Florida Authority.
- (b) A representative of Enterprise Florida, Inc.
- (c) A representative of the Florida Aviation Aerospace Alliance.
- (d) A representative of the Florida Space Business Roundtable.

(e) Additional private-sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)-(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state. *Each private-sector representative shall serve a term of 3 years.*

(f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)-(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college, and one representative must be from a public or private university. *Each educational representative shall serve a term of 2 years.*

(g) Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board.

(h) *The board members are considered to be volunteers as defined in s. 110.501, and shall serve with all protections provided to volunteers of state agencies under s. 768.1355.*

(3) *The Florida Space Research Institute may:*

(a) *Acquire property under such conditions as the board considers necessary, and sell or otherwise dispose of the property.*

(b) *Serve as a coordinating organization among public and private academic institutions, the State University System, industry, and government agencies to support the expansion and diversification of the state's space industry and to support research and education programs.*

(c) *Execute contracts and other documents, adopt proceedings, and perform any acts determined by the board to be necessary to carry out the purposes of this section.*

(d) *Establish a personnel-management system and procedures, rules, and rates governing administrative and financial operations of the institute.*

(e) *Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.*

(f) *Work in partnership with the Spaceport Florida Authority, Enterprise Florida, Inc., and other organizations to support their programs to promote the state as a center for space enterprise, research, and technology development.*

(4)(3) *The board of the Florida Space Research Institute shall:*

(a) *Set the strategic direction for the space-related research priorities of the state and its space-related businesses, the scope of research projects for the institute, and the timeframes for completion.*

(b) *Invite the participation of public and private academic institutions universities, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.*

(c) *Select a lead university to:*

1. *Serve as coordinator of research for and as the administrative entity of the institute;*

2. *Support the institute's development of a statewide space research agenda and programs; and*

3. *Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space-industry requirements, which report must be completed by December 15, 2000.*

(d) *Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.*

(e) *Comanage, with the National Aeronautics and Space Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.*

(f) *Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.*

(g) *Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long-duration space missions; and*

spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) *Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space-related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real-time, virtual environment.*

(i) *Appoint or dismiss, as considered necessary by the board, a person to act as executive director of the institute, who shall have such title, functions, duties, powers, and salary as the board prescribes.*

(5)(4) *By December 15 of each year, the institute shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:*

(a) *Future research activities.*

(b) *The development of capital and technology assistance to new and expanding industries.*

(c) *The removal of regulatory impediments.*

(d) *The establishment of business development incentives.*

(e) *The initiation of education and training programs to ensure a skilled workforce.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute;

Amendment 1J (615314)—*On page 35, line 27, delete "9" and insert: 3*

Amendment 1K (190764)—*On page 129, line 9 through page 133, line 30, delete those lines and insert:*

70.20 Balancing of interests.—It is a policy of this state to encourage municipalities, counties, and other governmental entities and sign owners to enter into relocation and reconstruction agreements that allow governmental entities to undertake public projects and accomplish public goals without the expenditure of public funds, while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication.

(1) *Municipalities, counties, and all other governmental entities are specifically empowered to enter into relocation and reconstruction agreements on whatever terms are agreeable to the sign owner and the municipality, county, or other governmental entity involved and to provide for relocation and reconstruction of signs by agreement, ordinance, or resolution. As used in this section, a "relocation and reconstruction agreement" means a consensual, contractual agreement between a sign owner and municipality, county, or other governmental entity for either the reconstruction of an existing sign or removal of a sign and the construction of a new sign to substitute for the sign removed.*

(2) *Except as otherwise provided in this section, no municipality, county, or other governmental entity may remove, or cause to be removed, any lawfully erected sign along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such removal as determined by agreement between the parties or through eminent domain proceedings. Except as otherwise provided in this section, no municipality, county, or other governmental entity may cause in any way the alteration of any lawfully erected sign located along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such alteration as determined by agreement between the parties or through eminent domain proceedings. The provisions of this act shall not apply to any ordinance, the validity, constitutionality, and enforce-*

ability of which the owner has by written agreement waived all right to challenge.

(3) In the event that a municipality, county, or other governmental entity shall undertake a public project or public goal requiring alteration or removal of any lawfully erected sign, the municipality, county, or other governmental entity shall notify the owner of the affected sign in writing of the public project or goal and of the intention of the municipality, county, or other governmental entity to seek such removal. Within 30 days after receipt of the notice, the owner of the sign and the municipality, county, or other governmental entity shall attempt to meet for purposes of negotiating and executing a relocation and reconstruction agreement provided for in subsection (1).

(4) If the parties fail to enter into a relocation and reconstruction agreement within 120 days after the initial notification by the municipality, county, or other governmental entity, either party may request mandatory nonbinding arbitration to resolve the disagreements among the parties. Each party shall select an arbitrator, and the individuals so selected shall choose a third arbitrator. The three arbitrators shall constitute the panel that shall arbitrate the dispute between the parties and at the conclusion of the proceedings shall present to the parties a proposed relocation and reconstruction agreement that the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. If the municipality, county, or other governmental entity and the sign owner accept the proposed relocation and reconstruction agreement, the municipality, county, or other governmental entity and sign owner shall each pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree.

(5) If the parties do not enter into a relocation and reconstruction agreement, the municipality, county, or other governmental entity may proceed with the public project or purpose and the alteration or removal of the sign only after first paying just compensation for such alteration or removal as determined by agreement between the parties or through eminent domain proceedings.

(6) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be removed or altered as a condition precedent to the issuance or continued effectiveness of a development order constitutes a compelled removal that is prohibited without prior payment of just compensation under subsection (2). This subsection does not apply when the owner of the land on which the sign is located is seeking to have the property redesignated on the future land use map of the applicable comprehensive plan for exclusively single-family residential use.

(7) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be altered or removed from the premises upon which it is located incident to the voluntary acquisition of such property by a municipality, county, or other governmental entity constitutes a compelled removal which is prohibited without payment of just compensation under subsection (2).

(8) Nothing in this section shall prevent a municipality, county, or other governmental entity from acquiring a lawfully erected sign through eminent domain or from prospectively regulating the placement, size, height, or other aspects of new signs within such entity's jurisdiction, including the prohibition of new signs, unless otherwise authorized pursuant to this section. Nothing in this section shall impair any ordinance or provision of any ordinance not inconsistent with this section, nor shall this section create any new rights for any party other than the owner of a sign, the owner of the land upon which it is located, or a municipality, county, or other governmental entity as expressed in this section.

(9) This section applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located.

(10) This section does not apply to any actions taken by the Florida Department of Transportation which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to the Florida Department of Transportation.

(11) Nothing in this act shall impair or affect any written agreement existing prior to the effective date of this act, including, but not limited to, any settlement agreements reliant upon the legality or enforceability of local ordinances. The provisions of this act shall not apply to any signs that are required to be removed by a date certain in areas designated by local ordinance as view corridors if the local ordinance creating the view corridors was enacted in part to effectuate a consensual agreement between the local government and two or more sign owners prior to the effective date of this act, nor shall the provisions of this act apply to any signs that are the subject of an ordinance providing an amortization period, which period has expired, and which ordinance is the subject of judicial proceedings which were commenced on or before January 1, 2001, nor shall this act apply to any municipality with an ordinance that prohibits billboards and has two or fewer billboards located within its current boundaries or its future annexed properties.

(12) Subsection (6) hereof does not apply when the development order permits construction of a replacement sign that cannot be erected without the removal of the lawfully erected sign being replaced. Effective upon this section becoming a law, the Office of Program Analysis and Governmental Accountability, in consultation with the property appraisers and the private sector affected parties, shall conduct a study of the value of offsite signs in relation to, and in comparison with, the valuation of other commercial properties for ad valorem tax purposes, including a comparison of tax valuations from other states. OPPAGA shall complete the study by December 31, 2001, and shall report the results of the study to the Legislature.

MOTIONS

Senator King moved that the rules be waived and time of recess be extended until completion of all bills remaining on the Special Order Calendar or 10:00 p.m., whichever occurs first. The motion failed to receive the required two-thirds vote.

On motion by Senator Latvala, the rules were waived and time of recess was extended until completion of **CS for CS for HB 1053**, motions and announcements.

Senator Holzendorf moved the following amendment to **Amendment 1** which failed:

Amendment 1L (932906)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. A district school board may procure transportation for public-school students by contract with a private vendor. These contracts may be awarded pursuant to negotiation and need not be procured by competitive bids. Any school district that provided transportation for public-school students during any portion of the year 2000 under contracts negotiated without competitive bidding must continue to provide such transportation under contracts negotiated without competitive bidding until July 1, 2005.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, following the semicolon (;) insert: prescribing standards for awarding contracts for transportation of public-school students; providing for continuation of such contracts meeting specified criteria;

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

Amendment 1M (843518)(with title amendment)—On page 127, lines 7-19, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 168, line 27 through page 169, line 2, delete those lines and insert: mitigation assessment method rule; amending s. 479.15, F.S.;

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

Amendment 1N (203196)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Subsection (4) of the section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(4) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, except as provided in s. 348.0004. *Additionally, if the revenue-producing project is on the county road system in a county as defined in s. 125.011, any remaining toll revenue may be used for the public facilities capitol improvements in sanitary sewer, solid waste, drainage, potable water, parks, or construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue producing project is located, except as provided in s. 348.0004.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 338.165, F.S.; providing for the use of remaining title revenues in certain counties;

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

Amendment 10 (523400)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Effective upon this act becoming a law, section 943.1759, Florida Statutes, is created to read:

943.1759 *Florida Motorist Profiling Evaluation Task Force.*—

(1) *There is created the Florida Motorist Profiling Evaluation Task Force.*—

(2) *The task force has the following duties:*

(a) *To identify practices currently used by state and local law enforcement agencies of this state in making motor vehicle traffic stops;*

(b) *To identify and recommend changes to address deficiencies, if any, in such current practices;*

(c) *To recommend best practices and policies and procedures that may be adopted by state or local law enforcement agencies of this state to prevent bias profiling and discriminatory practices from serving as a primary factor in determining whether the driver of a motor vehicle should be stopped for a routine traffic violation; and*

(d) *To report its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives by January 1, 2002. The recommendations must specifically include recommendations, including proposed legislation, for assuring that law enforcement agencies' policies for motor vehicle traffic stops are free of bias profiling.*

(3) *The task force shall have 12 members as follows; members may not delegate their duties to attend meetings of the task force and to vote on any matter before the task force to any other person:*

(a) *The Attorney General.*

(b) *The president of the Florida Sheriffs Association.*

(c) *The president of the Florida Police Chiefs Association.*

(d) *One member of the Florida Highway Patrol, to be appointed by the Governor.*

(e) *One member of the Florida Department of Law Enforcement, to be appointed by the Governor.*

(f) *One member of the Florida Commission on Human Relations, to be appointed by the Governor.*

(g) *The executive director of the American Civil Liberties Union of Florida.*

(h) *The state president of the National Association for the Advancement of Colored People.*

(i) *One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives.*

(j) *One member of the Senate, to be appointed by the President of the Senate.*

(k) *One member of the House of Representatives, to be appointed by the minority leader of the House of Representatives.*

(l) *One member of the Senate, to be appointed by the minority leader of the Senate.*

(4) *The Attorney General shall serve as the chair of the task force. Members of the task force must be appointed within 30 days after the effective date of this act, and the task force must hold its first meeting within 60 days after the effective date of this act. In the event of a vacancy, the person who made the original appointment shall appoint a new member to fill the vacancy.*

(5) *Staffing shall be provided to the task force by the Department of Legal Affairs. Technical assistance may be provided to the task force by the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, and the Division of the Florida Highway Patrol.*

(6) *Members of the task force shall serve without compensation but are entitled to per diem and travel expenses as provided in s. 112.061. Members of the task force shall receive per diem and travel expenses from the budgets of their respective agencies, except that the members of the task force appointed pursuant to paragraphs (3)(g) and (h) shall receive per diem and travel expenses from the budget of the Office of the Attorney General to the extent that resources will permit.*

(7) *The task force may appoint subcommittees that include persons who are knowledgeable in a subject area pertinent to the subject areas identified in subsection (2) but are not members of the task force and may not vote as such.*

(8) *The task force may seek support in the form of grants and technical assistance from the United States Department of Justice and other applicable federal agencies in furtherance of its duties as provided in this act.*

(9) *The task force is abolished April 1, 2002.*

Section 108. Effective upon this act becoming a law, section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) *The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.*

(2) *The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.*

(3) *Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.*

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 109. *On or before January 1, 2002, each state and local law enforcement agency shall incorporate an anti-racial or other anti-*

discriminatory profiling policy into the agency's policies and practices. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, following the semicolon (;) insert: creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy;

The vote was:

Yeas—20

Campbell	Geller	Lawson	Rossin
Dawson	Holzendorf	Lee	Saunders
Diaz de la Portilla	Jones	Meek	Silver
Dyer	Klein	Miller	Wasserman Schultz
Garcia	Latvala	Mitchell	Webster

Nays—17

Mr. President	Clary	Laurent	Sebesta
Bronson	Constantine	Peaden	Sullivan
Brown-Waite	Cowin	Posey	
Burt	Crist	Pruitt	
Carlton	King	Sanderson	

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1P (420884)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Effective July 1, 2002, sections 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, Florida Statutes, are created to read:

332.201 Short title.—Sections 332.201-332.211 may be cited as the “Florida Airport Authority Act.”

332.202 Definitions.—As used in this act:

(1) “Agency of the state” means and includes the state and any department of, or corporation, agency, or instrumentality created, designated, or established by, the state.

(2) “Airport” means any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

(3) “Airport system” means any and all airports within the geographic boundaries of an airport authority established pursuant to this act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such airport.

(4) “Authority” means an airport authority established pursuant to this act which is a body politic and corporate and a public instrumentality.

(5) “Bonds” means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which an authority issues pursuant to this act.

(6) “Department” means the Department of Transportation.

(7) “Division” means the Division of Bond Finance of the State Board of Administration.

(8) “Express written consent” means prior express written consent given in the form of a resolution adopted by a board of county commissioners.

(9) “Federal agency” means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality created, designated, or established by, the United States.

332.203 Airport authority; formation; membership.—

(1) Any county which has a population of more than 2.1 million people shall at the countywide election hold a referendum in which the electors shall decide whether to form an airport authority, which shall be an agency of the state, pursuant to this act.

(2) The governing body of the authority shall consist of seven voting members, two of whom shall be appointed by the Governor subject to confirmation by the Senate. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(a) The two members of the governing body appointed by the Governor, subject to confirmation by the Senate, shall serve terms of 4 years. Such persons may not hold elective office during their terms of office.

(b) Two members shall be appointed by the County Ethics Commission.

(c) One member shall be appointed by the County Mayor.

(d) Two members shall be appointed by the County Commission.

(3)(a) The governing body of each authority shall elect one of its members as its chair and shall elect a secretary and a treasurer, who need not be members of the authority. The chair, secretary, and treasurer shall hold their offices at the will of the governing body. A simple majority of the governing body constitutes a quorum, and the vote of a majority of those members present is necessary for the governing body to take any action. A vacancy on a governing body shall not impair the right of a quorum of the governing body to exercise all of the rights and perform all of the duties of the authority.

(b) Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of a governing body shall enter upon his or her duties.

(4)(a) An authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. An authority may employ a fiscal agent or agents; however, the authority must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agent. An authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

(b) Members of the governing body of an authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(c) Members of the governing body of an authority are entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, but they may not draw salaries or other compensation.

(d) Members of the governing body of an authority shall be required to comply with the applicable financial disclosure requirements of ss. 112.3144, 112.3148, and 112.3149.

(5) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the authority, or any affiliated company of any company regulated by the authority, or be an agent or employee of, or have any interest in, any company regulated by the authority or any affiliated company of any company regulated by the authority, or in any firm which represents in any capacity either companies which are regulated by the authority or affiliates of companies regulated by the authority. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: “I hereby certify that I am not a stockholder, other than through

ownership of shares in a mutual fund, in any company regulated by the authority or in any affiliate of a company regulated by the authority, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the authority or any affiliate of a company regulated by the authority, or in any firm which represents in any capacity either companies which are regulated by the authority or affiliates of companies regulated by the authority." A member of the authority shall not contribute to the campaign account of any elected official, nor solicit any campaign contributions for any elected official.

332.204 Purposes and powers.—

(1)(a) An authority created and established pursuant to this act may acquire, hold, construct, improve, maintain, operate, own, and lease an airport system.

(b) Construction of an airport system may be completed by an authority in segments, phases, or stages, in a manner which will permit the expansion of these segments, phases, or stages to the desired airport configuration. Each authority, in the construction of an airport system, may construct any extensions of, additions to, or improvements to, the airport system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. An authority may only add additional airports to an airport system, under the terms and conditions set forth in this act, with the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority, and only if such additional airports are financially feasible, and are compatible with the existing plans, projects, and programs of the authority.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(d) To enter into and make leases, either as lessee or as lessor, in order to carry out the right to lease as set forth in this act.

(e) To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services and facilities of the airport system, which rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this act.

(f) To borrow money, make and issue negotiable notes, bonds, refund bonds and other evidence of indebtedness, either in temporary or definitive form, of the authority, which bonds or other evidence of indebtedness may be issued pursuant to the State Bond Act, to finance an airport system within the geographic boundaries of the authority, and to provide for the security of the bonds or other evidence of indebtedness and the rights and remedies of the holders of the bonds or other evidence of indebtedness. Any bonds or other evidence of indebtedness pledging the full faith and credit of the state shall only be issued pursuant to the State Bond Act.

(g) To enter into contracts and to execute all instruments necessary or convenient for the carrying on of its business.

(h) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state or county, or any other public body of the state.

(i) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(j) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority, as security for all or any of the obligations of the authority.

(k) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by law.

(l) An airport authority may consider any unsolicited proposals from private entities and all factors it deems important in evaluating such proposals. The airport authority shall adopt rules or policies in compliance with s. 334.30 for the receipt, evaluation, and consideration of such proposals in order to enter into agreements for the planning design, engineering, construction, operation, ownership, or financing of its airport system. Such rules must require substantially similar technical information as is required by Rule 14-107.0011(3)(a)-(e), Florida Administrative Code. In accepting a proposal and entering into such an agreement, the airport authority and the private entity shall for all purposes be deemed to have complied with chapters 255 and 287. Similar proposals shall be reviewed and acted on by the authority in the order in which they were received. An additional airport may only be constructed under this paragraph with state and federal approval, and with the prior express written consent of the board of county commissioners of each county located within the geographical boundaries of the authority.

(3) The use or pledge of any portion of county tax funds may not be made without the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority.

(4) Any authority formed pursuant to this act shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

(5) No airport authority shall undertake any construction that is not consistent with federal aviation requirements, the statewide aviation system plan, and the county's comprehensive plan.

(6) The governing body of the county may enter into an interlocal agreement with an authority pursuant to chapter 163 for the joint performance or performance by either governmental entity of any corporate function of the county or authority necessary or appropriate to enable the authority to fulfill the powers and purposes of this act and promote the efficient and effective transportation of persons and goods in such county.

332.205 Bonds.—With the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of an authority, bonds may be issued on behalf of an authority as provided by the State Bond Act.

332.206 County may be appointed agent of authority for construction.—The county may be appointed by the authority as its agent for the purpose of constructing improvements to an airport system and for the completion thereof. In such event, the authority shall provide the county with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the county to do such construction work, including the planning, surveying, and actual construction of the completion and improvements to the airport system; and shall transfer to the credit of an account of the county the necessary funds therefor.

332.207 Acquisition of lands and property.—

(1) For the purposes of this act, an airport authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of this act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, replacement access for landowners whose access is impaired due to the improvement of an airport system, and replacement rights-of-way for relocated rail and utility facilities; or for existing, proposed, or anticipated transportation facilities within the airport system. The authority may also condemn any material and property necessary for such purposes.

(2) The right of eminent domain conferred by this act must be exercised by an authority in the manner provided by law.

332.208 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is given and granted to any county,

municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of this state to enter into contracts, leases, conveyances, or other agreements within the provisions and purposes of this act with an authority. An authority may enter into contracts, leases, conveyances, and other agreements, to the extent consistent with this chapter and chapters 330, 331, and 333 and other provisions of the laws of the state, with any political subdivision, agency, or instrumentality of the state and any federal agency, corporation, and individual, for the purpose of carrying out the provisions of this act.

332.209 *Covenant of the state.*—The state does hereby pledge to, and agrees with, any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by an authority for the purposes of this act that the state will not limit or alter the rights hereby vested in an authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged, insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agrees with, the United States that, in the event any federal agency constructs, or contributes any funds for the completion, extension, or improvement of, an airport system or any part or portion thereof, the state will not alter or limit the rights and powers of an authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the airport system or the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreement between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers granted so long as the same shall be necessary or desirable for carrying out the purposes of this act and the purposes of the United States in the completion, extension, or improvement of the airport system or any part or portion thereof.

332.210 *Exemption from taxation.*—The effectuation of the authorized purposes of an airport authority is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. For this reason, an authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purposes or upon any revenues at any time received by it. The bonds issued by or on behalf of an authority, their transfer, and the income therefrom, including any profits made on the sale thereof, are exempt from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed under chapter 220 on interest, income, or profits on debt obligations owned by corporations.

332.211 *Exemption from applicability.*—This act does not apply in a county in which an authority has been created pursuant to a general or special act of the Legislature for the purpose of owning, building, or operating an airport.

Section 108. *The provisions of the Florida Airport Authority Act, sections 332.201–332.211, Florida Statutes, shall not apply to any county which has created its own airport authority.*

Section 109. *Members of the authority created pursuant to the Florida Airport Authority Act, sections 332.201–332.211, Florida Statutes, are required to file full and public disclosure of financial interests pursuant to section 112.3144, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: creating ss. 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, F.S.; creating the Florida Airport Authority Act; providing definitions; providing that certain counties shall form an airport authority; providing that certain former military facilities redeveloped and operated as an airport shall be redeveloped and operated by an authority under the act, and providing for membership of the governing body of such authorities; providing for appointment of members of the governing body of an authority; providing for officers, employees, expenses, removal from office, and application of financial disclosure provisions; providing purposes and powers of an authority; providing restrictions on authority powers; providing for issuance of bonds; providing that the county may be appointed as an authority's

agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state with respect to bond issuance and agreements with federal agencies; providing an exemption from taxation; providing for applicability; requiring members of the authority to file financial disclosure;

The vote was:

Yeas—25

Mr. President	Garcia	Miller	Sebesta
Carlton	Geller	Peaden	Sullivan
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Lawson	Sanderson	
Diaz de la Portilla	Lee	Saunders	

Nays—7

Brown-Waite	Dyer	Jones	Mitchell
Campbell	Holzendorf	Meek	

Vote after roll call:

Nay to Yea—Dyer

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1Q (400120)(with title amendment)—On page 162, line 24, after the first period (.) insert: Except as otherwise expressly provided in this act,

And the title is amended as follows:

On page 172, lines 9 and 10, delete “an effective date” and insert: effective dates

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 1053** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 2018** was withdrawn from the Committees on Governmental Oversight and Productivity; and Finance and Taxation; and **CS for SB 1482** was withdrawn from the Committee on Finance and Taxation.

MOTIONS

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Friday, May 4.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 946** which he approved on May 3, 2001.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed **CS for CS for HB 721**, **HB 953**, **CS for CS for HB 1121**, **HB 1545**; has passed as amended **CS for CS for HB 267**, **CS for HB 455**, **CS for CS for HB 719**, **CS for CS for HB 1053**, **HB 1221**, **HB 1471**, **HB 1863**; has passed as amended by the required Constitutional three-fifths vote of the membership **HJR 571** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Competitive Commerce; the Committee on Agriculture and Consumer Affairs; and Representative Stansel and others—

CS for CS for HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Crime Prevention, Corrections and Safety; and Representative Bilirakis and others—

HB 953—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Smarter Government; the Committee on Local Government and Veterans Affairs; and Representative Byrd—

CS for CS for HB 1121—A bill to be entitled An act relating to driver licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Appropriations.

By the Committee on Education Appropriations; and Representative Lynn and others—

HB 1545—A bill to be entitled An act relating to school district performance; providing a short title; amending s. 229.57, F.S.; requiring the designation and publication of district performance grades; amending s. 236.02, F.S.; revising minimum requirements of the Florida Education Finance Program to include minimum classroom expenditure requirements and associated reporting; creating s. 236.08102, F.S.; authorizing the Legislature to require a school district that fails to meet minimum academic performance standards to meet district minimum classroom expenditure requirements; providing for monitoring; requiring reports; amending s. 237.041, F.S.; requiring a district's annual budget to include provision for required minimum classroom expenditure requirements; amending s. 237.081, F.S.; requiring the advertisement of the tentative school district budget to include notice of minimum classroom expenditure requirements; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By the Council for Lifelong Learning; the Committee on Juvenile Justice; and Representative Kravitz and others—

CS for CS for HB 267—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum

to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice upon the request of the provider; amending s. 230.23161, F.S.; providing legislative goals with respect to education within department programs; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; limiting the department's authority to provide an exemption; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; providing for retroactive effect; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01 and 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; amending s. 985.02, F.S.; clarifying legislative intent concerning the responsibilities of parents, custodians, and guardians of children in the juvenile justice system; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending s. 985.04, F.S.; providing that certain records maintained by the Department of Juvenile Justice need only be retained for 25 years; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; amending ss. 985.207 and 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; revising provisions related to the collection of certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; revising provisions related to the collection of certain fees; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; providing legislative intent with regard to contracting with faith-based organizations that provide services to juveniles; clarifying conditions under which a juvenile may be transferred; deleting language relating to the collection and reporting of cost data and program ranking; amending s. 985.412, F.S.; adding requirements relating to the collection and reporting of cost data and program ranking; requiring the Department of Juvenile Justice to submit proposals for funding incentives and disincentives based upon qual-

ity assurance performance and cost-effectiveness performance to the Legislature by a date certain; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the deposit of repair and maintenance funds into the Administrative Trust Fund; amending s. 985.401, F.S., to conform; requiring the Office of Program Policy Analysis and Government Accountability to annually review certain safety and security best practices; requiring school districts to use such practices to conduct certain assessments; requiring school district superintendents to make certain recommendations to school boards based on such assessments; requiring school boards to hold public meetings on the assessments and recommendations; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.

—was referred to the Committee on Criminal Justice.

By the Committee on Banking; and Representative Detert—

CS for HB 455—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term “principal representative”; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Agriculture and Consumer Affairs; and Representative Stansel and others—

CS for CS for HB 719—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney’s fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Ready Infrastructure; the Committee on Transportation; and Representative Russell and others—

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect

to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation’s decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department’s rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department’s site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s. 332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners’ associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term “competent” with “responsible bidder”; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department’s jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of

moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the

uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Cantens and others—

HB 1221—A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners; requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district's behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 374.984, F.S.; revising powers and duties of the Board of Commissioners of the Florida Inland Navigation District; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the con-

tents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an appropriation; providing an effective date.

—was referred to the Committees on Judiciary; and Natural Resources.

By Representative Alexander—

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

—was referred to the Committees on Appropriations; and Regulated Industries.

By the Committee on Health Regulation; and Representative Farkas and others—

HB 1863—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing for review of the need for licensing the portable restroom industry; requiring a report to the Legislature; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Appropriations.

By Representative Johnson—

HJR 571—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution requiring the Legislature to provide by general law for the provision of an economic impact statement of each amendment proposed by initiative to the State Constitution prior to its adoption by the voters of the state.

—was referred to the Committee on Ethics and Elections.

RETURNING MESSAGES ON SENATE BILLS

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for CS for SB 466.

The Speaker has appointed the following Representatives to the Conference Committee: Representatives Diaz-Balart, Chairman; Kyle, Brummer, Cantens, and Seiler

John B. Phelps, Clerk

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term “layoff”; defining the term “firefighter” and “law enforcement or correctional officer”; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting “bumping”; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and

the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Agency for Workforce Innovation; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

CONFEREES APPOINTED

The President appointed the following conferees on **SB 466**: Senator Garcia, Chairman; Senators Carlton, Lawson, Posey, and Smith.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 130, CS for CS for SB 144, CS for SB 208, SB 210, CS for SB 232, CS for SB 302, CS for CS for SB 306, CS for SB 322, SB 338, CS for SB 354, SB 510, SB 536, SB 666, CS for SB 688, SB 766, CS for SB 772, CS for SB 788, CS for SB 806, CS for SB 840, CS for SB 886, CS for SB 890, CS for SB 1012, CS for SB 1030, CS for SB 1128, SB 1132, SB 1148, SB 1198, CS for SB 1284, CS for SB 1318, SB 1344, CS for CS for SB 1346, SB 1394, CS for SB 1506, CS for SB 1530, CS for SB 1642, CS for SB 1722, CS for SB 1788, CS for SB 2034, CS for SB 2054, CS for CS for SB 2092, SB 2104, CS for SB 2110 and CS for SB 2220.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1 and passed SB 1200.

John B. Phelps, Clerk

The bill contained in the foregoing messages was ordered engrossed and then enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 405, HB 489, CS for HB 563 and HB 601, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-SPONSORS

Senators Holzendorf—CS for SB 988, CS for SB 1466, CS for SB 1772; Klein—CS for SB 1966; Peaden—CS for SB 128, CS for SB 478

Senator Klein withdrew as a co-sponsor of SB 854

VOTES RECORDED

Senator Campbell was recorded as voting “nay” on the following bill which was considered April 11: **SB 854**.

Senator Dyer was recorded as voting “yea” to “nay” on the following bill which was considered April 11: **SB 854**.

Senator Klein was recorded as voting “yea” to “nay” on the following bill which was considered April 11: **SB 854**.

Senator Wasserman Schultz was recorded as voting “yea” to “nay” on the following bill which was considered April 11: **SB 854**.

Senator Webster was recorded as voting “yea” to “nay” on the following bill which was considered April 11: **SB 1632**.

Senator Carlton was recorded as voting “yea” on the following bill which was considered May 1: **HB 657**.

Senator Garcia was recorded as voting “yea” on the following bills which were considered May 1: **SB 482, CS for SB 1128**.

RECESS

On motion by Senator Lee, the Senate recessed at 9:14 p.m. to reconvene at 9:00 a.m., Friday, May 4 or upon call of the President.



Journal of the Senate

Number 26—Regular Session

Friday, May 4, 2001

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CALL TO ORDER

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

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Excused: Conferees periodically for the purpose of working on CS for SB 466 relating to public employment: Senator Garcia, Chairman; Senators Carlton, Lawson, Posey and Smith

PRAYER

The following prayer was offered by Faye Blanton, Secretary of the Senate:

Dear God, as we stand before you on this last day of the 2001 Regular Session, we ask for your divine guidance as we finish the work of the people of the State of Florida. We ask your blessing upon these Senators as they return home to their families, and for your special blessing for the loved ones of Senator Miller and Senator Pruitt.

We ask also, dear God, that the members of this Legislature be not led into temptation and that you deliver us from overtime. We pray also that our point is well taken and that you concur as we send the final message for this session—"We did our best."

We thank you, God, for hearing our prayer. In your holy name. Amen.

PLEDGE

Senate Pages Adrian Abner of Blountstown, Katherine Smallwood and Brad Knight of Tallahassee, and Katie Holder of Orange Park, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Walter Flesner of North Miami Beach, sponsored by Senator Silver, as doctor of the day. Dr. Flesner specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Jones—

By Senator Jones—

SR 2396—A resolution encouraging the Federal Emergency Management Agency to adopt a policy towards the Florida Keys that is consistent with Florida law and its own policy.

WHEREAS, under the Florida Statute of Limitations, section 95.11(3)(c), Florida Statutes, Judge Richard Payne ruled on October 6, 2000, that Monroe County could not enforce removal of downstairs enclosures that were built over 4 years prior to enforcement action, and

WHEREAS, the Federal Emergency Management Agency (FEMA), in a letter dated July 29, 1991, threatened to suspend Monroe County from the National Flood Insurance Program (NFIP) if the county established a 4-year limitation on code violations, and

WHEREAS, FEMA, in a letter to Monroe County dated December 12, 2000, from its Associate Director for Mitigation, Michael J. Armstrong, stated that if Monroe County did not appeal Judge Payne's ruling of October 6, 2000, FEMA would consider this action as a defect in the county's floodplain management program, and

WHEREAS, Monroe County was denied a rehearing on January 19, 2001, by Judge Payne to reconsider the ruling to remove all illegal downstairs enclosures, and

WHEREAS, FEMA records show that Monroe County has a high participation and a low claim history in the NFIP, and

WHEREAS, 76,000 pre-firm structures, out of 4.3 million pre-firm structures that have had two or more losses since 1978, represent 33 percent of all losses paid by FEMA, and

WHEREAS, only 1.9 million pre-firm structures out of 4.3 million pre-firm structures have their lowest floors above base flood level, and it is punitive to mandate that Monroe County remove more than 4,000 downstairs enclosures because they are below base flood level, and

WHEREAS, 23 percent of NFIP claim dollars paid from 1978 to 1996 went to areas not identified as special hazard flood areas, and

WHEREAS, Texas and Louisiana account for 40 percent of all repeated flood claims (1.1 billion), and

WHEREAS, with the exception of Key Biscayne, the majority of repeated flood claims comes from the gulf coast on the top half of the State of Florida, and

WHEREAS, the current FEMA policy towards the Florida Keys is arbitrary, capricious, and inconsistent with its national policy, and its

enforcement of a special pilot program does not align with FEMA's own stated goals, and

WHEREAS, the enforcement of FEMA's pilot program is inconsistent with Florida law and would create enormous economic hardships on the economy of the Florida Keys, and

WHEREAS, the removal of more than 4,000 downstairs enclosures would work against the stated policy of the Department of Community Affairs to provide affordable housing for the people of Monroe County, and

WHEREAS, the Florida Senate recognizes that Monroe County must follow the laws of the State of Florida and its circuit judges, NOW, THEREFORE,

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

That the Federal Emergency Management Agency is encouraged to adopt a policy toward the Florida Keys that is consistent with Florida law and its own national policy.

—**SR 2396** was introduced, read and adopted by publication.

At the request of Senator Diaz de la Portilla—

By Senator Diaz de la Portilla—

SR 2398—A resolution honoring the Hearing Research Institute and recognizing May 4, 2001, as Infant Hearing Awareness Day.

WHEREAS, there are more than 3 million deaf children in this country, and

WHEREAS, more than 570 children are born deaf in this state each year, and

WHEREAS, until recently many of these children did not receive medical treatment or were misdiagnosed as autistic or mentally retarded, and

WHEREAS, section 383.145, Florida Statutes, created by the Florida Legislature in the 2000 Legislative Session, provides for hearing screening of newborn children, and

WHEREAS, section 383.145, Florida Statutes, is projected to save this state an average of \$88,033 per child and, more importantly, save these children from a lifetime of silence and disability, thus enabling them to lead happy and productive lives, and

WHEREAS, the Hearing Research Institute and its medical director, Dr. Robert E. Pickard, were instrumental in the creation of section 383.145, Florida Statutes, NOW, THEREFORE,

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

That the Hearing Research Institute and Dr. Robert E. Pickard are hereby recognized for their dedication and work in providing for newborn hearing screening.

BE IT FURTHER RESOLVED that the Florida Senate recognizes May 4, 2001, as Infant Hearing Awareness Day in this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Hearing Research Institute and Dr. Robert E. Pickard as a tangible token of the sentiments of the Florida Senate.

—**SR 2398** was introduced, read and adopted by publication.

MOTIONS

On motion by Senator King, the rules were waived and by two-thirds vote **SB 22** and **CS for SB 2124** were placed on the Special Order Calendar and taken up instantler.

SPECIAL ORDER CALENDAR

SB 22—A bill to be entitled An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; directing the City of Vero Beach to compensate Mr. Arvay for injuries caused by the negligence of a city police officer; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (622014)—On page 3, lines 3-8, delete those lines and insert:

Section 2. *The City of Vero Beach is authorized to compensate Joseph Arvay, out of funds of the city not otherwise appropriated, an amount not to exceed \$4,349,094.48 which shall be paid pursuant to an amended Consent Final Judgment described below. Before the city is authorized to make any payments to Joseph Arvay, the Consent Final Judgment entered on July 3, 2000 in the case of Joseph Arvay v. City of Vero Beach, Case No. 94-0541 CA, 19th Judicial Circuit, in and for Indian River County, shall be amended to: 1) condition any payments of cash to Mr. Arvay on the prior appointment of a guardian of the property by the Circuit Court, 2) delete the requirement of paragraph 6 of the Consent Final Judgment granting an inheritance to Mr. Arvay's daughters of up to \$75,000, and 3) reduce the attorney's fees payable under paragraph 7 of the Consent Final Judgment by \$18,750 from \$908,568.90 to \$889,818.90.*

On motion by Senator Silver, by two-thirds vote **SB 22** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crist	Lee	Saunders
Bronson	Diaz de la Portilla	Meek	Sebesta
Brown-Waite	Dyer	Miller	Silver
Burt	Garcia	Mitchell	Smith
Campbell	Geller	Peaden	Sullivan
Carlton	Horne	Posey	Villalobos
Clary	Jones	Pruitt	Webster
Constantine	Latvala	Rossin	
Cowin	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—King, Klein, Lawson, Wasserman Schultz

Yea to Nay—Webster

CS for SB 2124—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 2124** was deferred.

BILLS ON THIRD READING

Consideration of **CS for SB 2** and **CS for HB 367** was deferred.

CS for CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district

school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified

counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing effective dates.

—as amended May 3 was read the third time by title.

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

Amendment 1 (300348)—On page 83, line 9, delete 200 and insert: 150

Senator Constantine moved the following amendment:

Amendment 2 (740952)(with title amendment)—On page 47, lines 3-28, delete those lines

And the title is amended as follows:

On page 3, delete line 7

On motion by Senator Constantine, further consideration of **CS for CS for SB's 310 and 380** with pending **Amendment 2** was deferred.

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for SB 2124—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—which was previously considered this day.

An amendment was considered and adopted to conform **CS for SB 2124** to **HB 1565**.

Pending further consideration of **CS for SB 2124** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1565** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Garcia—

HB 1565—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2124** as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1565** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Jones	Meek
Burt	Dawson	King	Miller
Campbell	Dyer	Klein	Mitchell
Carlton	Garcia	Latvala	Peadar
Clary	Geller	Laurent	Posey
Constantine	Holzendorf	Lawson	Pruitt
Cowin	Horne	Lee	Sanderson

Saunders Silver Villalobos Webster
Sebesta Smith Wasserman Schultz

Nays—None

Vote after roll call:

Yea—Brown-Waite, Diaz de la Portilla, Sullivan

CONFERENCE COMMITTEE REPORT ON CS FOR SB 1118

The Honorable John M. McKay
President of the Senate

May 3, 2001

The Honorable Tom Feeny
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1118, same being:

An act relating to elections

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment.
2. That the Senate and House of Representatives adopt Conference Committee Amendment 1, attached hereto and, by reference, made a part of this report.
3. That the Senate and House of Representatives pass CS for SB 1118 as amended by said Conference Committee Amendment.

s/Bill Posey
Chairman
s/Lisa Carlton
s/Jim Sebesta
s/Rod Smith
Managers on the part
of the Senate

s/Johnnie Byrd, Jr.
Vice Chairman
s/Dudley Goodlette
s/Marco Rubio
s/Chris Smith
Managers on the part of
the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION

Voting Systems

Punchcards, paper ballots, mechanical lever machines and central-count voting systems will no longer be used in the state, beginning with the 2002 primary election. Any future system certified for use in the state must have a precinct-count tabulation system. The Division of Elections is required to review voting system certification standards on an ongoing basis to insure that new voting technologies are certified for use in a timely manner. The Division of Elections is required to provide for a uniform ballot design for each certified voting system in the state.

Funding is provided to the counties based on the number of precincts in the county as of the 2000 General Election. Small counties will receive \$7500 per precinct and other counties will receive \$3750 per precinct. The distribution of funds is to be made over a two-year period.

Provisional Ballots

Voters who go to the polls on election day and whose eligibility cannot be determined will be allowed to vote a provisional ballot. A provisional ballot will not be counted unless the canvassing board determines that the voter was eligible to vote in the precinct at the election.

Recounts

The same manner of recount will be done in each affected jurisdiction. For statewide elections, recounts will be conducted in every county in Florida to insure fair and equal treatment of all Florida voters. For multicounty races, all counties comprising the district of the candidacy or ballot measure will be required to recount. An automatic machine recount will be conducted if the margin of victory is $\frac{1}{2}$ of one percent or less. An automatic manual recount will be conducted of overvotes and undervotes if the margin of victory is $\frac{1}{4}$ of one percent or less. If the margin of victory is between $\frac{1}{4}$ and $\frac{1}{2}$ of one percent, an affected candidate or party is entitled to a manual recount if timely and properly requested.

The current statutory standard of voter intent is clarified for purposes of manual recounts. A vote will count if there is a "clear indication on the ballot that the voter has made a definite choice." The Department of State is charged with adopting rules for each certified voting system prescribing precisely what constitutes a "clear indication on the ballot that the voter has made a definite choice" and prescribing uniform recount procedures.

Certification Deadlines

The deadlines for county canvassing boards to certify the results of an election are modified. The deadline for the first and second primary will be 7 days following the primary. Results for the general election will be due 11 days following the election. Any returns not filed by the deadline will be ignored, except in the case of a major emergency.

Second Primary Election

For the 2002 election cycle, the second primary will be eliminated. The remaining primary will be held on the second Tuesday in September to avoid the Labor Day holiday. Various dates are revised to conform to this change for the 2002 elections.

Military and Overseas Voting

Several new sections are created to facilitate the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act. These provisions include late registration, a state write-in ballot, e-mail notification of names of candidates, and electronic transmission of absentee ballots and requests from overseas voters.

A date line is provided on the absentee ballot envelope and a presumption is created to provide that a ballot from an overseas voter was mailed on the date signed and witnessed, regardless of whether there is a postmark or whether a postmark indicates a date after the election.

The Elections Canvassing Commission is authorized to adopt emergency rules to avoid the disenfranchisement of voters during times of crises.

Absentee Ballots

The definition of absentee ballot is clarified to clearly indicate that any registered voter may vote an absentee ballot without cause. The information to be provided when requesting an absentee ballot is modified to eliminate information regarding social security numbers and the voter identification number. An absentee ballot Voter's Certificate is required to contain the signature of the voter and the signature and address of a witness 18 years of age or older.

Several sections that were not precleared by the U.S. Department of Justice or that have proven unworkable have been repealed.

Canvassing boards will be allowed to process absentee ballots through the tabulating equipment up to 4 days before the election. No results may be released until after the polls close and any person who releases results early commits a 3rd degree felony.

Pollworker Training

Minimum standards and hourly requirements are provided for the training of pollworkers. In addition, the Division of Elections is required to adopt a uniform polling place manual to guide the pollworkers on procedures to be followed on election day.

Voter Education

The Division of Elections is required to adopt minimum standards for voter education. Each county will be able to receive funds for voter education and pollworker training upon submission of a detailed description of the programs to be implemented. Reports are required to be submitted indicating the effectiveness of voter education programs in each county.

A Voter's Bill of Rights and Responsibilities is required to be posted at each polling place on election day.

Elections Canvassing Commission

The composition of the Elections Canvassing Commission is modified. The Commission will consist of the Governor and two members of the Cabinet. Any vacancy must be filled with an elected official.

Election Contests

The grounds for an election contest are modified. The current provision, which affords a circuit judge unfettered discretion in fashioning orders and the authority to order investigations to prevent or correct any alleged wrong and to provide any appropriate relief, is eliminated.

Statewide Voter Registration Database

The Department of State is required to develop a statewide voter registration database containing voter registration information from all of the counties. The Department is given the authority to contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain the database. A criminal penalty is provided for any supervisor of elections who willfully refuses or neglects to perform his or her duties with respect to the implementation and administration of the database.

Time Zone Study

The Division of Elections, in conjunction with the Florida State Association of Supervisors of Elections, is required to study the benefits and drawbacks of having uniform poll opening and closing times throughout the state. A report of the findings is to be provided no later than January 1, 2002.

Polling Place Procedures

A provision requiring election officials to call out a voter's name loudly enough for the pollwatchers to hear is eliminated.

Voter Registration

The procedures for handling a voter registration application which is missing information are modified. Instead of being required to fill out a new application, a potential voter will be notified to provide the missing information in writing.

Public Financing

Contributions from out of state residents will not be counted toward the threshold amounts needed to receive public financing and will not be qualifying matching contributions.

Conference Committee Amendment (762054)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act shall be known as the "Florida Election Reform Act of 2001."*

Section 2. Effective September 2, 2002, subsections (2), (35), and (36) of section 97.021, Florida Statutes, as amended by this act, are amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(2) "Ballot" or "official ballot" when used in reference to:

(a) ~~"Voting machines," except when reference is made to write in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.~~

(a)(b) "Paper ballots" means that printed sheet of paper, *used in conjunction with an electronic or electromechanical vote tabulation voting system*, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(b)(e) "Electronic or electromechanical devices" means a ballot ~~which~~ is voted by the process of *electronically designating, including by touchscreen, punching* or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(35) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, ~~be it a paper ballot, a voting machine ballot, or a ballot cast~~ for tabulation by an electronic or electromechanical device.

(36) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical~~, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 3. Effective September 2, 2002, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. ~~The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.~~

Section 4. Section 100.341, Florida Statutes, is amended to read:

100.341 Bond referendum ballot.—The ballots used in bond referenda shall ~~include a be on plain white paper with~~ printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question "For Bonds" and "Against Bonds."

Section 5. Effective September 2, 2002, subsection (3) of section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall . . . be removed from the office of . . . by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

" (name of person) should be removed from office."

" (name of person) should not be removed from office."

~~Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines or electronic or electromechanical equipment may be used.~~

Section 6. Effective upon this act becoming a law, subsection (7) is added to section 101.015, Florida Statutes, to read:

101.015 Standards for voting systems.—

(7) *The Division of Elections shall review the voting systems certification standards and ensure that new technologies are available for selection by boards of county commissioners which meet the requirements for voting systems and meet user standards. The Division of Elections shall continuously review the voting systems certification standards to ensure that new technologies are appropriately certified for all elections in a timely manner. The division shall also develop methods to determine the will of the public with respect to voting systems.*

Section 7. Section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for ~~ballots general election ballot.~~—~~In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:~~

(1) ~~Paper ballots~~ The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) ~~Across the top of the ballot shall be printed "Official Ballot, General Election," beneath which shall be printed the county, the precinct~~

number, and the date of the election. The precinct number, however, shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, "General Election, Official Ballot," and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed "Signature of Voter." On the right side shall be "Initials of Issuing Official," above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1." However, a second stub shall not be required for absentee ballots.

(2)(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party that which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the general election, in the order fixed by the Department of State, followed, in the year of their election, by "Party Offices," and thereunder the offices of state and county party executive committee members. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for (name of office)" shall be provided followed by a blank space in which to write the name of the candidate. In addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

(b) Immediately following the name of each office on the ballot shall be printed, "Vote for One." When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in a primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot. The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, "Vote for One," and the names of the candidates in the respective groups or districts shall be arranged thereunder.

(c) If in any election all the offices as set forth in paragraph (a) are not involved, those offices to be filled shall be arranged on the ballot in the order named.

(3)(a)(4) The names of the candidates of the party that which received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office on the general election ballot, together with an appropriate abbreviation of party name; the names of the candidates of the party that

which received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.

(b)(5) Minor political party candidates and candidates with no party affiliation shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(4)(a) The names of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.

(b) When two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word "incumbent" shall appear next to the incumbent's name.

(5) The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.

(6) The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

(7)(6) Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8)(a) The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:

1. Clear and unambiguous ballot instructions and directions;
2. Individual race layout; and
3. Overall ballot layout.

(b) The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.

(7) The same requirement as to the type, size, and kind of printing of official ballots in primary elections as provided in s. 101.141(5) shall govern the printing of official ballots in general elections.

(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used for the general election.

(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.

Section 8. Effective September 2, 2002, section 101.21, Florida Statutes, is amended to read:

101.21 Official ballots; number; printing; payment.—

(1) Where applicable in any county in which voting machines are not used, the supervisor of elections shall determine the actual number of ballots to be printed. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.

(2) In any county in which voting machines are used, one set of official ballots shall be provided for each machine plus a number of sets equal to 5 percent of the total number of machines; one set shall be inserted or placed in or upon each machine, and the remainder of the sets shall be retained in the custody of the supervisor, unless it shall become necessary during the election to make use of same upon or in the machines.

Section 9. Effective September 2, 2002, section 101.24, Florida Statutes, is amended to read:

101.24 Ballot boxes and ballots.—The supervisor of elections, ~~except where voting machines are used,~~ shall prepare for each polling place one ballot box of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the clerk or inspector of election of the precinct in which it is to be used. The clerk or inspector shall be placed under oath or affirmation to perform his or her duties faithfully and without favor or prejudice to any political party.

Section 10. Effective September 2, 2002, section 101.292, Florida Statutes, is amended to read:

101.292 Definitions; ss. 101.292-101.295.—As used in ss. 101.292-101.295, the following terms shall have the following meanings:

(1) “Governing body” means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

(2) “Voting equipment” means ~~new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017. The term “voting equipment” also includes~~ electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices, *the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017.*

(3) “Purchase” means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

Section 11. Effective September 2, 2002, section 101.34, Florida Statutes, is amended to read:

101.34 Custody of voting ~~system machines.~~—The supervisor of elections shall be the custodian of *the voting system machines* in the county ~~using them,~~ and he or she shall appoint deputies necessary to prepare and supervise the *voting system machines* prior to and during elections. The compensation for such deputies shall be paid by the supervisor of elections.

Section 12. Effective September 2, 2002, section 101.341, Florida Statutes, is amended to read:

101.341 Prohibited activities by voting ~~system machine~~ custodians and deputy custodians.—

(1) No voting ~~system machine~~ custodian or deputy custodian or other employee of the supervisor of elections, which employee’s duties are primarily involved with the preparation, maintenance, or repair of voting equipment, ~~may~~ shall accept employment or any form of consideration from any person or business entity involved in the purchase, repair, or sale of voting equipment unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083. Such person shall also be subject to immediate discharge from his or her position.

Section 13. Effective September 2, 2002, section 101.43, Florida Statutes, is amended to read:

101.43 Substitute ballot.—When ~~voting machines are used~~ and the required official ballots for a precinct are not delivered in time to be used on election day, or after delivery, are lost, destroyed or stolen, the clerk or other officials whose duty it is to provide ballots for use at such

election, in lieu of the official ballots, shall have substitute ballots prepared, conforming as nearly as possible to the official ballots, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.

Section 14. Effective September 2, 2002, section 101.49, Florida Statutes, is amended to read:

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the ~~signatures~~ *signature, doubts* shall doubt that the ~~signature handwriting affixed to a signature identification slip~~ *signature handwriting* of any elector who presents himself or herself at the polls to vote is the same as the signature of the elector affixed in the registration book, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF

I do solemnly swear (or affirm) that my name is ; that I am years old; that I was born in the State of ; that I am registered to vote, and at the time I registered I resided on Street, in the municipality of , County of , State of Florida; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

(Signature of voter)

Sworn to and subscribed before me this day of , A. D. (year) .

(Clerk or inspector of election)

Precinct No.
County of

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted ~~to the voting machine~~ to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.

Section 15. Effective September 2, 2002, subsections (4), (5), and (8) of section 101.5603, Florida Statutes, are amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(4) “Electronic or electromechanical voting system” means a system of casting votes by use of voting devices or marking devices and counting ballots by employing automatic tabulating equipment or data processing equipment, *and the term includes touchscreen systems.*

(5) “Marking device” means ~~either an approved apparatus used for the piercing of ballots by the voter or any approved device for marking a ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.~~

(8) “Voting device” means ~~either an apparatus in which ballots are inserted and used in connection with a marking device for the piercing of ballots by the voter or an apparatus by which votes are registered electronically.~~

Section 16. Effective September 2, 2002, section 101.5604, Florida Statutes, is amended to read:

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. *A county must use an electronic or electromechanical precinct-count tabulation voting system. Any such board may*

contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.

Section 17. *Effective September 2, 2002, a voting system that uses an apparatus or device for the piercing of ballots by the voter may not be used in this state.*

Section 18. *Effective September 2, 2002, section 101.5606, Florida Statutes, is amended to read:*

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

- (1) It permits and requires voting in secrecy.
- (2) It permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.
- (3) *The automatic tabulating equipment shall be set to reject a ballot and provide the elector an opportunity to correct the ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.*
- (4)(3) *For rejected ballots that voters choose to cast, the automatic tabulating equipment will be set to accept the ballot and reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.*
- (5)(4) It is capable of correctly counting votes.
- (6)(5) It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.
- (7)(6) At presidential elections it permits each elector, by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.
- (8)(7) It provides a method for write-in voting.
- (9)(8) It is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.
- (10)(9) It is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.
- (11)(10) It is capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.
- (12)(11) If it is of a type which registers votes electronically, it will permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed.
- (13)(12) It is capable of providing records from which the operation of the voting system may be audited.
- (14) *It uses a precinct-count tabulation system.*
- (15) *It does not use an apparatus or device for the piercing of ballots by the voter.*

Section 19. Paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(1), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 20. Paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. *If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.*

Section 21. Section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) *All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.*

(2)(1) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of *such public* the preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the *public preelection test* preelection test. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the *public* preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) *For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating*

equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each device tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.

(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to

reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.

Section 22. Effective September 2, 2002, subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, as amended by this act, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, provisional, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(2)(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by The Department of State, which rules shall, in accordance with s. 101.015, adopt rules that provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a precinct and at a central or regional location.

(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.

(3)(b) The results of If ballots are tabulated at precinct regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

Section 23. Effective September 2, 2002, section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting systems and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the voting equipment election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 24. Section 101.595, Florida Statutes, is created to read:

101.595 Analysis and reports of voter error.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report on voter errors to the Department of State, along with the likely reasons for the errors and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion.

(2) The Department of State, upon receipt of such information, shall prepare a public report on the performance of each type of voting system. The report must contain, but is not limited to, the following information:

- (a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;
- (b) An identification of voting system design problems; and
- (c) Recommendations for correcting any problems identified.

(3) The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

Section 25. Effective September 2, 2002, subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, including voting machines where used, the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 26. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and the voting devices of the voting system used in the county machines are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 27. Effective September 2, 2002, subsections (4) and (7) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)(a) The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

(7) ~~For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

Section 28. Subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

(9) ~~The presidential preference primary ballot shall be in substantially the following form:~~

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

No. Party
 COUNTY, FLORIDA
 Precinct No.
 (Date)
 (Signature of Voter) (Initials of Issuing Official)

Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

No. Party
 COUNTY, FLORIDA
 Precinct No.
 (Date)
 (Initials of Issuing Official)

Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT

.... Party
 COUNTY, FLORIDA
 Precinct No.
 (Date)

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote,
 For President

~~—(Name of Candidate)—
—(Name of Candidate)—~~

or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.

~~—(Name of Delegate)—~~ ~~—(Name of Candidate)—~~

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting system machine; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system, components, machine or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment machine with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Effective September 2, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in the said election, the said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.

Section 31. Paragraph (c) of subsection (1) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(1)

(c) The names of all nominees on behalf of whom such nominating petitions have been filed shall appear upon ballots in accordance with the general election laws. All qualified electors residing within the district shall be eligible to vote in such election. The candidates who receive the largest number of the votes cast from each group of candidates, as provided in s. 100.071, in such election shall be the elected supervisors from such group for such district. In the case of a newly created district participating in a regular election for the first time, three groups of candidates shall be elected for terms of 4 years, and two groups shall be elected for initial terms of 2 years. Each candidate elected shall assume office on the first Tuesday after the first Monday in January following the election.

Section 32. Sections 100.071, 101.141, 101.181, 101.191, 101.251, and 101.5609, Florida Statutes, are repealed.

Section 33. Effective September 2, 2002, sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.

Section 34. Section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) “Absent elector” means any registered and qualified voter who casts an absentee ballot.:

~~(a) Is unable without another’s assistance to attend the polls.~~

~~(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.~~

~~(e) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.~~

~~(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.~~

~~(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.~~

~~(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.~~

(2) “Ballot” or “official ballot” when used in reference to:

(a) “Voting machines,” except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

(b) “Paper ballots” means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(c) “Electronic or electromechanical devices” means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(3) “Candidate” means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate’s oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(4) “Central voter file” means a statewide, centrally maintained database containing voter registration information of all counties in this state.

(5) “Department” means the Department of State.

(6) “Division” means the Division of Elections of the Department of State.

(7) “Election” means any primary election, special primary election, special election, general election, or presidential preference primary election.

(8) “Election board” means the clerk and inspectors appointed to conduct an election.

(9) “Election costs” shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.

(10) "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

(11) "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(12) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(13) "*Member of the Merchant Marine*" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

(a) *Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or*

(b) *Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.*

(14)(13) "Minor political party" is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.

(15)(14) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(16)(15) "Nominal value" means having a retail value of \$10 or less.

(17)(16) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(18)(17) "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(19) "*Overseas voter*" means:

(a) *Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;*

(b) *Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and*

(c) *Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,*

who are qualified and registered to vote as provided by law.

(20) "*Overvote*" means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.

(21)(18) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(22)(19) "Polling place" is the building which contains the polling room where ballots are cast.

(23)(20) "Polling room" means the actual room in which ballots are cast.

(24)(21) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.

(25) "*Provisional ballot*" means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:

(a) *The voter's name does not appear on the precinct register and verification of the voter's eligibility cannot be determined; or*

(b) *There is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot.*

(26)(22) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the WAGES Program.

(27)(23) "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(28)(24) "Qualifying educational institution" means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.

(29)(25) "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(30)(26) "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(31)(27) "Supervisor" means the supervisor of elections.

(32) "*Undervote*" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

(33) "*Uniformed services*" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(34)(28) "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(35)(29) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

(36)(30) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 35. Section 101.048, Florida Statutes, is created to read:

Change of Name of Registered Voter

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(2)(a) The county canvassing board shall examine each provisional ballot to determine if the person voting that ballot was entitled to vote at the precinct in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote at the precinct in the election, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and the envelope marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF

I do solemnly swear (or affirm) that my name is ; that my date of birth is ; that I am registered to vote and at the time I registered I resided at , in the municipality of , in County, Florida; that I am a qualified voter of the county and have not voted in this election.

(Signature of Voter)
(Current Address)

Sworn to and subscribed before me this day of , (year) .
(Clerk or Inspector of Election)

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 36. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter), swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of , in County, Florida, and I was registered to vote in the precinct of County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of , in County, Florida, and am therefore eligible to vote in the precinct of County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Under penalties for false swearing, I, (New name of voter), swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct as follows:

Name
Address
Municipality
County
Florida, Zip

My present name and address of legal residence are as follows:

Name
Address
Municipality
County
Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and when the elector cannot present a valid registration identification card, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 37. Subsections (1), (2), (5), (6), and (8) of section 101.5614, Florida Statutes, are amended, and subsection (9) is added to said section to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver

it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, *provisional*, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(5) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication on the ballot that the voter has made a definite choice of the intent of the voter as determined by the canvassing board. After duplicating a ballot, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) ~~If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure. If an elector marks more names than there are persons to be elected to an office or if it is impossible to determine the elector's choice, the elector's ballot shall not be counted for that office or measure, but the ballot shall not be invalidated as to those names or measures which are properly marked.~~

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes and votes from *provisional ballots*, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 38. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person,

shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may vote a *provisional ballot as provided in s. 101.048* execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct.

Section 39. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) ~~Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet selected by the Governor. If a member of the Elections Canvassing Commission is unable to serve for any reason, the Governor shall appoint a remaining member of the Cabinet. If there is a further vacancy, the remaining members of the commission shall agree on another elected official to fill the vacancy. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each federal, state, and multi-county office. In the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

(2) The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 40. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results.

(2) Returns must be filed by 5 p.m. on the 7th day following a the first primary election and by 5 p.m. on the 11th day following the and general election and by 3 p.m. on the 3rd day following the second primary.

(3) If the returns are not received by the department by the time specified, such returns shall may be ignored and the results on file at that time shall may be certified by the department.

(4) ~~If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.~~

(2) ~~The department shall fine each board member \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.~~

(3) ~~Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.~~

Section 41. Present subsections (5) and (6) of section 102.141, Florida Statutes, are redesignated as subsections (7) and (8), respectively, present subsection (4) is amended and redesignated as subsection (6), subsections (2) and (3) are amended, and new subsections (4) and (5) are added to that section to read:

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and *provisional*

ballots as provided by s. 101.048. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(3) The canvass, except the canvass of absentee electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the day after any primary, general, special, or other election.

(5) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:

(a) Correct the error and recount the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.

(6)(4) If the unofficial returns for any office reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through the automatic tabulating equipment for each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the

corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) In counties with voting systems that do not use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the overall election return returns and the counters of the precinct tabulators machines or the tabulation of the ballots cast, the counters of the precinct tabulators of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the second day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

Section 42. Section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts ~~Protest of election returns; procedure.~~—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure.

(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that a request for a manual recount is made by 5 p.m. on the second day after the election.

(b) For federal, statewide, state, and multi-county races and ballot issues, requests for a manual recount shall be made in writing to the state Elections Canvassing Commission. For all other races and ballot issues, requests for a manual recount shall be made in writing to the county canvassing board.

(c) Upon receipt of a proper and timely request, the Elections Canvassing Commission or county canvassing board shall immediately order a manual recount of overvotes and undervotes in all affected jurisdictions.

(3)(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes. For certified voting systems, the department shall certify such hardware or software by July 1, 2002. If the department is unable to certify such hardware or software for a certified voting system by July 1,

2002, the department shall adopt rules prescribing procedures for identifying and sorting such overvotes and undervotes. The department's rules may provide for the temporary use of hardware or software whose sole function is identifying and sorting overvotes and undervotes.

(b) This subsection does not preclude the department from certifying hardware or software after July 1, 2002.

(c) Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department's rules so provide.

(1) Any candidate for nomination or election, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate canvassing board a sworn, written protest.

(2) Such protest shall be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 5 days after midnight of the date the election is held, whichever occurs later.

(3) Before canvassing the returns of the election, the canvassing board shall:

(a) When paper ballots are used, examine the tabulation of the paper ballots cast.

(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer pae on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer pae, the counters of such machines or the printer pae shall be presumed correct.

(c) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.

(4)(a) Any candidate whose name appeared on the ballot, any political committee that supports or opposes an issue which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the county canvassing board for a manual recount. The written request shall contain a statement of the reason the manual recount is being requested.

(b) Such request must be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after midnight of the date the election was held, whichever occurs later.

(c) The county canvassing board may authorize a manual recount. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(d) The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.

(5) If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:

(a) Correct the error and recount the remaining precincts with the vote tabulation system;

(b) Request the Department of State to verify the tabulation software; or

(c) Manually recount all ballots.

(4)(6) Any manual recount shall be open to the public.

(5)(a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or

2. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

(6)(7) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice a voter's intent in casting a ballot, the ballot shall be presented to the county canvassing board for a determination it to determine the voter's intent.

(c) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;

2. Time and place of recounts;

3. Public observance of recounts;

4. Objections to ballot determinations;

5. Record of recount proceedings; and

6. Procedures relating to candidate and petitioner representatives.

(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.

(9) When the Department of State verifies such software, the department shall:

(a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and

(b) Check the election parameters.

(10) The Department of State shall respond to the county canvassing board within 3 working days.

Section 43. Section 102.167, Florida Statutes, is repealed.

Section 44. Section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results

~~of that particular election following a protest pursuant to s. 102.166(1), whichever occurs later.~~

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

~~(e) Any other cause or allegation which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or election board.~~

(4) The canvassing board or *Elections Canvassing Commission* election board shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding primary or other election.

~~(8) The circuit judge to whom the contest is presented may fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.~~

Section 45. Subsections (1) and (2) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the 9th 6th day following the second primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the 9th 6th day following the second primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

Section 46. (1) *Notwithstanding s. 100.061, Florida Statutes, for the year 2002, a primary election for nomination of candidates of political parties shall be held on the second Tuesday in September. The candidate receiving the highest number of the votes cast in each contest in the primary election shall be declared nominated for such office. If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall receive the nomination.*

(2) *Notwithstanding s. 100.091, Florida Statutes, or any other provision of the Florida Election Code to the contrary, there shall be no second primary election between the effective date of this act and January 1, 2004.*

(3)(a) *No later than 5 p.m. of the 9th day following the primary election in 2002, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.*

(b) *No later than the time specified in paragraph (a), each designated candidate for Lieutenant Governor shall file with the Department of State the qualifying papers specified in s. 99.063, Florida Statutes.*

(4)(a) *For the 2002 elections, following the last day of qualifying for office, reports pursuant to s. 106.07, Florida Statutes, shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election.*

(b) *Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.*

(5) *For the 2002 elections, there shall be two elections for purposes of the contribution limits in s. 106.08, Florida Statutes.*

Section 47. Section 97.0555, Florida Statutes, is created to read:

97.0555 *Late registration.—An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States, after the book closing for an election pursuant to s. 97.055 who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.*

Section 48. Section 101.6951, Florida Statutes, is created to read:

101.6951 *State write-in ballot.—*

(1) *An overseas voter may request, not earlier than 180 days before a general election, a state write-in absentee ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote an absentee ballot during the normal absentee voting period. State write-in absentee ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in ballot.*

(2) *In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the*

name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.

(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

Section 49. Section 101.6952, Florida Statutes, is created to read:

101.6952 Absentee ballots for overseas voters.—

(1) If an overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballots via electronic transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the primary and general election not later than 30 days before each election.

(2) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

Section 50. Section 101.697, Florida Statutes, is created to read:

101.697 Electronic transmission of election materials.—The Department of State shall adopt rules to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine or other electronic means from overseas voters. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 51. Section 101.698, Florida Statutes, is created to read:

101.698 Absentee voting in emergency situations.—If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules, such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

Section 52. Paragraph (b) of subsection (1), and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested;
2. The elector's address;
3. The last four digits of the elector's social security number;
- 3.4. The registration number on the elector's date of birth registration identification card;
- 4.5. The requester's name;
- 5.6. The requester's address;
- 6.7. The requester's social security number and, if available, driver's license number, if available;

7.8. The requester's relationship to the elector; and

8.9. The requester's signature (written requests only).

(7)(a) For the purposes of this section, "absent qualified elector overseas" means:

1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

who are qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.

Section 53. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , do solemnly swear or affirm that I am a qualified and registered voter of . . . County, Florida and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature properly witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.
7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county

supervisor of elections.

(Date) (Voter's Signature)

(Last four digits of voter's social security number)

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this day of, (year) , by (name of person making statement) . My commission expires this day of, (year) .

(Signature of Official)
(Print, Type, or Stamp Name)
(State or Country of Commission)

Personally Known OR Produced Identification

Type of Identification Produced

OR

b. One Witness 18 Years of Age or Older as provided in item 8 of the Instruction Sheet, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

(Signature of Witness)

(Printed Name of Witness)

(Voter I.D. Number of Witness and County of Registration)

(Address)

(City/State)

(2) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the absent elector and the attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter or witness must cross the seal of the envelope. The absent elector and the attesting witness shall execute the certificate on the envelope.

Section 54. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature).

7. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted. ,place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:

a.—One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.

b.—Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.

8. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.

9.7. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10.8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 55. Section 101.657, Florida Statutes, is amended to read:

101.657 Voting absentee ballots in person.—

(1) Notwithstanding s. 97.021(1), Any qualified and registered elector who is unable to attend the polls on election day may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

(2) As an alternative to the provisions of ss. 101.64, 101.647, and 101.65, the supervisor of elections may allow an elector to cast an absentee ballot in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. The results or tabulation may not be made before the close of the polls on election day.

(a)(3) The elector must provide picture identification and must complete an In-Office Voter Certificate in substantially the following form:

IN-OFFICE VOTER CERTIFICATE

I, . . . , am a qualified elector in this election and registered voter of . . . County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of . . . County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate and have my signature witnessed invalidates my ballot. I am entitled to vote an absentee ballot because I am unable to attend the polls on election day.

(Voter's Signature)

(Address)

(City/State)

(Name of Witness)

(Signature of Witness)

(Type of identification provided)

(b)(4) Any elector may challenge an elector seeking to cast an absentee ballot under the provisions of s. 101.111. Any challenged ballot must be placed in a regular absentee ballot envelope. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c)(5) The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

Section 56. Paragraphs (a) and (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not

later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m. on the fourth day before the election ~~upon the opening of the polls on election day.~~ However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result ~~or tabulation of absentee ballots shall be released made~~ until after the closing ~~close~~ of the polls on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature ~~and the last four digits of the social security number~~ of the elector, as shown by the registration records, and the signature and address of an attesting witness. ~~either:~~

~~a. The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or~~

~~b. The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope ~~or if the person witnessing the ballot is in violation of s. 104.047(3).~~ If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

Section 57. Section 104.047, Florida Statutes, is amended to read:

104.047 Absentee ballots and voting; violations.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than five ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(3)4 Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.661, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(5) Any person who returns more than two absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 58. Sections 101.647 and 101.685, Florida Statutes, are repealed.

Section 59. Section 98.255, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.255, F.S., for present text.)

98.255 Voter education programs.—

(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:

- (a) Voter registration;
- (b) Balloting procedures, absentee and polling place;
- (c) Voter rights and responsibilities;
- (d) Distribution of sample ballots; and
- (e) Public service announcements.

(2) Each county supervisor shall implement the minimum voter education standards, and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.

(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.

(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.

Section 60. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line when the polls are closing.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.

5. *An explanation if his or her registration is in question.*
6. *If his or her registration is in question, cast a provisional ballot.*
7. *Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.*
8. *Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.*
9. *Vote free from coercion or intimidation by elections officers or any other person.*
10. *Vote on a voting system that is in working condition and that will allow votes to be accurately cast.*

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. *Study and know candidates and issues.*
 2. *Keep his or her voter address current.*
 3. *Know his or her precinct and its hours of operation.*
 4. *Bring proper identification to the polling station.*
 5. *Know how to operate voting equipment properly.*
 6. *Treat precinct workers with courtesy.*
 7. *Respect the privacy of other voters.*
 8. *Report problems or violations of election law.*
 9. *Ask questions when confused.*
 10. *Check his or her completed ballot for accuracy.*
- (3) *Nothing in this section shall give rise to a legal cause of action.*

(4)(2) In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

Section 61. Subsection (1) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room to watch and observe the conduct of electors and officials. The watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. Each watcher shall be a qualified and registered elector of the county in which he or she serves. ~~During the elections the officials shall call out the names of electors loudly enough to be heard by the watchers.~~

Section 62. Subsection (1) of section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has

been denied, or is a duplicate of a current registration. A registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that ~~notice must instruct~~ the applicant supply the missing information in writing and sign a statement that the additional information is true and correct ~~to complete another voter registration application, which the supervisor must provide~~. A notice of denial must inform the applicant of the reason the application was denied.

Section 63. *Effective upon this act becoming a law, the Division of Elections, in conjunction with the Florida State Association of Supervisors of Elections, shall, from existing funds, study the benefits and drawbacks of having uniform poll opening and closing times throughout the state. A written report shall be presented to the the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2002. This report must include, but is not limited to, a discussion of the circumstances surrounding the 2000 Presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the Central Time Zone not recognize Daylight Saving Time.*

Section 64. Section 102.014, Florida Statutes, is created to read:

102.014 Pollworker recruitment and training.—

(1) *The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.*

(2) *A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.*

(3) *In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.*

(4) *Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:*

(a) *No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training during a general election year, at least two hours of which must occur after June 1 of that year.*

(b) *No inspector shall work at the polls unless he or she has had a minimum of three hours of training during a general election year, at least one hour of which must occur after June 1 of that year.*

(5) *The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:*

(a) *Regulations governing solicitation by individuals and groups at the polling place;*

(b) *Procedures to be followed with respect to voters whose names are not on the precinct register;*

- (c) Proper operation of the voting system;
- (d) Ballot handling procedures;
- (e) Procedures governing spoiled ballots;
- (f) Procedures to be followed after the polls close;
- (g) Rights of voters at the polls;
- (h) Procedures for handling emergency situations;
- (i) Procedures for dealing with irate voters;
- (j) The handling and processing of provisional ballots; and
- (k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 65. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 66. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. 102.014 ~~102.012(8)~~.

Section 67. Section 106.31, Florida Statutes, is amended to read:

106.31 Legislative intent.—The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misperception of government officials unduly influenced by those special interests to the detriment of the public interest. *Furthermore, it is the intent of the Legislature that the purpose of public campaign financing is to make candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups.* The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so *and to protect the effective competition by a candidate who uses public funding.*

Section 68. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate ~~may shall~~ not be an unopposed candidate as defined in s. 106.011(15) and ~~must shall~~:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)(a) Raise contributions as follows:

- 1.~~(a)~~ One hundred fifty thousand dollars for a candidate for Governor.
- 2.~~(b)~~ One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$25,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

Section 69. Subsection (2) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(2)(a) Each candidate who has been certified to receive contributions from the Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of \$250 or less from an individual, made after September 1 of the calendar year prior to the election. *Any contribution received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution.* For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident. Aggregate contributions from an individual in excess of \$250 will be matched only up to \$250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

Section 70. Effective July 1, 2001, section 98.0977, Florida Statutes, is created to read:

98.0977 Statewide voter registration database; development and maintenance.—

(1) From the funds appropriated, the department may contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated web site, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state, and shall be accessible through an Internet web site. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

- (a) The voter is deceased;
- (b) The voter has been convicted of a felony and has not had his or her civil rights restored; or
- (c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified.

(2) The Department of State shall not contract with any private entity other than the Florida Association of Court Clerks for the operation or maintenance of the statewide voter registration database.

(3) In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, and other relevant sources. If the supervisor of elections finds information that suggests that a voter is ineligible to register to vote, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to register to vote and shall request information from the voter on forms provided by the supervisor of elections in order to make a final determination on the voter's eligibility. After reviewing the information requested by the supervisor of elections and provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to register to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she will be removed from the voter registration rolls.

(4) To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the Florida Association of Court Clerks in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(5) The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representatives beginning July 1, 2001, and continuing until the database is fully implemented.

(6) The duties of the supervisors of elections under this section shall be considered part of their regular registration list maintenance duties under this chapter, and any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).

Section 71. The Department of State may use up to \$2 million, from funds provided in specific appropriation 2898B of the 2001-2002 General Appropriations Act, notwithstanding the proviso language to that specific appropriation, for the analysis, design, development, operation, and maintenance of the statewide voter registration database as provided in s. 98.0977(1), Florida Statutes. This section shall take effect July 1, 2001.

Section 72. Section 98.0979, Florida Statutes, is created to read:

98.0979 Statewide voter registration database open to inspection; copies.—

(1)(a) The voter registration information of the state constitutes public records. Any citizen shall be allowed to examine the voter registration records, but may not make any copies or extract therefrom except as provided by this section.

(b) Within 15 days after a request for voter registration information, the division or supervisor of elections shall furnish any requested information, excluding only a voter's signature, social security number, and such other information that is by statute specifically made confidential or is exempt from public records requirements.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the division or supervisor of elections pursuant to this section shall be furnished only to:

- (a) Municipalities;
- (b) Other governmental agencies;
- (c) Political candidates, for the purpose of furthering their candidacies;

(d) Registered political committees, certified committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(e) Incumbent officeholders, for the purpose of reporting to their constituents.

(3) Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

(4) Any person who acquires a list of registered voters from the division or supervisor of elections shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear (or affirm) that I am a person authorized by s. 98.0979, Florida Statutes, to acquire information on the registered voters of Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

(Signature of person acquiring list)

Sworn and subscribed before me this day of, (year) .

(Name of person providing list)

Section 73. Effective June 30, 2001, section 98.0975, Florida Statutes, is repealed.

Section 74. (1) From funds appropriated from the General Revenue Fund to the Division of Elections of the Department of State in specific appropriation 2898B of the 2001-2002 General Appropriations Act, notwithstanding the proviso language to that specific appropriation, the division shall distribute the sum of \$5,949,375 in fiscal year 2001-2002 to the counties to fund comprehensive voter education programs and pollworker recruitment and training programs provided in this act. The Division shall divide the total amount of funds appropriated by the total number of registered voters in the state for the 2000 General Election to establish a funding level per individual voter. Each county shall receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for the 2000 General Election.

(2) No county shall receive any funds pursuant to subsection (1) until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs to be implemented pursuant to s. 98.255, Florida Statutes, for the 2002 election cycle.

(3) This section shall take effect July 1, 2001.

Section 75. The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting system has made toward the implementation of such system. This section shall take effect July 1, 2001.

Section 76. Effective July 1, 2001, funds appropriated to the Division of Elections of the Department of State in the 2001-2002 General Appropriations Act for Voting Systems Assistance shall be distributed to the counties in the following manner:

(1) Counties having a population of 75,000 or fewer based on the 2000 census shall receive a total of \$7,500 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.

(2) All other counties shall receive a total of \$3,750 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.

Section 77. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect

other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 78. Except as otherwise provided herein, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.34, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; requiring the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5607, F.S.; to correct a cross-reference; amending s. 101.5608, F.S.; providing procedures for ballots rejected by the vote tabulation device; amending s. 101.5612, F.S.; provide standards for logic and accuracy testing of vote tabulating equipment; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on voter errors following the general election; amending s. 102.012, F.S.; prescribing additional duties for election boards; deleting references to voting machines, to conform; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; directing the Department of State to ignore late-filed election returns except in the case of a statutory emergency; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; repealing s. 102.167, F.S.; eliminating a form for protests; amending s. 102.168, F.S.; revising the grounds for an election contest; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate; revising the primary date in 2002 and providing for only one primary until 2004; providing dates for Lieutenant Governor candidates to be designated and qualified; providing campaign finance reporting dates and contribution limits for the 2002 elections; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain cir-

cumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), F.S., relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 106.31, F.S.; providing legislative intent with respect to campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that contributions from individuals who are not state residents may not be used as qualifying matching contributions; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for the use and distribution of an appropriation for the design of a statewide voter registration database; creating s. 98.0979, F.S.; prescribing requirements for copying information in the statewide voter registration database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing for the use and distribution of an appropriation for voter education and pollworker training; requiring the Division of Elections to provide a progress report on the upgrading of voting systems; providing for the distribution of an appropriation from the General Appropriations Act to counties; providing for study of elections process in multiple time zones; containing a severability clause; providing effective dates.

The Conference Committee Report was read and on motion by Senator Posey was adopted. **CS for SB 1118** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Lawson	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—2

Campbell	Holzendorf
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Vote after roll call:

Nay to Yea—Campbell

BILLS ON THIRD READING, continued

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain

retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

—as amended May 3 was read the third time by title.

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

Amendment 1 (493912)(with title amendment)—On page 1, line 21 through page 5, line 4, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-9, delete those lines and insert: An act relating to retirement; providing a

On motion by Senator Burt, **CS for SB 2** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Burt, the Senate reconsidered the vote by which **CS for SB 2** as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1** was adopted.

On motion by Senator Burt, further consideration of **CS for SB 2** was deferred with pending **Amendment 1**.

Consideration of **CS for SB's 128 and 1598, HB 251 and HB 21** was deferred.

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

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

That the amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized for that purpose.

SECTION 17. Excessive punishments.—Excessive fines, cruel and ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that*

a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

AMENDING ARTICLE I, SECTION 17 OF THE STATE CONSTITUTION

Proposing an amendment to the State Constitution identical to a proposed amendment to Section 17 of Article I of the State Constitution which was approved by a statewide vote in 1998. The Supreme Court of Florida struck the 1998 amendment in a ruling in which four of the seven justices found that the ballot summary was inaccurate. The proposed amendment expressly authorizes the death penalty for capital crimes and expressly authorizes retroactive changes in the method of execution. The amendment changes the prohibition against “cruel or unusual punishment,” currently provided in Section 17 of Article I of the State Constitution, to a prohibition against “cruel and unusual punishment” to conform with the wording of the Eighth Amendment to the United States Constitution. The amendment prohibits reduction of a death sentence based on invalidity of an execution method and provides for continued force of the sentence. The amendment permits any execution method unless prohibited by the United States Constitution. The amendment requires construction of the prohibition against cruel or unusual punishment and the proposed prohibition against cruel and unusual punishment to conform to United States Supreme Court interpretation of the Eighth Amendment to the United States Constitution. The amendment would prevent state courts, including the Florida Supreme Court, from treating the state constitutional prohibition against cruel or unusual punishment as being more expansive than the federal constitutional prohibition against cruel and unusual punishment or United States Supreme Court interpretations thereof. The amendment effectively nullifies rights currently allowed under the state prohibition against cruel or unusual punishment which may afford greater protections for those subject to punishment for crimes than will be provided by the amendment. Under the amendment, the protections afforded those subject to punishment for crimes under the “cruel or unusual punishment” clause, as that clause currently appears in Section 17 of Article I of the State Constitution, will be the same as the minimum protections provided under the “cruel and unusual” punishments clause of the Eighth Amendment to the United States Constitution. The amendment provides for retroactive applicability.

Specifically, the proposal amends Section 17 of Article I of the State Constitution, to read as set forth below. The word ~~stricken~~ is a deletion; words *underlined* are additions:

SECTION 17. Excessive punishments.—Excessive fines, cruel and ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

—was read the third time in full.

On motion by Senator Burt, **HJR 951** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—27

Bronson	Carlton	Crist	Horne
Brown-Waite	Clary	Dyer	King
Burt	Constantine	Garcia	Klein
Campbell	Cowin	Geller	Latvala

Laurent	Posey	Saunders	Sullivan
Lee	Pruitt	Sebesta	Villalobos
Mitchell	Sanderson	Smith	

Nays—7

Holzendorf	Lawson	Miller	Wasserman Schultz
Jones	Meek	Rossin	

Vote after roll call:

Yea—Peaden, Webster, Diaz de la Portilla

Nay—Dawson

On motion by Senator Webster, by two-thirds vote **CS for HB 409** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

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

CS for HB 409—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; requiring competitive procurement of any insurance carrier that provides state-funded liability coverage; providing for the reversion of certain funds; providing an effective date.

—a companion measure, was substituted for **SB 878** as amended and read the second time by title.

Senator Dyer moved the following amendment:

Amendment 1 (814934)(with title amendment)—On page 2, between lines 15 and 16, insert:

Section 2. *Notwithstanding proviso language in Appropriation 138A which states: "The Professional Educators Network shall purchase the coverage, administer the program, and provide communications and notification to all instructional personnel of the benefits of the program," the insurance to be provided shall be purchased by the State of Florida using the competitive bidding procedures in chapter 287, Florida Statutes, and the program shall be administered by the school districts that employ instructional personnel.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: requiring that the state purchase insurance under the program using competitive bidding procedures, notwithstanding provisions of the appropriation;

On motion by Senator Webster, further consideration of **CS for HB 409** with pending **Amendment 1** was deferred.

Consideration of **HB 1545** was deferred.

The Senate resumed consideration of—

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (493912)** by Senator Burt was withdrawn.

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

Amendment 2 (323502)(with title amendment)—On page 1, line 21 through page 5, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-9, delete those lines and insert: An act relating to retirement; providing a

On motion by Senator Burt, **CS for SB 2** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

The Senate resumed consideration of—

CS for HB 409—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; requiring competitive procurement of any insurance carrier that provides state-funded liability coverage; providing for the reversion of certain funds; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (814934)** by Senator Dyer was withdrawn.

Senators Webster and Geller offered the following amendment which was moved by Senator Webster:

Amendment 2 (191946)(with title amendment)—On page 2, between lines 15 and 16, insert:

(3) *In implementing line item 138A of the 2001-2002 General Appropriations Act, the Department of Education shall administer the educator liability program. The insurance carrier providing any portion of educator professional liability coverage under the program which is procured with state funds must be selected by a competitive process. The amount of the appropriation for purchase of liability insurance remaining after liability insurance is provided shall revert to General Revenue unallocated.*

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: requiring competitive procurement of any insurance carrier that provides state-funded liability coverage; providing for the reversion of certain funds;

Senator Dyer moved the following amendment to **Amendment 2** which failed:

Amendment 2A (115898)—On page 1, line 21, after "coverage" insert: *and any administrative services required*

The question recurred on **Amendment 2** which was adopted.

On motion by Senator Webster, by two-thirds vote **CS for HB 409** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Laurent	Rossin
Bronson	Diaz de la Portilla	Lawson	Sanderson
Brown-Waite	Garcia	Lee	Saunders
Burt	Geller	Meek	Sebesta
Campbell	Holzendorf	Miller	Silver
Carlton	Horne	Mitchell	Smith
Clary	Jones	Peaden	Sullivan
Constantine	King	Posey	Villalobos
Cowin	Latvala	Pruitt	Webster

Nays—4

Dawson	Dyer	Klein	Wasserman Schultz
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HB 1545—A bill to be entitled An act relating to school district performance; providing a short title; amending s. 229.57, F.S.; requiring the designation and publication of district performance grades; amending s. 236.02, F.S.; revising minimum requirements of the Florida Education Finance Program to include minimum classroom expenditure requirements and associated reporting; creating s. 236.08102, F.S.; authorizing the Legislature to require a school district that fails to meet minimum academic performance standards to meet district minimum classroom expenditure requirements; providing for monitoring; requiring reports; amending s. 237.041, F.S.; requiring a district's annual budget to include provision for required minimum classroom expenditure requirements; amending s. 237.081, F.S.; requiring the advertisement of the tentative school district budget to include notice of minimum classroom expenditure requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 1545** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Lawson	Saunders
Bronson	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for HB 1927—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.;

revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 627.0915, F.S.; deleting obsolete provisions; providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Latvala, **CS for HB 1927** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Horne	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	

Nays—2

Geller	Holzendorf
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Consideration of **CS for SB 986** was deferred.

CS for CS for SB's 336 and 190—A bill to be entitled An act relating to the Florida Building Code; amending s. 235.061, F.S.; delaying the date by which relocatables used as classrooms must meet certain standards; amending s. 235.212, F.S.; specifying certain low-energy window standards for relocatable classrooms; amending s. 255.31, F.S.; exempting certain facilities from plans reviews and inspections by local governments; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 399.061, F.S.; providing requirements for the inspection of elevators and other conveyances; amending s. 489.509, F.S.;

transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 553.36, 553.415, F.S.; defining the term “factory-built school shelter”; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the date for inclusion of the Uniform Code for Public Education Facilities in the Florida Building Code; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; amending s. 553.84, F.S.; providing an exception to certain liability provisions relating to the Florida building Code; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; requiring that the Florida Building Commission appoint members to the commission’s Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to recommend procedures for engaging an engineer or architect to perform plans review and inspections; requiring recommendations for the role of local building officials in issuing building permits and certificates of occupancy; providing for appointment of members; providing for meetings and staff support by the Department of Community Affairs; requiring a report to the Governor and the Legislature by a specified date; amending s. 627.0629, F.S.; delaying a deadline by which insurance companies are required to make certain rate filings; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing appropriations; repealing s. 1 of ch. 2000-150, Laws of Florida, relating to legislative intent regarding the meaning of the terms “net premiums written” and “net premiums collected” as used in ch. 440, F.S.; providing an effective date.

—as amended May 1 was read the third time by title.

Senator Latvala moved the following amendment:

Amendment 1 (025200)(with title amendment)—On page 4, line 24 through page 6, line 7, delete those lines and insert:

Section 5. Section 399.001, Florida Statutes, is created to read:

399.001 Short title and purpose.—This chapter may be cited as the “Elevator Safety Act.” The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida Building Code. This chapter establishes the minimum standards for elevator personnel.

Section 6. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

- (1) “Alteration” means any change or addition to the *vertical conveyance equipment* other than maintenance, repair, or replacement.
- (2) “Certificate of competency” means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any *vertical conveyance elevator*.
- (3) “Certificate of operation” means a document *issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.*
- (4) “Conveyance” means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.
- (5) “Department” means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~
- (6) (4) “Division” means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.
- (7) (5) “Elevator” means one of the following mechanical devices:
 - (a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.
 - (b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.
 - (c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.
 - (d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.
 - (e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.
 - (f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.
- (8) “Escalator” means an installation defined as an escalator in the Florida Building Code.
- (9) “Existing installation” means an installation defined as an “installation, existing” in the Florida Building Code.
- (10) “Elevator Safety Technical Advisory Committee” means the committee appointed by the secretary of the Department of Business and Professional Regulation.
- (11) “Private residence” means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.
- (6) “Elevator company” means any person that constructs, installs, inspects, maintains, or repairs any elevator.
- (12) (7) “Service maintenance contract” means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests such as on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.
- (13) “Temporarily dormant conveyance” means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the “OFF” position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again

until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) "Temporary operation permit" means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) "Registered elevator company" means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) "Certified elevator technician" means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) "Elevator helper" means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) "Elevator certificate of competency" means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of \$50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder's completion of 8 hours of continuing education and a renewal fee of \$50.

All other building transportation terms are defined in the current Florida Building Code.

Section 7. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The Elevator Safety Technical Advisory Committee ~~division~~ shall develop and submit to the Director of Hotels and Restaurants regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1. ~~Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."~~

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

~~(4)(3) Each elevator shall have a serial number assigned by the department division painted on or attached to the elevator car in plain view~~

and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)(4)(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the ~~department division~~. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the ~~department division~~.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the ~~department division~~. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the ~~department division~~ 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the ~~department division~~ requires. The ~~department division~~ shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the ~~department division~~. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The ~~department division~~ shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

~~(6)(5) The department division is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety.~~

~~(7)(6) The Elevator Safety Technical Advisory Committee division shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, ASME A18.1, or other related model codes and amendments thereto, concurrent with the update of the Florida Building Code and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.~~

Section 8. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of conveyances ~~elevators~~.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

~~(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop work order.~~

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permitholder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

~~(8) (4) Each elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator.~~

~~(9) (2) Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.~~

~~(10) (3) When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code or Elevator Safety Code that were in effect at the time of receipt of the application for the construction permit for the change in classification.~~

Section 9. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) **SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.**—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to \$1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.

(c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) **DISCIPLINARY ACTION.**—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 10. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division, pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect.~~ A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for a routine inspection.

(2) The division ~~may~~ shall employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 11. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisory directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The ~~department division~~ shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The ~~department division~~ shall charge an annual fee for issuance of a certificate of operation in amount to be set by rule. ~~The fee must be set by rule in an amount not to exceed \$100 for an elevator not covered by a service maintenance contract or \$50 for an elevator covered by a service maintenance contract.~~ However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The ~~department division~~ may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the ~~department division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The ~~department division~~ shall charge a fee, set by rule in an amount not greater than \$100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation “NO SMOKING” along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The ~~department division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the ~~department division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 12. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the ~~department division~~ to enforce the provisions of this chapter. The ~~department division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 13. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the ~~department division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the ~~department division~~ the permit or certificate is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than \$1,000 ~~\$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the ~~department division~~ in an amount not to exceed \$1,000 ~~\$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 14. Section 399.106, Florida Statutes, is created to read:

399.106 *Elevator Safety Technical Advisory Committee.*—

(1) *The Elevator Safety Technical Advisory Committee is created within the Department of Professional Regulation, Division of Hotel and Restaurants, consisting of seven members to be appointed by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.*

(2) *The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.*

(3) *The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminates December 31, 2003.*

(4) *The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.*

Section 15. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the ~~department division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as ~~credentialed under this chapter a holder of a certificate of competency issued pursuant to s. 399.045~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents or incidents; penalties.— Within 5 working days after any accident or incident occurring in or upon any elevator, the certificate of operation holder shall report the accident or incident to the division on a forum prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder ~~which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident, whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject to an administrative fine, to be imposed by the division, in an amount not to exceed \$1,000~~ ~~\$500~~.

Section 17. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The ~~department division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will

issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the ~~department division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the ~~department division~~; and may include such other provisions as the ~~department division~~ deems necessary.

(2) The ~~department division~~ may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the ~~department division~~ finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 18. Sections 399.045 and 399.05, Florida Statutes, are repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 13-15, delete those lines and insert: code; creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; amending 489.509,

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

Amendment 2 (212288)(with title amendment)—On page 7, line 17 through page 8, line 31, delete those lines and insert:

Section 5. Section 399.001, Florida Statutes, is created to read:

399.001 *Short title and purpose.*—*This chapter may be cited as the "Elevator Safety Act." The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida Building Code. This chapter establishes the minimum standards for elevator personnel.*

Section 6. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

(1) "Alteration" means any change or addition to the ~~vertical conveyance equipment~~ other than maintenance, repair, or replacement.

(2) "Certificate of competency" means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any ~~vertical conveyance elevator~~.

(3) "Certificate of operation" means a document issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.

(4) "Conveyance" means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) "Department" means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~

(6) (4) "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) (5) "Elevator" means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

(8) "Escalator" means an installation defined as an escalator in the Florida Building Code.

(9) "Existing installation" means an installation defined as an "installation, existing" in the Florida Building Code.

(10) "Elevator Safety Technical Advisory Committee" means the committee appointed by the secretary of the Department of Business and Professional Regulation.

(11) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

(6) "Elevator company" means any person that constructs, installs, inspects, maintains, or repairs any elevator.

(12)(7) "Service maintenance contract" means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests such as on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

(13) "Temporarily dormant conveyance" means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) "Temporary operation permit" means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) "Registered elevator company" means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) "Certified elevator technician" means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) "Elevator helper" means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) "Elevator certificate of competency" means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of \$50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder's completion of 8 hours of continuing education and a renewal fee of \$50.

All other building transportation terms are defined in the current Florida Building Code.

Section 7. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The Elevator Safety Technical Advisory Committee ~~division~~ shall develop and submit to the Director of Hotels and Restaurants regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1. Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

(4)(3) Each elevator shall have a serial number assigned by the department division painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)(4)(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the department division. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the department division.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a

certificate of operation has been issued by the department division. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the department division 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the department division requires. The department division shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the department division. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The department division shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

~~(6)(5) The department division is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety.~~

~~(7)(6) The Elevator Safety Technical Advisory Committee division shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, ASME A18.1, or other related model codes and amendments thereto, concurrent with the update of the Florida Building Code and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.~~

Section 8. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of conveyances elevators.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the

permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permitholder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

(8) (4) Each elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator.

(9) (2) Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(10) (3) When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code or Elevator Safety Code that were in effect at the time of receipt of the application for the construction permit for the change in classification.

Section 9. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) **SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.**—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to \$1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

- (a) Any false statement as to a material matter in the application.
- (b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.
- (c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.
- (d) Violation of any provision of this chapter.

(2) **DISCIPLINARY ACTION.**—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 10. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division, pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect.~~ A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for a routine inspection.

(2) The division ~~may~~ shall employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 11. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The ~~department~~ division shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The ~~department~~ division shall charge an annual fee for issuance of a certificate of operation in amount to be set by rule. ~~The fee must be set by rule in an amount not to exceed \$100 for an elevator not covered by a service maintenance contract or \$50 for an elevator covered by a service maintenance contract.~~ However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The ~~department~~ division may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping

equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the ~~department division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The ~~department division~~ shall charge a fee, set by rule in an amount not greater than \$100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The ~~department division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the ~~department division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 12. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the ~~department division~~ to enforce the provisions of this chapter. The ~~department division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 13. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the ~~department division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the ~~department division~~ the permit or certificate is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than \$1,000 ~~\$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the ~~department division~~ in an amount not to exceed \$1,000 ~~\$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 14. Section 399.106, Florida Statutes, is created to read:

399.106 Elevator Safety Technical Advisory Committee.—

(1) *The Elevator Safety Technical Advisory Committee is created within the Department of Professional Regulation, Division of Hotel and Restaurants, consisting of seven members to be appointed by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.*

(2) *The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.*

(3) *The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminates December 31, 2003.*

(4) *The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.*

Section 15. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the ~~department division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as *credentialed under this chapter* ~~a holder of a certificate of competency issued pursuant to s. 399.045~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents or incidents; penalties.—Within 5 working days after any accident or incident occurring in or upon any elevator, *the certificate of operation holder shall report the accident or incident to the division on a forum prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident, whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject to an administrative fine, to be imposed by the division, in an amount not to exceed \$1,000 ~~\$500~~.*

Section 17. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) *The ~~department division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the ~~department division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of*

certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the *department division*; and may include such other provisions as the *department division* deems necessary.

(2) The *department division* may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the *department division* finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 18. Sections 399.045 and 399.05, Florida Statutes, are repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 13-15, delete those lines and insert: code; creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; amending 489.509,

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

Amendment 3 (064276)—On page 5, line 22, delete "facility"

Amendment 4 (614198)—On page 10, line 8, delete "Paragraph" and insert: Effective January 1, 2003, paragraph

Amendment 5 (984664)—On page 14, line 1, delete "2002" and insert: 2001

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

Amendment 6 (440824)(with title amendment)—On page 43, line 30 through page 45, line 23, delete those lines and insert:

Section 28. *Effective upon this act becoming a law, the Building Construction Permitting and Inspection Task Force is hereby created to recommend a procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property, and the appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.*

(1) *The task force shall be composed of 11 members, appointed as follows:*

(a) *The Building Officials Association of Florida shall appoint four members;*

(b) *The Associated General Contractors of Florida shall appoint one member;*

(c) *The Florida Home Builders Association shall appoint one member;*

(d) *The Florida Engineering Society shall appoint one member;*

(e) *The Florida Association of the American Institute of Architects shall appoint one member;*

(f) *The Florida Building Commission shall appoint two members, one member to be a building official or inspector, and one to be a contractor, architect, or engineer.*

(g) *The Florida Insurance Council shall appoint one member.*

(2) *The task force shall meet at least four times prior to January 1, 2002. Members may participate in any meeting via telephone conference. Members shall serve on a voluntary basis, without compensation and without reimbursement for per diem and travel expenses.*

(3) *The task force shall examine the various processes used by local building officials throughout the state in conducting plans review for the construction, alteration, repair, or improvement of real property, and approving building permit applications, as well as those processes used by local building officials in conducting required inspections for construction, alteration, repair, or improvement of real property, and issuing certificates of occupancy. The task force shall make recommendations on the following:*

(a) *A procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property; and*

(b) *The appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.*

(4) *The task force shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by January 1, 2002, a report presenting the task force's recommendations and findings.*

(5) *The Florida Building Commission shall provide logistical and staff support for the task force.*

And the title is amended as follows:

On page 3, lines 14-24, delete those lines and insert: collected for research projects; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; requiring a report to the

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

Amendment 7 (911046)—On page 47, delete line 29 and insert:

Section 33. Effective July 1, 2001,

Amendment 8 (533028)—On page 48, line 3, delete "The" and insert: *Effective July 1, 2001, the*

Amendment 9 (473352)(with title amendment)—On page 47, lines 10 and 11, delete section 31 and renumber subsequent sections.

And the title is amended as follows:

On page 4, lines 1-5, delete those lines and insert: appropriations; providing an

On motion by Senator Constantine, **CS for CS for SB's 336 and 190** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule

and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport

master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Sebesta, further consideration of **CS for CS for HB 1053** as amended was deferred.

Consideration of **CS for SB 1558** was deferred.

CS for SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Mitchell, **CS for SB 256** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for CS for SB 2224, SB 484** and **CS for SB 1784** was deferred.

On motion by Senator Saunders, by two-thirds vote **HB 477** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

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

HB 477—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing contingent effective dates.

—a companion measure, was substituted for **SB 1314** and read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (870164)(with title amendment)—On page 2, line 10 through page 3, line 20, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 7-13, delete those lines and insert: providing an exception; providing contingent effective dates.

On motion by Senator Saunders, by two-thirds vote **HB 477** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dawson	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Silver
Burt	Garcia	Lee	Smith
Campbell	Geller	Miller	Villalobos
Carlton	Holzendorf	Mitchell	Wasserman Schultz
Clary	Jones	Peaden	Webster
Constantine	King	Posey	
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—1

Sanderson

Vote after roll call:

Yea—Diaz de la Portilla

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco; amending s. 215.5601, F.S.; defining the terms “participating manufacturer,” “subscribing participating manufacturer,” “outdoor advertising,” and “transit advertisements”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a “participating manufacturer”; or a “subscribing participating manufacturer”; providing for funds received from participating manufacturers and subscribing participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing a portion of such funds to the Florida Comprehensive Health Association; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; directing wholesalers to pay surcharges required by the chapter; prohibiting specific practices by tobacco product manufacturers, importers, distributing agents, wholesale dealers, exporters or others; amending s. 210.01, F.S.; defining the terms “surcharges,” “participating manufacturer,” and “subscribing participating manufacturer”; creating s. 210.0220, F.S.; providing for imposition of the public health tobacco equity surcharge; providing legislative intent; providing applicability of specified provisions of law; creating s. 210.0221, F.S.; imposing the public health tobacco equity surcharge on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state; specifying the amount of the surcharge; providing that the surcharge will be paid by the wholesale dealer; providing for collection of surcharge; requiring collection and payment to the division; providing for interest on unpaid amount; providing for responsible party when cigarettes shipped to other than wholesale dealer; creating s. 210.0222, F.S.; providing credit against surcharge for participating manufacturers and subscribing participating manufacturers; providing amount of credit; creating s. 210.0223, F.S.; providing for deposit of proceeds to the Tobacco Settlement Clearing Trust Fund; defining “proceeds”; creating s. 210.0224, F.S.; providing for duties of the division; providing for reports from participating manufacturers and subscribing participating manufacturers; creating s. 210.0225, F.S.; providing intent related to severability and impact of declaration of unconstitutionality; amending s. 17.41, F.S., correcting a cross-reference; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** as amended was deferred.

Consideration of **HB 1737** was deferred.

CS for CS for HB 1121—A bill to be entitled An act relating to driver licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **CS for CS for HB 1121** was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Villalobos
Carlton	Jones	Peaden	Wasserman Schultz
Clary	King	Posey	Webster
Constantine	Klein	Pruitt	
Cowin	Laurent	Rossin	
Crist	Lawson	Saunders	

Nays—None

CS for CS for HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—as amended May 3 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 1 (161930)** by Senator Horne was adopted on May 3.

Senator Peaden moved the following amendment to **Amendment 1**:

Amendment 1A (470776)(with title amendment)—On page 17, between lines 5 and 6, insert:

Section 11. Paragraph (b) of subsection (22) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) “Educational facility” means:

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code, or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state’s system of public education, including, but not limited to, a charter school or a developmental research school operated under chapter 228. The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the revenues provided therefor.

Section 12. Section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(1) AUTHORIZATION.—The creation of charter schools is hereby authorized. Charter schools shall be part of the state’s program of public education. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A public school may not use the term charter in its name unless it has been approved under this section.

(2) PURPOSE.—The purpose of charter schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Create new professional opportunities for teachers, including the opportunity to own the learning program at the school site.

(i) Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

(j) Provide additional academic choices for parents and students.

(k) Expand the capacity of the public school system.

(3) APPLICATION; UNLAWFUL REPRISAL.—

(a) An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

2. The district school board or the principal, teachers, parents, and/or the school advisory council at an existing public school *that has been in operation for at least 2 years prior to the application to convert*, including a public school-within-a-school that is designated as a school by the district school board, shall submit any application for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to procedures established by rules of the state board. *A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 30 days after the meeting at which the school board denied the application. The notice must specify the exact reasons for denial and must provide documentation supporting those reasons.* A private school, parochial school, or home education program shall not be eligible for charter school status.

(b) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term “unlawful reprisal” means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee’s position absent of a reduction in force as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal which occurs as a consequence of an employee’s direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after a reprisal prohibited by this subsection, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the department shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the department determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the department shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the department shall provide the superintendent of schools of the complainant’s district and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the department determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the department shall terminate the investigation. Upon termination of any investigation, the department shall notify the complainant and the superintendent of schools of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The department shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the department determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the department.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee’s exercise of rights protected by this section.

(c) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief must include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee’s full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney’s fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

6. Temporary reinstatement to the employee’s former position or to an equivalent position, pending the final outcome on the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board’s initiation of a personnel action against the employee which includes documentation of the employee’s violation of a disciplinary standard or performance deficiency.

(4) SPONSOR.—A district school board may sponsor a charter school in the county over which the board has jurisdiction.

(a) A district school board shall receive and review all applications for a charter school. A district school board shall receive and consider charter school applications received on or before October 1 of each calendar year for charter schools to be opened at the beginning of the school district’s next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. *A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.*

1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students which are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. A district school board must by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board must by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (b). If an application is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.

3. For budget projection purposes, the district school board or other sponsor shall report to the department the approval or denial of a char-

ter application within 10 calendar days after such approval or denial. In the event of approval, the report to the department must include the final projected FTE for the approved charter school.

4. Upon approval of a charter application, the initial startup must ~~commence~~ be consistent with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the school board shall be submitted to the state board within 30 calendar days after notification of the appeal. The state board must by majority vote accept or reject the decision of the district school board no later than 60 calendar days after an appeal is filed in accordance with state board rule. The state board may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the school board's denial of the charter application ~~the school board denial~~. The state board shall remand the application to the district school board with its written ~~decision recommendation~~ that the district board approve or deny the application consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interests of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district board's action on the state board's recommendation is a final action subject to judicial review.

(d) The Department of Education may provide technical assistance to an applicant upon written request.

(e) Paragraph (a) notwithstanding, a state university may grant a charter to a developmental research school created under s. 228.053. In considering such charter, the state university must consult with the district school board of the county in which the developmental research school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(f) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the charter. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(g) The sponsor shall monitor and review the charter school in its progress towards the goals established in the charter.

(h) The sponsor shall monitor the revenues and expenditures of the charter school.

(i) A charter school shall be exempt from the sponsor's policies.

(5) **CHARTER SCHOOL COOPERATIVES.**—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide the following services: charter school planning and development, direct instructional services, contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

(6)(5) **NUMBER OF SCHOOLS.**—

(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) An existing public school which converts to a charter school shall not be counted towards the limit established by paragraph (a).

Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.

(7)(6) **ELIGIBLE STUDENTS.**—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a developmental research school created under s. 228.053 to which a charter has been issued under paragraph (4)(e), the charter school shall be open to any student eligible to attend the developmental research school as provided in s. 228.053 or who resides in the school district in which the charter school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school, to the child of a member of the governing board of the charter school, or to the child of an employee of the charter school.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace, *charter school-in-a-development*, or *charter school-in-a-municipality* established pursuant to subsection (22).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (9)(a)8. or any federal provisions which require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter

schools, standards that are consistent with the school's mission and purpose. Such standards must be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. *Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools which has been approved by the sponsor.*

(d) A student may withdraw from a charter school at any time and enroll in another public school as determined by school board policy.

(e) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(f) *The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.*

(8)(7) **LEGAL ENTITY.**—A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a “covered group” under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(9)(8) **REQUIREMENTS.**—

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (6).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (9).

(d) A charter school shall not charge tuition or fees, except those fees normally charged by other public schools. However, a developmental research school to which a charter has been issued pursuant to paragraph (4)(e) may charge a student activity and service fee as authorized by s. 228.053(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 228.2001.

(g) A charter school shall be subject to an annual financial audit in a manner similar to that of a school district.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled “Financial and Program Cost Accounting and Reporting for Florida Schools”; or:

2. *At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.*

Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 236.02(1). Charter schools which are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the

parent, but must reformat this information for reporting according to this paragraph.

(j) *The governing board of the charter school shall annually adopt and maintain an operating budget.*

(10)(9) **CHARTER.**—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed, *and identification and acquisition of appropriate technologies needed to improve educational and administrative performance. This must include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.*

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. This section shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

d. *The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.*

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. *Included in the methods is a means for ensuring accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs.* Students in charter schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services *and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included.* Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. *A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans*

to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the local school board. A developmental research school is eligible for a charter for a term of up to 15 years issued by a state university pursuant to paragraph (4)(e). In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the local school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (10).

12. The facilities to be used and their location.

13. The qualifications to be required of the teachers *and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.*

14. The governance structure of the school, including the status of the charter school as a public or private employer as required in subsection (7).

15. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

16. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or school board policy in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a developmental research school to which a charter has been issued pursuant to paragraph (4)(e), except as authorized by the employment policies of the state university which grants the charter to the developmental research school.

(b) A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for non-renewal established by paragraph (10)(a) have been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the agreement.

(d) The governing body of the charter school shall *exercise continuing oversight over charter school operations and make annual progress reports to its sponsor, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports.* The report shall contain at least the following information:

1. The charter school's progress towards achieving the goals outlined in its charter.
2. The information required in the annual school report pursuant to s. 229.592.
3. Financial records of the charter school, including revenues and expenditures.

4. Salary and benefit levels of charter school employees.

(e) A sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 229.591.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the state assessment program, versus comparable public school students in the district as determined by the state assessment program currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

(g) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications will then be designated as one charter for all purposes listed pursuant to this section.

~~(11)~~(10) CAUSES FOR NONRENEWAL OR TERMINATION.—

(a) At the end of the term of a charter, the sponsor may choose not to renew the charter for any of the following grounds:

1. Failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management.
3. Violation of law.
4. Other good cause shown.

(b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).

(c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (4).

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. *The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (4).*

(e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered *public* funds from the charter school shall revert to the district school board. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances.

(f) If a charter is not renewed or is terminated, the *charter school governing body of the school* is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

(g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

(12)(11) EXEMPTION FROM STATUTES.—A charter school shall operate in accordance with its charter and shall be exempt from all statutes of the Florida School Code, except those specifically applying to charter schools; those pertaining to the provision of services to students with disabilities; those pertaining to civil rights, including s. 228.2001, relating to discrimination; and those pertaining to student health, safety, and welfare; or as otherwise required by this section. A charter school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties. *The charter school's governing board sponsor, upon request of a charter school, may apply to the Commissioner of Education for a waiver of provisions of chapters 230-239 which are applicable to charter schools under this section, except that the provisions of chapter 236 or chapter 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The Commissioner of Education must confirm receipt of a waiver request from a charter school by providing a copy of the request to the sponsor. The commissioner may grant the waiver if necessary to implement the school program and shall provide notice of the final dispensation of the waiver request to the charter school governing board and the charter school's sponsor.*

(13)(12) EMPLOYEES OF CHARTER SCHOOLS.—

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a school board from approving alternative leave arrangements consistent with chapter 231.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 231. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 231, and as provided by State Board of Education rule for charter school governing boards. A charter school may not knowingly employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g) A charter school shall employ or contract with employees who have been fingerprinted as provided in s. 231.02. Members of the governing board of the charter school shall also be fingerprinted in a manner similar to that provided in s. 231.02.

(14)(13) REVENUE.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a chartered developmental research school shall be as provided in s. 228.053(9).

(a) Each charter school shall report its student enrollment to the district school board as required in s. 236.081, and in accordance with the definitions in s. 236.013. The district school board shall include each charter school's enrollment in the district's report of student enrollment. *All charter schools submitting student record information required by the Department of Education shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.*

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school will be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of chapter 234. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(e) Any administrative fee charged by the school district relating to a charter school shall be limited to 5 percent of the available funds as defined in paragraph (b) *not including capital outlay funds, federal and state grants, or any other funds unless explicitly provided by law.* The sponsor shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration, test administration, processing of teacher certificate data, and information services.

(f) School boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

(g) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. *The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.*

(h) If other goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(15)(14) IMMUNITY.—For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.

(16)(15) LENGTH OF SCHOOL YEAR.—A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(17)(16) FACILITIES.—

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (9), shall be exempt from ad valorem taxes pursuant to s. 196.1983.

(c) After January 1, 2001, charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.

(18)(17) INITIAL COSTS.—A sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

(19)(18) INFORMATION.—The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (9). This application format may be used by chartering entities.

(20)(19) GENERAL AUTHORITY.—A charter school shall not levy taxes or issue bonds secured by tax revenues.

(21)(20) REVIEW.—

(a) The Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations

and oversight and for ensuring best business practices at and fair business relationships with charter schools.

(b) The Legislature shall review the operation of charter schools during the 2005 Regular Session of the Legislature.

(22)(21) RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

(23)(22) CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS IN-A-MUNICIPALITY.—

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, to encourage developers of residential and other projects to provide school infrastructure concurrent with school impacts, to promote and encourage local communities to participate in and advance the cause of neighborhood schools, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery which involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(d) As used in this subsection, the terms "business partner," "employer," "developer," or "municipality" may include more than one business, employer, developer, or municipality to form a charter school-in-the-workplace, charter school-in-a-development, or charter school-in-a-municipality.

Section 13. Subsection (1) of section 228.0561, Florida Statutes, is amended to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations

Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. *The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. Sixty percent of the funds shall be distributed after the second enrollment survey, and the balance shall be distributed after the third enrollment survey. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment.* The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Section 14. Section 228.058, Florida Statutes, is amended to read:

228.058 Charter School Districts Pilot Program.—The State Board of Education is authorized to enter into a performance contract with up to six school districts for the purpose of establishing them as charter school districts. The State Board of Education shall give priority to Hillsborough and Volusia Counties upon the submission of a completed precharter agreement or charter proposal for a charter school district. The purpose of this pilot program is to examine a new relationship between the State Board of Education and school districts that may produce significant improvements in student achievement and school management, while complying with constitutional requirements assigned to each entity.

(1) CHARTER DISTRICT.—A charter school district is a school district in Florida in which the school board has submitted and the state board has approved a charter proposal that exchanges statutory and rule exemption for agreement to meet performance goals in the proposal. The charter school district shall be chartered for 3 years, at the end of which the performance shall be evaluated.

(2) EXEMPTION FROM STATUTES AND RULES.—Charter school districts shall be exempt from state statutes and state board rules as provided in s. 228.056. The school board of a charter school district shall not be exempt from any statute governing election of board members, public meetings and public records requirements, financial disclosure, conflicts of interest, operation in the sunshine, or other provisions outside the Florida School Code.

(3) GOVERNING BOARD.—The governing board of the charter school district shall be the duly elected school board. The school board shall be responsible for supervising the schools in the charter district and is authorized to charter each of its existing public schools pursuant to s. 228.056, apply for deregulation of its public schools pursuant to s. 228.0565, or otherwise establish performance-based contractual relationships with its public schools for the purpose of giving them greater autonomy with accountability for performance.

(4) PRECHARTER AGREEMENT.—The state board is authorized to approve a precharter agreement with a potential charter district. The agreement may grant limited flexibility and direction for developing the full charter proposal.

(5) TIME PERIOD FOR PILOT.—The pilot program shall be authorized for a period of 3 full school years commencing with award of a charter. The charter may be renewed upon action of the state board.

(6) REPORTS.—The state board shall annually report on the implementation of the charter school district pilot program. Upon the completion of the first 3-year term, the state board, through the Commissioner of Education, shall submit to the Legislature a full evaluation of the effectiveness of the program.

(7) RULEMAKING.—The State Board of Education shall have the authority to enact rules to implement this section in accordance with ss. 120.536 and 120.54.

Section 15. Paragraph (d) is added to subsection (3) of section 232.425, Florida Statutes, to read:

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

(3)

(d) *An individual charter school student pursuant to s. 228.056 is eligible to participate at the public school to which the student would be assigned according to district school attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:*

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

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

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

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

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

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

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 19, line 24, after the second semicolon (;) insert: amending s. 159.27, F.S.; redefining the term "educational facility" for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board's ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; permitting a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; amending s. 228.058, F.S.; requiring public schools in a charter district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school;

On motion by Senator Horne, further consideration of **CS for CS for HB 269** with pending **Amendment 1** and **Amendment 1A** was deferred.

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definition of the term “operating capital outlay”; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; providing an effective date.

—was read the third time by title.

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

Amendment 1 (381966)(with title amendment)—On page 31, between lines 13 and 14, insert:

Section 24. Section 215.98, Florida Statutes, is created to read:

215.98 *State debt fiscal responsibility.*—

(1) *It is the public policy of this state to encourage fiscal responsibility on matters pertaining to state debt. In an effort to finance essential capital projects for the benefit of residents at favorable interest rates, the*

state must continue to maintain its excellent credit standing with investors. Authorizations of state debt must take into account the ability of the state to meet its total debt service requirements in light of other demands on the state’s fiscal resources. The Legislature declares that it is the policy of this state to exercise prudence in undertaking the authorization and issuance of debt. In order to implement this policy, the Legislature desires to authorize the issuance of additional state tax-supported debt only when such authorization would not cause the ratio of debt service to revenue available to pay debt service on tax-supported debt to exceed 6 percent. If the 6-percent target debt ratio will be exceeded, the authorization of such additional debt must be accompanied by a legislative statement of determination that such authorization and issuance is in the best interest of the state and should be implemented. The Legislature shall not authorize the issuance of additional state tax-supported debt if such authorization would cause the designated benchmark debt ratio of debt service to revenues available to pay debt service to exceed 7 percent unless the Legislature determines that such additional debt is necessary to address a critical state emergency.

(2) *The Division of Bond Finance shall conduct a debt affordability analysis each year. Proposed capital projects that require funding by the issuance of additional state debt shall be evaluated on the basis of the analysis to assist the Governor and the Legislature in setting priorities among capital projects and related appropriations.*

(a) *The Division of Bond Finance shall annually prepare a debt affordability report, to be presented to the governing board of the Division of Bond Finance, the President of the Senate, the Speaker of the House of Representatives, and the chair of each appropriations committee by December 15 of each year, for purposes of providing a framework for the Legislature to evaluate and establish priorities for bills that propose the authorization of additional state debt during the next budget year.*

(b) *The report shall include, but not be limited to:*

1. *A listing of state debt outstanding, other debt secured by state revenues, and other contingent debt.*

2. *An estimate of revenues available for the next 10 fiscal years to pay debt service, including general revenues plus any revenues specifically pledged to pay debt service.*

3. *An estimate of additional debt issuance for the next 10 fiscal years for the state’s existing borrowing programs.*

4. *A schedule of the annual debt service requirements, including principal and interest allocation, on the outstanding state debt and an estimate of the annual debt service requirements on the debt included in subparagraph 3. for each of the next 10 fiscal years.*

5. *An overview of the state’s general obligation credit rating.*

6. *Identification and calculation of pertinent debt ratios, including, but not limited to, debt service to revenues available to pay debt service, debt to personal income, and debt per capita for the state’s net tax-supported debt.*

7. *The estimated debt capacity available over the next 10 fiscal years without the benchmark debt ratio of debt service to revenue exceeding 6 percent.*

8. *A comparison of the debt ratios prepared for subparagraph 6., with the comparable debt ratios for the 10 most populous states.*

(c) *The Division of Bond Finance shall prepare an update of the report set forth above upon completion of the revenue estimates prepared in connection with the legislative session.*

(d) *Any entity issuing debt secured by state revenues shall provide the information necessary to prepare the debt affordability report.*

(3) *Failure to comply with this section shall not affect the validity of any debt or the authorization of such debt.*

Section 25. Subsection (6) is added to section 11.90, Florida Statutes, to read:

11.90 *Legislative Budgeting Commission.*—

(6) *The commission shall have the power and duty to:*

(a) *Annually review the amount of state debt outstanding and submit to the President of the Senate and the Speaker of the House of Representatives an estimate of the maximum amount of additional state tax-supported debt that prudently may be authorized during the current fiscal year. The estimate shall be advisory and shall in no way bind the Legislature.*

(b) *Promptly after receiving the report required by s. 215.98(2)(c), the commission shall submit to the President of the Senate and the Speaker of the House of Representatives the commission's estimate of tax-supported debt which prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 29, after the semicolon (;) insert: creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt;

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

Amendment 2 (484432)(with title amendment)—On page 4, before line 1, insert:

Section 1. Subsection (2) of section 110.227, Florida Statutes, is amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. Such rules shall be approved by the Administration Commission prior to their adoption by the department. *This subsection does not prohibit bumping in a collective bargaining agreement nor does it prevent or abrogate any collective bargaining provisions that recognize special protection on the basis of seniority or job experience.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: amending s. 110.227, F.S.; providing that “bumping” or certain special protection may not be prohibited in a collective bargaining agreement;

On motion by Senator Horne, **CS for SB 1784** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dawson	Latvala	Sanderson
Brown-Waite	Diaz de la Portilla	Laurent	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Lawson, Webster

CS for SB 2096—A bill to be entitled An act relating to public accountability; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees whose licenses have become void; providing an effective date.

ment of certain licensees whose licenses have become void; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 2096** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Saunders
Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lawson	Silver
Burt	Garcia	Lee	Smith
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Sanderson	

Nays—None

HB 1419—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016, and 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; correcting a cross reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross references; amending s. 267.062, F.S.; correcting a cross reference; amending s. 267.072, F.S., relating to Museum of Florida History programs; renumbering provisions relating to historical museum grants as s. 267.0619, F.S.; revising provisions with respect to grant application review; renumbering provisions relating to the Great Floridians program as s. 267.073, F.S.; correcting a cross reference; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining

value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; amending and renumbering s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901 and 872.05, F.S.; correcting cross references; providing effective dates.

—was read the third time by title.

On motion by Senator Clary, **HB 1419** was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Name, Dawson, Latvala, Rossin. Lists names of senators who voted 'Yeas'.

Nays—None

SENATOR SILVER PRESIDING

CS for SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; requiring the custodians of the local jail to perform certain calculations; amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department’s Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional institutions as “prisons” and community correctional centers as “work-release centers”; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; amending s. 945.215, F.S.; revising provisions relating to use of funds for specified purposes at correctional facilities operated by the

Department of Corrections; deleting language relating to legislative intent; amending s. 944.17, F.S.; providing for certain responsibilities relating to the transportation of prisoners; providing Legislative intent regarding the adoption of standards for the operation of local jails; providing such intent regarding the operation of the Florida Corrections Accreditation Commission accreditation program; requiring the Department of Corrections to provide financial support to the commission; establishing standards for the program; requiring a report; providing an appropriation; amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term “accredited college”; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers; amending s. 944.31, F.S.; revising terminology; providing for the designation of law enforcement officers to conduct certain investigations; providing such officers’ qualifications and powers; requiring the Department of Corrections to notify a prisoner of any hepatitis diagnosis; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Crist, **CS for SB 1534** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Lists names of senators who voted 'Yeas'.

Nays—None

HB 579—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521,

679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; providing criteria for the registry; operation of a filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; creating s. 285.20, F.S.; establishing the Tribal Secured Transactions Filing Offices; specifying nonsupersession of certain provisions; providing effective dates.

—was read the third time by title.

On motion by Senator Campbell, **HB 579** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer

Garcia	Latvala	Peaden	Silver
Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster
Klein	Mitchell	Sebesta	

Nays—None

HB 1845—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **HB 1845** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Meek	Smith
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Rossin	
Crist	Klein	Sanderson	
Dawson	Latvala	Saunders	

Nays—None

Vote after roll call:

Yea—Pruitt

CS for CS for HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **CS for CS for HB 721** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta Smith Villalobos Webster
 Silver Sullivan Wasserman Schultz
 Nays—None

Silver Sullivan Wasserman Schultz Webster
 Smith Villalobos
 Nays—None

Vote after roll call:

Yea—Jones

SB 636—A bill to be entitled An act relating to high school grades; amending s. 230.23, F.S.; requiring certain reports of academic achievement; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; providing an effective date.

—as amended May 3 was read the third time by title.

Senators Cowin and Pruitt offered the following amendment which was moved by Senator Pruitt and adopted by two-thirds vote:

Amendment 1 (574274)(with title amendment)—On page 1, line 11 through page 2, line 13, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 2-4, delete those lines and insert: An act relating to high school grades; amending s. 232.2463,

On motion by Senator Pruitt, **SB 636** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 635** was withdrawn from the Committees on Transportation; and Appropriations.

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

HB 635—A bill to be entitled An act relating to drivers' licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers' licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers' licenses or identification cards; providing an effective date.

—a companion measure, was substituted for **SB 1948** and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 635** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Crist	King	Mitchell
Brown-Waite	Dawson	Klein	Peaden
Burt	Diaz de la Portilla	Latvala	Posey
Campbell	Dyer	Laurent	Pruitt
Carlton	Garcia	Lawson	Rossin
Clary	Geller	Lee	Sanderson
Constantine	Holzendorf	Meek	Saunders
Cowin	Horne	Miller	Sebesta

RECONSIDERATION OF BILL

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

CS for SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—as amended May 3 passed this day.

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

Amendment 1 (661998)—On page 1, delete line 20 and insert: *taxed under s. 320.0715 and s. 320.08(3)(d) and (4); each trailer, except*

On motion by Senator Mitchell, **CS for SB 256** as amended was read by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

The Senate resumed consideration of—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco; amending s. 215.5601, F.S.; defining the terms “participating manufacturer,” “subscribing participating manufacturer,” “outdoor advertising,” and “transit advertisements”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a “participating manufacturer”; or a “subscribing participating manufacturer”; providing for funds received from participating manufacturers and subscribing participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing a portion of such funds to the Florida Comprehensive Health Association; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; directing wholesalers to pay surcharges required by the chapter; prohibiting specific practices by tobacco product manufacturers, importers, distributing agents, wholesale dealers, exporters or others; amending s. 210.01, F.S.; defining the terms “surcharges,” “participating manufacturer,” and “subscribing participating manufacturer”; creating s. 210.0220, F.S.; providing for imposition of the public health tobacco equity surcharge; providing legislative intent; providing applicability of specified provisions of law; creating s. 210.0221, F.S.; imposing the public health tobacco equity surcharge on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state; specifying the amount of the

surcharge; providing that the surcharge will be paid by the wholesale dealer; providing for collection of surcharge; requiring collection and payment to the division; providing for interest on unpaid amount; providing for responsible party when cigarettes shipped to other than wholesale dealer; creating s. 210.0222, F.S.; providing credit against surcharge for participating manufacturers and subscribing participating manufacturers; providing amount of credit; creating s. 210.0223, F.S.; providing for deposit of proceeds to the Tobacco Settlement Clearing Trust Fund; defining "proceeds"; creating s. 210.0224, F.S.; providing for duties of the division; providing for reports from participating manufacturers and subscribing participating manufacturers; creating s. 210.0225, F.S.; providing intent related to severability and impact of declaration of unconstitutionality; amending s. 17.41, F.S., correcting a cross-reference; providing an effective date.

—which was previously considered this day.

On motion by Senator Burt, **CS for CS for SB 2214** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea to Nay—Webster

CS for SB 2172—A bill to be entitled An act relating to state universities; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **CS for SB 2172** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for SB 1010** was deferred.

HB 1749—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Holzendorf, **HB 1749** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 822—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 287.058, F.S.; clarifying current requirement that contractor on certain state contracts must allow access to public records unless the records are exempt; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing for binding arbitration in fee disputes; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; amending s. 16.01, F.S.; clarifying that certain provisions are not intended to authorize the joinder of the Attorney General as party; amending s. 48.121, F.S.; clarifying that the section is not intended to authorize the joinder of the Attorney General or a state attorney as a party; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management

Trust Fund; amending s. 45.051, F.S.; authorizing the Division of Risk Management to enter into indemnification agreements for supersedeas bonds; providing for severability; providing an effective date.

—as amended May 2 was read the third time by title.

MOTION

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

Senator Sanderson moved the following amendment:

Amendment 1 (345184)(with title amendment)—On page 17, between lines 14 and 15, insert:

Section 13. Subsections (3), (4), and (5) are added to section 11.40, Florida Statutes, to read:

11.40 Legislative Auditing Committee.—

(3) *The Legislative Auditing Committee may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability to conduct an audit, review, or examination of any entity or record described in s. 11.45(2) or (3).*

(4) *The Legislative Auditing Committee may take under investigation any matter within the scope of an audit, review, or examination either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and, in connection with such investigation, may exercise the powers of subpoena by law vested in a standing committee of the Legislature.*

(5) *Following notification by the Auditor General, the Department of Banking and Finance, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing. If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:*

(a) *In the case of a local governmental entity or district school board, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of the distribution mandated by law. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this paragraph.*

(b) *In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply with the law. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions specified in ss. 189.421 and 189.422.*

(c) *In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 228.056 and 228.505.*

Section 14. Subsections (2), (6), and (8) of section 11.42, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

11.42 The Auditor General.—

(2) The Auditor General shall be appointed to office to serve at the pleasure of the Legislature, by a majority vote of the members of the Legislative Auditing Committee, subject to confirmation by both houses of the Legislature. At the time of her or his appointment, the Auditor General shall have been certified under the Public Accountancy Law in this state for a period of at least 10 years and shall have had not less than 10 years' experience in an accounting or auditing related field a governmental agency or 10 years' experience in the private sector or a combination of 10 years' experience in government and the private sector. Vacancies in the office shall be filled in the same manner as the original appointment.

(6)(a) The headquarters of the Auditor General shall be at the state capital, but to facilitate auditing and to eliminate unnecessary traveling the Auditor General may establish *field offices located outside the state capital divisions and assign auditors to each division and determine their duties and the areas of the state to be served by the respective divisions.* The Auditor General shall be provided with adequate quarters to carry out the position's functions in the state capital and in other areas of the state.

(b) All payrolls and vouchers for the operations of the Auditor General's office shall be submitted ~~directly~~ to the Comptroller and, if found to be correct, ~~payments state warrants~~ shall be issued therefor.

~~(c) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year a list of statutory and fiscal changes recommended by audit reports. The recommendations should be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.~~

(8) No officer or ~~salaried full-time~~ employee of the office of Auditor General shall ~~actively engage in any other business or profession~~; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party committee, organization, or association; or be engaged on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Auditor General nor any employee of the Auditor General ~~may~~ ~~shall~~ become a candidate for election to public office unless she or he ~~shall~~ ~~resigns~~ resign from office or employment. ~~No officer or salaried employee of the Auditor General shall actively engage in any other business or profession or be otherwise employed without the prior written permission of the Auditor General.~~

(9) ~~Sections 11.25(1) and 11.26 shall not apply to the Auditor General.~~

Section 15. Section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; ~~authorities audits~~; reports; rules.—

(1) **DEFINITIONS.**—As used in ss. 11.40-11.515 ~~this section~~, the term:

(a) "Audit" means a financial audit, operational audit, or performance audit.

(b)(a) "County agency," ~~for the exclusive purposes of this section~~, means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed. ~~Each county agency is a local governmental entity for purposes of sub-paragraph (3)(a)5.~~

(c)(b) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they ~~are presented present financial position, results of operations, and changes in financial position~~ in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with generally accepted auditing standards and ~~government governmental~~ auditing standards as adopted by the Board of Accountancy.

(d)(e) "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(e)(d) "Local governmental entity" means a county agency, municipality, or special district as defined in s. 189.403, but does not include any housing authority established under chapter 421.

(f)(e) "Management letter" means a statement of the auditor's comments and recommendations.

(g)(f) “Operational audit” means a financial-related audit whose purpose is to evaluate management’s performance in administering assigned responsibilities in accordance with applicable laws, administrative rules, and other guidelines and to determine the extent to which the internal control, as designed and placed in operation, promotes and encourages the achievement of management’s control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets.

(h)(g) “Performance audit” means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.
2. Structure or design of the program to accomplish its goals and objectives.
3. Adequacy of the program to meet the needs identified by the Legislature or governing body.
4. Alternative methods of providing program services or products.
5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.
6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.
7. Compliance of the program with appropriate policies, rules, or laws.
8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(i)(h) “Political subdivision” means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(j)(i) “State agency” means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit other than the Florida Public Service Commission within the legislative branch of state government other than the Florida Public Service Commission.

(2) DUTIES.—The Auditor General shall:

(a) Conduct ~~make financial audits and performance~~ audits of public records and perform related duties as prescribed by law, or concurrent resolution of the Legislature, or as directed. ~~The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee.~~

(b) Annually conduct a financial audit of state government.

(c) Annually conduct financial audits of all universities and district boards of trustees of community colleges.

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 125,000, according to the most recent federal decennial statewide census.

(e) Annually conduct an audit of the Wireless Emergency Telephone System Fund as described in s. 365.173.

(f) At least every 2 years, conduct operational audits of the accounts and records of state agencies and universities. In connection with these audits, the Auditor General shall give appropriate consideration to reports issued by state agencies’ inspectors general or universities’ inspectors general and the resolution of findings therein.

(g) At least every 2 years, conduct a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means any statutory provisions related to local government financial reporting. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. The local government financial reporting system should provide for the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials to accomplish the following goals:

1. Enhance citizen participation in local government;
2. Improve the financial condition of local governments;
3. Provide essential government services in an efficient and effective manner; and
4. Improve decisionmaking on the part of the Legislature, state agencies, and local government officials on matters relating to local government.

(h) Once every 3 years, conduct performance audits of the Department of Revenue’s administration of the ad valorem tax laws as described in s. 195.096.

(i) Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more, according to the most recent federal decennial statewide census.

(j) Once every 3 years, review a sample of each state agency’s internal audit reports to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, government auditing standards.

(k) Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity’s progress in addressing the findings and recommendations contained within the Auditor General’s previous report. The Auditor General shall provide a copy of his or her determination to each member of the audited entity’s governing body and to the Legislative Auditing Committee.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General’s discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—

(a)1.—The Auditor General shall annually make financial audits of the accounts and records of all state agencies, as defined in this section, of all district school boards in counties with populations of fewer than 125,000, according to the most recent federal decennial statewide census, and of all district boards of trustees of community colleges. The Auditor General shall, at least every other year, make operational audits of the accounts and records of all state agencies, as defined in this section. The Auditor General shall, at least once every 3 years, make financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more. For each of the 2 years that the Auditor General does not make the financial audit, each district school board shall contract for an independent certified public accountant to perform a financial audit as defined in paragraph (1)(b). This section does not limit the Auditor General’s discretionary authority to conduct performance audits of these governmental entities as authorized in subparagraph 3. A district school board may select an independent certified public accountant to perform a financial audit as defined in paragraph (1)(b) notwithstanding the notification provisions of this section. In addition, a district school board may employ an internal auditor to perform ongoing financial verification of the financial records of a school district, who must report directly to the district school board or its designee. The Auditor General shall, at a minimum, provide to the

~~successor independent certified public accountant of a district school board the prior year's working papers, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.~~

~~2. Each charter school established under s. 228.056 shall have an annual financial audit of its accounts and records completed within 12 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its funds. The independent certified public accountant who is selected to perform an annual financial audit of the charter school shall provide a copy of the audit report to the district school board, the Department of Education, and the Auditor General. A management letter must be prepared and included as a part of each financial audit report. The Auditor General may, pursuant to his or her own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of a charter school.~~

~~3. The Auditor General may pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct at any time make financial audits and performance audits or other engagements as determined appropriate by the Auditor General of:~~

~~1. The accounts and records of any all governmental entity entities created or established by pursuant to law.~~

~~2. The information technology programs, activities, functions, or systems of any governmental entity created or established by law.~~

~~3. The accounts and records of any charter school created or established by law.~~

~~4. The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.~~

~~5. The public records associated with any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.~~

~~6. State financial assistance provided to any nonstate entity.~~

~~7. The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.~~

~~8. The Florida On-Line High School created pursuant to s. 228.082.~~

~~9. Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.~~

~~10. Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this subparagraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.~~

~~11. The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this subparagraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.~~

~~12. The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.~~

~~13. The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.~~

~~14. The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.~~

~~15. The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.~~

~~16. The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.~~

~~17. The Florida Partnership for School Readiness created pursuant to s. 411.01.~~

~~18. The Occupational Access and Opportunity Commission created pursuant to s. 413.83.~~

~~19. The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.~~

~~20. Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.~~

~~21. The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.~~

~~22. The Florida Engineers Management Corporation created pursuant to chapter 471.~~

~~23. The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.~~

~~24. The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.~~

~~25. The corporation defined in chapter 946, part II, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.~~

~~(b) The Auditor General is also authorized to:~~

~~1. Promote the building of competent and efficient accounting and internal audit organizations in the offices administered by governmental entities.~~

~~2. Provide consultation services to governmental entities on their financial and accounting systems, procedures, and related matters.~~

~~(4) SCHEDULING AND STAFFING OF AUDITS.—~~

~~(a) Each financial audit required or authorized by this section, when practicable, shall be made and completed within not more than 9 months following the end of each audited fiscal year of the state agency or political subdivision, or at such lesser time which may be provided by law or concurrent resolution or directed by the Legislative Auditing Committee. When the Auditor General determines that conducting any audit or engagement otherwise required by law would not be possible due to workload or would not be an efficient or effective use of his or her resources based on an assessment of risk, then, in his or her discretion, the Auditor General may temporarily or indefinitely postpone such audits or other engagements for such period or any portion thereof, unless otherwise directed by the committee.~~

~~(b) The Auditor General may, when in his or her judgment it is necessary, designate and direct any auditor employed by the Auditor General to audit any accounts or records within the authority of the Auditor General to audit. The auditor shall report his or her findings for review by the Auditor General, who shall prepare the audit report.~~

~~(c) The audit report when final shall be a public record. The audit workpapers and notes are not a public record; however, those workpapers necessary to support the computations in the final audit report may be made available by a majority vote of the Legislative Auditing Committee~~

after a public hearing showing proper cause. The audit workpapers and notes shall be retained by the Auditor General until no longer useful in his or her proper functions, after which time they may be destroyed.

(d) At the conclusion of the audit, the Auditor General or the Auditor General's designated representative shall discuss the audit with the official whose office is subject to audit and submit to that official a list of the Auditor General's findings which may be included in the audit report. If the official is not available for receipt of the list of audit findings then delivery is presumed to be made when it is delivered to his or her office. The official shall submit to the Auditor General or the designated representative, within 30 days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all of the findings, including corrective action to be taken to preclude a recurrence of all findings.

(e) The Auditor General shall provide the successor independent certified public accountant of a district school board with access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

(5) **PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.**—The Legislative Auditing Committee shall direct the Auditor General to make a financial audit of any municipality whenever petitioned to do so by at least 20 percent of the electors of that municipality. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(e)6. which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

(6) **REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY THE AUDITOR GENERAL.**—Whenever a local governmental entity requests the Auditor General to conduct an audit of all or part of its operations and the Auditor General conducts the audit under his or her own authority or at the direction of the Legislative Auditing Committee, the expenses of the audit shall be paid by the local governmental entity. The Auditor General shall estimate the cost of the audit. Fifty percent of the cost estimate shall be paid by the local governmental entity before the initiation of the audit and deposited into the General Revenue Fund of the state. After the completion of the audit, the Auditor General shall notify the local governmental entity of the actual cost of the audit. The local governmental entity shall remit the remainder of the cost of the audit to the Auditor General for deposit into the General Revenue Fund of the state. If the local governmental entity fails to comply with paying the remaining cost of the audit, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

(7) **AUDITOR GENERAL REPORTING REQUIREMENTS.**—

(a) The Auditor General shall notify the Legislative Auditing Committee of any local governmental entity, district school board, charter school, or charter technical career center that does not comply with the reporting requirements of s. 218.39. The committee shall proceed in accordance with s. 11.40(5). The audits referred to in this subparagraph must be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. A district school board, expressway authority, or bridge authority may require that the annual financial audit of its accounts and records be completed within 12 months after the end of its fiscal year. If the Auditor General is unable to meet that requirement, the Auditor General shall notify the school board, the expressway authority, or the bridge authority pursuant to subparagraph 5.

4.—The Office of Program Policy Analysis and Government Accountability within the Office of the Auditor General shall maintain a sched-

ule of performance audits of state programs. In conducting a performance audit of a state program, the Office of Program Policy Analysis and Government Accountability, when appropriate, shall identify and comment upon alternatives for accomplishing the goals of the program being audited. Such alternatives may include funding techniques and, if appropriate, must describe how other states or governmental units accomplish similar goals.

5.—If by July 1 in any fiscal year a district school board or local governmental entity has not been notified that a financial audit for that fiscal year will be performed by the Auditor General pursuant to subparagraph 3., each municipality with either revenues or expenditures of more than \$100,000, each special district with either revenues or expenditures of more than \$50,000, and each county agency shall, and each district school board may, require that an annual financial audit of its accounts and records be completed, within 12 months after the end of its respective fiscal year, by an independent certified public accountant retained by it and paid from its public funds. An independent certified public accountant who is selected to perform an annual financial audit of a school district must report directly to the district school board or its designee. A management letter must be prepared and included as a part of each financial audit report. Each local government finance commission, board, or council, and each municipal power corporation, created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7), shall provide the Auditor General, within 12 months after the end of its fiscal year, with an annual financial audit report of its accounts and records and a written statement or explanation or rebuttal concerning the auditor's comments, including corrective action to be taken. The county audit shall be one document that includes a separate audit of each county agency. The county audit must include an audit of the deposits into and expenditures from the Public Records Modernization Trust Fund. The Auditor General shall tabulate the results of the audits of the Public Records Modernization Trust Fund and report a summary of the audits to the Legislature annually.

6.—The governing body of a municipality, special district, or charter school must establish an auditor selection committee and competitive auditor selection procedures. The governing board may elect to use its own competitive auditor selection procedures or the procedures outlined in subparagraph 7.

7.—The governing body of a noncharter county or district school board that retains a certified public accountant must establish an auditor selection committee and select an independent certified public accountant according to the following procedure:

a.—For each noncharter county, the auditor selection committee must consist of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, and one member of the board of county commissioners or its designee.

b.—The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice must include a general description of the audit and must indicate how interested certified public accountants can apply for consideration.

c.—The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.

d.—Any certified public accountant desiring to provide auditing services must first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required services. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

e.—The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, results of recent external quality control reviews, and such other factors as may be determined by the committee to be applicable to its particular requirements.

f.—The public must not be excluded from the proceedings under this subparagraph.

g.—The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those

that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required services.

h.—The committee shall select no fewer than three firms deemed to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel; past performance; willingness to meet time requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

i.—If the governing board receives more than one proposal for the same engagement, the board may rank, in order of preference, the firms to perform the engagement. The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. If the board is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over \$50,000, the board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required must contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract.

j.—If the board is unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.

8.—At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each local governmental entity or the chair's designee or with the chair of the district school board or the chair's designee, or with the chair of the board of the charter school or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each member of the governing body of a local governmental entity for which deteriorating financial conditions exist which may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.

9.—The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, must be filed with the governing body of the local governmental entity, district school board, or charter school within 30 days after the delivery of the financial audit report.

10.—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits

subject to this section and conducted by independent certified public accountants. The Auditor General, in consultation with the Department of Education, shall develop a compliance supplement for the financial audit of a district school board conducted by an independent certified public accountant. The rules for audits of local governmental entities and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergencies Act as stated in s. 218.501.

11.—Any local governmental entity or district school board financial audit report required under subparagraph 5. or charter school financial audit report required under subparagraph 2. and the officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, must be submitted to the Auditor General within 45 days after delivery of the audit report to the local governmental entity, district school board, or charter school, but no later than 12 months after the end of the fiscal year. If the Auditor General does not receive the financial audit report within the prescribed period, he or she must notify the Legislative Auditing Committee that the governmental entity or charter school has not complied with this subparagraph. Following notification of failure to submit the required audit report or items required by rule adopted by the Auditor General, a hearing must be scheduled by rule of the committee. After the hearing, the committee shall determine which governmental entities or charter schools will be subjected to further state action. If it finds that one or more governmental entities or charter schools should be subjected to further state action, the committee shall:

a.—In the case of a local governmental entity, district school board, or charter school, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to such governmental entity or charter school until the required financial audit is received by the Auditor General. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this subparagraph. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of the distribution mandated by law.

b.—In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.

(b)12.a. The Auditor General, in consultation with the Board of Accountancy, shall review all audit reports submitted pursuant to s. 218.39 subparagraph 11. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request. *If the governmental entity does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).*

(c) *The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Information Program of the Department of Community Affairs.*

(d) *During the Auditor General's review of audit reports, he or she shall contact those units of local government, as defined in s. 218.403, that are not in compliance with s. 218.415 and request evidence of corrective action. The unit of local government shall provide the Auditor General with evidence of corrective action within 45 days after the date it is requested by the Auditor General. If the unit of local government fails to comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5). If the Auditor General does not receive the requested items, he or she shall notify the Joint Legislative Auditing Committee.*

(e)b. The Auditor General shall notify the Governor and the Joint Legislative Auditing Committee of any audit report reviewed by the Auditor General pursuant to paragraph (b) which contains a statement that the local governmental entity or district school board is in a state of financial emergency as provided in s. 218.503. If the Auditor General requests a clarification regarding information included in an audit report to determine whether a, in reviewing any audit report, identifies

additional information which indicates that the local governmental entity or district school board is may be in a state of financial emergency, as provided in s. 218.503, the Auditor General shall request appropriate clarification from the local governmental entity or district school board. The requested clarification must be provided within 45 days after the date of the request. If the local governmental entity or district school board does not comply with the Auditor General's request, the Auditor General does not receive the requested clarification, he or she shall notify the Joint Legislative Auditing Committee. If, after obtaining the requested clarification, the Auditor General determines that the local governmental entity or district school board is in a state of financial emergency as provided in s. 218.503, he or she shall notify the Governor and the Joint Legislative Auditing Committee.

(f)e. The Auditor General shall annually compile and transmit to the President of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Auditing Committee a summary of significant findings and financial trends identified in audit reports reviewed in paragraph (b) or otherwise identified by the Auditor General's review of such audit reports and financial information, and identified in audits of district school boards conducted by the Auditor General. The Auditor General shall include financial information provided pursuant to s. 218.32(1)(e) for entities with fiscal years ending on or after June 30, 2003, within his or her reports submitted pursuant to this paragraph.

(g) If the Auditor General discovers significant errors, improper practices, or other significant discrepancies in connection with his or her audits of a state agency or state officer, the Auditor General shall notify the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee. The President of the Senate and the Speaker of the House of Representatives shall promptly forward a copy of the notification to the chairs of the respective legislative committees, which in the judgment of the President of the Senate and the Speaker of the House of Representatives are substantially concerned with the functions of the state agency or state officer involved. Thereafter, and in no event later than the 10th day of the next succeeding legislative session, the person in charge of the state agency involved, or the state officer involved, as the case may be, shall explain in writing to the President of the Senate, the Speaker of the House of Representatives, and to the Legislative Auditing Committee the reasons or justifications for such errors, improper practices, or other significant discrepancies and the corrective measures, if any, taken by the agency.

(h) The Auditor General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee by December 1 of each year a list of statutory and fiscal changes recommended by the Auditor General. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

(8) **RULES OF THE AUDITOR GENERAL.**—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.98, 218.39, 237.40, 240.299, and 240.331. The rules for audits of local governmental entities and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergencies Act as stated in s. 218.501.

(9) **OTHER GUIDANCE PROVIDED BY THE AUDITOR GENERAL.**—The Auditor General, in consultation with the Department of Education, shall develop a compliance supplement for the financial audit of a district school board conducted by an independent certified public accountant. audits of local governmental entities, district school boards, and charter schools performed by the independent certified public accountants.

13. In conducting a performance audit of any agency, the Auditor General shall use the Agency Strategic Plan of the agency in evaluating the performance of the agency.

(b) The Legislative Auditing Committee shall direct the Auditor General to make a financial audit of any municipality whenever petitioned to do so by at least 20 percent of the electors of that municipality. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the

municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(f)5, which is distributable to such municipality a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

(c) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means the reporting provisions of this subsection and subsection (4); s. 27.3455(1) and (2); part VII of chapter 112; s. 163.05; s. 166.241; chapter 189; parts III and V of chapter 218; and s. 925.937(5). The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and objectives and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. Such goals and objectives must include, but need not be limited to, the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials in order to:

1. Compare and contrast revenue sources and expenditures of local governmental entities;
2. Assess the fiscal impact of the formation, dissolution, and activity of special districts;
3. Evaluate the fiscal impact of state mandates on local governmental entities;
4. Assess financial or economic conditions of local governmental entities; and
5. Improve communication and coordination among state agencies and local governmental entities.

(d) Whenever a local governmental entity requests the Auditor General to conduct an audit of all or part of its operations and the Auditor General conducts the audit under his or her own authority or at the direction of the Legislative Auditing Committee, the expenses of the audit shall be paid by the local governmental entity. The Auditor General shall estimate the cost of the audit. Fifty percent of the cost estimate shall be paid by the local governmental entity before the initiation of the audit and deposited into the General Revenue Fund of the state. After the completion of the audit, the Auditor General shall forward the actual cost of the audit to the local governmental entity. The local governmental entity shall remit the remainder of the cost of the audit to the Auditor General for deposit into the General Revenue Fund of the state. If the local governmental entity fails to pay the cost of the audit, the Auditor General shall notify the Legislative Auditing Committee. Following the notification, the committee may schedule a hearing. After the hearing, the committee shall determine if the local governmental entity should be subject to further state action. If the committee determines that the local governmental entity should be subject to further state action, the committee shall:

1. In the case of a local governmental entity, request the Department of Revenue and the Department of Banking and Finance to withhold any funds payable to the governmental entity until the required payment is received by the Auditor General.

2. In the case of a special district, notify the Department of Community Affairs that the special district has failed to pay for the cost of the audit. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions specified in ss. 189.421 and 189.422.

(4) If the Auditor General conducts an audit of a special district which indicates in its findings problems related to debt policy or practice, including failure to meet debt service payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of a special district's revenue-producing capacity, a copy of the audit shall be submitted to the Division of Bond

Finance of the State Board of Administration for review and comment. Upon receipt of this notification from the Auditor General, the Division of Bond Finance shall prepare a brief report describing the previous debt issued by the special district and submit the report to the Legislative Auditing Committee for their review and consideration.

(5) Each audit required or authorized by this section, when practicable, shall be made and completed within not more than 12 months following the end of each fiscal year of the state agency or political subdivision, if an annual audit, or at such lesser time which may be provided by law or concurrent resolution or directed by the Legislative Auditing Committee. When the Auditor General is required by law to make a financial audit of the whole or a portion of a fiscal year of a political subdivision and his or her current workload of audits of state agencies and political subdivisions is so great that it is not practicable within the required time to perform such audit and also to make financial audits of that political subdivision as to any other period not previously audited by him or her, then in his or her discretion the Auditor General may temporarily or indefinitely postpone audits of such other period or any portion thereof unless otherwise directed by the committee.

(6) The Legislative Auditing Committee may at any time, without regard to whether the Legislature is then in session or out of session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7)(a) The Auditor General may, when in his or her judgment it is necessary, designate and direct any auditor employed by the Auditor General to audit any accounts or records within the power of the Auditor General to audit. The auditor shall report his or her findings for review by the Auditor General, who shall prepare the audit report.

(b) The audit report when final shall be a public record. The audit workpapers and notes are not a public record; however, those workpapers necessary to support the computations in the final audit report may be made available by a majority vote of the Legislative Auditing Committee after a public hearing showing proper cause. The audit workpapers and notes shall be retained by the Auditor General until no longer useful in his or her proper functions, after which time they may be destroyed.

(c) The audit report must make special mention of:

1. Any violation of the laws within the scope of the audit; and
2. Any illegal or improper expenditure, any improper accounting procedures, all failures to properly record financial transactions, and all other inaccuracies, irregularities, shortages, and defalcations.

(d) At the conclusion of the audit, the Auditor General or the Auditor General's designated representative shall discuss the audit with the official whose office is subject to audit and submit to that official a list of the Auditor General's adverse findings which may be included in the audit report. If the official is not available for receipt of the list of adverse audit findings, clearly designated as such, then delivery thereof is presumed to be made when it is delivered to his or her office. The official shall submit to the Auditor General or the designated representative, within 30 days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all of the findings, including therein corrective action to be taken to preclude a recurrence of all adverse findings. Whenever necessary, the Office of Program Policy Analysis and Government Accountability may request the official to submit his or her written statement of explanation or rebuttal within 15 days after the receipt of the list of findings.

(e) Each agency head shall provide to the Legislative Auditing Committee, within 6 months after the published date of an audit report, a written explanation of the status of recommendations contained in the report.

(f) No later than 18 months after the release of a performance audit report, the agencies which are the subject of that report shall provide data and other information that describes with specificity what the agencies have done to respond to the recommendations contained in the report. The Auditor General or the Office of Program Policy Analysis and

Government Accountability may verify the data and information provided by the agencies. If the data and information provided by the agencies are deemed sufficient and accurate, the Auditor General or the Office of Program Policy Analysis and Government Accountability shall report to the Joint Legislative Auditing Committee and to the legislative standing committees concerned with the subject areas of the audit. The report shall include a summary of the agencies' responses, the evaluation of those responses, and any recommendations deemed to be appropriate. The followup report required by this paragraph may be waived by joint action of the President of the Senate and the Speaker of the House of Representatives upon the recommendation of the Director of the Office of Program Policy Analysis and Government Accountability.

(8) If the Auditor General discovers any errors, unusual practices, or any other discrepancies in connection with his or her audits of a state agency or state officer, the Auditor General shall, as soon as practicable, notify in writing the President of the Senate and the Speaker of the House of Representatives, respectively, who, in turn, shall promptly thereafter forward a copy thereof to the chairs of the respective legislative committees, which in the judgment of the President of the Senate and the Speaker of the House of Representatives. Thereafter, and in no event later than the 10th day of the next succeeding legislative session, the person in charge of the state agency involved, or the state officer involved, as the case may be, shall explain in writing to the President of the Senate and the Speaker of the House of Representatives and to the Legislative Auditing Committee the reasons or justifications for such errors, unusual practices, or discrepancies and the corrective measures, if any, taken by the agency.

(9) All agencies, other than state agencies as defined herein, and all district school boards and district boards of trustees of community colleges shall have the power to have a performance audit or financial audit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds.

(10) The Auditor General shall provide annually a list of those special districts which are in compliance with this section and a list of those special districts which are not in compliance with this section for the Special District Information Program of the Department of Community Affairs.

(11) In addition to any other provision of law granting access to records and accounts, the Auditor General may, pursuant to his or her own authority granted in this subsection or at the direction of the Legislative Auditing Committee, conduct audits of any direct support organization or citizen support organization authorized by law. Independent audits of direct support organizations and citizen support organizations conducted by certified public accountants shall be performed in accordance with rules adopted by the Auditor General.

Section 16. Section 11.47, Florida Statutes, is amended to read:

11.47 Penalties; failure to make a proper audit or examination; making a false audit report; failure to produce documents or information.—

(1) All officers whose respective offices the Auditor General or the Office of Program Policy Analysis and Government Accountability is authorized to audit or examine shall enter into their public records sufficient information for proper audit or examination, and shall make the same available to the Auditor General or the Office of Program Policy Analysis and Government Accountability on demand.

(2) The willful failure or refusal of the Auditor General, director of the Office of Program Policy Analysis and Government Accountability, or any staff auditor employed by the Auditor General or the Office of Program Policy Analysis and Government Accountability to make a proper audit or examination in line with his or her duty, the willful making of a false report as to any audit or examination, or the willful failure or refusal to report a shortage or misappropriation of funds or property shall be cause for removal from such office or employment, and the Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, or a staff member auditor shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who willfully fails or refuses to furnish or produce any book, record, paper, document, data, or sufficient information necessary to a proper audit or examination which the Auditor General or the Office of Program Policy Analysis and Government Accountability is by law

authorized to perform shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any officer who willfully fails or refuses to furnish or produce any book, record, paper, document, data, or sufficient information necessary to a proper audit or examination which the Auditor General or the Office of Program Policy Analysis and Government Accountability is by law authorized to perform, shall be subject to removal from office.

Section 17. Section 11.51, Florida Statutes, is amended to read:

11.51 Office of Program Policy Analysis and Government Accountability.—

(1) There is hereby created the Office of Program Policy Analysis and Government Accountability as a unit of the Office of the Auditor General appointed pursuant to s. 11.42. ~~The Such~~ office shall perform *independent examinations, program reviews, and other projects as provided by general law, concurrent resolution, or as directed by the Legislative Auditing Committee, and shall provide recommendations, training, or other services as may assist the Legislature* ~~program evaluation and justification reviews as required by s. 11.513 and performance audits as defined in s. 11.45 and shall contract for performance reviews of school districts pursuant to ss. 11.515 and 230.2302.~~

(2) The Office of Program Policy Analysis and Government Accountability is independent of the Auditor General appointed pursuant to s. 11.42 ~~and the Public Counsel appointed pursuant to s. 350.061~~ for purposes of general policies established by the Legislative Auditing Committee.

(3) ~~The Office of Program Policy Analysis and Government Accountability shall maintain a schedule of examinations of state programs.~~

~~(4)(3) The Auditor General shall provide administrative support and services to the Office of Program Policy Analysis and Government Accountability is authorized to examine all entities and records listed in s. 11.45(3)(a) to the extent required by the Legislative Auditing Committee.~~

(5) *At the conclusion of an examination, the designated representative of the director of the Office of Program Policy Analysis and Government Accountability shall discuss the examination with the official whose office is examined and submit to that official the Office of Program Policy Analysis and Government Accountability's preliminary findings. If the official is not available for receipt of the preliminary findings, clearly designated as such, delivery thereof is presumed to be made when it is delivered to his or her office. Whenever necessary, the Office of Program Policy Analysis and Government Accountability may request the official to submit his or her written statement of explanation or rebuttal within 15 days after the receipt of the findings. If the response time is not requested to be within 15 days, the official shall submit his or her response within 30 days after receipt of the preliminary findings.*

(6) *No later than 18 months after the release of a report of the Office of Program Policy Analysis and Government Accountability, the agencies that are the subject of that report shall provide data and other information that describes with specificity what the agencies have done to respond to the recommendations contained in the report. The Office of Program Policy Analysis and Government Accountability may verify the data and information provided by the agencies. If the data and information provided by the agencies are deemed sufficient and accurate, the Office of Program Policy Analysis and Government Accountability shall report to the Legislative Auditing Committee and to the legislative standing committees concerned with the subject areas of the audit. The report shall include a summary of the agencies' responses, the evaluation of those responses, and any recommendations deemed to be appropriate.*

Section 18. Section 11.511, Florida Statutes, is amended to read:

11.511 Director of the Office of Program Policy Analysis and Government Accountability; appointment; employment of staff; powers and duties.—

(1)(a) The Legislative Auditing Committee shall appoint a director of the Office of Program Policy Analysis and Government Accountability by majority vote of the committee, subject to confirmation by a majority vote of the Senate and the House of Representatives. At the time of appointment, the director must have had 10 years' experience in policy

analysis and program evaluation. The reappointment of a director is subject to confirmation by a majority vote of the Senate and the House of Representatives. The Legislative Auditing Committee may appoint an interim director.

(b) The appointment of the director may be terminated at any time by a majority vote of the Senate and the House of Representatives.

(2)(a) The director shall take and subscribe to the oath of office required of state officers by the State Constitution.

(b) Until such time as each house confirms the appointment of the director, the appointee shall perform the functions as provided *by law in this section and s. 11.513.*

(3)(a) The director shall make all spending decisions under the annual operating budget approved by the President of the Senate and the Speaker of the House of Representatives. The director shall employ and set the compensation of such professional, technical, legal, and clerical staff as may be necessary *to fulfill the responsibilities of the Office of Program Policy Analysis and Government Accountability* ~~perform all the requirements of this section and s. 11.513~~, in accordance with the joint policies and procedures of the President of the Senate and the Speaker of the House of Representatives, and may remove these personnel. The staff must be chosen to provide a broad background of experience and expertise and, to the maximum extent possible, to represent a range of disciplines that includes law, engineering, public administration, environmental science, policy *analysis science*, economics, sociology, and philosophy.

(b) An officer or full-time employee of the Office of Program Policy Analysis and Government Accountability may not ~~actively engage in any other business or profession~~; serve as the representative of any political party or on any executive committee or other governing body thereof; receive remuneration for activities on behalf of any candidate for public office; or engage, on behalf of any candidate for public office, in the solicitation of votes or other activities in behalf of such candidacy. Neither the director of the Office of Program Policy Analysis and Government Accountability nor any employee of that office may become a candidate for election to public office unless he or she first resigns from office or employment.

(4) The director shall perform and/or contract for the performance of ~~examinations program evaluation and justification reviews~~ and other related duties as prescribed by law. The director shall perform his or her duties independently but under general policies established by the Legislative Auditing Committee.

(5) The director may adopt and enforce reasonable rules necessary to facilitate the ~~examinations studies, reviews, and reports, and other tasks~~ that he or she is authorized to perform.

(6) *When the director determines that conducting an examination would not be possible due to workload limitations or the project does not appear to be of critical interest to the Legislature, then, with the consent of the President of the Senate and the Speaker of the House of Representatives, the director may temporarily or indefinitely postpone such examinations. The director, with the consent of the President of the Senate and the Speaker of the House of Representatives, may modify the work schedule of the office in order to concentrate its efforts on agency programs that are determined to have high oversight priority. The modification may include reduction or elimination of recurring performance audits existing in law on July 1, 1999, but which do not appear to be of critical interest to the Legislature.* The director may at any time conduct a performance review of a governmental entity created by law.

Section 19. Section 11.513, Florida Statutes, is amended to read:

11.513 Program evaluation and justification review.—

(1) Each state agency shall be subject to a program evaluation and justification review by the Office of Program Policy Analysis and Government Accountability ~~in accordance with the schedule provided in s. 216.0172~~ or as determined by the Legislative Auditing Committee. Each state agency shall offer its complete cooperation to the Office of Program Policy Analysis and Government Accountability so that such review may be accomplished.

(2) ~~A Prior to the initiation of a state agency's program evaluation and justification review and no later than July 1 of the year in which a~~

~~state agency begins operating under a performance-based program budget, the state agency's inspector general, internal auditor, or other person designated by the agency head shall develop, in consultation with the Office of Program Policy Analysis and Government Accountability, a plan for monitoring and reviewing the state agency's major programs to ensure that performance data are maintained and supported by agency records.~~

(3) The program evaluation and justification review shall be conducted on major programs, but may include other programs. The review shall be comprehensive in its scope but, at a minimum, must be conducted in such a manner as to specifically determine the following, and to consider and determine what changes, if any, are needed with respect thereto:

- (a) The identifiable cost of each program.
- (b) The specific purpose of each program, as well as the specific public benefit derived therefrom.
- (c) Progress toward achieving the outputs and outcomes associated with each program.

(d) An explanation of circumstances contributing to the state agency's ability to achieve, not achieve, or exceed its projected outputs and outcomes, as defined in s. 216.011, associated with each program.

(e) Alternate courses of action that would result in administration of the same program in a more efficient or effective manner. The courses of action to be considered must include, but are not limited to:

1. Whether the program could be organized in a more efficient and effective manner, whether the program's mission, goals, or objectives should be redefined, or, when the state agency cannot demonstrate that its efforts have had a positive effect, whether the program should be reduced in size or eliminated.

2. Whether the program could be administered more efficiently or effectively to avoid duplication of activities and ensure that activities are adequately coordinated.

3. Whether the program could be performed more efficiently or more effectively by another unit of government or a private entity, or whether a program performed by a private entity could be performed more efficiently and effectively by a state agency.

4. When compared to costs, whether effectiveness warrants elimination of the program or, if the program serves a limited interest, whether it should be redesigned to require users to finance program costs.

5. Whether the cost to administer the program exceeds license and other fee revenues paid by those being regulated.

6. Whether other changes could improve the efficiency and effectiveness of the program.

(f) The consequences of discontinuing such program. If any discontinuation is recommended, such recommendation must be accompanied by a description of alternatives to implement such recommendation, including an implementation schedule for discontinuation and recommended procedures for assisting state agency employees affected by the discontinuation.

(g) Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part, in the existing manner.

(h) Whether the information reported *as part of the state's performance based program budgeting system pursuant to s. 216.031(5)* has relevance and utility for the evaluation of each program.

(i) Whether state agency management has established control systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports.

(4) No later than December 1 of the second year following the year in which an agency begins operating under a performance-based program budget, the Office of Program Policy Analysis and Government

Accountability shall submit a report of evaluation and justification review findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, the chairpersons of the appropriate substantive committees, the chairpersons of the appropriations committees, the Legislative Auditing Committee, the Governor, the head of each state agency that was the subject of the evaluation and justification review, and the head of any state agency that is substantially affected by the findings and recommendations.

(5) The Legislature intends that the program evaluation and justification review procedure be designed to assess the efficiency, effectiveness, and long-term implications of current or alternative state policies, and that the procedure results in recommendations for the improvement of such policies and state government. To that end, whenever possible, all reports submitted pursuant to subsection (4) must include an identification of the estimated financial consequences, including any potential savings, that could be realized if the recommendations or alternative courses of action were implemented.

~~(6) At any time, the Legislative Auditing Committee may direct that a program evaluation and justification review be conducted by the Office of Program Policy Analysis and Government Accountability. In order to allow the office the flexibility in carrying out the provisions of this act and to reduce duplicative auditing requirements, the Legislative Auditing Committee may waive the requirements of any law existing as of the effective date of this act to conduct a performance audit.~~

~~(6)(7)~~ Evaluation and justification reviews may include consideration of programs provided by other agencies which are integrally related to the programs administered by the state agency or entity which is scheduled for review *as pursuant to s. 216.0172 or the schedule determined by the Legislative Auditing Committee.*

~~(8) If recommended by the director of the Office of Program Policy Analysis and Government Accountability, the President of the Senate and the Speaker of the House of Representatives may jointly direct that any program evaluation and justification review requirement existing on July 1, 1999, be postponed to allow the Office of Program Policy Analysis and Government Accountability to conduct a review of another program considered more urgent.~~

Section 20. Subsection (15) of section 14.29, Florida Statutes, is amended to read:

14.29 Florida Commission on Community Service.—

~~(15) The direct-support organization shall provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with s. 215.98 rules established by the commission. The annual audit report must be submitted to the commission for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.~~

Section 21. Paragraphs (f) and (g) of subsection (5) of section 20.055, Florida Statutes, are amended to read:

20.055 Agency inspectors general.—

(5) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications specified in subsection (4), the director of auditing shall perform the functions listed in this subsection.

(f) The Auditor General, in connection with the independent postaudit of the same agency pursuant to s. 11.45, shall give appropriate consideration to internal audit reports and the resolution of findings therein. The Legislative Auditing Committee may inquire into the reasons or justifications for failure of the agency head to correct the deficiencies reported in internal audits that are also reported by the Auditor General and shall take appropriate action. ~~The Auditor General shall~~

also review a sample of each agency's internal audit reports at least once every 3 years to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, generally accepted governmental auditing standards. If the Auditor General finds that these standards have not been complied with, the Auditor General shall include a statement of this fact in the audit report of the agency.

(g) The inspector general shall monitor the implementation of the state agency's response to any report on audit of the state agency issued conducted by the Auditor General or by the Office of Program Policy Analysis and Government Accountability pursuant to s. 11.45. No later than 6 months after the Auditor General or the Office of Program Policy Analysis and Government Accountability publishes a report on of the audit of the state agency, the inspector general shall provide a written response report to the agency head on the status of corrective actions taken. The Inspector General shall file a copy of such response report shall be filed with the Legislative Auditing Committee.

Section 22. Subsection (3) of section 20.2551, Florida Statutes, is amended to read:

20.2551 Citizen support organizations; use of property; audit; public records; partnerships.—

(3) ANNUAL AUDIT.—~~Each Any~~ citizen support organization which has annual expenditures of \$100,000 or more shall provide for cause an annual financial audit in accordance with s. 215.98 postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department are each authorized to require and obtain from the citizen support organization, or from its independent auditor, such data as may be needed relative to the operation of the organization.

Section 23. Paragraph (c) of subsection (13) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(13)

(c) Any information made confidential and exempt from the provisions of s. 119.07(1) under this subsection shall be disclosed to a member of the commission, to the Auditor General, to the Office of Program Policy Analysis and Government Accountability, or to the independent auditor selected under s. 24.123 upon such person's request therefor. If the President of the Senate or the Speaker of the House of Representatives certifies that information made confidential under this subsection is necessary for effecting legislative changes, the requested information shall be disclosed to him or her, and he or she may disclose such information to members of the Legislature and legislative staff as necessary to effect such purpose.

Section 24. Subsection (4) of section 24.120, Florida Statutes, is amended to read:

24.120 Financial matters; Administrative Trust Fund; interagency cooperation.—

(4) The department shall cooperate with the State Treasurer, the Comptroller, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability by giving employees designated by any of them access to facilities of the department for the purpose of efficient compliance with their respective responsibilities.

Section 25. Subsection (1) and paragraph (a) of subsection (2) of section 27.3455, Florida Statutes, are amended to read:

27.3455 Annual statement of certain revenues and expenditures.—

(1) Each county shall submit annually to the Comptroller ~~and the Auditor General~~ a statement of revenues and expenditures as set forth in this section in the form and manner prescribed by the Comptroller in consultation with the Legislative Committee on Intergovernmental Relations, provided that such statement identify total county expenditures on:

(a) Medical examiner services.

(b) County victim witness programs.

(c) Each of the services outlined in ss. 27.34(2) and 27.54(3).

(d) Appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeal or the Florida Supreme Court.

(e) Other court-related costs of the state attorney and public defender that were paid by the county where such costs were included in a judgment or order rendered by the trial court against the county.

Such statement also shall identify the revenues provided by s. 938.05(1) that were used to meet or reimburse the county for such expenditures.

(2)(a) Within 6 months of the close of the local government fiscal year, each county shall submit to the Comptroller a statement of compliance from its independent certified public accountant, engaged pursuant to s. 218.39 ~~chapter 11~~, that the certified statement of expenditures was in accordance with ss. 27.34(2), 27.54(3), and this section. All discrepancies noted by the independent certified public accountant shall be included in the statement furnished by the county to the Comptroller.

Section 26. Subsection (5) of section 30.51, Florida Statutes, is amended to read:

30.51 Fees and commissions.—

(5) All fees, commissions, or other funds collected by the sheriff for services rendered or performed by his or her office shall be remitted monthly to the county, ~~in the manner prescribed by the auditor general.~~

Section 27. Paragraph (k) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(k) Any appropriate official of a Florida advocacy council investigating a report of known or suspected child abuse, abandonment, or neglect; the Auditor General or the Office of Program Policy Analysis and Government Accountability for the purpose of conducting audits or examinations preliminary or compliance reviews pursuant to law s. 11.45; or the guardian ad litem for the child.

Section 28. Subsection (1) of section 110.109, Florida Statutes, is amended to read:

110.109 Productivity improvement and personnel audits of executive branch agencies.—The department shall be responsible for conducting personnel audits of all executive branch agencies, except the State University System, to provide as follows:

(1) In order to provide for the improvement of productivity and human resources management, the department shall have the authority to conduct agency personnel administration and management reviews to assist agencies in identifying areas of recommended improvement. Such reviews shall be conducted in cooperation with the internal auditor of the employing agency so as to ascertain the operational necessity and effectiveness of agency personnel programs and human resource management. A copy of any such reviews made by the department shall be submitted to the Legislature, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

Section 29. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legisla-

tors, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, *the director of the Office of Program Policy Analysis and Government Accountability*, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.

(VI) Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 30. Paragraphs (a) and (c) of subsection (7) of section 112.324, Florida Statutes, are amended to read:

112.324 Procedures on complaints of violations.—

(7) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the State Constitution:

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, *the director of the Office of Program Policy Analysis and Government Accountability*, or members of the Legislative Committee on Intergovernmental Relations.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, *Office of Program Policy Analysis and Government Accountability*, or Legislative Committee on Intergovernmental Relations.

Section 31. Subsection (2) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(2) The frequency of actuarial reports must be at least every 3 years commencing from the last actuarial report of the plan or system or October 1, 1980, if no actuarial report has been issued within the 3-year period prior to October 1, 1979. The results of each actuarial report shall be filed with the plan administrator within 60 days of certification. Thereafter, the results of each actuarial report shall be made available for inspection upon request. Additionally, each retirement system or plan covered by this act which is not administered directly by the Department of Management Services shall furnish a copy of each actuarial report to the Department of Management Services within 60 days after receipt from the actuary. The requirements of this section are supplemental to actuarial valuations necessary to comply with the requirements of ss. ~~218.321 44.45~~ and ~~218.39 218.32~~.

Section 32. Section 116.07, Florida Statutes, is amended to read:

116.07 Account books to be kept by sheriffs and clerks.—All sheriffs and clerks of the circuit court and ex officio clerks of the boards of county commissioners of this state shall keep books of account and of record in accordance with s. ~~218.33 forms to be approved by the Auditor General, except such books and forms as are now otherwise provided for by law.~~

Section 33. Subsection (6) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(6) Nothing in subsection (3) or any other general or special law shall limit the access of the Auditor General, *the Office of Program Policy*

Analysis and Government Accountability, or any state, county, municipal, university, board of community college, school district, or special district internal auditor to public records when such *person auditor* states in writing that such records are needed for a properly authorized audit, *examination*, or investigation. Such *person auditor* shall maintain the confidentiality of any public records that are confidential or exempt from the provisions of subsection (1) and shall be subject to the same penalties as the custodians of those public records for violating confidentiality.

Section 34. Paragraph (b) of subsection (8) of section 122.03, Florida Statutes, is amended to read:

122.03 Contributions; participants; prior service credit.—

(8) Any surviving spouse of a county official or former county official, who was formerly employed full time in the office of the county official and who is presently employed by the said county official or is a county official of any such county and who did not receive compensation for a period of more than 10 years as such employee, may receive credit for retirement purposes as provided for in this chapter by:

(b) Submitting affidavits from ~~one assistant auditor general and~~ two county officials or former county officials from any such county to substantiate said employment.

Section 35. Subsection (7) of section 122.08, Florida Statutes, is amended to read:

122.08 Requirements for retirement; classifications.—There shall be two retirement classifications for all state and county officers and employees participating herein as hereafter provided in this section:

(7) No state or county official or employee who has a shortage in his or her accounts, ~~as certified by the Auditor General~~, may retire or receive any benefits under this chapter so long as such shortage exists.

Section 36. Paragraph (x) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(x) Employ an independent *certified public accounting* firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General, ~~who shall retain the same as a public record for 10 years from receipt thereof.~~

Section 37. Subsection (1) of section 145.022, Florida Statutes, is amended to read:

145.022 Guaranteed salary upon resolution of board of county commissioners.—

(1) Any board of county commissioners, with the concurrence of the county official involved, shall by resolution guarantee and appropriate a salary to the county official, in an amount specified in this chapter, if all fees collected by such official are turned over to the board of county commissioners. Such a resolution is applicable only with respect to the county official who concurred in its adoption and only for the duration of such official's tenure in his or her current term of office. ~~Copies of the resolution adopted shall be filed with the Department of Banking and Finance and the Auditor General.~~

Section 38. Subsection (2) of section 145.14, Florida Statutes, is amended to read:

145.14 Compensation of other county officials; guarantee.—

(2) With the concurrence of any county officer described by subsection (1), any board of county commissioners may by resolution guarantee and appropriate to that officer a salary not to exceed \$9,600 in lieu of fees, if all fees collected are turned over to the board of county commissioners. ~~Copies of the resolution shall be filed with the Department of Banking and Finance and the Auditor General.~~

Section 39. Paragraph (o) of subsection (1) of section 154.11, Florida Statutes, is amended to read:

154.11 Powers of board of trustees.—

(1) The board of trustees of each public health trust shall be deemed to exercise a public and essential governmental function of both the state and the county and in furtherance thereof it shall, subject to limitation by the governing body of the county in which such board is located, have all of the powers necessary or convenient to carry out the operation and governance of designated health care facilities, including, but without limiting the generality of, the foregoing:

(o) To employ certified public accountants to audit and analyze the records of the board and to prepare financial or revenue statements of the board; however, this paragraph shall not in any way affect any responsibility of the Auditor General *pursuant to s. 11.45 in connection with the records of the board.*

Section 40. Paragraph (d) of subsection (2) of section 154.331, Florida Statutes, is amended to read:

154.331 County health and mental health care special districts.—Each county may establish a dependent special district pursuant to the provisions of chapter 125 or, by ordinance, create an independent special district as defined in s. 200.001(8)(e) to provide funding for indigent and other health and mental health care services throughout the county in accordance with this section. The county governing body shall obtain approval, by a majority vote of the electors, to establish the district with authority to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any independent health or mental health care special district created by this section shall be required to levy and fix millage subject to the provisions of s. 200.065. Once approved by the electorate, the independent health or mental health care special district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(2)

(d) All financial records and accounts relating to the independent health or mental health care special district shall be available for review by the county governing body ~~and for audit by state auditors assigned from time to time to audit the affairs of the county officials.~~

Section 41. Paragraph (c) of subsection (3) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(3)

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this part shall file with the governing body ~~and with the Auditor General~~, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

Section 42. Paragraph (b) of subsection (1) of section 175.261, Florida Statutes, is amended to read:

175.261 Annual report to Division of Retirement; actuarial valuations.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(1) With respect to chapter plans:

(b) In addition to annual reports provided under paragraph (a), by February 1 of each triennial year, an actuarial valuation of the chapter plan must be made by the division at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. To that end, the chair of the board of trustees for each firefighters' pension trust fund operating under a chapter plan shall report to the division such data as it needs to complete an actuarial valuation of each fund. The forms for each municipality and special fire control district shall be supplied by the division. The expense of this actuarial valuation shall be borne by the firefighters' pension trust fund established by ss. 175.041 and 175.121. The requirements of this section are supplemental to the actuarial valuations necessary to comply with ss. ~~218.321~~ 11.45 and ~~218.39~~ 218.32.

Section 43. Paragraph (b) of subsection (1) of section 185.221, Florida Statutes, is amended to read:

185.221 Annual report to Division of Retirement; actuarial valuations.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(1) With respect to chapter plans:

(b) In addition to annual reports provided under paragraph (a), by February 1 of each triennial year, an actuarial valuation of the chapter plan must be made by the division at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from the issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. To that end, the chair of the board of trustees for each municipal police officers' retirement trust fund operating under a chapter plan shall report to the division such data as the division needs to complete an actuarial valuation of each fund. The forms for each municipality shall be supplied by the division. The expense of the actuarial valuation shall be borne by the municipal police officers' retirement trust fund established by s. 185.10. The requirements of this section are supplemental to the actuarial valuations necessary to comply with ss. ~~218.321~~ 11.45 and ~~218.39~~ 218.32.

Section 44. Subsection (2) of section 189.4035, Florida Statutes, is amended to read:

189.4035 Preparation of official list of special districts.—

(2) The official list shall be produced by the department after the department has notified each special district that is currently reporting to the department, the Department of Banking and Finance pursuant to s. 218.32, or the Auditor General pursuant to s. ~~218.39~~ 11.45. Upon notification, each special district shall submit, within 60 days, its determination of its status. The determination submitted by a special district shall be consistent with the status reported in the most recent local government audit of district activities submitted to the Auditor General pursuant to s. ~~218.39~~ 11.45.

Section 45. Subsection (1) of section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is created and has the following special duties:

(1) The collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the State Board of Administration, the Department of Management Services, the Department of

Revenue, and the Commission on Ethics for the reporting required in ss. ~~11.45~~, 112.3144, 112.3145, 112.3148, 112.3149, 112.63, 200.068, 218.32, 218.34, 218.38, 218.39, and 280.17 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports must consist of a list of special districts used in that state agency and a list of which special districts did not comply with the reporting statutorily required by that agency.

Section 46. Paragraphs (f) and (g) of subsection (5) of section 189.428, Florida Statutes, are amended to read:

189.428 Special districts; oversight review process.—

(5) Those conducting the oversight review process shall, at a minimum, consider the listed criteria for evaluating the special district, but may also consider any additional factors relating to the district and its performance. If any of the listed criteria do not apply to the special district being reviewed, they need not be considered. The criteria to be considered by the reviewer include:

(f) Whether the Auditor General has *notified the Legislative Auditing Committee* ~~determined~~ that the special district's audit report, reviewed pursuant to s. 11.45(7), indicates that a deteriorating financial condition exists that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such condition ~~district is or may be in a state of financial emergency or has been experiencing financial difficulty during any of the last 3 fiscal years for which data are available.~~

(g) Whether the Auditor General *has determined that the special district is in a state of financial emergency as provided in s. 218.503(1), and has notified the Governor and the Legislative Auditing Committee failed to receive an audit report and has made a determination that the special district was required or may have been required to file an audit report during any of the last 3 fiscal years for which the data are available.*

Section 47. Section 193.074, Florida Statutes, is amended to read:

193.074 Confidentiality of returns.—All returns of property and returns required by s. 201.022 submitted by the taxpayer pursuant to law shall be deemed to be confidential in the hands of the property appraiser, the clerk of the circuit court, the department, the tax collector, ~~and~~ the Auditor General, *and the Office of Program Policy Analysis and Government Accountability*, and their employees and persons acting under their supervision and control, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such returns are exempt from the provisions of s. 119.07(1).

Section 48. Section 195.084, Florida Statutes, is amended to read:

195.084 Information exchange.—

(1) The department shall promulgate rules and regulations for the exchange of information among the department, the property appraisers' offices, the tax collector, ~~and~~ the Auditor General, *and the Office of Program Policy Analysis and Government Accountability*. All records and returns of the department useful to the property appraiser or the tax collector shall be made available upon request but subject to the reasonable conditions imposed by the department. This section shall supersede statutes prohibiting disclosure only with respect to the property appraiser, the tax collector, ~~and~~ the Auditor General, *and the Office of Program Policy Analysis and Government Accountability*, but the department may establish regulations setting reasonable conditions upon the access to and custody of such information. The Auditor General, *the Office of Program Policy Analysis and Government Accountability*, the tax collectors, and the property appraisers shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality shall be a misdemeanor of the first degree, punishable as provided by ss. 775.082 and 775.083.

(2) All of the records of property appraisers and collectors, including, but not limited to, worksheets and property record cards, shall be made available to the Department of Revenue, ~~the~~ *and* Auditor General, *and the Office of Program Policy Analysis and Government Accountability*. Property appraisers and collectors are hereby directed to cooperate fully with representatives of the Department of Revenue, ~~the~~ *and* Auditor

General, and the Office of Program Policy Analysis and Government Accountability in realizing the objectives stated in s. 195.0012.

Section 49. Subsection (7) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(7) The Auditor General shall ~~conduct a~~ ~~have the responsibility to~~ perform ~~audit audits~~ of the administration of ad valorem tax laws by the department pursuant to the general authority granted in chapter 11. Such performance audits shall be conducted triennially following completion of reviews conducted pursuant to this section. The performance audit report conducted pursuant to this subsection shall be formally submitted to the Legislature no later than April 1, on a triennial basis, reporting on the activities of the ad valorem tax program of the Department of Revenue related to the ad valorem tax rolls. The Auditor General shall include, for at least four counties so reviewed, findings as to the accuracy of assessment procedures, projections, and computations made by the division, utilizing the same generally accepted appraisal standards and procedures to which the division and the property appraisers are required to adhere. However, the report shall not include any findings or statistics related to any ad valorem tax roll which is in litigation between the state and county officials at the time the report is to be issued.

Section 50. Paragraph (c) of subsection (4) of section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(4)

(c) The department shall require by rule that the taxpayer annually submit a sworn statement of gross income, pursuant to paragraph (a). The department shall require that the filing of such statement be accompanied by copies of federal income tax returns for the prior year, wage and earnings statements (W-2 forms), and other documents it deems necessary, for each member of the household. The taxpayer's statement shall attest to the accuracy of such copies. The department shall prescribe and furnish a form to be used for this purpose which form shall include spaces for a separate listing of United States Department of Veterans Affairs benefits and social security benefits. All records produced by the taxpayer under this paragraph are confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability and shall not be divulged to any person, firm, or corporation except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such records are exempt from the provisions of s. 119.07(1).

Section 51. Paragraph (b) of subsection (1) of section 206.60, Florida Statutes, is amended to read:

206.60 County tax on motor fuel.—

(1) The proceeds of the county fuel tax imposed pursuant to s. 206.41(1)(b) are appropriated for public transportation purposes in the manner following:

(b)1. The Department of Revenue shall, from month to month, distribute the amount allocated to each of the several counties under paragraph (a) to the board of county commissioners of the county, who shall use such funds solely for the acquisition of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of transportation facilities, roads, and bridges therein; or the reduction of bonded indebtedness of such county or of special road and bridge districts within such county, incurred for road and bridge or other transportation purposes. In the event the powers and duties relating to transportation facilities, roads, and bridges usually exercised and performed by boards of county commissioners are exercised and performed by some other or separate county board, such board shall receive the proceeds, exercise the powers, and perform the duties designated in this section to be done by the boards of county commissioners.

2. The board of county commissioners of each county, or any separate board or local agency exercising the powers and performing the duties relating to transportation facilities, roads, and bridges usually exercised and performed by the boards of county commissioners, shall be assigned

the full responsibility for the maintenance of transportation facilities in the county and of roads in the county road system.

~~3.—In calculating the distribution of funds under paragraph (a), the Department of Revenue shall obtain from the Auditor General the certification of the level of assessment in each district and shall pay only the amount of money which is derived by multiplying said ratio and the amount which would be due a district under paragraph (a). The funds which are raised under this section but are not distributed under this section shall be deposited in the Fuel Tax Collection Trust Fund. All funds placed in the Fuel Tax Collection Trust Fund shall be distributed in the same manner as provided in paragraphs (a) and (b).~~

3.4. Nothing in this paragraph as amended by chapter 71-212, Laws of Florida, shall be construed to permit the expenditure of public funds in such manner or for such projects as would violate the State Constitution or the trust indenture of any bond issue or which would cause the state to lose any federal aid funds for highway or transportation purposes; and the provisions of this paragraph shall be applied in a manner to avoid such result.

Section 52. Paragraph (ff) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(ff) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

c. Beginning July 1, 1998, 60 percent of the charges for such electricity or steam shall be exempt.

d. Beginning July 1, 1999, 80 percent of the charges for such electricity or steam shall be exempt.

e. Beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

~~6.a.—In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity or steam has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Government Accountability shall monitor and report on the industries receiving the exemption.~~

~~b.—The report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.~~

~~e.—The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.~~

Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

Section 53. Subsection (6) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(6) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available by the Auditor General or his or her authorized agent, *the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent*, the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or a property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1), in the performance of their official duties, or to designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 236.081(2); however, no information shall be disclosed to the Auditor General or his or her authorized agent, *the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent*, the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or to a property appraiser or tax collector or their authorized agents, or to designated employees of the Department of Education if such disclosure is prohibited by federal law. The Auditor General or his or her authorized agent, *the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent*, the Comptroller or his or her authorized agent, the Treasurer or his or her authorized agent, and the property appraiser or tax collector and their authorized agents, or designated employees of the Department of Education shall be subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. For the purpose of this subsection, "designated employees of the Department of Education" means only those employees directly responsible for calculation of price level indices pursuant to s. 236.081(2). It does not include the supervisors of such employees or any other employees or elected officials within the Department of Education.

Section 54. Subsection (6) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of trust funds.—

~~(6) The Auditor General shall audit annually the entire operation of the board. The Office of Program Policy Analysis and Government Accountability shall examine the board's performance or cause to be performed a performance audit of the management by the board of investments every 2 years. In addition to the duties prescribed in this subsection, the Auditor General and the Office of Program Policy Analysis and Government Accountability shall annually as part of his or her audit conduct performance postaudits of investments under s. 215.47(6) which are not otherwise authorized under ss. 215.44-215.53. The Office of Program Policy Analysis and Government Accountability Auditor General shall submit such reports audit report to the board, the President of the Senate, and the Speaker of the House of Representatives and their designees.~~

Section 55. Section 215.86, Florida Statutes, is created to read:

215.86 Management systems and controls.—Each state agency and the judicial branch as defined in s. 216.011 shall establish and maintain management systems and controls that promote and encourage compliance; economic, efficient, and effective operations; reliability of records and reports; and safeguarding of assets. Accounting systems and procedures shall be designed to fulfill the requirements of generally accepted accounting principles.

Section 56. Subsection (2) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(2) The Department of Banking and Finance shall be the functional owner of the Florida Accounting Information Resource Subsystem established pursuant to ss. ~~11.46~~, 17.03, 215.86, 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, the following functions:

(a) Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.

(b) Auditing and settling claims against the state.

Section 57. Section 215.98, Florida Statutes, is created to read:

215.98 Audits of state agency direct-support organizations and citizen support organizations.—Each direct-support organization and each citizen support organization, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than a university, district board of trustees of a community college, or district school board, shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the state agency that created, approved, or administers the direct-support organization or citizen support organization. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the state agency responsible for creation, administration, or approval of the direct-support organization or citizen support organization. Such state agency, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from the independent auditor any records relative to the operation of the organization.

Section 58. Subsection (1) of section 216.177, Florida Statutes, is amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(1) When an appropriations act is delivered to the Governor after the Legislature has adjourned sine die, as soon as practicable, but no later than the 10th day before the end of the period allowed by law for veto consideration in any year in which an appropriation is made, the chairs of the legislative appropriations committees shall jointly transmit:

(a) The official list of General Revenue Fund appropriations determined in consultation with the Executive Office of the Governor to be nonrecurring; and

(b) The documents set forth in s. 216.0442(2)(a) and (c),

to the Executive Office of the Governor, the Comptroller, the Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Chief Justice of the Supreme Court, and each state agency. A request for additional explanation and direction regarding the legislative intent of the General Appropriations Act during the fiscal year may be made only by and through the Executive Office of the Governor for state agencies, and by and through the Chief Justice of the Supreme Court for the judicial branch, as is deemed necessary. However, the Comptroller may also request further clarification of legislative intent pursuant to the Comptroller's responsibilities related to his or her preaudit function of expenditures.

Section 59. Subsection (2) of section 216.178, Florida Statutes, is amended to read:

216.178 General Appropriations Act; format; procedure.—

(2) The Office of Planning and Budgeting shall develop a final budget report that reflects the net appropriations for each budget item. The report shall reflect actual expenditures for each of the 2 preceding fiscal years and the estimated expenditures for the current fiscal year. In addition, the report must contain the actual revenues and cash balances for the preceding 2 fiscal years and the estimated revenues and cash balances for the current fiscal year. The report may also contain expenditure data, program objectives, and program measures for each state agency program. The report must be produced by October 15 each year. A copy of the report must be made available to each member of the Legislature, to the head of each state agency, to the Auditor General, to the director of the Office of Program Policy Analysis and Government Accountability, and to the public.

Section 60. Subsection (3) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(3) The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or \$150,000, whichever is greater, by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or \$150,000, whichever is greater, by all action taken under this subsection.

(c) Such authorized revisions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the state agency or by the judicial branch to the Comptroller for entry in the Comptroller's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished to the Executive Office of the Governor or the Chief Justice, the chair of the Legislative Budget Commission, the chairs of the legislative committees, and the Auditor General, and the director of the Office of Program Policy Analysis and Government Accountability.

Section 61. Subsection (1) of section 218.31, Florida Statutes, is amended, and subsections (15), (16), (17), and (18) are added to said section, to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(1) "Local governmental entity" means a county agency as defined in s. 11.45, a municipality, or a special district as defined in s. 189.403. For purposes of s. 218.32, the term also includes a housing authority created under chapter 421.

(15) "Auditor" means an independent certified public accountant licensed pursuant to chapter 473 and retained by a local governmental entity to perform a financial audit.

(16) "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed.

(17) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with generally accepted auditing standards and government auditing standards as adopted by the Board of Accountancy and as prescribed by rules promulgated by the Auditor General.

(18) "Management letter" means a statement of the auditor's comments and recommendations as prescribed by rules adopted by the Auditor General.

Section 62. Subsection (1) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)(a) Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.403, shall submit to the department a copy of its annual financial report for the previous fiscal year in a format prescribed by the department. The annual financial report must include a list of each local governmental entity included in the report and each local governmental entity that failed to provide financial information as required by paragraph (b). The chair of the governing body and the chief financial officer of each local governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report. The county annual financial report must be a single document that covers each county agency.

(b) Each component unit, as defined by generally accepted accounting principles, of a local governmental entity shall provide the local governmental entity, within a reasonable time period as established by the local governmental entity, with financial information necessary to comply with the reporting requirements contained in this section.

(c) Each regional planning council created under s. 186.504, each local government finance commission, board, or council, and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the department a copy of its audit report and an annual financial report for the previous fiscal year in a format prescribed by the department.

(d) Each local governmental entity that is required to provide for an audit report in accordance with s. 218.39(1) ~~11.45(3)(a)5.~~ must submit the annual financial report with the audit report. A copy of the audit report and annual financial report must be submitted to the department within 45 days after the completion of the audit report but no later than 12 months after the end of the fiscal year.

(e) Each local governmental entity that is not required to provide for an audit report in accordance with s. 218.39 ~~All other reporting entities~~ must submit the annual financial report to the department no later than April 30 of each year. The department shall consult with the Auditor General in the development of the format of annual financial reports submitted pursuant to this paragraph. The format shall include balance

sheet information to be utilized by the Auditor General pursuant to s. 11.45(7)(f). The department must forward the financial information contained within these entities' annual financial reports to the Auditor General in electronic form. This paragraph does not apply to housing authorities created under chapter 421.

(f)(e) If the department does not receive a completed annual financial report from a local governmental entity within the required period, it shall notify the Legislative Auditing Committee of the local governmental entity's failure to comply with the reporting requirements. The committee shall proceed in accordance with s. 11.40(5) report. Following receipt of notification of failure to report, the committee shall schedule a hearing for the purpose of receiving additional testimony addressing the failure of local governmental entities to comply with the reporting requirements of this section. After the hearing, the committee shall determine which local governmental entities will be subjected to further state action. If it finds that one or more local governmental entities should be subjected to further state action, the committee shall:

1.—In the case of a county or municipality, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to the county or municipality until the required annual financial report is received by the department. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this subparagraph. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of distribution mandated by law.

2.—In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required annual financial report. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.

3.—In the case of a special district that is a component unit and that did not provide the financial information required by paragraph (b) to the applicable reporting entity, notify the Department of Community Affairs that the special district has failed to provide the required financial information. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.

Section 63. Subsection (2) of section 218.33, Florida Statutes, is amended to read:

218.33 Local governmental entities; establishment of uniform fiscal years and accounting practices and procedures.—

(2) *Each local governmental entity shall follow uniform accounting practices and procedures as promulgated by rule of the department to assure the use of proper accounting and fiscal management by such units. Such rules shall include a uniform classification of accounts. The department shall make such reasonable rules regarding uniform accounting practices and procedures by local governmental entities in this state, including a uniform classification of accounts, as it considers necessary to assure the use of proper accounting and fiscal management techniques by such units.*

Section 64. Subsection (3) of section 218.38, Florida Statutes, is amended to read:

218.38 Notice of bond issues required; verification.—

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide the information required by subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. *The committee shall proceed in accordance with s. 11.40(5). Following receipt of such notification of failure to comply with these provisions, a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of units of local government to comply with the requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action, the committee shall:*

(a) ~~In the case of a unit of local government, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable~~

~~to such governmental entity. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this paragraph. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of the distribution mandated by law.~~

~~(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.~~

Section 65. Sections 218.39 and 218.391, Florida Statutes, are created to read:

218.39 *Annual financial audit reports.—*

(1) *If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 12 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:*

(a) *Each county.*

(b) *Any municipality with revenues or the total of expenditures and expenses in excess of \$250,000.*

(c) *Any special district with revenues or the total of expenditures and expenses in excess of \$100,000.*

(d) *Each district school board.*

(e) *Each charter school established under s. 228.056.*

(f) *Each charter technical center established under s. 228.505.*

(g) *Each municipality with revenues or the total of expenditures and expenses between \$100,000 and \$250,000 that has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.*

(h) *Each special district with revenues or the total of expenditures and expenses between \$50,000 and \$100,000 that has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.*

(2) *The county audit report shall be a single document that includes a financial audit of the county as a whole and, for each county agency other than a board of county commissioners, an audit of its financial accounts and records, including reports on compliance and internal control, management letters, and financial statements as required by rules adopted by the Auditor General. In addition to such requirements, if a board of county commissioners elects to have a separate audit of its financial accounts and records in the manner required by rules adopted by the Auditor General for other county agencies, such separate audit shall be included in the county audit report.*

(3) *A dependent special district may make provision for an annual financial audit by being included within the audit of another local governmental entity upon which it is dependent. An independent special district may not make provision for an annual financial audit by being included within the audit of another local governmental entity.*

(4) *A management letter shall be prepared and included as a part of each financial audit report.*

(5) *At the conclusion of the audit, the auditor shall discuss with the chair of each local governmental entity or the chair's designee, or with the elected official of each county agency or with the elected official's designee, or with the chair of the district school board or the chair's designee, or with the chair of the board of the charter school or the chair's designee, or with the chair of the charter technical career center or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each*

member of the governing body of a local governmental entity or district school board for which deteriorating financial conditions exist that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.

(6) The officer's written statement of explanation or rebuttal concerning the auditor's findings, including corrective action to be taken, must be filed with the governing body of the local governmental entity, district school board, charter school, or charter technical career center within 30 days after the delivery of the auditor's findings.

(7) The predecessor auditor of a district school board shall provide the Auditor General access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

(8) All audits conducted in accordance with this section must be conducted in accordance with the rules of the Auditor General promulgated pursuant to s. 11.45. All audit reports and the officer's written statement of explanation or rebuttal must be submitted to the Auditor General within 45 days after delivery of the audit report to the entity's governing body, but no later than 12 months after the end of the fiscal year.

(9) Each charter school and charter technical career center must file a copy of its audit report with the sponsoring entity; the local district school board, if not the sponsoring entity; the Auditor General; and with the Department of Education.

(10) This section does not apply to housing authorities created under chapter 421.

(11) Notwithstanding the provisions of any local law, the provisions of this section shall govern.

218.391 Auditor selection procedures.—

(1) Each local governmental entity, district school board, charter school, or charter technical career center shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

(2) The governing body of a charter county, municipality, special district, charter school, or charter technical career center shall establish an auditor selection committee and auditor selection procedures or use the procedures outlined in subsection (3). The purpose of the committee and the procedures is to contract with an auditor to conduct the annual financial audit required in s. 218.39.

(3) The governing body of a noncharter county or district school board that retains a certified public accountant shall establish an auditor selection committee and select an auditor according to the following procedure:

(a) For each noncharter county, the auditor selection committee shall consist of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, and one member of the board of county commissioners or its designee.

(b) The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice must include a general description of the audit and must indicate how interested certified public accountants can apply for consideration.

(c) The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.

(d) Any certified public accountant desiring to provide auditing services shall first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required services. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

(e) The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of

personnel, past record, experience, results of recent external quality control reviews, and such other factors as may be determined by the committee to be applicable to its particular requirements.

(f) The public shall not be excluded from the proceedings under this subsection.

(g) The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required services.

(h) The committee shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the following factors: the ability of professional personnel; past performance; willingness to meet time requirements; location; and recent, current, and projected workloads of the firms. However, such distribution shall not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

(i) The committee may request, accept, and consider proposals for the compensation to be paid only during competitive negotiations under paragraph (h). The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. If the board is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over \$50,000, the board shall require the firm receiving the award to execute a truth-in-negotiations certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required must contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract.

(j) If the board is unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.

Section 66. Subsection (22) of section 218.415, Florida Statutes, is amended to read:

218.415 Local government investment policies.—Investment activity by a unit of local government must be consistent with a written investment plan adopted by the governing body, or in the absence of the existence of a governing body, the respective principal officer of the unit of local government and maintained by the unit of local government or, in the alternative, such activity must be conducted in accordance with subsection (17). Any such unit of local government shall have an investment policy for any public funds in excess of the amounts needed to meet current expenses as provided in subsections (1)-(16), or shall meet the alternative investment guidelines contained in subsection (17). Such policies shall be structured to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment returns

shall be secondary to the requirements for safety and liquidity. Each unit of local government shall adopt policies that are commensurate with the nature and size of the public funds within its custody.

(22) AUDITS.—Certified public accountants conducting audits of units of local government pursuant to s. 218.39 ~~11-45~~ shall report, as part of the audit, whether or not the unit of local government has complied with this section.

Section 67. Paragraph (g) of subsection (8) of section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(8) REQUIREMENTS.—

(g) A charter school shall *provide for* ~~be subject to~~ an annual financial audit in accordance with s. 218.39 ~~a manner similar to that of a school district.~~

Section 68. Paragraph (d) of subsection (3) of section 228.093, Florida Statutes, is amended to read:

228.093 Pupil and student records and reports; rights of parents, guardians, pupils, and students; notification; penalty.—

(3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR STUDENT.—The parent or guardian of any pupil or student who attends or has attended any public school, area vocational-technical training center, community college, or institution of higher education in the State University System shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a pupil or student has attained 18 years of age, or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents of the pupil or student shall thereafter be required of and accorded to the pupil or student only, unless the pupil or student is a dependent pupil or student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall formulate, adopt, and promulgate rules whereby parents, guardians, pupils, or students may exercise these rights:

(d) Right of privacy.—Every pupil or student shall have a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a pupil or student, and any personal information contained therein, are confidential and exempt from the provisions of s. 119.07(1). No state or local educational agency, board, public school, area technical center, community college, or institution of higher education in the State University System shall permit the release of such records, reports, or information without the written consent of the pupil's or student's parent or guardian, or of the pupil or student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a pupil or student may be released to the following persons or organizations without the consent of the pupil or the pupil's parent:

1. Officials of schools, school systems, area technical centers, community colleges, or institutions of higher learning in which the pupil or student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent, guardian, pupil, or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.

4. Other school officials, in connection with a pupil's or student's application for or receipt of financial aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing,

validating, or administering predictive tests, administering pupil or student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of pupils or students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. School readiness coalitions and the Florida Partnership for School Readiness in order to carry out their assigned duties.

8. For use as evidence in pupil or student expulsion hearings conducted by a district school board pursuant to the provisions of chapter 120.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the pupil's or student's educational records is necessary to protect the health or safety of the pupil, student, or other individuals.

10. The Auditor General *and the Office of Program Policy Analysis and Government Accountability* in connection with *their his or her* official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General *and the Office of Program Policy Analysis and Government Accountability* is confidential and exempt from the provisions of s. 119.07(1) and shall be protected in such a way as will not permit the personal identification of students and their parents by other than the Auditor General, *the Office of Program Policy Analysis and Government Accountability*, and *their his or her* staff, and such personally identifiable data shall be destroyed when no longer needed for the Auditor General's *and the Office of Program Policy Analysis and Government Accountability's* official use.

11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the pupil or student and the pupil's or student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the pupil or student, or his or her parent if the pupil or student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid which the student has executed, provided that such information may be disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained pursuant to this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy, in-school and out-of-school suspensions, to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and which support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent, guardian, or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a pupil or student if the institution elects to do so. However, no

educational institution shall release, to any individual, agency, or organization which is not listed in subparagraphs 1.-13., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information which it has designated as directory information with respect to all pupils or students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent, guardian, pupil, or student to inform the institution in writing that any or all of the information designated should not be released.

Section 69. Paragraph (e) of subsection (11) of section 228.505, Florida Statutes, is amended to read:

228.505 Charter technical career centers.—

(11) FUNDING.—

(e) A center shall provide for ~~is subject to~~ an annual financial audit in accordance with s. 218.39 ~~a manner similar to that of a school district or community college.~~

Section 70. Subsection (4) of section 229.8021, Florida Statutes, is amended to read:

229.8021 Direct-support organization; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—~~The direct-support organization shall provide make provision for an annual financial audit postaudit of its financial accounts to be conducted by an independent, certified public accountant in accordance with s. 218.39 rules to be promulgated by the State Board of Education. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education and the Auditor General have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors is confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.~~

Section 71. Paragraphs (l) and (m) are added to subsection (10) of section 230.23, Florida Statutes, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(l) *Internal auditor.*—*The school board may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor shall report directly to the school board or its designee.*

(m) *Financial and performance audits.*—*In addition to the audits required by ss. 11.45 and 218.39, the school board may contract with an independent certified public accountant to conduct a financial or performance audit of its accounts and records retained by it and paid from its public funds.*

Section 72. Subsection (4) of section 230.23025, Florida Statutes, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(4) District school boards that agree by a majority plus one vote to institute the action plan shall submit an annual report to the Legislature, the Governor, the SMART Schools Clearinghouse, OPPAGA, the Auditor General, and the Commissioner of Education on progress made towards implementing the plan and whether changes have occurred in other areas of operation which would affect compliance with the best practices. Such districts shall be reviewed annually by OPPAGA, in

addition to the annual financial audit required under s. 218.39 ~~11.45~~, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan. Districts that are found to comply with the best financial management practices shall receive a “Seal of Best Financial Management” by the State Board of Education certifying that the district is adhering to the state’s best financial management practices. This designation shall be effective for a 5-year period, after which the district school board may reapply for the designation to be granted after another financial management practice review. During the designation period, the district school board shall annually notify the SMART Schools Clearinghouse, OPPAGA, the Auditor General, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state’s best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state’s best financial management practices.

Section 73. Subsection (4) of section 237.40, Florida Statutes, is amended to read:

237.40 Direct-support organization; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—~~Each The direct-support organization shall provide make provisions for an annual financial audit postaudit of its financial accounts and records, to be conducted by an independent certified public accountant the district auditor in accordance with rules to be adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall include a management letter and shall be submitted within 9 months after the fiscal year's end to filed as a public record in the district school board and the Auditor General. The Commissioner of Education, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor any records detail or supplemental data relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be are considered public records for the purposes of chapter 119.~~

Section 74. Subsection (1) of section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving the State University System, the Legislature, and the Governor’s Office. These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the institutions in the State University System.

(1) By December 31 of each year, the Board of Regents shall submit an annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year. The accountability reports shall be designed in consultation with the Governor’s Office, the Office of Program Policy Analysis and Government Accountability ~~the Auditor General~~, and the Legislature.

Section 75. Subsection (5) of section 240.299, Florida Statutes, is amended to read:

240.299 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(5) ANNUAL AUDIT.—Each direct-support organization shall ~~provide make provisions for an annual financial audit postaudit of its financial accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted to be promulgated by the Auditor General pursuant to s. 11.45(8) and by the Board of Regents. The annual audit report shall include a management letter and shall be submitted, within 9 months after the end of the fiscal year, to the Auditor General and the Board of Regents for review. The Board of Regents, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from its independent auditor any records detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the Board of Regents, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).~~

Section 76. Subsection (5) of section 240.2995, Florida Statutes, is amended to read:

240.2995 University health services support organizations.—

(5) Each university health services support organization shall ~~provide make provisions for an annual financial audit postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with s. 240.299(4) rules of the Board of Regents. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the Board of Regents for review. The Board of Regents and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The auditor's report, management letter, and any supplemental data requested by the Board of Regents and the Auditor General shall be considered public records, pursuant to s. 119.07.~~

Section 77. Paragraph (c) of subsection (8) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(8)

(c) Any Florida not-for-profit corporation receiving funds pursuant to this section shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the board. The annual audit report shall be submitted to the Auditor General and the board for review. The board, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.

Section 78. Subsection (6) of section 240.331, Florida Statutes, is amended to read:

240.331 Community college direct-support organizations.—

(6) ANNUAL AUDIT.—Each direct-support organization shall ~~provide make provisions for an annual financial audit postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules adopted to be promulgated by the Auditor General pursuant to s. 11.45(8) district board of trustees. The annual audit report must be submitted, within 9 months after the end of the fiscal year, to the Auditor General, the State Board of Community Colleges, and the board of trustees for review. The board of trustees, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization, other than the auditor's report, any information necessary for the auditor's report, any information related to the expenditure of funds, and any supplemental data requested by the board of trustees, and the Auditor General, and the Office of Program Policy Analysis and Government~~

~~Accountability, shall be confidential and exempt from the provisions of s. 119.07(1).~~

Section 79. Subsection (6) of section 240.3315, Florida Statutes, is amended to read:

240.3315 Statewide community college direct-support organizations.—

(6) ANNUAL AUDIT.—A statewide community college direct-support organization shall ~~provide make provisions for an annual financial audit postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with s. 240.331 rules to be adopted by the State Board of Community Colleges. The annual audit report shall be submitted to the Auditor General and the State Board of Community Colleges for review. The State Board of Community Colleges and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.~~

Section 80. Section 240.3631, Florida Statutes, is created to read:

240.3631 *Financial and performance audits.*—Each district board of trustees of a community college is authorized to have an audit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds. These audits are in addition to those required by s. 11.45.

Section 81. Paragraph (d) of subsection (2) and paragraph (b) of subsection (8) of section 240.512, Florida Statutes, are amended to read:

240.512 H. Lee Moffitt Cancer Center and Research Institute.—There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(2) The Board of Regents shall provide in the agreement with the not-for-profit corporation for the following:

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the Board of Regents for review. The Board of Regents, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(8)

(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and Board of Regents, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III of the State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

1. Internal auditing controls and reports of internal auditors;

2. Matters reasonably encompassed in privileged attorney-client communications;
3. Contracts for managed-care arrangements, including preferred provider organization contracts, health maintenance organization contracts, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements;
4. Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;
5. Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information;
6. Corporate officer and employee personnel information;
7. Information relating to the proceedings and records of credentialing panels and committees and of the governing board of the not-for-profit corporation or its subsidiaries relating to credentialing;
8. Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);
9. Information that reveals plans for marketing services that the corporation or its subsidiaries reasonably expect to be provided by competitors;
10. Trade secrets as defined in s. 688.002, including reimbursement methodologies or rates; or
11. The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report.

As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

Section 82. Subsection (3) of section 240.5285, Florida Statutes, is amended to read:

240.5285 Florida Atlantic University campuses.—

(3) The Board of Regents shall take all actions necessary to assure that Florida Atlantic University Broward and Florida Atlantic University Boca Raton are partners in the overall policymaking and academic governance structures of the university. Annual legislative budget requests for operations and facilities shall separately identify those funds requested for Florida Atlantic University Broward and Florida Atlantic University Boca Raton. Florida Atlantic University Broward and Florida Atlantic University Boca Raton shall have local management authority over their campus faculty, staff, and programs, but there shall be universitywide standards and processes for evaluating requests for promotion and tenure; there shall be complete transferability of credits and uniform programs across campuses; and colleges operating on multiple campuses shall have only one dean for each college. Florida Atlantic University Broward shall establish a faculty senate and may establish a direct-support organization. *Any such direct-support organization shall be subject to s. 240.299(4).*

Section 83. Paragraphs (b), (c), (d), (e), (f), and (g) of subsection (22) of section 240.551, Florida Statutes, are amended to read:

240.551 Florida Prepaid College Program.—

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.
2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.
3. An annual financial ~~and compliance~~ audit of its financial accounts and records by an independent certified public accountant in accordance with ~~s. 215.98 rules adopted by the board.~~
4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.
5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.
6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.
7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

~~(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.~~

(c)(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d)(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name three other individuals to serve as directors of the organization.

(e)(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(f)(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

Section 84. Subsection (6) of section 240.609, Florida Statutes, is amended to read:

240.609 Postsecondary endowment grants.—

(6) Matching endowment grants made pursuant to this section to a qualified independent nonprofit college or university shall be placed in a separate restricted endowment by such institution. The interest or other income accruing from the endowment shall be expended exclusively for professorships, library resources, scientific and technical equipment, and nonathletic scholarships. Moreover, the funds in the endowment shall not be used for pervasively sectarian instruction, religious worship, or theology or divinity programs or resources. The records of the endowment shall be subject to review by the department and audit or examination by the Auditor General and the Office of Program Policy Analysis and Government Accountability. If any institution receiving a matching endowment grant pursuant to this section ceases operations and undergoes dissolution proceedings, then all funds received pursuant to this section from the state shall be returned.

Section 85. Paragraph (h) of subsection (2) of section 240.711, Florida Statutes, is amended to read:

240.711 Ringling Center for Cultural Arts.—

(2)

(h) The John and Mable Ringling Museum of Art direct-support organization shall ~~provide for~~ ~~cause an annual financial audit of its financial accounts to be conducted by an independent certified public accountant, performed in accordance with s. 240.299(4) generally accepted accounting standards.~~ Florida State University is authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. Information that, if released, would identify donors who desire to remain anonymous, is confidential and exempt from the provisions of s. 119.07(1). Information that, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor's report.

Section 86. Subsection (6) of section 250.115, Florida Statutes, is amended to read:

250.115 Department of Military Affairs direct-support organization.—

(6) ANNUAL AUDIT.—The direct-support organization shall ~~provide make provisions for an annual financial audit postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with s. 215.98 rules to be promulgated by the Adjutant General. The annual audit report shall be submitted to the Auditor General and the Adjutant General. The Adjutant General and the Auditor General may require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.~~

Section 87. Subsection (11) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

(11) The Auditor General shall conduct ~~audits performance postaudits~~ of acquisitions and divestitures which, according to his or her ~~preliminary assessments of board-approved acquisitions and divestitures, review of the overall land acquisition program~~ he or she deems necessary. These ~~preliminary assessments shall selected reviews will be initiated not later than within~~ 60 days following the final approval by the board of land acquisitions under this section. *If an audit is conducted*, the Auditor General shall submit an audit report to the board of trustees, the President of the Senate, the Speaker of the House of Representatives, and their designees.

Section 88. Subsection (16) of section 259.041, Florida Statutes, is amended to read:

259.041 Acquisition of state-owned lands for preservation, conservation, and recreation purposes.—

(16) The Auditor General shall conduct ~~audits performance postaudits~~ of acquisitions and divestitures which he or she deems necessary,

according to his or her ~~preliminary assessments of board-approved acquisitions and divestitures review of the overall land acquisition program.~~ These ~~preliminary assessments shall selected reviews will be initiated not later than within~~ 60 days following the final approval by the board of land acquisitions under this section. *If an audit is conducted*, the Auditor General shall submit an audit report to the board of trustees, the President of the Senate, the Speaker of the House of Representatives, and their designees.

Section 89. Subsection (7) of section 266.0018, Florida Statutes, is amended to read:

266.0018 Direct-support organization.—

(7) The direct-support organization shall provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with ~~s. 215.98 rules established by the board.~~ The annual audit report must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

Section 90. Subsection (3) of section 267.17, Florida Statutes, is amended to read:

267.17 Citizen support organizations; use of state property; audit.—

(3) ANNUAL AUDIT.—Each citizen support organization shall ~~provide for~~ ~~cause an annual financial audit in accordance with s. 215.98 postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report shall be submitted to the division for review. The Auditor General and the division are each authorized to require and obtain from the citizen support organization, or from its independent auditor, such data as may be needed relative to the operation of the organization.~~ The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report.

Section 91. Subsection (6) of section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(6) ANNUAL AUDIT.—The corporation shall ~~provide make provision for an annual financial audit in accordance with s. 215.98 postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report shall be due prior to December 1 of each year, shall include a management letter, and shall be submitted to the Auditor General; the Office of Policy Analysis and Government Accountability; and the Office of Tourism, Trade, and Economic Development for review. The Office of Program Policy Analysis and Government Accountability; the Office of Tourism, Trade, and Economic Development; and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The Office of Tourism, Trade, and Economic Development shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of the commission and its long-range marketing plan. The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.~~

Section 92. Subsection (5) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(5) The organization shall provide ~~for an annual financial and compliance audit in accordance with s. 215.98 of its financial accounts and records by an independent certified public accountant pursuant to rules established by the Office of Tourism, Trade, and Economic Development. The auditor shall submit the audit report to the director of the office for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.~~

Section 93. Subsection (4) of section 288.809, Florida Statutes, is amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—The foundation shall ~~provide make provision~~ for an annual *financial audit in accordance with s. 215.98* ~~postaudit of its financial accounts to be conducted by an independent, certified public accountant. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the department for review. The department and the Auditor General have the authority to require and receive from the foundation or from its independent auditor any detail or supplemental data relative to the operation of the foundation.~~ The identity of a donor or prospective donor to the foundation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 94. Section 288.9517, Florida Statutes, is amended to read:

288.9517 Audits; confidentiality.—

(1) The Auditor General ~~and the director of the Office of Program Policy Analysis and Government Accountability~~ may, pursuant to ~~their his or her~~ own authority or at the direction of the Legislative Auditing Committee, conduct an audit or examination of the technology development board or the programs or entities created by the board. The audit, examination, or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to subsection (2).

(2) The identity of a donor, prospective donor, or inventor who contributes to the board who desires to remain anonymous and all information identifying such donor, prospective donor, or inventor who contributes to the board are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the ~~auditor's~~ report.

Section 95. Subsection (5) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

(5) The governing body shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this act shall file with the governing body ~~and with the Auditor General~~, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the municipality or county and in the office of the agency.

Section 96. Section 290.015, Florida Statutes, is amended to read:

290.015 Evaluation and review.—

(1) Prior to January 1, 1995, the department shall prescribe by rule, subject to the approval of the *Office of Program Policy Analysis and Government Accountability Auditor General*, a research design for the review and evaluation of ss. 290.001-290.016, together with the incentives listed in s. 290.007. The research design shall set forth the types of additional information necessary to effectuate the research design. Such information shall be provided in the report required pursuant to s. 290.014(2).

(2) Prior to the 2000 Regular Session of the Legislature, the *Office of Program Policy Analysis and Government Accountability Auditor General* shall perform a review and evaluation of ss. 290.001-290.016, together with the incentives listed in s. 290.007, using the research

design promulgated pursuant to subsection (1). The report shall critique the enterprise zone program and shall include an analysis of the state incentives listed under s. 290.007. A report of the findings and recommendations of the *Office of Program Policy Analysis and Government Accountability Auditor General* shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 2000 Regular Session. The appropriate committees of the Senate and House of Representatives shall consider legislation to implement the recommendations of the *Office of Program Policy Analysis and Government Accountability Auditor General*.

(3) Prior to the 2001 Regular Session of the Legislature, the appropriate substantive committees of both the Senate and the House of Representatives, upon assignment by the President and Speaker, respectively, shall be responsible for the completion of a review and evaluation of ss. 290.001-290.016, together with the incentives listed in s. 290.007.

Section 97. Section 296.17, Florida Statutes, is amended to read:

296.17 Audit; inspection; and standards for the home.—The home shall be open at any time to audit and inspection by the Auditor General ~~and the Office of Program Policy Analysis and Government Accountability~~, as provided by law ~~in s. 11.45~~, the Department of Veterans Affairs, the United States Department of Veterans Affairs, and to any other audits or inspections as required by law to maintain appropriate standards in the home. The standards that the department shall use to regulate the operation of the home shall be those prescribed by the United States Department of Veterans Affairs, provided that where the state's standards are more restrictive, the standards of the state shall apply.

Section 98. Section 296.41, Florida Statutes, is amended to read:

296.41 Audit; inspection; standards for the home.—The home shall be open at any time to audit and inspection by the Auditor General ~~and the Office of Program Policy Analysis and Government Accountability~~, as provided by law ~~in s. 11.45~~, the department, and the United States Department of Veterans Affairs, and to any other audits or inspections as required by law to maintain appropriate standards in the home. The standards that the department shall use to regulate the operation of the home shall be those prescribed by the United States Department of Veterans Affairs, provided that where the state's standards are more restrictive, the standards of the state shall apply.

Section 99. Paragraph (a) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, ~~and the auditing provisions of s. 11.45(3)(a)5.~~ Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.

Section 100. Subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of~~

~~the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules adopted by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) ~~The Auditor General and the department has have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

Section 101. Paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial and compliance audit *in accordance with s. 215.98* of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

Section 102. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits and attestations required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$25,000 in annual use fee proceeds directly from the department, or from another state agency, may annually attest report, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules adopted by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(2) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

~~(3) The Auditor General and the department has have~~ the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 103. Subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended to read:

322.081 Requests to establish voluntary checkoff on driver's license application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of~~

the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.

(b)(e) ~~Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)(e) ~~Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules adopted by the Auditor General. The annual attestation audit or report must be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or ~~attestation report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) ~~The Auditor General and the department has have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

Section 104. Subsection (4) of section 334.0445, Florida Statutes, is amended to read:

334.0445 Model career service classification and compensation plan.—

(4) The department shall issue a baseline report on the performance measures outlined in subsection (3) within 30 days after implementation of this act and shall provide quarterly progress reports to the Department of Management Services, the Executive Office of the Governor, legislative appropriations committees, legislative personnel committees, the Auditor General, *the Office of Program Policy Analysis and Government Accountability*, and the affected certified bargaining unions. Such reports shall contain the mandatory measures listed in this legislation, as well as other mutually agreed-upon measures between the Department of Transportation, the Department of Management Services, the Executive Office of the Governor, legislative appropriations committees, legislative personnel committees, and the affected certified bargaining unions.

Section 105. Subsection (5) of section 339.406, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

339.406 Contract between the department and the corporation.— The contract must provide for:

(5) ~~The Yearly financial and compliance audits for each corporation filing with by the department an annual financial audit as defined in s. 11.45 and a management letter and the Auditor General.~~

(7) ~~The authority for the department and the Auditor General to conduct audits.~~

Section 106. Paragraph (a) of subsection (13) of section 365.171, Florida Statutes, is amended to read:

365.171 Emergency telephone number "911".—

(13) "911" FEE.—

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a "911" fee to be paid by the local exchange subscribers within its boundaries served by the "911" service. Proceeds from the "911" fee shall be used only for "911" expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

1. At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its "911" equipment.

2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The county shall provide a minimum of 90 days' written notice to the telephone company prior to the collection of any "911" fees.

3. Any county that currently has an operational "911" system or that is actively pursuing the implementation of a "911" system shall establish a fund to be used exclusively for receipt and expenditure of "911" fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for "911" costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for "911" purposes by the county commissioners and incorporated into the annual county budget. ~~Such fund shall be included within the financial audit performed The county shall annually have a financial audit performed on this fund,~~ in accordance with s. 218.39 11.45. A report of the audit shall be forwarded to the department within 60 days of its completion. A county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by this section, or it may reduce its fee. However, in no event shall a county carry forward more than 10 percent of the "911" fee billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements described in this subsection. The carryover shall be documented by resolution of the board of county commissioners expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or replacement expenditures for "911" equipment and service features, or both. In no event shall the "911" fee carryover surplus moneys be used for any purpose other than for the "911" equipment, service features, and installation charges authorized in subparagraph 6. Nothing in this section shall prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its "911" system. A county may increase its fee for purposes authorized in this section. However, in no case shall the fee exceed 50 cents per month per line. All current "911" fees shall be reported to the department within 30 days of the start of each county's fiscal period. Any fee adjustment made by a county shall be reported to the department. A county shall give the telephone company a 90-day written notice of such fee adjustment.

4. The telephone company shall have no obligation to take any legal action to enforce collection of the "911" fee. The telephone company shall provide quarterly to the county a list of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "911" fee.

5. The county subscribing to "911" service shall remain liable to the telephone company for any "911" service, equipment, operation, or maintenance charge owed by the county to the telephone company.

As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.

6. It is the intent of the Legislature that the "911" fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the "911" service. For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of "911" service are eligible for expenditure of moneys derived

from imposition of the "911" fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and "911" service features, as defined in the Florida Public Service Commission's lawfully approved "911" and related tariffs and/or the acquisition, installation, and maintenance of other "911" equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, "911" telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the "911" system, PSAP backup power systems, consoles, automatic call distributors, and interfaces (hardware and software) for computer-aided dispatch (CAD) systems; salary and associated expenses for "911" call takers for that portion of their time spent taking and transferring "911" calls; salary and associated expenses for a county to employ a full-time equivalent "911" coordinator position and a full-time equivalent staff assistant position per county for the portion of their time spent administrating the "911" system; training costs for PSAP call takers in the proper methods and techniques used in taking and transferring "911" calls; and expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the "911" call-taking and transferring function. The "911" fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or operational costs for emergency responses which occur after the call transfer to the responding public safety entity and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and "911" equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

Section 107. Subsection (3) of section 372.0215, Florida Statutes, is amended to read:

372.0215 Citizen support organizations; use of state property; audit.—

(3) Each citizen support organization shall provide for an annual financial audit in accordance with s. 215.98 of its financial records and accounts by an independent certified public accountant. A citizen support organization shall submit its annual audit report to the commission for review. The commission shall submit the audit report to the Auditor General. The commission and the Auditor General may obtain additional data relative to the operation of a citizen support organization from the citizen support organization or from its independent auditor. The identity of a donor or prospective donor to a citizen support organization who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 108. Subsection (3) of section 373.45926, Florida Statutes, is amended to read:

373.45926 Everglades Trust Fund; allocation of revenues and expenditure of funds for conservation and protection of natural resources and abatement of water pollution.—

(3) The South Florida Water Management District shall furnish, on a quarterly basis, a detailed copy of its expenditures from the Everglades Trust Fund to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and shall make copies available to the public. The information shall be provided in a format approved by the Joint Legislative Committee on Everglades Oversight. At the direction of the Joint Legislative Committee on Everglades Oversight, an audit ~~and postaudit~~ may be made from time to time by the Auditor General, and such audit shall be within the authority of said Auditor General, to make.

Section 109. Section 373.507, Florida Statutes, is amended to read:

373.507 Districts and basins; ~~audits postaudits~~, budgets.—

(1) Each basin referred to in this chapter must furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature, and the governing body of each county in which the basin has jurisdiction or derives any funds for the operations of the basin.

~~(2) Each district and basin referred to in this chapter must make provision for an annual postaudit of its financial accounts. The postaudit must be made in accordance with the rules of the Auditor General adopted under ss. 11.47 and 166.241.~~

(2)(3)(a) Each district referred to in this chapter must furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over districts, as determined by the President or Speaker as applicable, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district:

1. The tentative budget.
2. The adopted budget.
3. The past year's expenditures.
4. The ~~audit report required postaudit described in s. 218.39 subsection (2).~~

(b) The documents must be furnished by the earlier of 10 days following completion of each document or as otherwise provided by law.

(c) If any entity in paragraph (a) provides written comments to the district regarding any document furnished, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities.

(d) ~~The audit report required in s. 218.39 shall be furnished to the governing board of the district and the clerks of the circuit courts of each county within or partly within the district.~~

Section 110. Subsection (9) of section 402.73, Florida Statutes, is amended to read:

402.73 Contracting and performance standards.—

(9) The department must implement systems and controls to ensure financial integrity and service provision quality in the developmental services Medicaid waiver service system. ~~The Auditor General shall include specific reference to systems and controls related to financial integrity in the developmental services Medicaid waiver service system in his or her audit of the department for each fiscal year.~~

Section 111. Subsection (8) of section 403.1826, Florida Statutes, is amended to read:

403.1826 Grants, requirements for eligibility.—

(8) Any local governmental agency receiving assistance under ss. 403.1821-403.1832 shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with such assistance given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The department, ~~and the Auditor General, and the Office of Program Policy Analysis and Government Accountability,~~ or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under ss. 403.1821-403.1832. Upon project completion, the local governmental agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.

Section 112. Paragraph (d) of subsection (11) of section 403.8532, Florida Statutes, is amended to read:

403.8532 Drinking water state revolving loan fund; use; rules.—

(11) Prior to approval of a loan, the local government or public water system shall, at a minimum:

(d) Provide assurance that records will be kept using *generally accepted government accounting principles standards* and that the department or its agents and the Auditor General, ~~or their agents~~ will have access to all records pertaining to the loan.

Section 113. Subsection (2) of section 403.864, Florida Statutes, is amended to read:

403.864 Public water supply accounting program.—

(2) In furtherance of this intent, the Department of Health ~~and~~ the department, ~~and the Auditor General~~ shall jointly develop an accounting program for use by the department and the Department of Health and its units, including the county health departments, to determine the funds, overhead, personnel, and property used by each of the departments in conducting its respective public water supply functions and responsibilities for each fiscal year. The accounting program shall provide information sufficient to satisfy state auditing and federal grant and aid reporting requirements and shall include provisions requiring the Department of Health to:

(a) Segregate, from an accounting standpoint, funds distributed to county health departments for public water supply functions from other county health department trust funds.

(b) Segregate, from an accounting standpoint, funds distributed to the central and branch laboratories of the Department of Health for public water supply functions from other laboratory funds.

(c) Require each county health department, the central and each branch laboratory of the Department of Health, and any other entity of the Department of Health involved in and carrying out public water supply functions to account to the Department of Health on a semiannual basis for the funds received, from whatever source, and used for public water supply functions.

(d) Require each county health department, the central and each branch laboratory of the Department of Health, and any other entity of the Department of Health involved in carrying out public water supply functions either wholly or partially with funds, either federal or state, received from the department through an interagency agreement or other means to account to the department on a semiannual basis for such funds received and used for public water supply functions.

Section 114. Paragraph (m) of subsection (4) of section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—

(m) The Florida Partnership for School Readiness shall have a budget, *and* shall be financed through an annual appropriation made for this purpose in the General Appropriations Act, ~~and shall be subject to compliance audits and annual financial audits by the Auditor General.~~

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

Section 115. Subsection (2) of section 411.221, Florida Statutes, is amended to read:

411.221 Prevention and early assistance strategic plan; agency responsibilities.—

(2) The strategic plan and subsequent plan revisions shall incorporate and otherwise utilize, to the fullest extent possible, the evaluation findings and recommendations from intraagency, independent third-party, field projects, and *reports issued by the Auditor General or the*

Office of Program Policy Analysis and Government Accountability evaluations, as well as the recommendations of the State Coordinating Council for School Readiness Programs.

Section 116. Subsection (11) of section 413.615, Florida Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(11) ANNUAL AUDIT.—The board shall ~~provide for~~ *cause* an annual financial audit of the ~~foundation~~ *foundation's financial accounts to be conducted by an independent certified public accountant* in accordance with ~~s. 215.98 rules adopted by the division. The annual audit report shall be submitted to the Auditor General and to the division for review. The Auditor General and the division are each authorized to require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data; however,~~ The identities of donors and prospective donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report.

Section 117. Subsection (1) of section 413.87, Florida Statutes, is amended to read:

413.87 Annual audit.—

(1) The corporation shall ~~provide~~ *make provision* for an annual financial audit in accordance with ~~s. 215.98 postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report is due before December 1 of each year, must include a management letter, and must be submitted to the commission, the Auditor General, and the Office of Program Policy Analysis and Government Accountability for review. The Office of Program Policy Analysis and Government Accountability, the commission, and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The corporation shall annually certify whether the corporation is operating in a manner that is consistent with, and achieving objectives that are consistent with, the policies and goals of the commission and the plan.~~

Section 118. Section 413.88, Florida Statutes, is amended to read:

413.88 Annual report of the Occupational Access and Opportunity Commission; audits.—

(4) Before January 1 of each year, the commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report setting forth for itself and its designated administrative entity:

(1)(a) Its operations and accomplishments during the fiscal year.

(2)(b) Its business and operational plan.

(3)(c) The assets and liabilities of the designated administrative entity at the end of its most recent fiscal year.

(4)(d) A copy of the annual financial ~~and compliance~~ audit.

(2) ~~The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the commission or its designated administrative entity.~~

Section 119. Subsection (12) and paragraph (b) of subsection (13) of section 446.609, Florida Statutes, are amended to read:

446.609 Jobs for Florida's Graduates Act.—

(12) ANNUAL AUDIT.—The board shall ~~provide for~~ *cause* an annual financial audit of the ~~foundation~~ *foundation's financial accounts to be conducted by an independent certified public accountant* in accordance with ~~s. 215.98 rules adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.~~

(13) ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:

(b) Beginning in the first year of the Jobs for Florida's Graduates Program, the ~~Office Division of Economic and Demographic Research of the Joint Legislative Management Committee~~ shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

Section 120. Subsection (9) of section 455.32, Florida Statutes, is amended to read:

455.32 Management Privatization Act.—

(9) The corporation shall provide for an annual financial ~~and compliance~~ audit of its financial accounts and records by an independent certified public accountant ~~in accordance with generally accepted auditing standards~~. The annual audit report shall include a *management letter in accordance with s. 11.45* and a detailed supplemental schedule of expenditures for each expenditure category ~~and a management letter~~. The annual audit report must be submitted to the board, the department, and the Auditor General for review. ~~The Auditor General may, pursuant to his or her authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.~~

Section 121. Paragraph (j) of subsection (3) of section 471.038, Florida Statutes, is amended to read:

471.038 Florida Engineers Management Corporation.—

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:

(j) Provide for an annual financial ~~and compliance~~ audit of its financial accounts and records by an independent certified public accountant ~~in accordance with generally accepted auditing standards~~. The annual audit report shall include a *management letter in accordance with s. 11.45* and a detailed supplemental schedule of expenditures for each expenditure category ~~and a management letter~~. The annual audit report must be submitted to the board, the department, and the Auditor General for review. ~~The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.~~

Section 122. Paragraph (c) of subsection (2) of section 550.125, Florida Statutes, is amended to read:

550.125 Uniform reporting system; bond requirement.—

(2)

(c) The Auditor General ~~and the Office of Program Policy Analysis and Government Accountability~~ may, *pursuant to their own authority or at the direction of the Legislative Auditing Committee*, audit, examine, and check the books and records of any permit holder ~~and, upon the request of the division, shall do so~~. These audit reports shall become part of, and be maintained in, the division files.

Section 123. Subsections (1) and (3) of section 570.903, Florida Statutes, are amended to read:

570.903 Direct-support organization.—

(1) When the Legislature authorizes the establishment of a direct-support organization to provide assistance for the museums, *the Florida Agriculture in the Classroom Program, the Florida State Collection of Arthropods, the Friends of the Florida State Forests Program of the Division of Forestry, and the Forestry Arson Alert Program*, and other programs of the department, ~~in addition to any specific provisions elsewhere stated~~, the following provisions shall govern the creation, use, powers, and duties of the direct-support organization.

(a) The department shall enter into a memorandum or letter of agreement with the direct-support organization, which shall specify the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization shall comply.

(b) The department may permit, without charge, appropriate use of property, facilities, and personnel of the department by a direct-support organization, subject to the provisions of ss. 570.902 and 570.903. The use shall be directly in keeping with the approved purposes of the direct-support organization and shall not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities for established purposes.

(c) The department shall prescribe by contract or by rule conditions with which a direct-support organization shall comply in order to use property, facilities, or personnel of the department or museum. Such rules shall provide for budget and audit review and oversight by the department.

(d) The department shall not permit the use of property, facilities, or personnel of the museum, department, or designated program by a direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3)(a) The direct-support organization shall ~~provide~~ *make provisions* for an annual *financial* audit of its financial accounts ~~to be conducted by an independent certified public accountant in accordance with s. 215.98 generally accepted accounting principles; provided that a direct-support organization having less than \$25,000 in total assets may be audited by the department. The annual audit report shall be submitted to the Auditor General and to the department for review within 2 months after the end of the direct support organization's fiscal year.~~

(b) ~~If the direct support organization fails to submit the audit report at the appropriate time, the Auditor General may, pursuant to her or his own authority, conduct the audit, or the Auditor General shall conduct the audit at the direction of the Joint Legislative Auditing Committee, or the department shall engage an independent certified public accountant to conduct the audit. The direct support organization shall pay for the entire costs of the audit.~~

(c) ~~The Auditor General and the department shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the direct support organization.~~

Section 124. Paragraph (d) of subsection (10) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(10) The powers and duties of the Department of Citrus include the following:

(d) To keep books, records, and accounts of all of its ~~activities~~ *doings*, which books, records, and accounts shall be open to inspection, ~~and audit, and examination~~ by the Auditor General ~~and the Office of Program Policy Analysis and Government Accountability~~ ~~at all times~~.

Section 125. Subsection (2) of section 616.263, Florida Statutes, is amended to read:

616.263 Annual reports ~~and audit~~ of authority.—

(2) The authority shall at all times maintain proper accounting systems and procedures and shall be subject to *audit* ~~annual auditing~~ by the Auditor General ~~as provided in s. 11.45~~.

Section 126. Subsection (4) of section 657.008, Florida Statutes, is amended to read:

657.008 Place of doing business.—

(4) Any credit union organized under this state or federal law, the members of which are presently, or were at the time of admission into the credit union, employees of the state or a political subdivision or

municipality thereof, or members of the immediate families of such employees, may apply for space in any building owned or leased by the state or respective political subdivision or municipality in the community or district in which the credit union does business. The application shall be addressed to the officer charged with the allotment of space in such building. If space is available, the officer may allot space to the credit union at a reasonable charge for rent or services. If the governing body having jurisdiction over the building determines that the services rendered by the credit union to the employees of the governing body are equivalent to a reasonable charge for rent or services, available space may be allotted to the credit union without charge for rent or services. ~~The officer charged with the allotment of space in such building shall report annually the terms and conditions of such use of space to the Auditor General.~~

Section 127. Subsection (5) of section 744.708, Florida Statutes, is amended to read:

744.708 Reports and standards.—

(5) An independent audit by a qualified certified public accountant shall be performed at least every 2 years. The audit should include an investigation into the practices of the office for managing the person and property of the wards. A copy of the report shall be submitted to the Statewide Public Guardianship Office. In addition, the office of public guardian shall be subject to audits or examinations by the Auditor General and the Office of Program Policy Analysis and Government Accountability pursuant to law ~~s. 11.45~~.

Section 128. Subsection (3) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(3) The Auditor General is directed in her or his ~~financial~~ audit of courts to ascertain that such assessments have been collected and remitted and shall report to the Legislature ~~annually~~. All such records of the courts shall be open for her or his inspection. The Auditor General is further directed to conduct ~~financial~~ audits of the expenditures of the trust funds and to report to the Legislature ~~annually~~. *Such audits shall be conducted in accordance with s. 11.45.*

Section 129. Section 943.2569, Florida Statutes, is amended to read:

943.2569 Annual audits of each center.—Each center shall *provide for contract with an independent certified public accountant to conduct annual financial audit and a management letter as defined in s. 11.45 audits of the center. Each audit must comply with the rules of the Auditor General for fiscal audits.*

Section 130. Paragraph (c) of subsection (2) of section 944.512, Florida Statutes, is amended to read:

944.512 State lien on proceeds from literary or other type of account of crime for which convicted.—

(2) The proceeds of such account shall be distributed in the following order:

(c) After payments have been made pursuant to paragraph (a) or paragraph (b), an amount equal to pay all court costs in the prosecution of the convicted felon, which shall include, but not be limited to, jury fees and expenses, court reporter fees, and reasonable per diem for the prosecuting attorneys for the state, shall go to the General Revenue Fund. Additional costs shall be assessed for the computed per capita cost of imprisonment or supervision by the state or county correctional system. Such costs shall be determined *and certified by the prosecuting attorney and the imprisoning entity and subject to review by the Auditor General.*

Section 131. Subsection (3) of section 944.719, Florida Statutes, is amended to read:

944.719 Adoption of rules, monitoring, and reporting.—

(3) The private vendor shall provide a work area at the private correctional facility for use by the contract monitor appointed by the department and shall provide the monitor with access to all data, reports, and other materials that the monitor, ~~and the Auditor General, and the Office of Program Policy Analysis and Government Accountability deter-~~

mine are necessary to carry out monitoring and auditing responsibilities.

Section 132. Subsection (3) of section 944.802, Florida Statutes, is amended to read:

944.802 Direct-support organization; definition; use of property; board of directors; audit.—

(3) ANNUAL AUDIT.—~~The direct-support organization shall provide make provision for an any annual financial audit postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with s. 215.98 rules to be promulgated by the Department of Corrections. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the Department of Corrections for review. The Department of Corrections and the Auditor General have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.~~

Section 133. Section 946.31, Florida Statutes, is amended to read:

946.31 Sources of fund.—~~If any general service operation of an institution is transferred to the work program operation by the Department of Corrections, all assets and liabilities of such operation shall become a part of the Correctional Work Program Trust Fund. All income, receipts, earnings, and profits from work programs operated by the department shall be credited to the Correctional Work Program Trust Fund, to be used for the purposes set forth; however, if the earned surplus in the fund at the end of any fiscal year exceeds \$5 million, one-half of such amount as is determined by the Auditor General to be in excess of this amount shall be deposited in the General Revenue Fund, and the other half shall be used by the department for the expansion and improvement of inmate work programs.~~

Section 134. Subsection (3) of section 948.15, Florida Statutes, is amended to read:

948.15 Misdemeanor probation services.—

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

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

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

(c) Staffing levels.

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

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

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

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

(h) Reporting and recordkeeping requirements.

(i) Default and contract termination procedures.

(j) Procedures that aid offenders with job assistance.

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

General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.

Section 135. Section 957.07, Florida Statutes, is amended to read:

957.07 Cost-saving requirements.—The commission may not enter into a contract or series of contracts unless the commission determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Such cost savings as determined by the commission must be based upon the actual costs associated with the construction and operation of similar facilities or services as determined by the Department of Corrections and certified to the commission by the Auditor General. ~~In certifying the actual costs for the determination of the cost savings required by this section, The Department of Corrections Auditor General shall calculate all of the cost components that determine the inmate per diem in correctional facilities of a substantially similar size, type, and location that are operated by the department, including all administrative costs associated with central administration. Services that are provided to the department by other governmental agencies at no direct cost to the department shall be assigned an equivalent cost and included in the per diem. Reasonable projections of payments of any kind to the state or any political subdivision thereof for which the private entity would be liable because of its status as private rather than a public entity, including, but not limited to, corporate income and sales tax payments, shall be included as cost savings in all such determinations. In addition, the costs associated with the appointment and activities of each contract monitor shall be included in such determination. In counties where the Department of Corrections pays its employees a competitive area differential, the cost for the public provision of a similar correctional facility may include the competitive area differential paid by the department. The Department of Corrections Auditor General shall provide a report detailing the state cost to design, finance, acquire, lease, construct, and operate a facility similar to the private correctional facility on a per diem basis. This report shall be provided to the Auditor General commission in sufficient time that it may be certified to the commission to be included in the request for proposals.~~

Section 136. Section 957.11, Florida Statutes, is amended to read:

957.11 Evaluation of costs and benefits of contracts.—~~The Office of Program Policy Analysis and Government Accountability Auditor General shall develop and implement an evaluation of the costs and benefits of each contract entered into under this chapter. This evaluation must include a comparison of the costs and benefits of constructing and operating prisons by the state versus by private contractors. The Office of Program Policy Analysis and Government Accountability Auditor General shall also evaluate the performance of the private contractor at the end of the term of each management contract and make recommendations to the Speaker of the House of Representatives and the President of the Senate on whether to continue the contract.~~

Section 137. Subsection (4) of section 960.002, Florida Statutes, is amended to read:

960.002 Direct-support organization to assist victims of adult and juvenile crime.—

(4) The direct-support organization shall ~~provide make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with s. 215.98 rules established by the Governor. The annual audit report shall be submitted to the Governor for review and approval. Upon approval, the Governor shall certify the audit report to the Auditor General for review and approval.~~

Section 138. Paragraph (a) of subsection (1) of section 985.311, Florida Statutes, is amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(1) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to intensive offenders less than 13 years of age.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General, and the Office of Program Policy Analysis and Government Accountability no later than January 1 of each year.

Section 139. Subsection (6) of section 985.4145, Florida Statutes, is amended to read:

985.4145 Direct-support organization; definition; use of property; board of directors; audit.—

(6) ~~The direct-support organization shall provide for an annual financial audit and compliance postaudit of its financial accounts and records by an independent certified public accountant in accordance with s. 215.98 rules of the Auditor General. The annual audit report must include a management letter and must be submitted to the Auditor General and the department for review. The department and the Auditor General may require and receive from the direct support organization, or from its independent auditor, any detail or supplemental data relative to the operation of the organization.~~

Section 140. Subsection (3) of section 985.416, Florida Statutes, is amended to read:

985.416 Innovation zones.—The department shall encourage each of the juvenile justice circuit boards to propose at least one innovation zone within the circuit for the purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a circuit, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(3) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the Office of Program Policy Analysis and Government Accountability Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one operating circuit may not be used to fund an innovation zone in another operating circuit.

Section 141. ~~Sections 11.149 and 11.46; paragraph (e) of subsection (2) of section 125.901; paragraph (l) of subsection (2) of section 215.56005; section 216.2815; subsection (23) of section 218.415; subsection (11) of section 228.053; subsection (6) of section 228.082; subsection (3) of section 253.037; section 265.607; subsection (2) of section 288.906; sections 288.9616 and 298.65; subsection (3) of section 331.419; sections 339.413, 348.69, and 373.589; subsection (3) of section 374.987; subsection (8) of section 380.510; sections 388.331 and 400.335; subsection (14) of section 403.1837; paragraph (i) of subsection (14) of section 440.49; subsection (14) of section 517.1204; and sections 570.912, 581.195, 589.013, and 590.612, Florida Statutes, are repealed.~~

Section 142. Subsection (2) of section 189.4042, Florida Statutes, is amended to read:

189.4042 Merger and dissolution procedures.—

(2) The merger or dissolution of an independent special district or a dependent district created and operating pursuant to a special act may only be effectuated by the Legislature unless otherwise provided by

general law. If an *inactive* independent district was created by a county or municipality *through a referendum*, the county or municipality that created the district may ~~merge or~~ dissolve the district *after publishing notice as described in s. 189.4044. If an independent district was created by a county or municipality by referendum or any other procedure, the county or municipality that created the district may merge or dissolve the district* pursuant to the same procedure by which the independent district was created. However, for any ~~such~~ independent district that has ad valorem taxation powers, the same procedure required to grant such independent district ad valorem taxation powers shall also be required to dissolve or merge the district.

Section 143. Paragraph (b) of subsection (1) of section 189.4044, Florida Statutes, is amended to read:

189.4044 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by filing a report with the Speaker of the House of Representatives and the President of the Senate which shows that such special district is no longer active. The inactive status of the special district must be based upon a finding:

(b) That a notice of the proposed declaration has been published once a week for 2 4 weeks in a newspaper of general circulation within the county or municipality wherein the territory of the special district is located, stating the name of said special district, the law under which it was organized and operating, a general description of the territory included in said special district, and stating that any objections to the proposed declaration or to any claims against the assets of said special district shall be filed not later than 60 days following the date of last publication with the department; and

Section 144. Section 189.418, Florida Statutes, is amended to read:

189.418 Reports; budgets; audits.—

(1) When a new special district is created, the district must forward to the department, within 30 days after the adoption of the special act, rule, ordinance, resolution, or other document that provides for the creation of the district, a copy of the document. In addition to the document or documents that create the district, the district must also submit a map of the district, showing any municipal boundaries that cross the district's boundaries, and any county lines if the district is located in more than one county. The department must notify the local government or other entity and the district within 30 days after receipt of the document or documents that create the district as to whether the district has been determined to be dependent or independent.

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in ss. 189.421 and 189.422 for failure to file the information required by this subsection.

(3) *The governing body of each special district shall adopt a budget by resolution each fiscal year. The total amount available from taxation and other sources, including amounts carried over from prior fiscal years, must equal the total of appropriations for expenditures and reserves. The adopted budget must regulate expenditures of the special district, and it is unlawful for any officer of a special district to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations.*

(4) *The proposed budget of a dependent special district shall be presented in accordance with generally accepted accounting principles, contained within the general budget of the local governing authority, and be clearly stated as the budget of the dependent district. However, with the concurrence of the local governing authority, a dependent district may be budgeted separately.*

(5) A local governing authority may, in its discretion, review the budget or tax levy of any special district located solely within its boundaries.

~~(3) Each special district shall file with the local general purpose governing authority or authorities within the geographic boundaries of the district a copy of:~~

~~(a) The reports required by ss. 218.32 and 218.34;~~

~~(b) A complete description of all new bonds as provided in s. 218.38(1); and~~

~~(c) A map of the district and any subsequent boundary changes.~~

~~(4) Each special district shall make provisions for an annual independent postaudit of its financial records as provided in s. 11.45. A copy of the audit shall be filed with the local governing authority or authorities.~~

~~(6)(5) All reports or information required to be filed with a local governing authority under ss. 11.45, 189.416, 189.417, 218.32, and 218.39 218.34 and this section shall:~~

~~(a) When the local governing authority is a county, be filed with the clerk of the board of county commissioners.~~

~~(b) When the district is a multicounty district, be filed with the clerk of the county commission in each county.~~

~~(c) When the local governing authority is a municipality, be filed at the place designated by the municipal governing body.~~

Section 145. Section 189.419, Florida Statutes, is amended to read:

189.419 Effect of failure to file certain reports or information.—

(1) If a special district fails to file the reports or information required under ~~s. 11.45~~ s. 189.415, s. 189.416, s. 189.417, s. 189.418, s. 218.32, or s. 218.39 ~~s. 218.34~~ and a description of all new bonds as provided in s. 218.38(1) with the local governing authority, the person authorized to receive and read the reports or information shall notify the district's registered agent and the appropriate local governing authority or authorities. At any time, the governing authority may grant an extension of time for filing the required reports or information, except that an extension may not exceed 30 days.

(2) If at any time the local governing authority or authorities or the board of county commissioners determines that there has been an unjustified failure to file the reports or information described in subsection (1), it may petition the department to initiate proceedings against the special district in the manner provided in s. 189.421.

(3) If a special district fails to file the reports or information required under ~~s. 11.45~~, s. 218.32, ~~s. 218.34~~, ~~ors. 218.38~~, or s. 218.39 with the appropriate state agency, the agency shall notify the department, and the department may initiate proceedings against the special district in the manner provided in s. 189.421 or assess fines of not more than \$25, with an aggregate total not to exceed \$50, when formal inquiries do not resolve the noncompliance.

Section 146. Section 189.429, Florida Statutes, is amended to read:

189.429 Codification.—

(1) Each district, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the department pursuant to s. 189.418(2).

(2) *The reenactment of existing law under this section shall not be construed as a grant of additional authority nor to supersede the authority of any entity pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this section shall continue to apply.*

~~(3) The reenactment of existing law under this section shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law under this section shall be construed to affect the ability of any district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.~~

Section 147. *Section 218.34, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions; providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee's authority to conduct investigations; deleting the content required within an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; deleting a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office; requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement of examinations; amending s. 11.513, F.S.; correcting cross references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, and 943.2569, F.S.; providing for audits of programs; amending s. 20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending ss. 24.105, 39.202, 119.07, 195.084, 213.053, 944.719, and 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; correcting cross references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, and 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, and 985.311, F.S.; designating the

Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, and 311.07, F.S.; correcting cross references; amending s. 125.01, F.S.; deleting a requirement that the Auditor General retain county audit reports for a specific period of time; amending ss. 154.11, 253.025, and 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; deleting the Auditor General from the list of entities receiving a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be utilized by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, and 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, and 985.4145, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; correcting a cross reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; correcting a cross reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214, F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for

audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, and 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, and 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits; amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; correcting a cross reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, and 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11 and 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e), F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(l), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct support organizations within the Department of Agriculture; amending s. 189.4042, F.S.; providing that an inactive independent special district that was created by a county or municipality through a referendum may be dissolved by the county or municipality after publication of notice as required for the declaration of the inactive status of a special district; amending s. 189.4044, F.S.; reducing the number of weeks such notice of declaration of inactive status must be published; amending s. 189.418, F.S.; providing that a dependent special district may only be budgeted separately with concurrence of the local governing authority upon which said dependent special district is dependent; deleting a requirement that the proposed budget of an independent special district located in one county be filed with the county; deleting requirements for each special district to file certain reports, information, and audits with the local governing authority; amending s. 189.419, F.S., to conform; amending s. 189.429, F.S.; providing the effect of the reenactment of existing law pursuant to the required codification of a special district charter; repealing s. 218.34, F.S., which provides for special district financial matters;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (751586)(with title amendment)—On page 163, between lines 3 and 4, insert:

Section 147. Paragraph (h) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement

System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional non-elective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general*, and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 148. *The sum of \$93,000 is appropriated from the General Revenue Fund for the 2001-2002 fiscal year for the purpose of paying the costs association with adding assistant attorneys general to the Senior Management Service Class in the Florida Retirement System.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 174, line 25, after the semicolon (;) insert: amending s. 121.055, F.S.; providing for mandatory participation of assistant attorneys general in the Senior Management Service Class; providing an appropriation;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Dyer, **CS for SB 822** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

HB 1707—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1707** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Garcia	Lee	Silver
Burt	Geller	Meek	Smith
Campbell	Holzendorf	Miller	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—2

Dyer Mitchell

Vote after roll call:

Yea to Nay—Jones, Lawson

HB 1711—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1711** was passed and certified to the House. The vote on passage was:

Yeas—37

Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	
Diaz de la Portilla	Laurent	Saunders	

Nays—1

Mitchell

Vote after roll call:

Yea to Nay—Lawson

Consideration of **HB 1717** was deferred.

HB 1719—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1719** was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Lawson	Silver
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Peaden	Sullivan
Campbell	Geller	Posey	Villalobos
Carlton	Holzendorf	Pruitt	Wasserman Schultz
Clary	Horne	Rossin	Webster
Constantine	King	Sanderson	
Cowin	Latvala	Saunders	
Crist	Laurent	Sebesta	

Nays—5

Jones	Meek	Miller	Mitchell
Klein			

Vote after roll call:

Yea to Nay—Lawson

HB 1741—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of “support coordinator” in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Horne, **HB 1741** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

HB 1743—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1743** was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Dawson	Latvala	Sebesta
Brown-Waite	Diaz de la Portilla	Laurent	Silver
Burt	Dyer	Miller	Sullivan
Campbell	Garcia	Peaden	Villalobos
Carlton	Geller	Posey	Wasserman Schultz
Clary	Horne	Pruitt	Webster
Constantine	Jones	Rossin	
Cowin	King	Sanderson	
Crist	Klein	Saunders	

Nays—3

Holzendorf	Meek	Mitchell
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Vote after roll call:

Nay—Lawson

CS for SB 812—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 812** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

On motion by Senator Villalobos, by two-thirds vote **CS for HB 337** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 337—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; extending the repeal date of a provision authorizing operating grants; requiring the Division of Library and Information Services to facilitate the extension of free library services through interlocal agreement; requiring reports; providing an effective date.

—a companion measure, was substituted for **CS for SB 1010** and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **CS for HB 337** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Miller, by two-thirds vote **CS for CS for HB 1509** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

CS for CS for HB 1509—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible post-secondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the award; providing for transfer of awards; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.;

revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

—a companion measure, was substituted for **CS for SB 1330** as amended and read the second time by title. On motion by Senator Miller, by two-thirds vote **CS for CS for HB 1509** was read the third time by title.

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

Amendment 1 (985548)(with title amendment)—On page 84, between lines 2 and 3, insert:

Section 27. *A Bachelor of Science in Nursing degree program is authorized at the University of West Florida.*

Section 28. *A Master of Science in Social Work degree program is authorized at Florida Atlantic University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 6, after the semicolon (;) insert: authorizing a Bachelor of Science in Nursing degree program at the University of West Florida; authorizing a Master of Science in Social Work degree program at Florida Atlantic University;

Senator Miller moved the following amendment:

Amendment 2 (360370)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Vocational Student Assistance Grant Program; eligibility for grants.—*

(1) *The Vocational Student Assistance Grant Program is created to be administered by the participating institutions in accordance with rules of the Florida Board of Education.*

(2) *A vocational student assistance grant may be made only to a student who enrolls in at least 6 semester hours per term, or the equivalent in quarter hours or clock hours, and who meets the general requirements for student eligibility as provided in section 240.404, Florida Statutes, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation and fees for 30 credit hours at state universities or the amount specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than \$200 renders the applicant ineligible for a Vocational Student Assistance Grant.*

(3) *A grant from the program may be awarded to a student who:*

(a)1. *Is enrolled in a public vocational-technical center, community college, or any nonpublic career education school or college accredited by an association that is recognized by the United States Department of Education, which school or college has never had its accreditation removed for any reason, has been in continuous operation for at least 5 years, has been issued a biennial license under section 246.217, Florida Statutes, has not been the subject of a finding of probable cause and subsequent disciplinary action under section 246.226 or section 246.228, Florida Statutes, is not required by the Federal Government to apply for reimbursement for Title IV funding, and is located in and chartered by the state; or*

2. *Is enrolled in an institution that has been licensed continuously for the preceding 5 years by the State Board of Independent Colleges and Universities, or has met the requirements of section 246.085(1)(a), Florida Statutes, and is accredited by an association recognized by the United States Department of Education, and which college has not been the subject of a finding of probable cause and subsequent disciplinary action under section 246.111, section 246.226, or section 246.228, Florida Statutes, has been issued a license under section 246.217, Florida Statutes, is not required by the Federal Government to apply for reimbursement for Title IV funding, and is located in and chartered by the state.*

(b) *Is enrolled in a course or program that awards a certificate or diploma as defined in section 246.203(6), Florida Statutes.*

1. *A student enrolled in a nonpublic school must be enrolled in a program which is comparable and compatible, as determined by the State Board of Nonpublic Career Education, with a public job-preparatory vocational-technical program and the program standards, including curriculum framework and student performance standards, as provided by rule of the Florida Board of Education.*

2. *A student enrolled in a nonpublic school must meet the same basic skills requirements as a student enrolled in public certificate-level career education as provided by rules of the Florida Board of Education.*

(4) *A student applying for a Florida Vocational Student Assistance Grant must also complete an application for the Pell Grant and, if the student is enrolled in a program that meets the Pell Grant eligibility requirement for program length, the student shall apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to the student. The criteria and procedure for establishing standards of eligibility shall be determined by the department in consultation with the State Board of Nonpublic Career Education and the State Board of Independent Colleges and Universities. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis as determined pursuant to this subsection. Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.*

(5)(a) *A student may not receive simultaneously a vocational student assistance grant and any other form of student assistance grant provided pursuant to section 240.409, section 240.4095, or section 240.4097, Florida Statutes.*

(b) *The amount of the vocational student assistance grant may not exceed \$1,000 and may not exceed the amount of demonstrated unmet need for matriculation and other fees.*

(c) *A student may not receive a vocational student assistance grant for more than 90 semester credit hours of enrollment, or the equivalent in quarter hours or clock hours.*

(d) *As a condition of renewal of a vocational student assistance grant, a student must be in compliance with the institutional definition of satisfactory progress for the receipt of federal Title IV programs and be eligible for continuous enrollment in the institution.*

(6) *Each participating institution shall report to the department by the established date the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the*

department necessary demographic and eligibility data for such students.

(7)(a) *The funds appropriated for the Florida Vocational Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Non-public Career Education, and the State Board of Independent Colleges and Universities.*

(b) *Payment of Florida vocational student assistance grants shall be transmitted to the chief executive officer of the educational institution or to his or her representative in advance of the registration period. Institutions shall notify students of the amount of their awards.*

(c) *Institutions shall certify to the Department of Education the amount of funds disbursed to each student and shall remit to the department any undisbursed advances by April 1 of each year for preliminary allocation, and June 1 of each year for reallocation.*

(d) *Each institution that receives moneys through the Vocational Student Assistance Grant Program shall prepare an annual report that includes an independent external audit of the institution's administration of the program and a complete accounting of the moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every year. The department may conduct its own annual audit of an institution's administration of the program and its allocated funds. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.*

(8) *Funds appropriated by the Legislature for vocational student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of section 216.301, Florida Statutes, and pursuant to section 216.351, Florida Statutes, any balance in the trust fund at the end of any fiscal year that has been allocated to the Vocational Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.*

Section 2. Paragraph (c) of subsection (2) of section 231.621, Florida Statutes, is amended to read:

231.621 Critical Teacher Shortage Student Loan Forgiveness Program.—

(2) From the funds available, the Department of Education may make loan principal repayments as follows:

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan *or, if the loan is paid in full, directly to the teacher.* The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

Section 3. Paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary,

and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 75 ~~50~~ percent of funds from the student financial aid fee *for new financial aid awards* shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is

to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:
 - a. A nonrefundable application fee in an amount not to exceed \$30.
 - b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed \$200.
 - c. An orientation fee in an amount not to exceed \$35.
 - d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.
 - e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.
 - f. A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.
 - g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).
 - h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.
 - i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.
 - j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.
 - k. A service charge on university loans in lieu of interest and administrative handling charges.
 - l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.
 - m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.
 - n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.
 - o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.
 - p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.
 - q. Traffic and parking fines, charges for parking decals, and transportation access fees.
 - r. An Educational Research Center for Child Development fee for child care and services offered by the center.
 - s. Fees for transcripts and diploma replacement, not to exceed \$10 per item.

Section 4. Subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction

leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 75 percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 5. Subsections (1), (2), (5), and (7) of section 240.40201, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

240.40201 Florida Bright Futures Scholarship Program.—

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a degree program, certificate program, or applied technology diploma program at an eligible Florida public or private postsecondary education institution within 7 3 years of graduation from high school. An award may not be provided to a student beyond 7 years after high school graduation, regardless of the year in which the student first receives scholarship funding.

(2) The Bright Futures Scholarship Program consists of three types of awards, the Florida Academic Scholarship, the Florida Medallion Merit Scholarship, and the Florida Vocational Gold Seal Scholarship.

(5) The department shall issue awards from the scholarship program annually. ~~Annual awards may be for up to 45 semester credit hours or the equivalent.~~ Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this act.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall prepare an annual report that includes an independent external audit or an audit prepared by the Office of the Auditor General. The report shall include an audit of the institution's administration of the program and a complete accounting of the moneys for the program. This report must be submitted to the department annually by March 1. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida Medallion Merit Scholarship or a Florida Vocational Gold Seal Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

(11) *A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to s. 240.402, Florida Statutes, 1996 Supplement, is eligible for the Florida Academic Scholars award as provided in this chapter. A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Vocational Gold Seal Endorsement Scholarship award pursuant to s. 240.40201, Florida Statutes, 1996 Supplement, is eligible for the Florida Gold Seal Vocational Scholars award as provided in this chapter. Award eligibility ends 7 years after high school graduation.*

Section 6. Paragraphs (b) and (f) of subsection (1) and subsection (2) of section 240.40202, Florida Statutes, are amended, present subsection (4) of that section is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public

service assignment away from Florida. *The term, "public service assignment," as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.*

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. *Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation. There is no application deadline for a student who graduates from a non-Florida high school pursuant to subparagraph (b)2.*

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation.~~ A student who applies for an award by ~~April 1~~ and who meets all other eligibility requirements, but who does not accept his or her award during the first year of eligibility after high school graduation, may apply for reinstatement of the award for use within 7 ~~reapply during subsequent application periods up to 3 years~~ after high school graduation. *Reinstatement applications must be received by the deadline established by the Department of Education.*

(4) *Each school district shall annually provide to each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as identify the awards for which the student has met the academic requirements.*

Section 7. Section 240.40203, Florida Statutes, is amended to read:

240.40203 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal, reinstatement, and restoration awards.—

(1) *After the first year of eligibility, a student who wishes to receive To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must meet the following requirements for either renewal, reinstatement, or restoration:*

(a) *Renewal applies to a student who received an award for at least one term during the previous academic year. For renewal, a student must complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship and:*

(b) ~~maintain the cumulative grade point average required by the scholarship program, except that:~~

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Merit Scholarship or a Florida Vocational Gold Seal Scholarship, the Department of Education may grant a renewal from the Florida Medallion Merit Scholarship Program ~~one of those other scholarship programs, if the student meets the renewal eligibility requirements; or~~

2. ~~If upon renewal evaluation, at any time during the eligibility period, a student's grades or hours, or both, are not sufficient insufficient to renew the scholarship, the student may use the cumulative grades or hours, or both, earned through the following summer to renew the scholarship restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once. The Legislature encourages educational education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average and earns the required number of credit hours. If during the summer term the student does not earn is not sufficient hours or to raise the grade point average to the required renewal level, the student is not eligible for an award student's next opportunity for renewal is the fall semester of the following academic year.~~

(b) Reinstatement applies to a student who was eligible but did not receive an award during the previous academic year or years, and who may apply to reestablish use of the scholarship. For reinstatement, a student must have been eligible at the time of the student's most recent Bright Futures eligibility determination. The student must apply for reinstatement by submitting a reinstatement application by the deadline established by the Department of Education.

(c) Restoration applies to a student who did not meet renewal grade-point average or hours-earned requirements at a prior evaluation period. A student may restore eligibility by meeting the required renewal grade-point average at a subsequent renewal evaluation period. A student is eligible for restoration only once. The student must submit a restoration application by the deadlines established by the Department of Education.

(2) A student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a technical certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours. A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

(3) A Florida Academic Scholar or a Florida Medallion Scholar who is enrolled in a combined undergraduate and graduate program that terminates in the award of a post-baccalaureate degree or the simultaneous award of baccalaureate and post-baccalaureate degrees may receive an award for a maximum of 110 percent of the number of credit hours required to complete a standard undergraduate program at the institution attended, at the undergraduate rate.

Section 8. Subsection (2) of section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(2) An independent Florida college or university that is accredited by an accrediting agency that is recognized by the United States Department of Education ~~a member of the Commission on Recognition of Postsecondary Accreditation~~ and which has operated in the state for at least 3 years.

Section 9. Subsections (1) and (4) of section 240.40205, Florida Statutes, are amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

(g) Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.

~~Effective with the 1998-1999 school year,~~ A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall be designated as an Academic Top Scholar and shall receive an additional award of \$1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 10. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida Medallion Merit Scholars award.—

(1) A student is eligible for a Florida Medallion Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

2.(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(b)(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 240.40205; or

(d) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.

(2) A Florida Medallion Merit Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal award as a Florida Medallion Merit Scholar, a student must maintain the equivalent of a grade point aver-

age of 2.75 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for *restoration reinstatement* one time as provided in this act.

Section 11. Paragraphs (a) and (c) of subsection (1) and subsections (3) and (4) of section 240.40207, Florida Statutes, are amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) ~~Completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits in the same program taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two plus two or tech prep program, the student must complete a job preparatory career education program selected by the Workforce Estimating Conference or Workforce Florida, Inc., for its ability to provide high wage employment in an occupation with high potential for employment opportunities.~~ On-the-job training may not be substituted for any of the three required vocational credits.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(3) To be eligible for a renewal or *restoration* award as a Florida Gold Seal Vocational Scholar, a student must ~~meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 2.75 on a 4.0 scale for all postsecondary education work attempted.~~ A student has, with an opportunity for one *restoration reinstatement* one time as provided in this act.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Vocational Scholar who ~~meets all renewal requirements for the Florida Medallion Scholars award, has a cumulative grade point average of 2.75 in all postsecondary education work attempted~~ may apply for a Florida Medallion Merit Scholars award at any renewal period or the department may transfer the student to the Florida Medallion Scholars Award during any renewal period. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.

Section 12. Section 240.40209, Florida Statutes, is amended to read:

240.40209 Bright Futures Scholarship recipients attending nonpublic institutions; calculation of awards.—Notwithstanding ss. 240.40201, 240.40205, 240.40206, and 240.40207, a student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation as defined by the Department of Education for full-time attendance at a public postsecondary education institution at the comparable level. If the student is enrolled part-time and is assessed tuition and fees at a reduced level, the award shall be either one-half of the maximum award or three-fourths of the maximum award, depending on the level of fees assessed.

Section 13. Paragraph (a) of subsection (1) and subsection (3) of section 240.404, Florida Statutes, are amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or

community college which is accredited by an accrediting agency recognized by the United States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by an accrediting agency recognized by the United States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation.

2. Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education. A person who has been properly classified as a resident by a postsecondary education institution for initial receipt of state-funded student financial assistance and found to be eligible to participate in a financial assistance program may continue to qualify as a resident for state-funded financial aid programs if the student maintains continuous enrollment at the postsecondary education institution, with no break in enrollment greater than 12 consecutive months.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

4. Completion of the Free Application for Federal Student Aid provided by the U.S. Department of Education and submitted as required by the Florida Department of Education.

(3) Undergraduate students shall be eligible to receive financial aid for a maximum of 110 percent of the number of credit hours required to complete the program 8 semesters or 12 quarters. However, undergraduate students participating in college preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing programs, or students enrolled in a 5-year undergraduate degree program shall be eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.

Section 14. Subsection (2) and paragraph (a) of subsection (3) of section 240.4063, Florida Statutes, are amended to read:

240.4063 Florida Teacher Scholarship and Forgivable Loan Program.—

(2) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the "Chappie" James Most Promising Teacher Scholarship, which shall be offered to a top graduating senior from each publicly funded public secondary school in the state. An additional number of "Chappie" James Most Promising Teacher Scholarship awards shall be offered annually to graduating seniors from nonpublic secondary schools in the state which are listed with the Department of Education and accredited by the Southern Association of Colleges and Schools or any other private statewide accrediting agency which makes public its standards, procedures, and member schools. The nonpublic secondary schools shall be in compliance with regulations of the Office for Civil Rights. The number of awards to nonpublic secondary school students shall be proportional to the number of awards available to public secondary school students and shall be calculated as the ratio of the number of nonpublic to public secondary school seniors in the state multiplied by the number of public secondary schools in the state.

(a) The scholarship may be used for attendance at a state university, a community college, or an independent institution as defined in s. 240.605.

(b) The amount of the scholarship is \$1,500 and may be renewed for 1 year if the student earns a 2.5 cumulative grade point average and 12 credit hours per term and meets the eligibility requirements for renewal of the award.

(c) To be eligible for the scholarship, a student shall: be ranked within the top quartile of the senior class; have been an active member of a high school future teacher organization, if such organization exists in the student's school; have earned a minimum unweighted cumulative grade point average of 3.0 on a 4.0 scale; file an application within the application period; meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section; and have the intent to enter the public teaching profession in Florida.

(d) Three candidates from each *publicly funded* ~~public~~ secondary school and one candidate from each nonpublic secondary school in the state shall be nominated by the principal and a committee of teachers, based on criteria which shall include, but need not be limited to, rank in class, standardized test scores, cumulative grade point average, extra-curricular activities, letters of recommendation, an essay, and a declaration of intention to teach in a public school in the state.

(e) From public secondary school nominees, the Commissioner of Education shall select a graduating senior from each *publicly funded* ~~public~~ high school to receive a scholarship. Selection of recipients from nonpublic secondary schools shall be made by a committee appointed by the Commissioner of Education comprised of representatives from non-public secondary schools and the Department of Education.

(f) Fifteen percent of scholarships awarded shall be to minority students. However, in the event that fewer than 15 percent of the total eligible nominees are minority students, the commissioner may allocate all award funds as long as a scholarship loan is reserved for each eligible minority nominee.

(3)(a) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the Florida Critical Teacher Shortage Forgivable Loan Program which shall make undergraduate and graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area. To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage subject area.

2. Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in publicly funded elementary or secondary schools of Florida in a critical teacher shortage area identified by the State Board of Education. For purposes of this *chapter subsection*, a school is publicly funded if it receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education.

3. Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

4. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall maintain a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

5. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall maintain a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

Section 15. Subsections (2) and (3) of section 240.4064, Florida Statutes, are amended to read:

240.4064 Critical teacher shortage tuition reimbursement program.—

(2) The State Board of Education shall adopt rules to implement the critical teacher shortage tuition reimbursement program. Any full-time *certified teacher in a Florida publicly funded school or developmental research school* ~~public school employee or developmental research school~~

~~employee certified to teach in this state~~ is eligible for the program. For the purposes of this program, tuition reimbursement shall be limited to courses in critical teacher shortage areas as determined by the State Board of Education. Such courses shall be:

(a) Graduate-level courses leading to a master's, specialist, or doctoral degree;

(b) Graduate-level courses leading to a new certification area; or

(c) State-approved undergraduate courses leading to an advanced degree or new certification area.

(3) Participants may receive tuition reimbursement payments for up to 9 semester hours, or the equivalent in quarter hours, per year, at a rate not to exceed \$115 ~~\$78~~ per semester hour, up to a total of 36 semester hours. All tuition reimbursements shall be contingent on passing an approved course with a minimum grade of 3.0 or its equivalent.

Section 16. Paragraph (a) of subsection (2) of section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(2)(a) State student assistance grants through the program may be made only to ~~full-time~~ degree-seeking students *who enroll in at least 6 semester hours or the equivalent, per term and who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. A ~~No~~ student is eligible for the award for 110 percent of the number of credit hours required to complete the program may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).*

Section 17. Paragraph (a) of subsection (2) of section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent non-profit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. A ~~No~~ student is eligible for the award for 110 percent of credit hours required to complete the program may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

Section 18. Paragraph (a) of subsection (2) of section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of

demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average prior academic year cost of matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

~~A No student is eligible for the award for 110 percent of the number of credit hours required to complete the program may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).~~

Section 19. Paragraph (a) of subsection (5) and subsection (6) of section 240.412, Florida Statutes, are amended to read:

240.412 Jose Marti Scholarship Challenge Grant Program.—

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Be a Hispanic-American, or a person of Spanish culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

2. Be a citizen of the United States and meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

3. Be accepted at a state university or community college or any Florida college or university accredited by ~~an accrediting agency recognized by the United States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation the credits of which are acceptable without qualification for transfer to state universities.~~

4. Enroll as a full-time undergraduate ~~or graduate~~ student.

5. Earn a 3.0 unweighted grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. ~~If an applicant applies as a graduate student, he or she shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.~~

(6) The annual scholarship to each recipient shall be \$2,000. Priority in the distribution of scholarships shall be given to students with the lowest total family resources. Renewal scholarships shall take precedence over new awards in any year in which funds are not sufficient to meet the total need. No undergraduate student shall receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of no more than 6 consecutive years, except as otherwise provided in s. 240.404(3). ~~No graduate student shall receive an award for more than the equivalent of 4 semesters or 6 quarters.~~

Section 20. Paragraph (a) of subsection (2) of section 240.4126, Florida Statutes, is amended to read:

240.4126 Rosewood Family Scholarship Program.—

(2) The Rosewood Family Scholarship Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for administering this program which shall at a minimum provide for the following:

(a) The annual award to a student shall be ~~up to \$4,000 but should not exceed an amount in excess of tuition and registration fees.~~

Section 21. Subsection (3) of section 240.4128, Florida Statutes, is amended to read:

240.4128 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.

(3) The total amount appropriated annually for new scholarships in the program must be divided by \$4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. *Each participating institution shall report to the department by the established date the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department demographic and eligibility data for the recipient.*

Section 22. Subsection (2) of section 240.413, Florida Statutes, is amended to read:

240.413 Seminole and Miccosukee Indian Scholarships.—

(2) Scholarships shall be awarded by the department to students who:

(a) Have graduated from high school, have earned an equivalency diploma issued by the Department of Education pursuant to s. 229.814, have earned an equivalency diploma issued by the United States Armed Forces Institute, or have been accepted through an early admission program;

(b) Are enrolled at a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by ~~an accrediting agency recognized by the United States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities;~~

(c) Are enrolled as either full-time or part-time undergraduate or graduate students and make satisfactory academic progress as defined by the college or university;

(d) Have been recommended by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida; and

(e) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

Section 23. Subsection (6) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(6) ~~Effective July 1, 1992,~~ All new and existing financial assistance programs authorized under this part, *and those programs in other parts of the Florida Statutes which are administered by the Florida Department of Education, Bureau of Student Financial Assistance,* which are not funded for 3 consecutive years after enactment shall stand repealed. Financial aid programs provided under this part on July 1, 1992, which lose funding for 3 consecutive years shall stand repealed. The ~~Bureau~~ *Office* of Student Financial Assistance of the Department of Education shall annually review the legislative appropriation of financial aid to identify such programs.

Section 24. Subsection (13) of section 240.472, Florida Statutes, is amended to read:

240.472 Definitions.—As used in this act:

(13) "Institution" means any college or university which, by virtue of law or charter, is accredited by ~~an accrediting agency that is recognized by the United States Department of Education and holds membership in the Commission on Recognition of Postsecondary Accreditation;~~ which grants baccalaureate or associate degrees; which is not a pervasively

sectarian institution; and which does not discriminate in the admission of students on the basis of race, color, religion, sex, or creed.

Section 25. Subsection (1) and paragraph (d) of subsection (2) of section 240.6073, Florida Statutes, are amended to read:

240.6073 Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program.—

(1) There is established the Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program. The primary function of the program is to make repayments toward loans received by students from institutions for the support of postsecondary study of occupational therapy or physical therapy. Repayments shall be made to qualified applicants who initiate employment in the *publicly funded public* schools of this state and who apply during their first year of employment in a public school setting.

(2) From the funds available, the Department of Education is authorized to make loan principal repayments as follows:

(d) All repayments shall be contingent on continued proof of employment for 3 years as a therapist or therapy assistant by the *publicly funded public* schools in this state and shall be made directly to the holder of the loan *or, if the loan is paid in full, directly to the therapist.* The state shall not bear the responsibility for the collection of any interest charges or other remaining balance. In the event that a critical shortage is no longer verified, a therapist or therapy assistant shall continue to be eligible for loan forgiveness as long as the therapist or therapy assistant continues to be employed by the public schools of this state and otherwise meets all conditions of eligibility.

Section 26. Paragraph (b) of subsection (2) and subsection (4) of section 240.6074, Florida Statutes, are amended to read:

240.6074 Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program.—

(2) To be eligible, a candidate shall:

(b) Have declared an intention to be employed by the *publicly funded public* schools of this state for 3 years following completion of the requirements. In the event critical shortage areas are changed by the State Board of Education, a student shall continue to be eligible for an award as long as the student continues in the therapist educational program for which the initial award was made and the student otherwise meets all other conditions of eligibility.

(4) The State Board of Education shall adopt by rule repayment schedules and applicable interest rates under ss. 240.451 and 240.465. A scholarship loan must be paid back within 10 years of completion of a program of studies.

(a) Credit for repayment of a scholarship loan shall be in an amount not to exceed \$2,000 plus applicable accrued interest for each full year of employment by the *publicly funded public* schools of this state.

(b) Any therapist or therapy assistant who fails to be employed by a *publicly funded public* school in this state as specified in this subsection is responsible for repaying the loan plus interest. Repayment schedules and applicable interest rates shall be determined by the rules of the State Board of Education under ss. 240.451 and 240.465.

Section 27. Subsections (1), (2), and (4) of section 240.6075, Florida Statutes, are amended to read:

240.6075 Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.—

(1) There is established the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program to improve the skills and knowledge of current therapists and therapy assistants who are employed by a *publicly funded school in this state* ~~the public school system.~~

(2) Any full-time ~~public school~~ employee in a *publicly funded school in this state* who is licensed to practice occupational therapy or physical therapy in this state is eligible for the program.

(4) The participant shall be employed by a *publicly funded school* ~~the public schools~~ of this state for 3 years following completion of the requirements.

Section 28. Section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.—

(1) It is ~~hereby~~ declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents was a resident of the state at the time such parent entered the Armed Forces and:

(a) Died in that service or from injuries sustained or disease contracted during a period of wartime service as defined in s. 1.01(14) or has died since or may hereafter die from diseases or disability resulting from such war service, or

(b) Has been:

1. Determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent total and permanent disability rating for compensation,

2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, or

3. Issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17.;

(2) ~~when~~ The parents of such children *must* have been bona fide residents of the state for 5 years ~~next~~ preceding their application for the benefits *under this section hereof, and subject to the rules, restrictions, and limitations hereof.*

(3)~~(2)~~ The provisions of ss. 240.404, 295.03, 295.04, and 295.05 shall apply.

(4)~~(3)~~ The State Board of Education shall adopt rules for administering this section.

Section 29. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—

(1) All sums appropriated and expended under this chapter shall be used to pay *matriculation tuition* ~~tuition~~ and registration fees *as defined by the Department of Education,* board, and room rent and to buy books and supplies for the children of:

(a) Deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, or s. 295.0195; or ~~of~~

(b) Parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015.;

(2) *Such children must be who are* between the ages of 16 and 22 years and *attend who are in attendance at* a state-supported institution of higher learning, including a community college or vocational-technical school or *attend any postsecondary institution eligible to participate in the Florida Bright Futures Program. A student attending an eligible nonpublic institution may receive an award equivalent to the average matriculation and fees calculated for full-time enrollment at a public postsecondary institution at the comparable level.* Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed. The Department of Education shall administer this educational program subject to regulations of the department.

Section 30. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) Each university ~~may be authorized to~~ establish separate activity and service, health, and athletic fees. When duly established, ~~these~~ the fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds.

(a)1. Each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent *modification* ~~increase~~ in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, ~~may~~ shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. ~~These purposes~~ This shall include, but ~~are~~ shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for *student-government-sponsored* ~~student-government-association-sponsored~~ concerts. The allocation and expenditure of the fund shall be determined by the student government ~~association~~ of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government ~~association~~ legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government ~~association~~ legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b) Each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any subsequent *modification* ~~increase~~ in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, ~~may~~ shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

(c) Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee. Any subsequent *modification* ~~increase~~ in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly

by the university president and the student body president, ~~may~~ shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

Section 31. Section 240.236, Florida Statutes, is created to read:

240.236 *University student governments.—*

(1) *There is created within each state university a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:*

(a) *The operation and administration of the student government.*

(b) *The election, appointment, removal, and discipline of officers of the student government.*

(c) *The execution of all other duties as prescribed to the student government by law.*

(2) *Any elected officer of the student government of a state university may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.*

(3) *The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.*

(4) *Each student government is a part of the university at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the university president.*

Section 32. Subsection (3) of section 240.295, Florida Statutes, is amended to read:

240.295 State University System; authorization for fixed capital outlay projects.—

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the Board of Regents for approval without prior consultation with the student government ~~association~~ of that university. The Board of Regents shall *adopt* ~~promulgate~~ rules that ~~which~~ are consistent with this requirement.

Section 33. Section 240.336, Florida Statutes, is created to read:

240.336 *Community college student governments.—*

(1) *There is created within each community college a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:*

(a) *The operation and administration of the student government.*

(b) *The election, appointment, removal, and discipline of officers of the student government.*

(c) *The execution of all other duties as prescribed to the student government by law.*

(2) *Any elected officer of the student government of a community college may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.*

(3) *The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.*

(4) *Each student government is a part of the community college at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the community college president.*

Section 34. Subsection (2) of section 240.382, Florida Statutes, is amended to read:

240.382 Establishment of child development training centers at community colleges.—

(2) In consultation with the student government ~~association~~ or a recognized student group representing the student body, the district board of trustees of any community college may establish a child development training center in accordance with this section. Each child development training center shall be a child care center established to provide child care during the day and at variable hours, including evenings and weekends, for the children of students. Emphasis should be placed on serving students who demonstrate financial need as defined by the district board of trustees. At least 50 percent of the child care slots must be made available to students, and financially needy students, as defined by the district board of trustees, shall receive child care slots first. The center may serve the children of staff, employees, and faculty; however, a designated number of child care slots shall not be allocated for employees. Whenever possible, the center shall be located on the campus of the community college. However, the board may elect to provide child care services for students through alternative mechanisms, which may include contracting with private providers.

Section 35. Subsections (1), (2), and (4) of section 240.531, Florida Statutes, are amended to read:

240.531 Establishment of educational research centers for child development.—

(1) Upon approval of the university president, the student government ~~association~~ of any university within the State University System may establish an educational research center for child development in accordance with the provisions of this section. Each such center shall be a child day care center established to provide care for the children of students, both graduate and undergraduate, faculty, and other staff and employees of the university and to provide an opportunity for interested schools or departments of the university to conduct educational research programs and establish internship programs within such centers. Whenever possible, such center shall be located on the campus of the university. There shall be a director of each center, selected by the board of directors of the center.

(2) There shall be a board of directors for each educational research center for child development, consisting of the president of the university or his or her designee, the student ~~body government~~ president or his or her designee, the chair of each department participating in the center or his or her designee, and one parent for each 50 children enrolled in the center, elected by the parents of children enrolled in the center. The director of the center shall be an ex officio, nonvoting member of the board. The board shall establish local policies and perform local oversight and operational guidance for the center.

(4) The Board of Regents ~~shall adopt is authorized and directed to promulgate~~ rules for the establishment, operation, and supervision of

educational research centers for child development. ~~These~~ Such rules shall include, but ~~are need not be~~ limited to, a defined method of establishment of and participation in the operation of centers by the appropriate student governments, ~~government associations~~; guidelines for the establishment of an intern program in each center; and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

Section 36. Subsection (18) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(18) “Student representative” means the representative selected by each community college student government ~~association~~ and the council of student body presidents. Each representative may be present at all negotiating sessions which take place between the appropriate public employer and an exclusive bargaining agent. ~~The~~ Said representative shall be enrolled as a student with at least 8 credit hours in the respective community college or in the State University System during his or her term as student representative.

Section 37. Subsection (5) of section 447.301, Florida Statutes, is amended to read:

447.301 Public employees’ rights; organization and representation.—

(5) In negotiations over the terms and conditions of service and other matters affecting the working environment of employees, or the learning environment of students, in institutions of higher education, one student representative selected by the council of student body presidents may, at his or her discretion, be present at all negotiating sessions which take place between the Board of Regents and the bargaining agent for an employee bargaining unit. In the case of community colleges, the student government ~~association~~ of each college shall establish procedures for the selection of, and shall select, a student representative to be present, at his or her discretion, at negotiations between the bargaining agent of the employees and the board of trustees. Each student representative shall have access to all written draft agreements and all other written documents pertaining to negotiations exchanged by the appropriate public employer and the bargaining agent, including a copy of any prepared written transcripts of any negotiating session. Each student representative shall have the right at reasonable times during the negotiating session to comment to the parties and to the public upon the impact of proposed agreements on the educational environment of students. Each student representative shall have the right to be accompanied by alternates or aides, not to exceed a combined total of two in number. Each student representative shall be obligated to participate in good faith during all negotiations and shall be subject to the rules and regulations of the Public Employees Relations Commission. The student representatives shall have neither voting nor veto power in any negotiation, action, or agreement. The state or any branch, agency, division, agent, or institution of the state shall not expend any moneys from any source for the payment of reimbursement for travel expenses or per diem to aides, alternates, or student representatives participating in, observing, or contributing to any negotiating sessions between the bargaining parties; however, this limitation does not apply to the use of student activity fees for the reimbursement of travel expenses and per diem to the university student representative, aides, or alternates participating in the aforementioned negotiations between the Board of Regents and the bargaining agent for an employee bargaining unit.

Section 38. *A Bachelor of Science in Nursing degree program is authorized at the University of West Florida.*

Section 39. *A Master of Science in Social Work degree program is authorized at Florida Atlantic University.*

Section 40. *Section 240.136, Florida Statutes, is repealed.*

Section 41. *Sections 240.40208, 240.40242, and subsection (5) of section 240.465, Florida Statutes, are repealed.*

Section 42. Except as otherwise provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending ss. 240.209, 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid for students at state universities and community colleges; requiring a report; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; requiring school districts to provide an annual report to students; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; expanding eligibility for the Florida Academic Scholarship; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; revising the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of certain scholarship funds by children of deceased or disabled veterans; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; authorizing a Bachelor of Science in Nursing degree program at the University of West Florida; authorizing a Master of Science in Social Work degree program at Florida Atlantic University; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

Senator Miller moved the following amendment to **Amendment 2** which was adopted by two-thirds vote:

Amendment 2A (842136)—In title, on page 55, lines 1 and 2, delete those lines and insert: An act relating to education; creating the Vocational Student

Amendment 2 as amended was adopted by two-thirds vote.

On motion by Senator Miller, **CS for CS for HB 1509** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer

Garcia	Latvala	Posey	Sullivan
Geller	Laurent	Pruitt	Villalobos
Holzendorf	Lee	Rossin	Wasserman Schultz
Horne	Meek	Sanderson	Webster
Jones	Miller	Saunders	
King	Mitchell	Sebesta	
Klein	Peaden	Silver	

Nays—None

Vote after roll call:

Yea—Lawson

CS for HB 137—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; providing for applicability of certain provisions under specified circumstances; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.;

revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a non-resident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon

removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to

family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 137** was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Name, Diaz de la Portilla, Lawson, Saunders. Lists names of senators who voted 'Yeas' for HB 137.

Nays—None

CS for HB 175—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; creating s. 316.1923, F.S.; defining the term "aggressive careless driving"; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for HB 175** was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Name, Crist, King, Peaden. Lists names of senators who voted 'Yeas' for HB 175.

Smith Villalobos Wasserman Schultz Webster
Sullivan

Nays—None

Vote after roll call:

Yea—Lawson

HB 1729—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **HB 1729** was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Saunders. Lists names of senators who voted 'Yeas' for HB 1729.

Nays—None

Vote after roll call:

Yea—Lawson

HB 953—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 953** was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Saunders. Lists names of senators who voted 'Yeas' for HB 953.

Nays—None

Vote after roll call:

Yea—Lawson

SB 1634—A bill to be entitled An act relating to unlawful activities involving driver's licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or

delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **SB 1634** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB's 1708 and 1626—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the Secretary of Corrections to designate persons in the Office of the Inspector General as law enforcement officers to conduct criminal investigations occurring on property under the jurisdiction of the department; such persons must be certified and possess minimum experience; requiring a memorandum of understanding between the department and the Department of Law Enforcement relating to predicate events; authorizing law enforcement officers to make warrantless arrests; providing that arrested persons must be surrendered to the county detention facility; amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Bronson, **CS for SB's 1708 and 1626** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Carlton	Crist	Garcia
Brown-Waite	Clary	Dawson	Geller
Burt	Constantine	Diaz de la Portilla	Holzendorf
Campbell	Cowin	Dyer	Horne

Jones	Meek	Pruitt	Silver
King	Miller	Rossin	Sullivan
Klein	Mitchell	Sanderson	Villalobos
Latvala	Peaden	Saunders	Wasserman Schultz
Laurent	Posey	Sebesta	Webster

Nays—None

Vote after roll call:

Yea—Lawson

HB 1731—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **HB 1731** was passed and certified to the House. The vote on passage was:

Yeas—36

Brown-Waite	Diaz de la Portilla	Latvala	Rossin
Burt	Dyer	Laurent	Sanderson
Campbell	Garcia	Lee	Saunders
Carlton	Geller	Meek	Sebesta
Clary	Holzendorf	Miller	Silver
Constantine	Horne	Mitchell	Sullivan
Cowin	Jones	Peaden	Villalobos
Crist	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Lawson

Consideration of **CS for CS for SB 792** and **CS for SB 904** was deferred.

CS for SB 1816—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross-reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements

for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 1816** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

SB 1230—A bill to be entitled An act providing for the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special-needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of the state's financial commitment; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Peaden, **SB 1230** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 1368—A bill to be entitled An act providing adoption benefits for employees of the state or water management districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees;

providing for priority in the allocation of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **CS for SB 1368** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 1734—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public records requirements for personal identifying information contained in financial records, patient records, and other medical records, as well as bank account numbers, debit, charge, and credit card numbers, held by the Department of Insurance; providing for future review and repeal; providing a finding of public necessity; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—as amended May 3 was read the third time by title.

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

Amendment 1 (824200)(with title amendment)—On page 3, line 10 through page 5, line 5, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 11-18, delete those lines and insert: of public necessity; providing an effective date.

On motion by Senator Rossin, **CS for SB 1734** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for HB 199—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug court programs; requiring judicial circuits to establish a model of treatment-based drug court programs for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug court programs; providing for inclusion of certain programs in such drug court programs; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 199** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

HB 29—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county addictions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **HB 29** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

THE PRESIDENT PRESIDING

On motion by Senator Latvala, by two-thirds vote **CS for HB 1253** was withdrawn from the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 1253—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, non-renewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising a definition; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1960 and 1760** and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 1253** was read the third time by title.

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

Amendment 1 (800658)(with title amendment)—Delete everything after the enacting clause and insert:

WHEREAS, the Legislature recognizes that the increasing number of uninsured Floridians is due in part to small employers' and their employees' inability to afford comprehensive health insurance coverage, and

WHEREAS, the Legislature recognizes the need for small employers and their employees to have the opportunity to choose more affordable and flexible health insurance plans, and

WHEREAS, it is the intent of the Legislature that insurers and health maintenance organizations have maximum flexibility in health plan design or in developing a health plan design to complement a medical savings account program established by a small employer for the benefit of its employees, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. *Health flex plans.*—

(1) *INTENT.*—*The Legislature finds that a significant portion of state residents are not able to obtain affordable health insurance coverage. Therefore, it is the intent of the Legislature to expand the availability of health care options for lower-income uninsured state residents by encouraging health insurers, health maintenance organizations, health care provider-sponsored organizations, local governments, health care districts, and other public or private community-based organizations to develop alternative approaches to traditional health insurance which emphasize coverage for basic and preventive health care services. To the maximum extent possible, these options should be coordinated with existing governmental or community-based health services programs in a manner that is consistent with the objectives and requirements of such programs.*

(2) **DEFINITIONS.**—As used in this section, the term:

- (a) “Agency” means the Agency for Health Care Administration.
- (b) “Approved plan” means a health flex plan approved under subsection (3) which guarantees payment by the health plan entity for specified health care services provided to the enrollee.
- (c) “Enrollee” means an individual who has been determined eligible for and is receiving health benefits under a health flex plan approved under this section.
- (d) “Health care coverage” means payment for health care services covered as benefits under an approved plan or which otherwise provides, either directly or through arrangements with other persons, covered health care services on a prepaid per capita basis or on a prepaid aggregate fixed-sum basis.
- (e) “Health plan entity” means a health insurer, health maintenance organization, health care provider-sponsored organization, local government, health care district, or other public or private community-based organization that develops and implements an approved plan and is responsible for financing and paying all claims by enrollees of the plan.

(3) **PILOT PROGRAM.**—The agency and the Department of Insurance shall jointly approve or disapprove health flex plans that provide health care coverage for eligible participants residing in the three areas of the state having the highest number of uninsured residents as determined by the agency. A plan may limit or exclude benefits otherwise required by law for insurers offering coverage in this state, cap the total amount of claims paid in 1 year per enrollee, or limit the number of enrollees covered. The agency and the Department of Insurance shall not approve, or shall withdraw approval of, plans that:

- (a) Contain any ambiguous, inconsistent, or misleading provisions or any exceptions or conditions that deceptively affect or limit the benefits purported to be assumed in the general coverage provided by the plan;
- (b) Provide benefits that are unreasonable in relation to the premium charged, contain provisions that are unfair or inequitable or contrary to the public policy of this state, that encourage misrepresentation, or that result in unfair discrimination in sales practices; or
- (c) Cannot demonstrate that the plan is financially sound and that the applicant has the ability to underwrite or finance the benefits provided.

(4) **LICENSE NOT REQUIRED.**—A health flex plan approved under this section is not subject to the licensing requirements of the Florida Insurance Code or chapter 641, Florida Statutes, relating to health maintenance organizations, unless expressly made applicable. However, for the purposes of prohibiting unfair trade practices, health flex plans shall be considered insurance subject to the applicable provisions of part IX of chapter 626, Florida Statutes, except as otherwise provided in this section.

(5) **ELIGIBILITY.**—Eligibility to enroll in an approved health flex plan is limited to Florida residents who:

- (a) Are 64 years of age or younger;
- (b) Have a family income equal to or less than 200 percent of the federal poverty level;
- (c) Are not covered by a private insurance policy and are not eligible for coverage through a public health insurance program such as Medicare or Medicaid or another public health care program, including, but not limited to, KidCare; and have not been covered at any time during the preceding 6 months; and
- (d) Have applied for health care benefits through an approved health flex plan and agree to make any payments required for participation, including, but not limited to, periodic payments or payments due at the time health care services are provided.

(6) **RECORDS.**—Every health plan entity shall maintain reasonable records of its loss, expense, and claims experience and shall make such records reasonably available to enable the agency and the Department of Insurance to monitor and determine the financial viability of the plan, as necessary.

(7) **NOTICE.**—The denial of coverage by the health plan entity, or nonrenewal or cancellation of coverage, must be accompanied by the specific reasons for denial, nonrenewal, or cancellation. Notice of nonrenewal or cancellation shall be provided at least 45 days in advance of such nonrenewal or cancellation, except that 10 days’ written notice shall be given for cancellation due to nonpayment of premiums. If the health plan entity fails to give the required notice, the plan shall remain in effect until notice is appropriately given.

(8) **NONENTITLEMENT.**—Coverage under an approved health flex plan is not an entitlement, and no cause of action shall arise against the state, a local government entity or other political subdivision of this state, or the agency for failure to make coverage available to eligible persons under this section.

(9) **CIVIL ACTIONS.**—In addition to an administrative action initiated under subsection (4), the agency may seek any remedy provided by law, including, but not limited to, the remedies provided in section 812.035, Florida Statutes, if the agency finds that a health plan entity has engaged in any act resulting in injury to an enrollee covered by a plan approved under this section.

Section 2. Subsection (1) and paragraph (a) of subsection (6) of section 627.410, Florida Statutes, are amended, paragraph (f) and (g) are added to subsection (6) of that section, and paragraph (f) is added to subsection (7) of that section, to read:

627.410 Filing, approval of forms.—

(1) No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or group certificates issued under a master contract delivered in this state, or printed rider or endorsement form or form of renewal certificate, shall be delivered or issued for delivery in this state, unless the form has been filed with the department at its offices in Tallahassee by or in behalf of the insurer which proposes to use such form and has been approved by the department. This provision does not apply to surety bonds or to policies, riders, endorsements, or forms of unique character which are designed for and used with relation to insurance upon a particular subject (other than as to health insurance), or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificateholder. As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed with the department for information purposes only, except that group certificates for health insurance coverage, as described in s. 627.6561(5)(a)2., which require individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual, shall be considered policies issued on an individual basis and are subject to and must comply with the Florida Insurance Code in the same manner as individual health insurance policies issued in this state.

(6)(a) An insurer shall not deliver or issue for delivery or renew in this state any health insurance policy form until it has filed with the department a copy of every applicable rating manual, rating schedule, change in rating manual, and change in rating schedule; if rating manuals and rating schedules are not applicable, the insurer must file with the department applicable premium rates and any change in applicable premium rates. Changes in rates, rating manuals, and rating schedules for individual health insurance policies shall be filed for approval pursuant to this paragraph. Prior approval shall not be required for an individual health insurance policy rate filing which complies with the requirements of paragraph (6)(f). Nothing in this paragraph shall be construed to interfere with the department’s authority to investigate suspected violations of this section or to take necessary corrective action where a violation can be demonstrated. Nothing in this paragraph shall prevent an insurer from filing rates or rate changes for approval or from deeming rate changes approved pursuant to an approved loss ratio guarantee pursuant to subsection (8). This paragraph does not apply to group health insurance policies, effectuated and delivered in this state, insuring groups of 51 or more persons, except for Medicare supplement insurance, long-term care insurance, and any coverage under which the increase in claim costs over the lifetime of the contract due to advancing age or duration is prefunded in the premium.

(f) An insurer that files changes in rates, rating manuals or rating schedules, with the department, for individual health policies as described in s. 627.6561(5)(a)2., but excluding Medicare supplement policies, according to this paragraph may begin providing required notice to policyholders, and charging corresponding adjusted rates in accordance with s. 627.6043, upon filing provided the insurer certifies that it has met the requirements of subparagraphs 1. through 3. of this paragraph. Filings submitted pursuant to this paragraph shall contain the same information and demonstrations and shall meet the same requirements as rate filings submitted for approval under this section, including the requirements of s. 627.411, except as indicated in this paragraph.

1. The insurer has complied with annual rate filing requirements then in effect pursuant to subsection (7) since the effective date of this paragraph or for the previous 2 years, whichever is less and has filed and implemented actuarially justifiable rate adjustments at least annually during this period. Nothing in this section shall be construed to prevent an insurer from filing rate adjustments more often than annually.

2. The insurer has pooled experience for applicable individual health policy forms in accordance with the requirements of subparagraph (6)(e)3. Rate changes used on a form shall not vary by the experience of that form or the health status of covered individuals on that form but must be based on the experience of all forms including rating characteristics as defined in subparagraph 4.

3. Rates for the policy form are anticipated to meet a minimum loss ratio of 65 percent over the expected life of the form.

4. Rates for all individual health policy forms issued on or after July 1, 2001, shall utilize the same factors for each rating characteristic.

As used in this paragraph, the term "rating characteristics" means demographic characteristics of individuals, including, but not limited to, geographic area factors, benefit design, smoking status, and health status at issue.

(g) Subsequent to filing a change of rates for an individual health policy pursuant to paragraph (f), an insurer may be required to furnish additional information to demonstrate compliance with this section. If the department finds that the adjusted rates are not reasonable in relation to premiums charged pursuant to the standards of this section, the department may order appropriate corrective action.

(7)

(f) Insurers with fewer than 1,000 nationwide policyholders or insured group members or subscribers covered under any form or pooled group of forms with health insurance coverage, as described in s. 627.6561(5)(a)2., excluding Medicare supplement insurance coverage under part VIII, at the time of a rate filing made pursuant to subparagraph (b)1., may file for an annual rate increase limited to medical trend as adopted by the department pursuant to s. 627.411(4). The filing is in lieu of the actuarial memorandum required for a rate filing prescribed by paragraph (6)(b). The filing must include forms adopted by the department and a certification by an officer of the company that the filing includes all similar forms.

Section 3. Subsection (9) is added to section 627.6515, Florida Statutes, to read:

627.6515 Out-of-state groups.—

(9) Notwithstanding any other provision of this section, any group health insurance policy or group certificate for health insurance, as described in s. 627.6561(5)(a)2., which is issued to a resident of this state and requires individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual shall be considered a policy issued on an individual basis and is subject to and must comply with the Florida Insurance Code in the same manner as individual insurance policies issued in this state.

Section 4. Section 627.411, Florida Statutes, is amended to read:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e) Is for health insurance, and:

1. Provides benefits that which are unreasonable in relation to the premium charged;

2. Contains provisions that which are unfair or inequitable or contrary to the public policy of this state or that which encourage misrepresentation;

3. Contains provisions that which apply rating practices that which result in premium escalations that are not viable for the policyholder market or result in unfair discrimination pursuant to s. 626.9541(1)(g)2.; in sales practices.

4. Results in actuarially justified rate increases on an annual basis:

a. Attributed to the insurer reducing the portion of the premium used to pay claims from the loss ratio standard certified in the last actuarial certification filed by the insurer, in excess of the greater of 50 percent of annual medical trend or 5 percent. At its option, the insurer may file for approval of an actuarially justified new business rate schedule for new insureds and a rate increase for existing insureds that is equal to the greater of 150 percent of annual medical trend or 10 percent. Future annual rate increases for existing insureds shall be limited to the greater of 150 percent of the rate increase approved for new insureds or 10 percent until the two rate schedules converge;

b. In excess of the greater of 150 percent of annual medical trend or 10 percent and the company did not comply with the annual filing requirements of s. 627.410(7) or department rule for health maintenance organizations pursuant to s. 641.31. At its option the insurer may file for approval of an actuarially justified new business rate schedule for new insureds and a rate increase for existing insureds that is equal to the rate increase allowed by the preceding sentence. Future annual rate increases for existing insureds shall be limited to the greater of 150 percent of the rate increase approved for new insureds or 10 percent until the two rate schedules converge; or

c. In excess of the greater of 150 percent of annual medical trend or 10 percent on a form or block of pooled forms in which no form is currently available for sale. This provision does not apply to pre-standardized Medicare supplement forms.

(f) Excludes coverage for human immunodeficiency virus infection or acquired immune deficiency syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for human immunodeficiency virus infection or acquired immune deficiency syndrome which are different than those which apply to any other sickness or medical condition.

(2) In determining whether the benefits are reasonable in relation to the premium charged, the department, in accordance with reasonable actuarial techniques, shall consider:

(a) Past loss experience and prospective loss experience within and without this state.

(b) Allocation of expenses.

(c) Risk and contingency margins, along with justification of such margins.

(d) Acquisition costs.

(3) If a health insurance rate filing changes the established rate relationships between insureds, the aggregate effect of such change shall be revenue-neutral. The change to the new relationship shall be phased-in

over a period not to exceed 3 years as approved by the department. The rate filing may also include increases based on overall experience or annual medical trend, or both, which portions shall not be phased-in pursuant to this paragraph.

(4) Individual health insurance policies which are subject to renewability requirements of s. 627.6425 shall be deemed guaranteed renewable for purposes of establishing loss ratio standards and shall comply with the same loss ratio standards as other guaranteed renewable forms.

(5) In determining medical trend for application of subparagraph (1)(e)4., the department shall semiannually determine medical trend for each health care market, using reasonable actuarial techniques and standards. The trend must be adopted by the department by rule and determined as follows:

(a) Trend must be determined separately for medical expense; preferred provider organization; Medicare supplement; health maintenance organization; and other coverage for individual, small group, and large group, where applicable.

(b) The department shall survey insurers and health maintenance organizations currently issuing products and representing at least an 80-percent market share based on premiums earned in the state for the most recent calendar year for each of the categories specified in paragraph (a).

(c) Trend must be computed as the average annual medical trend approved for the carriers surveyed, giving appropriate weight to each carrier's statewide market share of earned premiums.

(d) The annual trend is the annual change in claims cost per unit of exposure. Trend includes the combined effect of medical provider price changes, changes in utilization, new medical procedures, and technology and cost shifting.

Section 5. Subsections (4) and (8) of section 627.6487, Florida Statutes, are amended to read:

627.6487 Guaranteed availability of individual health insurance coverage to eligible individuals.—

(4)(a) The health insurance issuer may elect to limit the coverage offered under subsection (1) if the issuer offers at least two different policy forms of health insurance coverage, both of which:

1. Are designed for, made generally available to, actively marketed to, and enroll both eligible and other individuals by the issuer; and
2. Meet the requirement of paragraph (b).

For purposes of this subsection, policy forms that have different cost-sharing arrangements or different riders are considered to be different policy forms.

(b) The requirement of this subsection is met for health insurance coverage policy forms offered by an issuer in the individual market if the issuer offers the *basic and standard health benefit plans as established pursuant to s. 627.6699(12) or policy forms for individual health insurance coverage with the largest, and next to largest, premium volume of all such policy forms offered by the issuer in this state or applicable marketing or service area, as prescribed in rules adopted by the department, in the individual market in the period involved. To the greatest extent possible, such rules must be consistent with regulations adopted by the United States Department of Health and Human Services.*

(8) This section does not:

(a) Restrict the issuer from applying the same nondiscriminatory underwriting and rating practices that are applied by the issuer to other individuals applying for coverage ~~amount of the premium rates that an issuer may charge an individual for individual health insurance coverage; or~~

(b) Prevent a health insurance issuer that offers individual health insurance coverage from establishing premium discounts or rebates or modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention.

Section 6. Subsection (12) of section 627.6482, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(12) "Premium" means the entire cost of an insurance plan, including the administrative fee, the risk assumption charge, and, in the instance of a minimum premium plan or stop-loss coverage, the incurred claims whether or not such claims are paid directly by the insurer. ~~"Premium" shall not include a health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts for any assessment due for calendar years 1990 and 1991. For assessments due for calendar year 1992 and subsequent years, A health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts is subject to assessments unless the department determines that the health maintenance organization has made a reasonable effort to amend its Medicare or Medicaid government contract for 1992 and subsequent years to provide reimbursement for any assessment on Medicare or Medicaid premiums paid by the health maintenance organization and the contract does not provide for such reimbursement.~~

(15) "Federal poverty level" means the most current federal poverty guidelines, as established by the federal Department of Health and Human Services and published in the Federal Register, and in effect on the date of the policy and its annual renewal.

(16) "Family income" means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

Section 7. Section 627.6486, Florida Statutes, is amended to read:

627.6486 Eligibility.—

(1) Except as provided in subsection (2), any person who is a resident of this state and has been a resident of this state for the previous 6 months is ~~shall be~~ eligible for coverage under the plan, including:

(a) The insured's spouse.

(b) Any dependent ~~unmarried~~ child of the insured, from the moment of birth. Subject to the provisions of ss. 627.6041 and 627.6562, such coverage shall terminate at the end of the premium period in which the child ~~marries, ceases to be a dependent of the insured, or attains the age of 19, whichever occurs first. However, if the child is a full time student at an accredited institution of higher learning, the coverage may continue while the child remains unmarried and a full time student, but not beyond the premium period in which the child reaches age 23.~~

(c) The former spouse of the insured whose coverage would otherwise terminate because of annulment or dissolution of marriage, if the former spouse is dependent upon the insured for financial support. The former spouse shall have continued coverage and shall not be subject to waiting periods because of the change in policyholder status.

(2)(a) The board or administrator shall require verification of residency for the preceding 6 months and shall require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy. A person may demonstrate his or her residency by maintaining his or her residence in this state for the preceding 6 months, purchasing a home that has been occupied by him or her as his or her primary residence for the previous 6 months, or having established a domicile in this state pursuant to s. 222.17 for the preceding 6 months.

(b) No person who is currently eligible for health care benefits under Florida's Medicaid program is eligible for coverage under the plan unless:

1. He or she has an illness or disease which requires supplies or medication which are covered by the association but are not included in the benefits provided under Florida's Medicaid program in any form or manner; and

2. He or she is not receiving health care benefits or coverage under Florida's Medicaid program.

(c) No person who is covered under the plan and terminates the coverage is again eligible for coverage.

(d) No person on whose behalf the plan has paid out the lifetime maximum benefit currently being offered by the association of \$500,000 in covered benefits is eligible for coverage under the plan.

(e) The coverage of any person who ceases to meet the eligibility requirements of this section may be terminated immediately. If such person again becomes eligible for subsequent coverage under the plan, any previous claims payments shall be applied towards the \$500,000 lifetime maximum benefit and any limitation relating to preexisting conditions in effect at the time such person again becomes eligible shall apply to such person. ~~However, no such person may again become eligible for coverage after June 30, 1991.~~

(f) No person is eligible for coverage under the plan unless such person has been rejected by two insurers for coverage substantially similar to the plan coverage and no insurer has been found through the market assistance plan pursuant to s. 627.6484 that is willing to accept the application. As used in this paragraph, "rejection" includes an offer of coverage with a material underwriting restriction ~~or an offer of coverage at a rate greater than the association plan rate.~~

(g) No person is eligible for coverage under the plan if such person has, *or is eligible for*, on the date of issue of coverage under the plan, substantially similar coverage under another contract or policy, unless such coverage is provided pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 100 Stat. 82 (1986) (COBRA), as amended, *or such coverage is provided pursuant to s. 627.6692 and such coverage is scheduled to end at a time certain and the person meets all other requirements of eligibility.* Coverage provided by the association shall be secondary to any coverage provided by an insurer pursuant to COBRA *or pursuant to s. 627.6692.*

(h) ~~A person is ineligible for coverage under the plan if such person is currently eligible for health care benefits under the Medicare program, except for a person who is insured by the Florida Comprehensive Health Association and enrolled under Medicare on July 1, 2001. All eligible persons who are classified as high risk individuals pursuant to s. 627.6498(4)(a)4. shall, upon application or renewal, agree to be placed in a case management system when it is determined by the board and the plan case manager that such system will be cost-effective and provide quality care to the individual.~~

(i) *A person is ineligible for coverage under the plan if such person's premiums are paid for or reimbursed under any government-sponsored program or by any government agency or health care provider.*

(j) *An eligible individual, as defined in s. 627.6487, and his or her dependents, as described in subsection (1), are automatically eligible for coverage in the association unless the association has ceased accepting new enrollees under s. 627.6488. If the association has ceased accepting new enrollees, the eligible individual is subject to the coverage rights set forth in s. 627.6487.*

(3) *A person's coverage ceases:*

(a) *On the date a person is no longer a resident of this state;*

(b) *On the date a person requests coverage to end;*

(c) *Upon the date of death of the covered person;*

(d) *On the date state law requires cancellation of the policy; or*

(e) *Sixty days after the person receives notice from the association making any inquiry concerning the person's eligibility or place or residence to which the person does not reply.*

(4) *All eligible persons must, upon application or renewal, agree to be placed in a case-management system when the association and case manager find that such system will be cost-effective and provide quality care to the individual.*

(5) *Except for persons who are insured by the association on December 31, 2001, and who renew such coverage, persons may apply for coverage beginning January 1, 2002, and coverage for such persons shall begin on or after April 1, 2002, as determined by the board pursuant to s. 627.6488(4)(n).*

Section 8. Subsection (3) of section 627.6487, Florida Statutes, is amended to read:

627.6487 Guaranteed availability of individual health insurance coverage to eligible individuals.—

(3) For the purposes of this section, the term "eligible individual" means an individual:

(a1). For whom, as of the date on which the individual seeks coverage under this section, the aggregate of the periods of creditable coverage, as defined in s. 627.6561(5) and (6), is 18 or more months; and

2.a. Whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan, or health insurance coverage offered in connection with any such plan; or

b. Whose most recent prior creditable coverage was under an individual plan issued in this state by a health insurer or health maintenance organization, which coverage is terminated due to the insurer or health maintenance organization becoming insolvent or discontinuing the offering of all individual coverage in the State of Florida, or due to the insured no longer living in the service area in the State of Florida of the insurer or health maintenance organization that provides coverage through a network plan in the State of Florida;

(b) Who is not eligible for coverage under:

1. A group health plan, as defined in s. 2791 of the Public Health Service Act;

2. A conversion policy or contract issued by an authorized insurer or health maintenance organization under s. 627.6675 or s. 641.3921, respectively, offered to an individual who is no longer eligible for coverage under either an insured or self-insured employer plan;

3. Part A or part B of Title XVIII of the Social Security Act; ~~or~~

4. A state plan under Title XIX of such act, or any successor program, and does not have other health insurance coverage; *or*

5. *The Florida Comprehensive Health Association, if the association is accepting and issuing coverage to new enrollees, provided that the 63-day period specified in s. 627.6561(6) shall be tolled from the time the association receives an application from an individual until the association notifies the individual that it is not accepting and issuing coverage to that individual;*

(c) With respect to whom the most recent coverage within the coverage period described in paragraph (a) was not terminated based on a factor described in s. 627.6571(2)(a) or (b), relating to nonpayment of premiums or fraud, unless such nonpayment of premiums or fraud was due to acts of an employer or person other than the individual;

(d) Who, having been offered the option of continuation coverage under a COBRA continuation provision or under s. 627.6692, elected such coverage; and

(e) Who, if the individual elected such continuation provision, has exhausted such continuation coverage under such provision or program.

Section 9. Section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(1) There is created a nonprofit legal entity to be known as the "Florida Comprehensive Health Association." All insurers, as a condition of doing business, shall be members of the association.

(2)(a) The association shall operate subject to the supervision and approval of a ~~three-member~~ *five-member* board of directors *consisting of the Insurance Commissioner, or his or her designee, who shall serve as chairperson of the board, and four additional members who must be state residents. At least one member must be a representative of an authorized health insurer or health maintenance organization authorized to transact business in this state.* The board of directors shall be appointed by the Insurance Commissioner ~~as follows:~~

~~1.—The chair of the board shall be the Insurance Commissioner or his or her designee.~~

~~2.—One representative of policyholders who is not associated with the medical profession, a hospital, or an insurer.~~

~~3.—One representative of insurers.~~

The administrator or his or her affiliate shall not be a member of the board. Any board member appointed by the commissioner may be removed and replaced by him or her at any time without cause.

(b) All board members, including the chair, shall be appointed to serve for staggered 3-year terms beginning on a date as established in the plan of operation.

(c) The board of directors ~~may shall have the power to~~ employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the association and to perform other necessary and proper functions not prohibited by law. *Employees of the association shall be reimbursed as provided in s. 112.061 from moneys of the association for expenses incurred in carrying out their responsibilities under this act.*

(d) Board members may be reimbursed *as provided in s. 112.061* from moneys of the association for ~~actual and necessary~~ expenses incurred by them as members *in carrying out their responsibilities under the Florida Comprehensive Health Association Act*, but may not otherwise be compensated for their services.

(e) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the departmental representatives for any act or omission taken by them in the performance of their powers and duties under this act, unless such act or omission by such person is in intentional disregard of the rights of the claimant.

(f) Meetings of the board are subject to s. 286.011.

(3) The association shall adopt a plan pursuant to this act and submit its articles, bylaws, and operating rules to the department for approval. If the association fails to adopt such plan and suitable articles, bylaws, and operating rules within 180 days after the appointment of the board, the department shall adopt rules to effectuate the provisions of this act; and such rules shall remain in effect until superseded by a plan and articles, bylaws, and operating rules submitted by the association and approved by the department. *Such plan shall be reviewed, revised as necessary, and annually submitted to the department for approval.*

(4) The association shall:

(a) Establish administrative and accounting procedures *and internal controls* for the operation of the association *and provide for an annual financial audit of the association by an independent certified public accountant licensed pursuant to chapter 473.*

(b) Establish procedures under which applicants and participants in the plan may have grievances reviewed by an impartial body and reported to the board. *Individuals receiving care through the association under contract from a health maintenance organization must follow the grievance procedures established in ss. 408.7056 and 641.31(5).*

(c) Select an administrator in accordance with s. 627.649.

(d) Collect assessments from all insurers to provide for operating losses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board, as formulated in s. 627.6492(1). Annual assessment of the insurers for each calendar year shall occur as soon thereafter as the operating results of the plan for the calendar year and the earned premiums of insurers being assessed for that year are known. Annual assessments are due and payable within 30 days of receipt of the assessment notice by the insurer.

(e) Require that all policy forms issued by the association conform to standard forms developed by the association. The forms shall be approved by the department.

(f) Develop and implement a program to publicize the existence of the plan, the eligibility requirements for the plan, and the procedures for enrollment in the plan and to maintain public awareness of the plan.

(g) Design and employ cost containment measures and requirements which may include preadmission certification, home health care, hospice care, negotiated purchase of medical and pharmaceutical supplies, and individual case management.

~~(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 110.123. If cost effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost effective and available in the county where the policyholder resides, the board, with the consent of the policyholder, may place a low risk or medium risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.~~

~~(h)(i) Make a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives not later than March 1 October 1 of each year. The report shall summarize the activities of the plan for the prior fiscal 12-month period ending July 1 of that year, including then-current data and estimates as to net written and earned premiums, the expense of administration, and the paid and incurred losses for the year. The report shall also include analysis and recommendations for legislative changes regarding utilization review, quality assurance, an evaluation of the administrator of the plan, access to cost-effective health care, and cost containment/case management policy and recommendations concerning the opening of enrollment to new entrants as of July 1, 1992.~~

~~(i)(j) Make a report to the Governor, the Insurance Commissioner, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives, not later than 45 days after the close of each calendar quarter, which includes, for the prior quarter, current data and estimates of net written and earned premiums, the expenses of administration, and the paid and incurred losses. The report shall identify any statutorily mandated program that has not been fully implemented by the board.~~

~~(j)(k) To facilitate preparation of assessments and for other purposes, the board shall engage an independent certified public account licensed pursuant to chapter 473 to conduct an annual financial audit of the association direct preparation of annual audited financial statements for each calendar year as soon as feasible following the conclusion of that calendar year, and shall, within 30 days after the issuance rendition of such statements, file with the department the annual report containing such information as required by the department to be filed on March 1 of each year.~~

~~(k)(l) Employ a plan case manager or managers to supervise and manage the medical care or coordinate the supervision and management of the medical care, with the administrator, of specified individuals. The plan case manager, with the approval of the board, shall have final approval over the case management for any specific individual. If cost-effective and available in the county where the policyholder resides, the association, upon application or renewal of a policy, may place an individual with the plan case manager, who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent or guardian, and the health care providers.~~

~~(l) Administer the association in a fiscally responsible manner that ensures that its expenditures are reasonable in relation to the services provided and that the financial resources of the association are adequate to meet its obligations.~~

~~(m) At least annually, but no more than quarterly, evaluate or cause to be evaluated the actuarial soundness of the association. The association shall contract with an actuary to evaluate the pool of insureds in the association and monitor the financial condition of the association. The actuary shall determine the feasibility of enrolling new members in the association, which must be based on the projected revenues and expenses of the association.~~

(n) Restrict at any time the number of participants in the association based on a determination by the board that the revenues will be inadequate to fund new participants. However, any person denied participation solely on the basis of such restriction must be granted priority for participation in the succeeding period in which the association is reopened for participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons. Except as provided in s. 627.6486(2)(j), applications for enrollment must be processed on a first-in, first-out basis.

(o) Establish procedures to maintain separate accounts and record-keeping for policyholders prior to January 1, 2002, and policyholders issued coverage on and after January 1, 2002.

(p) Appoint an executive director to serve as the chief administrative and operational officer of the association and operate within the specifications of the plan of operation and perform other duties assigned to him or her by the board.

(5) The association may:

(a) Exercise powers granted to insurers under the laws of this state.

(b) Sue or be sued.

(c) In addition to imposing annual assessments under paragraph (4)(d), levy interim assessments against insurers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for a calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment shall be due and payable within 30 days after receipt by an insurer of an interim assessment notice. Interim assessment payments shall be credited against the insurer's annual assessment. Such assessments may be levied only for costs and expenses associated with policyholders insured with the association prior to January 1, 2002.

(d) Prepare or contract for a performance audit of the administrator of the association.

(e) Appear in its own behalf before boards, commissions, or other governmental agencies.

(f) Solicit and accept gifts, grants, loans, and other aid from any source or participate in any way in any government program to carry out the purposes of the Florida Comprehensive Health Association Act.

(g) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into the association on a fraudulent basis.

(h) Procure insurance against any loss in connection with the property, assets, and activities of the association or the board.

(i) Contract for necessary goods and services; employ necessary personnel; and engage the services of private consultants, actuaries, managers, legal counsel, and independent certified public accountants for administrative or technical assistance.

(6) The department shall examine and investigate the association in the manner provided in part II of chapter 624.

Section 10. Paragraph (b) of subsection (3) of section 627.649, Florida Statutes, is amended to read:

627.649 Administrator.—

(3) The administrator shall:

(b) Pay an agent's referral fee as established by the board to each insurance agent who refers an applicant to the plan, if the applicant's application is accepted. The selling or marketing of plans shall not be limited to the administrator or its agents. Any agent must be licensed by the department to sell health insurance in this state. The referral fees shall be paid by the administrator from moneys received as premiums for the plan.

Section 11. Section 627.6492, Florida Statutes, is amended to read:

627.6492 Participation of insurers.—

(1)(a) As a condition of doing business in this state an insurer shall pay an assessment to the board, in the amount prescribed by this section. Subsections (1), (2), and (3) apply only to the costs and expenses associated with policyholders insured with the association prior to January 1, 2002, including renewal of coverage for such policyholders after that date. For operating losses incurred in any calendar year on July 1, 1991, and thereafter, each insurer shall annually be assessed by the board in the following calendar year a portion of such incurred operating losses of the plan; such portion shall be determined by multiplying such operating losses by a fraction, the numerator of which equals the insurer's earned premium pertaining to direct writings of health insurance in the state during the calendar year preceding that for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by participating insurers in the state during such calendar year.

(b) For operating losses incurred from July 1, 1991, through December 31, 1991, the total of all assessments upon a participating insurer shall not exceed .375 percent of such insurer's health insurance premiums earned in this state during 1990. For operating losses incurred in 1992 and thereafter, the total of all assessments upon a participating insurer shall not exceed 1 percent of such insurer's health insurance premium earned in this state during the calendar year preceding the year for which the assessments were levied.

(c) For operating losses incurred from October 1, 1990, through June 30, 1991, the board shall assess each insurer in the amount and manner prescribed by chapter 90-334, Laws of Florida. The maximum assessment against an insurer, as provided in such act, shall apply separately to the claims incurred in 1990 (October 1 through December 31) and the claims incurred in 1991 (January 1 through June 30). For operating losses incurred on January 1, 1991, through June 30, 1991, the maximum assessment against an insurer shall be one half of the amount of the maximum assessment specified for such insurer in former s. 627.6492(1)(b), 1990 Supplement, as amended by chapter 90-334, Laws of Florida.

(c)(d) All rights, title, and interest in the assessment funds collected shall vest in this state. However, all of such funds and interest earned shall be used by the association to pay claims and administrative expenses.

(2) If assessments and other receipts by the association, board, or administrator exceed the actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses. As used in this subsection, the term "future losses" includes reserves for claims incurred but not reported.

(3) Each insurer's assessment shall be determined annually by the association based on annual statements and other reports deemed necessary by the association and filed with it by the insurer. Any deficit incurred under the plan shall be recouped by assessments against participating insurers by the board in the manner provided in subsection (1); and the insurers may recover the assessment in the normal course of their respective businesses without time limitation.

(4)(a) The costs and expenses of the association related to persons whose coverage begins after January 1, 2002, shall be funded by appropriations provided by law.

Section 12. Section 627.6498, Florida Statutes, is amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(1) COVERAGE OFFERED.—

(a) The plan shall offer in an annually ~~semiannually~~ renewable policy the coverage specified in this section for each eligible person. For applications accepted on or after June 7, 1991, but before July 1, 1991, coverage shall be effective on July 1, 1991, and shall be renewable on January 1, 1992, and every 6 months thereafter. Policies in existence on June 7, 1991, shall, upon renewal, be for a term of less than 6 months that terminates and becomes subject to subsequent renewal on the next succeeding January 1 or July 1, whichever is sooner.

(b) If an eligible person is also eligible for Medicare coverage, the plan shall not pay or reimburse any person for expenses paid by Medicare.

(c) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan. If such coverage is applied for within 60 days after the involuntary termination and if premiums are paid for the entire period of coverage, the effective date of the coverage shall be the date of termination of the previous coverage.

(b)(4) The plan shall provide that, upon the death or divorce of the individual in whose name the contract was issued, every other person then covered in the contract may elect within 60 days to continue under the same or a different contract.

(c)(e) No coverage provided to a person who is eligible for Medicare benefits shall be issued as a Medicare supplement policy as defined in s. 627.672.

(2) BENEFITS.—

(a) ~~The plan must offer coverage to every eligible person subject to limitations set by the association. The coverage offered must pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4). The lifetime benefits limit for such coverage shall be \$500,000. However, policyholders of association policies issued prior to 1992 are entitled to continued coverage at the benefit level established prior to January 1, 2002. Only the premium, deductible, and coinsurance amounts may be modified as determined necessary by the board. The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 110.123 except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of \$500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.~~

(b) The plan shall provide that any policy issued to a person eligible for Medicare shall be separately rated to reflect differences in experience reasonably expected to occur as a result of Medicare payments.

(3) COVERED EXPENSES.—

(a) ~~The board shall establish the coverage to be issued by the association.~~

(b) ~~If the coverage is being issued to an eligible individual as defined in s. 627.6487, the individual shall be offered, at the option of the individual, the basic and the standard health benefit plan as established in s. 627.6699. The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 110.123, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.~~

(4) PREMIUMS AND, DEDUCTIBLES, AND COINSURANCE.—

(a) ~~The plan shall provide for annual deductibles for major medical expense coverage in the amount of \$1,000 or any higher amounts proposed by the board and approved by the department, plus the benefits payable under any other type of insurance coverage or workers' compensation. The schedule of premiums and deductibles shall be established by the board association. With regard to any preferred provider arrangement utilized by the association, the deductibles provided in this paragraph shall be the minimum deductibles applicable to the preferred providers and higher deductibles, as approved by the department, may be applied to providers who are not preferred providers.~~

1. Separate schedules of premium rates based on age may apply for individual risks.

2. Rates are subject to approval by the department pursuant to ss. 627.410 and 627.411, except as provided by this section. The board shall revise premium schedules annually, beginning January 2002.

3. ~~Standard risk rates for coverages issued by the association shall be established by the department, pursuant to s. 627.6675(3).~~

3.4. The board shall establish three premium schedules based upon an individual's family income:

a. Schedule A is applicable to an individual whose family income exceeds the allowable amount for determining eligibility under the Medicaid program, up to and including 200 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 150 percent of the standard risk rate.

b. Schedule B is applicable to an individual whose family income exceeds 200 percent but is less than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 250 percent of the standard risk rate.

c. ~~Schedule C is applicable to an individual whose family income is equal to or greater than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 300 percent of the standard risk rate. establish separate premium schedules for low risk individuals, medium risk individuals, and high risk individuals and shall revise premium schedules annually beginning January 1999.~~

4. ~~The standard risk rate shall be determined by the department pursuant to s. 627.6675(3). The rate shall be adjusted for benefit differences. No rate shall exceed 200 percent of the standard risk rate for low risk individuals, 225 percent of the standard risk rate for medium risk individuals, or 250 percent of the standard risk rate for high risk individuals. For the purpose of determining what constitutes a low risk individual, medium risk individual, or high risk individual, the board shall consider the anticipated claims payment for individuals based upon an individual's health condition.~~

(b) ~~If the covered costs incurred by the eligible person exceed the deductible for major medical expense coverage selected by the person in a policy year, the plan shall pay in the following manner:~~

1. ~~For individuals placed under case management, the plan shall pay 90 percent of the additional covered costs incurred by the person during the policy year for the first \$10,000, after which the plan shall pay 100 percent of the covered costs incurred by the person during the policy year.~~

2. ~~For individuals utilizing the preferred provider network, the plan shall pay 80 percent of the additional covered costs incurred by the person during the policy year for the first \$10,000, after which the plan shall pay 90 percent of covered costs incurred by the person during the policy year.~~

3. ~~If the person does not utilize either the case management system or the preferred provider network, the plan shall pay 60 percent of the additional covered costs incurred by the person for the first \$10,000, after which the plan shall pay 70 percent of the additional covered costs incurred by the person during the policy year.~~

(5) ~~PREEXISTING CONDITIONS.—An association policy shall may contain provisions under which coverage is excluded during a period of 12 months following the effective date of coverage with respect to a given covered individual for any preexisting condition, as long as:~~

(a) ~~The condition manifested itself within a period of 6 months before the effective date of coverage; or~~

(b) ~~Medical advice or treatment was recommended or received within a period of 6 months before the effective date of coverage.~~

~~This subsection does not apply to an eligible individual as defined in s. 627.6487.~~

(6) OTHER SOURCES PRIMARY.—

(a) ~~No amounts paid or payable by Medicare or any other governmental program or any other insurance, or self-insurance maintained in lieu of otherwise statutorily required insurance, may be made or recognized as claims under such policy or be recognized as or towards satisfac-~~

tion of applicable deductibles or out-of-pocket maximums or to reduce the limits of benefits available.

(b) The association has a cause of action against a participant for any benefits paid to the participant which should not have been claimed or recognized as claims because of the provisions of this subsection or because otherwise not covered.

(7) *NONENTITLEMENT.*—*The Florida Comprehensive Health Association Act does not provide an individual with an entitlement to health care services or health insurance. A cause of action does not arise against the state, the board, or the association for failure to make health services or health insurance available under the Florida Comprehensive Health Association Act.*

Section 13. *The Legislature finds that the provisions of this act fulfill an important state interest.*

Section 14. *The amendments in this act to section 627.6487(3), Florida Statutes, shall not take effect unless the Health Care Financing Administration of the U.S. Department of Health and Human Services approves this act as providing an acceptable alternative mechanism, as provided in the Public Health Service Act.*

Section 15. *Effective January 1, 2002, section 627.6484, Florida Statutes, is repealed.*

Section 16. Subsection (9) is added to section 627.6515, Florida Statutes, to read:

627.6515 Out-of-state groups.—

(9) *Notwithstanding any other provision of this section, any group health insurance policy or group certificate for health insurance, as described in s. 627.6561(5)(a)2., which is issued to a resident of this state and requires individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual shall be considered a policy issued on an individual basis and is subject to and must comply with the Florida Insurance Code in the same manner as individual insurance policies issued in this state.*

Section 17. Paragraphs (i), (m), and (n) of subsection (3), paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (12), and paragraph (a) of subsection (15) of section 627.6699, Florida Statutes, are amended to read:

627.6699 Employee Health Care Access Act.—

(3) DEFINITIONS.—As used in this section, the term:

(i) “Established geographic area” means the county or counties, ~~or any portion of a county or counties,~~ within which the carrier provides or arranges for health care services to be available to its insureds, members, or subscribers.

(m) “Limited benefit policy or contract” means a policy or contract that provides coverage for each person insured under the policy for a specifically named disease or diseases ~~or, a specifically named accident, or a specifically named limited market that fulfills a an experimental or reasonable need by providing more affordable health insurance, such as the small group market.~~

(n) “Modified community rating” means a method used to develop carrier premiums which spreads financial risk across a large population; allows the use of separate rating factors for age, gender, family composition, tobacco usage, and geographic area as determined under paragraph (5)(j); and allows adjustments for: claims experience, health status, or ~~credits based on the duration that the of coverage has been in force as permitted under subparagraph (6)(b)6. subparagraph (6)(b)5;~~ and administrative and acquisition expenses as permitted under subparagraph (6)(b)5. *A carrier may separate the experience of small employer groups with less than two eligible employees from the experience of small employer groups with two through 50 eligible employees.*

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph (5)(j) and in which the premium may be adjusted as permitted by subparagraphs 5., ~~and 6., and 7.~~

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect the carrier's experience. The factors used by carriers are subject to department review and approval.

3. *If the modified community rate is determined from two experience pools as authorized by paragraph (5)(n), the rate to be charged to small employer groups of less than two eligible employees may not exceed 150 percent of the rate determined for groups of two through 50 eligible employees; however, the carrier may charge excess losses of the less-than-two-eligible-employee experience pool to the experience pool of the two through 50 eligible employees so that all losses are allocated and the 150-percent rate limit on the less-than-two-eligible-employee experience pool is maintained. Notwithstanding the provisions of s. 627.411(1)(e)4. and (3), the rate to be charged to a small employer group of fewer than 2 eligible employees insured as of July 1, 2001, may be up to 125 percent of the rate determined for groups of 2 through 50 eligible employees for the first annual renewal and 150 percent for subsequent annual renewals.*

4.3. Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed. However, a small employer carrier may modify the rate one time prior to 12 months after the initial issue date for a small employer who enrolls under a previously issued group policy that has a common anniversary date for all employers covered under the policy if:

a. The carrier discloses to the employer in a clear and conspicuous manner the date of the first renewal and the fact that the premium may increase on or after that date.

b. The insurer demonstrates to the department that efficiencies in administration are achieved and reflected in the rates charged to small employers covered under the policy.

5.4. A carrier may issue a group health insurance policy to a small employer health alliance or other group association with rates that reflect a premium credit for expense savings attributable to administrative activities being performed by the alliance or group association if such expense savings are specifically documented in the insurer's rate filing and are approved by the department. Any such credit may not be based on different morbidity assumptions or on any other factor related to the health status or claims experience of any person covered under the policy. Nothing in this subparagraph exempts an alliance or group association from licensure for any activities that require licensure under the insurance code. A carrier issuing a group health insurance policy to a small employer health alliance or other group association shall allow any properly licensed and appointed agent of that carrier to market and sell the small employer health alliance or other group association policy. Such agent shall be paid the usual and customary commission paid to any agent selling the policy.

6.5. Any adjustments in rates for claims experience, health status, or *credits based on the duration of coverage* may not be charged to individual employees or dependents. For a small employer's policy, such adjustments may not result in a rate for the small employer which deviates more than 15 percent from the carrier's approved rate. Any such adjustment must be applied uniformly to the rates charged for all employees and dependents of the small employer. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually, due to the claims experience, health status, or *credits based on the duration of coverage* of the employees or dependents of the small employer. Semiannually, small group carriers shall report information on forms adopted by rule by the department, to enable the department to monitor the relationship of aggregate adjusted premiums actually charged policyholders by each carrier to the premiums that would have been charged by application of the carrier's approved modified community rates. If the aggregate resulting from the application of such adjustment exceeds the premium that would have been charged by application of the approved modified community rate

by 5 percent for the current reporting period, the carrier shall limit the application of such adjustments only to minus adjustments beginning not more than 60 days after the report is sent to the department. For any subsequent reporting period, if the total aggregate adjusted premium actually charged does not exceed the premium that would have been charged by application of the approved modified community rate by 5 percent, the carrier may apply both plus and minus adjustments. A small employer carrier may provide a credit to a small employer's premium based on administrative and acquisition expense differences resulting from the size of the group. Group size administrative and acquisition expense factors may be developed by each carrier to reflect the carrier's experience and are subject to department review and approval.

7.6. A small employer carrier rating methodology may include separate rating categories for one dependent child, for two dependent children, and for three or more dependent children for family coverage of employees having a spouse and dependent children or employees having dependent children only. A small employer carrier may have fewer, but not greater, numbers of categories for dependent children than those specified in this subparagraph.

8.7. Small employer carriers may not use a composite rating methodology to rate a small employer with fewer than 10 employees. For the purposes of this subparagraph, a "composite rating methodology" means a rating methodology that averages the impact of the rating factors for age and gender in the premiums charged to all of the employees of a small employer.

(12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT PLANS.—

(a)1. By May 15, 1993, the commissioner shall appoint a health benefit plan committee composed of four representatives of carriers which shall include at least two representatives of HMOs, at least one of which is a staff model HMO, two representatives of agents, four representatives of small employers, and one employee of a small employer. The carrier members shall be selected from a list of individuals recommended by the board. The commissioner may require the board to submit additional recommendations of individuals for appointment.

2. The plans shall comply with all of the requirements of this subsection.

3. The plans must be filed with and approved by the department prior to issuance or delivery by any small employer carrier.

4. ~~Before October 1, 2001, and in every 4th year thereafter, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to determine whether modifications to a plan might be appropriate and to submit recommended modifications to the department for approval. Such determination shall be based upon prevailing industry standards regarding managed care and cost-containment provisions and shall be for the purpose of ensuring that the benefit plans offered to small employers on a guaranteed-issue basis are consistent with the low to mid-priced benefit plans offered in the large-group market. This determination shall be included in a report submitted to the President of the Senate and the Speaker of the House of Representatives annually by October 1. After approval of the revised health benefit plans, if the department determines that modifications to a plan might be appropriate, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to submit recommended modifications to the department for approval.~~

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract for any small employer, the small employer carrier shall *disclose in writing to the employer* provide such employer group with a written statement that contains, at a minimum:

a. ~~An explanation of those mandated benefits and providers that are not covered by the policy or contract;~~

a.b. ~~An outline of coverage explanation of the managed care and cost control features of the policy or contract, along with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information or authorization; and~~

b.e. ~~An explanation of~~ The primary and preventive care features of the policy or contract; *and*:

~~Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.~~

2. ~~Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:~~

a. ~~Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;~~

c.b. ~~Acknowledges~~ The limited nature of the coverage and *the an understanding of the managed care and cost control features of the policy or contract;*

e. ~~Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and~~

2.d. If a limited plan is requested, *the prospective policyholder must acknowledge in writing* acknowledges that *he or she* ~~the prospective policyholder~~ had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.

~~A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.~~

3. ~~Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.~~

3.4. Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted for review by the department prior to use and must contain the disclosures stated in this subsection.

4. ~~The contract, policy, and certificates evidencing coverage under a limited benefit policy or contract and the application for coverage under such plans must state in not less than 10-point type on the first page in contrasting color the following: "The benefits provided by this health plan are limited and may not cover all of your medical needs. You should carefully review the benefits offered under this health plan."~~

(d)(e) A small employer carrier may not use any policy, contract, form, or rate under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the insurer has filed it with the department and the department has approved it under ss. 627.31, 627.410, 627.4106, and 627.411.

(15) APPLICABILITY OF OTHER STATE LAWS.—

(a) Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a standard or basic health benefit plan policy or contract or a limited benefit policy or contract offered or delivered to a small employer unless that law is made expressly applicable to such policies or contracts. *A law restricting or limiting deductibles, copayments, or annual or lifetime maximum payments does not apply to a limited benefit policy or contract offered or delivered to a small employer unless such law is made expressly applicable to such policy or contract. A limited benefit policy or contract that is offered or delivered to a small employer may also be offered or delivered to an employer having 51 or more eligible employees. Any covered disease or condition may be treated by any physician, without discrimination, licensed or certified to treat the disease or condition.*

Section 18. Section 627.9408, Florida Statutes, is amended to read:

627.9408 Rules.—

(1) The department ~~may have authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer implement the provisions of this part.~~

(2) *The department may adopt by rule the provisions of the Long-Term Care Insurance Model Regulation adopted by the National Association of Insurance Commissioners in the second quarter of the year 2000 which are not in conflict with the Florida Insurance Code.*

Section 19. Paragraphs (b) and (d) of subsection (3) of section 641.31, Florida Statutes, are amended, and paragraph (f) is added to that subsection, to read:

641.31 Health maintenance contracts.—

(3)

(b) Any change in the rate is subject to paragraph (d) and requires at least 30 days' advance written notice to the subscriber. In the case of a group member, there may be a contractual agreement with the health maintenance organization to have the employer provide the required notice to the individual members of the group. *This paragraph does not apply to a group contract covering 51 or more persons unless the rate is for any coverage under which the increase in claim costs over the lifetime of the contract due to advancing age or duration is prefunded in the premium.*

(d) Any change in rates charged for the contract must be filed with the department not less than 30 days in advance of the effective date. At the expiration of such 30 days, the rate filing shall be deemed approved unless prior to such time the filing has been affirmatively approved or disapproved by order of the department pursuant to s. 627.411. The approval of the filing by the department constitutes a waiver of any unexpired portion of such waiting period. The department may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such filing, by giving notice of such extension before expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such filing shall be deemed approved.

(f) *A health maintenance organization with fewer than 1,000 covered subscribers under all individual or group contracts, at the time of a rate filing, may file for an annual rate increase limited to annual medical trend, as adopted by the department. The filing is in lieu of the actuarial memorandum otherwise required for the rate filing. The filing must include forms adopted by the department and a certification by an officer of the company that the filing includes all similar forms.*

Section 20. *Contingent upon the passage of CS/CS/SB 2214, or similar legislation, beginning July 1, 2001, \$10 million of the funds collected from subscribing participating manufacturers and the public health tobacco equity surcharge imposed by s. 210.0221 shall be transferred from the Tobacco Settlement Clearing Trust Fund to the Florida Comprehensive Health Association created in s. 627.6488, for coverage of new participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons. The appropriation made by this section shall not be made if the same appropriation is made by CS/CS/SB 2214 or similar legislation.*

Section 21. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring certain group certificates

for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; providing that funding for coverage for certain persons shall be provided by appropriations as provided by law; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group

health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an appropriation contingent upon passage of other legislation; providing an effective date.

On motion by Senator Latvala, **CS for HB 1253** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Diaz de la Portilla	Latvala	Sanderson
Bronson	Dyer	Laurent	Saunders
Brown-Waite	Garcia	Meek	Sebesta
Burt	Geller	Miller	Silver
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Lawson

HB 1717—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1717** was passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Crist	Lee	Sebesta
Bronson	Dawson	Meek	Silver
Brown-Waite	Dyer	Miller	Sullivan
Burt	Geller	Peaden	Villalobos
Campbell	Holzendorf	Posey	Wasserman Schultz
Carlton	Horne	Pruitt	Webster
Clary	Klein	Sanderson	
Cowin	Latvala	Saunders	

Nays—2

Laurent	Mitchell
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Vote after roll call:

Yea—Diaz de la Portilla, King

The Senate resumed consideration of—

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary

of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions;

amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and

331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—which was previously considered this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the Senate reconsidered the vote by which **Amendment 1 (510902)** as amended was adopted May 3.

Senator Bronson moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1R (831726)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *The sum of \$650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of \$650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation by the General Appropriations Act shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a non-fiduciary, nonvoting advisory role. The committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority by the General Appropriations Act shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a non-fiduciary, nonvoting advisory role. The committee recognizes the value of*

input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-paragraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropriation;

Senator Horne moved the following amendment to **Amendment 1** which failed:

Amendment 1S (934606)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *Notwithstanding the proviso contained in Specific Appropriation 2022 of the 2001-2002 General Appropriations Act, the Department of Transportation may use funds for arterial highway construction as appropriated in Specific Appropriation 2022 for all projects including Leon County, whether or not the contingency provided in that specific appropriation is met.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: providing that certain funds may be used for arterial highway construction whether or not certain contingencies are met;

The vote was:

Yeas—13

Brown-Waite	Dyer	Peaden	Saunders
Burt	Miller	Posey	Sullivan
Clary	Mitchell	Rossin	Wasserman Schultz
Diaz de la Portilla			

Nays—16

Mr. President	Geller	Latvala	Sanderson
Cowin	Holzendorf	Laurent	Sebesta
Crist	Jones	Meek	Silver
Garcia	King	Pruitt	Villalobos

Vote after roll call:

Yea to Nay—Posey

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, **CS for CS for HB 1053** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Constantine	Garcia	Latvala
Bronson	Cowin	Geller	Laurent
Brown-Waite	Crist	Horne	Lee
Burt	Dawson	Jones	Meek
Campbell	Diaz de la Portilla	King	Miller
Clary	Dyer	Klein	Mitchell

Peaden	Rossin	Silver	Wasserman Schultz
Posey	Saunders	Sullivan	Webster
Pruitt	Sebesta	Villalobos	

Nays—1

Holzendorf

Vote after roll call:

Yea—Lawson

On motion by Senator Brown-Waite, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 1861.

John B. Phelps, Clerk

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

On motion by Senator Brown-Waite, **HB 1861** was returned to the House as requested.

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for CS for HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the "Seal of Best Financial Management"; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—with pending **Amendment 1 (161930)** by Senator Horne and **Amendment 1A (470776)** by Senator Peaden. Pending **Amendment 1A** was withdrawn.

Senator Peaden moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1B (474472)(with title amendment)—On page 17, between lines 5 and 6, insert:

Section 11. Paragraph (b) of subsection (22) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) “Educational facility” means:

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code, or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state’s system of public education, including, but not limited to, a charter school or a developmental research school operated under chapter 228. The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the revenues provided therefor.

Section 12. Section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(1) **AUTHORIZATION.**—The creation of charter schools is hereby authorized. Charter schools shall be part of the state’s program of public education. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. *A public school may not use the term charter in its name unless it has been approved under this section.*

(2) **PURPOSE.**—The purpose of charter schools shall be to:

- (a) Improve student learning.
 - (b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.
 - (c) Encourage the use of different and innovative learning methods.
 - (d) Increase choice of learning opportunities for students.
 - (e) Establish a new form of accountability for schools.
 - (f) Require the measurement of learning outcomes and create innovative measurement tools.
 - (g) Make the school the unit for improvement.
 - (h) Create new professional opportunities for teachers, including the opportunity to own the learning program at the school site.
 - (i) *Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.*
 - (j) *Provide additional academic choices for parents and students.*
 - (k) *Expand the capacity of the public school system.*
- (3) **APPLICATION; UNLAWFUL REPRISAL.**—

(a)1. An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

2. The district school board or the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least 2 years prior to the application to convert, including a public school-within-a-school that is designated as a school by the district school board, shall submit any application for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to procedures established by rules of the state board. *A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 30 days after the meeting at which the school board denied the application. The notice must specify the exact reasons for denial and must provide documentation supporting those reasons.* A private school, parochial school, or home education program shall not be eligible for charter school status.

(b) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term “unlawful reprisal” means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee’s position absent of a reduction in force as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal which occurs as a consequence of an employee’s direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after a reprisal prohibited by this subsection, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the department shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the department determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the department shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the department shall provide the superintendent of schools of the complainant’s district and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the department determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the department shall terminate the investigation. Upon termination of any investigation, the department shall notify the complainant and the superintendent of schools of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The department shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint

for which the department determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the department.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(c) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief must include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.
2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.
3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.
4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.
5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.
6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(4) SPONSOR.—A district school board may sponsor a charter school in the county over which the board has jurisdiction.

(a) A district school board shall receive and review all applications for a charter school. A district school board shall receive and consider charter school applications received on or before October 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. *A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.*

1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students which are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. A district school board must by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board must by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (b). If an application is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.

3. For budget projection purposes, the district school board or other sponsor shall report to the department the approval or denial of a charter application within 10 calendar days after such approval or denial. In

the event of approval, the report to the department must include the final projected FTE for the approved charter school.

4. Upon approval of a charter application, the initial startup must commence ~~be consistent~~ with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the school board shall be submitted to the state board within 30 calendar days after notification of the appeal. The state board must by majority vote accept or reject the decision of the district school board no later than 60 calendar days after an appeal is filed in accordance with state board rule. The state board may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the school board's denial of the charter application ~~the school board denial~~. The state board shall remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interests of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district board's action on the state board's recommendation is a final action subject to judicial review.

(d) The Department of Education may provide technical assistance to an applicant upon written request.

(e) Paragraph (a) notwithstanding, a state university may grant a charter to a developmental research school created under s. 228.053. In considering such charter, the state university must consult with the district school board of the county in which the developmental research school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(f) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the charter. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application *and for any dispute relating to the approved charter*, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(g) The sponsor shall monitor and review the charter school in its progress towards the goals established in the charter.

(h) The sponsor shall monitor the revenues and expenditures of the charter school.

(i) A charter school shall be exempt from the sponsor's policies.

(5) *CHARTER SCHOOL COOPERATIVES.*—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide the following services: charter school planning and development, direct instructional services, contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

(6)(5) NUMBER OF SCHOOLS.—

(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) An existing public school which converts to a charter school shall not be counted towards the limit established by paragraph (a).

Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.

(7)(6) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a developmental research school created under s. 228.053 to which a charter has been issued under paragraph (4)(e), the charter school shall be open to any student eligible to attend the developmental research school as provided in s. 228.053 or who resides in the school district in which the charter school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school, to the child of a member of the governing board of the charter school, or to the child of an employee of the charter school.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (22).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (9)(a)8. or any federal provisions which require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. *Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards must be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.*

6. *Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools which has been approved by the sponsor.*

(d) A student may withdraw from a charter school at any time and enroll in another public school as determined by school board policy.

(e) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(f) *The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.*

(8)(7) LEGAL ENTITY.—A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(9)(8) REQUIREMENTS.—

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (6).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (9).

(d) A charter school shall not charge tuition or fees, except those fees normally charged by other public schools. However, a developmental research school to which a charter has been issued pursuant to paragraph (4)(e) may charge a student activity and service fee as authorized by s. 228.053(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 228.2001.

(g) A charter school shall be subject to an annual financial audit in a manner similar to that of a school district.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or-

2. *At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.*

Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 236.02(1). Charter schools which are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent, but must reformat this information for reporting according to this paragraph.

(j) *The governing board of the charter school shall annually adopt and maintain an operating budget.*

(10)(9) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed, *and identification and acquisition of appropriate technologies needed to improve educational and administrative performance. This must include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.*

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. This section shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

d. *The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.*

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. *Included in the methods is a means for ensuring accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs.* Students in charter schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services *and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included.* Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. *A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.*

11. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the local school board. A developmental research school is eligible for a charter for a term of up to 15 years issued by a state university pursuant to paragraph (4)(e). In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the local school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (10).

12. The facilities to be used and their location.

13. The qualifications to be required of the teachers *and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.*

14. The governance structure of the school, including the status of the charter school as a public or private employer as required in subsection (7).

15. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

16. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or school board policy in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a developmental research school to which a charter has been issued pursuant to paragraph (4)(e), except as authorized by the employment policies of the state university which grants the charter to the developmental research school.

(b) A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for non-renewal established by paragraph (10)(a) have been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the agreement.

(d) The governing body of the charter school shall *exercise continuing oversight over charter school operations and make annual progress reports to its sponsor, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:*

1. The charter school's progress towards achieving the goals outlined in its charter.

2. The information required in the annual school report pursuant to s. 229.592.

3. Financial records of the charter school, including revenues and expenditures.

4. Salary and benefit levels of charter school employees.

(e) A sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 229.591.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the state assessment program, versus comparable public school students in the district as determined by the state assessment program currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

(g) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications will then be designated as one charter for all purposes listed pursuant to this section.

~~(11)~~ (10) CAUSES FOR NONRENEWAL OR TERMINATION.—

(a) At the end of the term of a charter, the sponsor may choose not to renew the charter for any of the following grounds:

1. Failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management.
3. Violation of law.
4. Other good cause shown.

(b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).

(c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (4).

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. *The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (4).*

(e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds from the charter school shall revert to the district school board. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances.

(f) If a charter is not renewed or is terminated, the ~~charter school governing body of the school~~ is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

(g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

~~(12)~~ (11) EXEMPTION FROM STATUTES.—A charter school shall operate in accordance with its charter and shall be exempt from all statutes of the Florida School Code, except those specifically applying to charter schools; those pertaining to the provision of services to students with disabilities; those pertaining to civil rights, including s. 228.2001, relating to discrimination; and those pertaining to student health, safety, and welfare; or as otherwise required by this section. A charter school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties. *The charter school's governing board sponsor, upon request of a charter school, may apply to the Commissioner of Education for a waiver of provisions of chapters 230-239 which are applicable to charter schools under this section, except that the provisions of chapter 236 or chapter 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The Commissioner of Education must confirm receipt of a waiver request from a charter school by providing a copy of the request to the sponsor. The commissioner may grant the waiver if necessary to implement the school program and shall provide notice of the final dispensation of the waiver request to the charter school governing board and the charter school's sponsor.*

~~(13)~~ (12) EMPLOYEES OF CHARTER SCHOOLS.—

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a school board from approving alternative leave arrangements consistent with chapter 231.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 231. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 231, and as provided by State Board of Education rule for charter school governing boards. A charter school may not knowingly employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g) A charter school shall employ or contract with employees who have been fingerprinted as provided in s. 231.02. Members of the governing board of the charter school shall also be fingerprinted in a manner similar to that provided in s. 231.02.

~~(14)~~ (13) REVENUE.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a chartered developmental research school shall be as provided in s. 228.053(9).

(a) Each charter school shall report its student enrollment to the district school board as required in s. 236.081, and in accordance with the definitions in s. 236.013. The district school board shall include each charter school's enrollment in the district's report of student enrollment. *All charter schools submitting student record information required by the Department of Education shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.*

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school will be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of chapter 234. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(e) Any administrative fee charged by the school district relating to a charter school shall be limited to 5 percent of the available funds as defined in paragraph (b) *not including capital outlay funds, federal and state grants, or any other funds unless explicitly provided by law.* The sponsor shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration, test administration, processing of teacher certificate data, and information services.

(f) School boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

(g) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property

from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. *The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.*

(h) If other goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(15)(14) IMMUNITY.—For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.

(16)(15) LENGTH OF SCHOOL YEAR.—A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(17)(16) FACILITIES.—

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (9), shall be exempt from ad valorem taxes pursuant to s. 196.1983.

(c) After January 1, 2001, charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.

(18)(17) INITIAL COSTS.—A sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

(19)(18) INFORMATION.—The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (9). This application format may be used by chartering entities.

(20)(19) GENERAL AUTHORITY.—A charter school shall not levy taxes or issue bonds secured by tax revenues.

(21)(20) REVIEW.—

(a) The Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.

(b) The Legislature shall review the operation of charter schools during the 2005 Regular Session of the Legislature.

(22)(21) RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

(23)(22) CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS IN-A-MUNICIPALITY.—

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, to encourage developers of residential and other projects to provide school infrastructure concurrent with school impacts, to promote and encourage local communities to participate in and advance the cause of neighborhood schools, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery which involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(d) As used in this subsection, the terms “business partner,” “employer,” “developer,” or “municipality” may include more than one business, employer, developer, or municipality to form a charter school-in-the-workplace, charter school-in-a-development, or charter school-in-a-municipality.

Section 13. Subsection (1) of section 228.0561, Florida Statutes, is amended to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school’s sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school’s sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school’s projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade

level, which shall be calculated by averaging the results of the second and third enrollment surveys. The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school’s actual student enrollment as reflected in the second and third enrollment surveys. ~~Sixty percent of the funds shall be distributed after the second enrollment survey, and the balance shall be distributed after the third enrollment survey. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school’s actual student enrollment.~~ The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Section 14. Paragraph (d) is added to subsection (3) of section 232.425, Florida Statutes, to read:

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

(3)

(d) An individual charter school student pursuant to s. 228.056 is eligible to participate at the public school to which the student would be assigned according to district school attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student’s charter school, if the following conditions are met:

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

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

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

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

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

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

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 19, line 24, after the second semicolon (;) insert: amending s. 159.27, F.S.; redefining the term “educational facility” for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board’s ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; permitting

a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 269** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Latvala	Rossin
Brown-Waite	Diaz de la Portilla	Laurent	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Garcia	Meek	Sebesta
Carlton	Geller	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—1

Holzendorf

Vote after roll call:

Yea—Lawson

CS for SB 910—A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator King, **CS for SB 910** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	King	Posey
Bronson	Dawson	Klein	Pruitt
Brown-Waite	Diaz de la Portilla	Latvala	Sanderson
Burt	Dyer	Laurent	Saunders
Campbell	Garcia	Lee	Sebesta
Carlton	Geller	Meek	Silver
Clary	Holzendorf	Miller	Sullivan
Constantine	Horne	Mitchell	Villalobos
Cowin	Jones	Peaden	Wasserman Schultz

Nays—None

Vote after roll call:

Yea—Lawson, Webster

On motion by Senator Sanderson, by two-thirds vote **CS for HB 19** was withdrawn from the Committees on Comprehensive Planning, Local

and Military Affairs; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 19—A bill to be entitled An act relating to housing; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the maximum amount of revenue bonds that may be issued by the Florida Housing Finance Corporation under said program; amending s. 420.5088, F.S.; revising eligibility requirements for certain loans under the Florida Homeownership Assistance Program; amending s. 420.503, F.S.; revising the definitions of "elderly" and "housing for the elderly" under the Florida Housing Finance Corporation Act; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from the Fair Housing Act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 294** and read the second time by title. On motion by Senator Sanderson, by two-thirds vote **CS for HB 19** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 348—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a condominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising

language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing effective dates.

—as amended May 3 was read the third time by title.

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

Amendment 1 (285314)(with title amendment)—On page 53, between lines 15 and 16, insert:

Section 30. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) “*Concessionaire*” means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) “*Second*” or “*cornerman*” means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 31. Section 548.015, Florida Statutes, is created to read:

548.015 *Concessionaires; security.*—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 32. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; powers; organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) *Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;*

(c) *Requirements regarding a participant’s apparel, bandages, hand-wraps, gloves, mouthpiece, and appearance during a match;*

(d) *Requirements relating to a manager’s participation, presence, and conduct during a match;*

(e) *Duties and responsibilities of all licensees under this chapter;*

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) *Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;*

(i) *Designation and duties of a knockdown timekeeper; and*

(j) *Setting fee and reimbursement schedules for referees and other officials appointed by the commission or the representative of the commission.*

Section 33. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 34. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire*, or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)(1) Be in writing on a form supplied by the commission which shall contain the applicant’s social security number.

(b)(2) Be verified by the applicant.

(c)(3) Be complete and have attached to the application any photographs and other exhibits required.

(2)(4) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) *Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misde-*

meanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 36. Section 548.024, Florida Statutes, is created to read:

548.024 *Background investigation of applicants for licensure.—*

(1) *The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.*

(2) *If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.*

Section 37. Section 548.028, Florida Statutes, is amended to read:

548.028 *Refusal to issue license.—*The commission shall not issue a license to:

(1) *Any person or business entity that ~~who in any jurisdiction~~ has been convicted of any act, or who has a trustee, partner, officer, director, or owner that has been convicted of any act, which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or*

(2) *Any person or business entity that ~~who~~ has been named in any an information or indictment, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment, for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.*

Section 38. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 *Age, condition, and suspension of boxers.—*

(1) *A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:*

(a) *Is under the age of 18;*

(b) *Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or*

(c) *Does not meet certain health and medical examination conditions as required by rule of the commission.*

(2)(a) *A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.*

(b) *A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.*

(c) *Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.*

(d) *Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.*

(e) *The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.*

Section 39. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 *Weights and classes, limitations; gloves.—*

(4) *Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.*

Section 40. Section 548.046, Florida Statutes, is amended to read:

548.046 *Physician's attendance at match; examinations; cancellation of match.—*

(1) *The commission, or the commission representative, shall assign to each match at least one a physician who shall observe the physical condition of the participants and advise the commissioner or commission representative deputy in charge and the referee of the participants' conditions before, and during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. The physician shall be considered an agent of the commission in deter-*

mining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(2)(a) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) *The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.*

(3)(a) *In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.*

(b) *The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.*

(c) *Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.*

(4) *The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.*

Section 41. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than \$20,000 ~~\$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in

matches. The insured shall be the beneficiary of such policies. *Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.*

(2) The commission may also require participants to be covered by not less than \$20,000 ~~\$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 42. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) ~~The commission shall adopt rules governing the form and content of contracts executed in this state between managers between promoters, foreign copromoters, and professionals. All such contracts shall be in writing and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.~~

Section 43. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of Referee and judges; attendance at match; scoring; seconds.—~~

(6) *No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.*

(7) *No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.*

(8) *Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.*

(9) *The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.*

(10) *The judges shall be located in seats designated for them by the commission representative.*

(11) *In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.*

Section 44. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) *Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.*

(3) *A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.*

(4) *Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.*

Section 45. Section 548.074, Florida Statutes, is amended to read:

548.074 *Power to administer oaths, take depositions, and issue subpoenas.*—*For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569. In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.*

Section 46. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines; citations.—

(1) The commission may impose a fine of not more than \$5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 47. Section 548.045, Florida Statutes, is repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 18, after the semicolon (;) insert: amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s.

548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council;

Senator Campbell moved the following amendment:

Amendment 2 (493372)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board of *Barbering and Cosmetology*, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6.—Board of Cosmetology, created under chapter 477.~~

6.7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.8. Board of Employee Leasing Companies, created under part XI of chapter 468.

8.9. Board of Funeral Directors and Embalmers, created under chapter 470.

9.10. Board of Landscape Architecture, created under part II of chapter 481.

~~10.11.~~ Board of Pilot Commissioners, created under chapter 310.

~~11.12.~~ Board of Professional Engineers, created under chapter 471.

~~12.13.~~ Board of Professional Geologists, created under chapter 492.

~~13.14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

~~14.15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more than seven members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with seven or fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter Sections 326.001-326.006 may be cited as the "Yacht and Ship Brokers' Act."*

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter ss. 326.001-326.006*, the term:

(1) “Broker” means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) “Department” “Division” means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

(3) “Salesperson” means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) “Yacht” means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) “Person” means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The ~~department division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter ss. 326.001-326.006*.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer this chapter* implement ~~ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter ss. 326.001-326.006* against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers’ Act. The ~~department division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The ~~department division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed \$500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the ~~department division~~ in *this chapter ss. 326.001-326.006*.

(6) The ~~department division~~ may deny a license or license renewal to any applicant who does not:

(a) Furnish proof satisfactory to the ~~department division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers’ Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the ~~department division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of \$25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the ~~department division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers’ Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the ~~department division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter ss. 326.001-326.006*. When the ~~department division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers’ Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the ~~department division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson’s license or its renewal must deposit with the ~~department division~~ a bond or equivalent securities in the sum of \$10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter ss. 326.001-326.006* which results in any action being commenced on the bond or letter of credit, the ~~department division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers’ Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the ~~department division~~ that it is no longer the surety for a licensee, the ~~department division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee’s principal office. Upon the termination of such surety the licensee’s license is automatically suspended until he or she files a new bond with the ~~department division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license

must be maintained for each branch office. The ~~department division~~ shall establish by rule a fee not to exceed \$100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the ~~department division~~ for cancellation.

(15) The ~~department division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement and the Federal Bureau of Investigation conduct ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of ~~department division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The ~~department may division~~ has the power to enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the ~~department division~~ has the following powers and duties:

(a) The ~~department division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The ~~department division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the ~~department division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the ~~secretary of the department division director~~ or any officer or employee designated by the ~~secretary division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the ~~department investigating officer~~ and upon reasonable notice to all persons affected thereby, the ~~department division~~ may apply to the circuit court for an order compelling compliance, may impose a civil penalty, and may suspend or revoke the licensee's license.

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the ~~department division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the ~~department division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The ~~department division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The ~~department division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the ~~department division~~ will carry out the purposes of this chapter.

3. The ~~department division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The ~~department division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All amounts collected must be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the ~~department division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the ~~department division~~ must be brought in the county in which the ~~department division~~ has its executive offices or in the county where the violation occurred.

(e) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. Engages in acts that are evidence of a lack of good moral character.

10. Is convicted of a felony.

(f) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. Had a license or registration revoked, suspended, or sanctioned in another state.

(3) All fees must be deposited in the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~ as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such*

regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~ A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for routine inspection.

(2) The division may ~~shall~~ employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must

forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) *Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.*

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) "Registration" "License" means a *registration license* issued by the department of Business and Professional Regulation to carry on the business of a talent agency under this part.

(11) "Registrant" "Licensee" means a talent agency *that* which holds a valid unrevoked and unforfeited *registration license* issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 *Operation of a talent agency Duties of the department; authority to issue and revoke license; adoption of rules.—*

(1) *It is unlawful to have* ~~The department may take any one or more of the actions specified in subsection (5) against any person who has:~~

(a) Obtained or attempted to obtain a *registration* ~~any~~ license by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of *nolo contendere* to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection *as required by* ~~to the department or any authorized agent thereof acting within its jurisdiction or by authority of law.~~

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department.~~

(i) Had a license *or registration* to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license *or registration* for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the *registrant* ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the *registrant's* ~~licensee's~~ capacity as a *registered* ~~licensed~~ talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the *registration license*.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent *registration license*.

(o) Permitted, aided, assisted, procured, or advised any ~~unlicensed~~ person to operate a talent agency contrary to this part or *other law* ~~to a rule of the department.~~

(p) Failed to perform any statutory or legal obligation placed on a ~~licensed~~ talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the *registrant* ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with another ~~licensee~~ or with any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* ~~licensee~~ from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* ~~licensee~~ or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

~~(2)(3)~~ The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer* ~~implement the provisions of~~ this part.

~~(3)(4)~~ A revoked or suspended *registration license* must be returned to the department within 7 days after the time for appeal has elapsed.

~~(4)(5)~~ Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department *may take the following actions:*

(a) Deny an application for *registration* ~~license~~ as a talent agency.

(b) ~~Permanently~~ Revoke or suspend the *registration license* of a talent agency.

~~(c)~~ Impose an administrative fine, not to exceed \$5,000, for each ~~count or separate offense.~~

~~(d)~~ Require restitution.

~~(e)~~ Issue a public reprimand.

~~(f)~~ Place the licensee on probation, subject to such conditions as the department *may specify.*

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

~~(5)(7)~~ The department may deny a *registration license* if any owner or operator listed on the application has been associated with a talent agency whose *registration license* has been revoked or otherwise disciplined.

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration License* requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first *registers with* ~~procures a license for the talent agency from~~ the department. However, a *registration license* is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a *registration license* must be accompanied by an application fee set by the department not to exceed \$300, ~~plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant.~~ Each application for a change of

operator must be accompanied by an application fee of \$150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

(3)(4) Each application must include:

(a) The name and address of the owner of the talent agency.

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

(b)(e) The street and number of the building or place where the talent agency is to be located.

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

(4)(6) If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.

(5)(7) If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or *registrant's* licensee's office.

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

(6)(9) If any information in the application supplied to the department by the applicant or *registrant* licensee changes in any manner whatsoever, the applicant or *registrant* licensee shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or *registrant* licensee.

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration License*; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial *registration* licensing, renewal of *registration* license, and reinstatement of *registration* license, none of which fees shall exceed \$400. The department may by rule establish a delinquency fee of no more than \$50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the *registering* regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency *registration* license has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The *registrant's* licensee's good standing under this part

shall be contingent upon the department's approval of any such new owner or operator.

(3) No *registration* license shall be valid to protect any business transacted under any name other than that designated on in the *registration* license, unless consent is first obtained from the department, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department, and unless the *registration* license is returned to the department for the recording thereon of such changes. A charge of \$25 shall be made by the department for the recording of authorization for each change of name or change of location.

(4) No *registration* license issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* applicant for a license shall maintain and provide to its artists or potential clients file with the application an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by notifying its artists filing with the department an amended or supplemental schedule at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration License*; content; posting.—

(1) The talent agency *registration* license shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* license, the full names and titles of the owner and the operator, and the number of the *registration* license.

(2) The talent agency *registration* license shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* licensee desires to cancel his or her *registration* license, he or she must notify the department and forthwith return to the department the *registration* license so canceled. No *registration* license fee may be refunded upon cancellation of the *registration* license.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered* with regulated by the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency requirements regulations.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; *and*

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto; ~~and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)(4) Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part ~~and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part.~~ The department shall furnish to talent agencies printed copies of any statute ~~or rule~~ required to be posted under this subsection.

(4)(5) No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(5)(6) No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the *registered* licensed name, department *registration* license number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(6)(7) No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.

(7)(8) No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(8)(9) If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.

(9)(10) Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* ~~Legal requirements~~; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with* ~~procuring a license from~~ the department.

(b) Obtaining or attempting to obtain a *registration* license by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration* license, ~~unless written notification is given to the department and to the surety or sureties on the original bond, and unless the registration license is returned to the department for the recording thereon of such changes.~~

(b) Assigning or attempting to assign a *registration* license issued under this part.

(c) Failing to show on a *registration* license application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* ~~regulated by~~ the department, ~~and which lists the address and telephone number of the department.~~

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or subsection (2)*, suspend or revoke the *registration* license of any *person* ~~licensee~~ under this part who has been found guilty of any violation of *subsection (1) or misdemeanor listed in subsection (2)*.

(4) ~~If a~~ ~~In the event the department or any state attorney finds~~ ~~shall have~~ probable cause to believe that a talent agency or other person has violated any provision of *subsection (1) or subsection (2)*, an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may *permanently prohibit a person from operating or working for a talent agency* ~~assess a penalty against any talent agency or any person in an amount not to exceed \$1,000.~~

(5) *Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed \$5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.*

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~finer, fees, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the

operation of a talent agency. If any agent, owner, or operator of a ~~registered licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency ~~registration license~~ shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future ~~registration licensure~~ as owner or operator of a Florida talent agency.

Section 22. Sections 468.405 and 468.408, Florida Statutes, are repealed.

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)1. A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. *Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.*

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, ~~the forms a form~~ of seals seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain ~~at least one an impression-type metal~~ seal in the form ~~approved by board rule aforesaid~~ and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final

drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in ~~this chapter ss. 472.001-472.041.~~

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 ~~Exemptions Persons not affected by ss. 472.001-472.041.— This chapter does Sections 472.001-472.041 do not apply to:~~

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under ~~this chapter the provisions of ss. 472.001-472.041.~~

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)(~~a~~) and (~~b~~).

(5)(a) *Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

(b) *Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.*

(c) *Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in ~~this chapter ss. 472.001-472.041:~~

(1) "Board" means the Board of Professional Surveyors and Mappers.

(2) “Department” means the Department of Business and Professional Regulation.

(3) “Surveyor and mapper” includes the term “professional surveyor and mapper” and means a person who is registered to engage in the practice of surveying and mapping under ~~this chapter ss. 472.001-472.041~~. For the purposes of this subsection ~~statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) “Practice of surveying and mapping” means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ “Surveyor and mapper intern” includes ~~the term~~ “surveyor-mapper-in-training” and means a person who complies with the requirements of ~~this chapter provided by ss. 472.001-472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ “Responsible charge” means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scribe, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ “License” means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) “Photogrammetric mapper” means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) “Employee” means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers’ compensation, all as prescribed by law.

(10) “Subordinate” means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) “Monument” means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) “Legal entity” means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and record-keeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ~~this chapter ss. 472.001-472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of ~~this chapter ss. 472.001-472.041~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under ~~this chapter ss. 472.001-472.041~~ as agents, employees, officers, or partners, is permitted subject to the provisions of ~~this chapter ss. 472.001-472.041~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by ~~this chapter ss. 472.001-472.041~~, and, further, provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of ~~this chapter ss. 472.001-472.041~~.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 Authorization ~~Surveyors and mappers authorized~~ to enter lands of third parties; ~~under certain conditions~~.—Surveyors and mappers and their subordinates may go on, over, and upon the lands of others when necessary to make surveys and maps or to search for, uncover, locate, or set monuments, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their subordinates and duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.; However, this section does not

give authority to registrants, *subordinates*, agents, or employees to destroy, injure, damage, or otherwise move any physical improvements ~~anything~~ on lands of another without the written permission of the landowner. No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers, and surveyors and mappers, and other persons authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered under this chapter pursuant to ss. ~~472.001-472.041~~;

(b) Use the name or title "registered surveyor and mapper" when such person has not registered under this chapter pursuant to ss. ~~472.001-472.041~~;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of chapter ss. ~~472.001-472.041~~.—

(1) Nothing contained in this chapter ss. ~~472.001-472.041~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of this chapter ss. ~~472.001-472.041~~.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of this chapter ss. ~~472.001-472.041~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in this chapter ss. ~~472.001-472.041~~.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—This chapter *æ*t may be cited as the "Barbers' Act."

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this chapter *æ*t:

(1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board of Barbering and Cosmetology.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board of Barbering and Cosmetology.—

(1) There is created within the department the ~~Barbers'~~ Board of Barbering and Cosmetology, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) ~~Two~~ Five members of the board must ~~shall~~ be licensed barbers who have practiced the occupation of barbering in this state for at least 5 years. Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years. The remaining member must ~~two~~ members of the board shall be a resident citizens of the state who is ~~are~~ not presently a licensed barber or cosmetologist barbers. No person may ~~shall~~ be appointed to the board who is in any way connected with the manufacture, rental, or wholesale distribution of barber or cosmetology equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person may ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive \$50 per day, up to a maximum of \$2,000 per year, for time spent on board business, plus per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)(6) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as ~~may~~ be necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this *chapter* ~~act~~. Such personnel need not be licensed barbers or *cosmetologists* and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

(3) ~~The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)(4) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 ~~necessary to administer~~ ~~implement the provisions of~~ this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this *chapter* ~~act~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this *chapter* ~~act~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this *chapter* ~~act~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this *chapter* ~~act~~ by the department.

(b) Engage in willful or repeated violations of this *chapter* ~~act~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this *chapter* ~~act~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this *chapter* ~~act~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) “Board” means the Board of *Barbering and Cosmetology*.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers’ Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers’ Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers’ Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers’ compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) ~~The board shall by rule establish criteria for the approval of continuing education courses and providers. The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.~~

(d) *The board shall approve all continuing education courses and providers as set forth in this subsection. The board may not approve any course which does not substantially and exclusively relate to the practice of cosmetology and serve to ensure the protection of the public. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the department.*

(e) *Correspondence courses may be approved if offered by a provider approved by the board under paragraph (d) and meet all relevant course*

criteria established by the board. Correspondence courses must include a written post course examination developed and graded by the course provider which demonstrates the licensee's understanding of the subject matter taught by the course. The board may, by rule, set the minimum allowed passing score for such examinations.

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed \$50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed \$50.

(d) For specialists, fees for application and endorsement registration shall not exceed \$30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b) ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, ~~including those schools and colleges accredited by the National Architectural Accreditation Board;~~ and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) *Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney's fees.*

(b) *For purposes of this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.*

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of ~~16~~ 18 members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) *Notwithstanding the provisions of s. 20.165(6), one is a Two are consumer member members who is are not, and has have never been, a member members or practitioner practitioners of a profession regulated by the board or a member members of any closely related profession; and*

(k) *One is a Two are building official officials of a municipality or county.*

(l) *On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.*

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j); and one of the member members appointed pursuant to paragraph (2)(k).~~ Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; ~~and one of the member members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k).~~ Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 Temporary certificate or registration.—The department may issue a temporary certificate or registration to any applicant who has submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. ~~Contractors defined in s. 489.105(3)(a)-(c) Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) *or holds a valid registered local specialty license which substantially corresponds to a type of specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).*

Section 60. Subsection (6) of section 489.507, Florida Statutes, is repealed.

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by \$25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and applying for certification* who:

(a) meets the requirements for certification ~~as set forth~~ in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; ~~or~~

~~(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.*

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) "Division" means the Division of ~~Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund.—

~~(1) There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

(2) All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219.~~ The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to each category of business covered by this trust fund. ~~The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the division. This subsection shall operate pursuant to the provisions of s. 215.20.~~

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to \$10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.~~ No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Division of ~~Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) “Division” means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the developer. If the developer cannot be located, the clerk shall disburse the money to the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ for deposit in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.~~

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation~~; mandatory nonbinding arbitration *and mediation*; *local resolution*; *exemptions*; legislative findings.—

(1) ~~APPLICABILITY DEFINITIONS.—~~

~~(a) The provisions of subsection (3) apply to As used in this section, the term “dispute” means any disagreement between two or more parties that involves:~~

~~(a) The authority of the board of directors, under this chapter or association document to:~~

~~1. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto.~~

~~2. Alter or add to a common area or element.~~

~~(b) the failure of a governing body, when required by this chapter or an association document, to:~~

~~1. properly conduct elections or to recall a board member.~~

~~(b) The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:~~

~~1. The authority of the board of directors, under this chapter or an association document, to:~~

~~a. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto; or~~

~~b. Alter or add to a common area or element.~~

~~2. The failure of a governing body, when required by this chapter or an association document, to:~~

~~a.2. Give adequate notice of meetings or other actions;~~

~~b.3. Properly conduct meetings; or-~~

~~c.4. Allow inspection of books and records.~~

~~“Dispute” does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

~~(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.~~

~~(2)(3) LEGISLATIVE FINDINGS.—~~

~~(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who~~

must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)(4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall ~~provide employ full-time attorneys to act as arbitrators to conduct the arbitration hearings as required provided by this chapter. The department may employ attorneys to act as arbitrators, and the division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter section.~~ No person may be employed by the department as ~~a full-time arbitrator unless he or she is a member in good standing of The Florida Bar.~~ The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of \$50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;
2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and
3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly

contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) ~~The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose. Upon referral of a case to mediation, or the parties may agree on~~ ~~must select~~ a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator ~~or the division~~, the arbitrator ~~or the division~~ shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator ~~or the division may~~ ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. ~~The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases.~~ The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. ~~If the case was referred to mediation by an arbitrator and the mediator declares an impasse after a mediation conference ends in an impasse has been held,~~ the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. ~~If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.~~ The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* and Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) *In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.*

(4) **EXEMPTIONS.**—*A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:*

- (a) *Title to any unit or common element;*
- (b) *The interpretation or enforcement of any warranty;*
- (c) *The levy of a fee or assessment or the collection of an assessment levied against a party;*
- (d) *The eviction or other removal of a tenant from a unit;*
- (e) *Alleged breaches of fiduciary duty by one or more directors; or*
- (f) *Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.*

(5) **DISPUTES INVOLVING ELECTION IRREGULARITIES.**—*Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.*

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and \$440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.—

(1) The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules ~~adopted~~ promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the

basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of \$4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~ as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for

recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

- (1) The front cover or the first page must contain only:
 - (a) The name of the condominium.
 - (b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

- (3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

- (a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold

interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: **THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM.** There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. **MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or**

2. **UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or**

3. **UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or**

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: **THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES.** Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or**

2. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.**

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: **RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S).** Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: **THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.**

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: **THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER).** Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: **THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD.** Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: **THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED.** Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: **THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM.** Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from

the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used facilities.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.
 - i. Other expenses.
 - j. Operating capital.
 - k. Reserves.

1. Fees payable to the division.

2. Expenses for a unit owner:

- a. Rent for the unit, if subject to a lease.

- b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

- (a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.
- (b) The articles of incorporation creating the association.
- (c) The bylaws of the association.
- (d) The ground lease or other underlying lease of the condominium.
- (e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.
- (f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.
- (g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.
- (h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.
- (i) The lease of facilities used by owners and others.
- (j) The form of unit lease, if the offer is of a leasehold.
- (k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.
- (l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.
- (m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.
- (n) The form of agreement for sale or lease of units.
- (o) A copy of the agreement for escrow of payments made to the developer prior to closing.
- (p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of

Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—

(1) *There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the administration and operation of this chapter and chapters 719, 721, and 723 by the division.*

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund created by s. 718.509 ~~498.019~~. *The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.*

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including

extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer) .

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes, (Tallahassee address and telephone number of division) .

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) "Division" means the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—~~The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall provide for alternative dispute resolution in accordance with s. 718.1255.~~

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.—

(1) The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules ~~adopted~~ promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence,

description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become

effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of \$4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the cooperative.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CO-OPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the devel-

oper is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property

that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

- (a) The information required by s. 719.616.
- (b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

- (a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.
- (b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used areas.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.
 - i. Other expenses.

- j. Operating capital.
- k. Reserves.
 1. Fee payable to the division.
 2. Expenses for a unit owner:
 - a. Rent for the unit, if subject to a lease.
 - b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

- (a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.
- (b) The articles of incorporation creating the association.
- (c) The bylaws of the association.
- (d) The ground lease or other underlying lease of the cooperative.
- (e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.
- (f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.
- (g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.
- (h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.
- (i) The lease of facilities used by owners and others.
- (j) The form of unit lease, if the offer is of a leasehold.
- (k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.
 - (l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.
 - (m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.
 - (n) The form of agreement for sale or lease of units.
 - (o) A copy of the agreement for escrow of payments made to the developer prior to closing.
 - (p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without

amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes, (Tallahassee address and telephone number of division).

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) "Division" means the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser's last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent's attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser's timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent's delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and managing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—All funds collected by the division and

any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund created by s. 718.509 ~~498.019~~.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, not to exceed \$50,000 annually, to support the projects and proposals undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the "McAllister Act" in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, *former* Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) "Registered agent" means an agent duly appointed by the obligor under s. 721.84 for the purpose of accepting all notices and service of process under this part for the obligor. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)1. A successor registered agent is appointed by the resigning registered agent and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1); or-

2. *The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien; and*

(c)1. *If a successor registered agent is appointed under subparagraph (b)1., copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected*

obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders; or-

2. *If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.*

(6) *If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.*

(7) *If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.*

(8) *If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.*

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term "division" means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.~~

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.~~—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~ created by s. ~~718.509 498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

- (a) The name and address of the condemning authority.
- (b) A written or visual description of the property.
- (c) The public purpose for which the property is needed.
- (d) The appraisal value of the property.
- (e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.
- (f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund established pursuant to s. ~~718.509~~ ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

- (1) This part does not apply to:
- (a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;
- (b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;
- (c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;
- (d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;
- (e) Persons involved solely in the rental, leasing, or sale of residential property;
- (f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;
- (g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;
- (h) A developer of a timeshare plan or an exchange company approved by the Division of Florida Land Sales, Condominiums, *Timeshare*, and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or
- (i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

- (1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.
- (2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

~~(c)(d)~~ Has completed the application form and remitted an application fee not to exceed \$500, ~~an examination fee not to exceed the actual cost for the examination plus \$500~~; an active licensure fee not to exceed \$2,000, and all other applicable fees provided for in this part or in chapter 455.

~~(d)(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

~~(e)(f)~~ Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of *nolo contendere* for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

~~(g) Has posted with the department a \$15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

- 2. *Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and*
 - 3. *Was signed by the applicant under penalty of perjury.*
- (b) *An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.*

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

- (1) *An agent contract must be in a record, signed, or otherwise authenticated by the parties.*
- (2) *An agent contract must state:*
 - (a) *The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;*
 - (b) *The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;*
 - (c) *A description of any expenses that the student-athlete agrees to reimburse;*
 - (d) *A description of the services to be provided to the student-athlete;*
 - (e) *The duration of the contract; and*
 - (f) *The date of execution.*
- (3) *An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:*

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

- 1. **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;**
- 2. **IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND**
- 3. **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.**

- (4) *An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*
- (5) *The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.*
- (6) *Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.*
- (7) *Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.*
- (8) *A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.*

- (9) *A student-athlete may not waive the right to cancel an agent contract.*
- (10) *If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*

~~(1) An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point bold-faced type:~~

~~“WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS.”~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

~~(11)(6) An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.~~

~~(12)(7) An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.~~

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

- (3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227, and an administrative fine not to exceed \$25,000 for each separate offense. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) *An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:*

1. *Give any materially false or misleading information or make a materially false promise or representation;*

2. *Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or*

3. *Furnish anything of value to any individual other than the student-athlete or another athlete agent.*

(b) *An athlete agent may not intentionally:*

1. *Initiate contact with a student-athlete unless licensed under this part;*

2. *Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;*

3. *Provide materially false or misleading information in an application for licensure;*

4. *Predate or postdate an agent contract;*

5. *Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or*

6. *Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.*

(c) *An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference *or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization* and, because of that penalty, disqualification, ~~or~~ suspension, *or action* the institution:

(a) Loses revenue from media coverage of a sports contest;

(b) Loses the right to grant an athletic scholarship;

(c) Loses the right to recruit an athlete;

(d) Is prohibited from participating in postseason athletic competition;

(e) Forfeits an athletic contest; or

(f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

(a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d) Court costs; and

(e) Reasonable attorney's fees.

(4) *A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.*

(5) *Any liability of the athlete agent or the former student-athlete under this section is several and not joint.*

(6) *This part does not restrict rights, remedies, or defenses of any person under law or equity.*

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) ~~An athlete agent who holds an active license and engages in business as an athlete agent~~ shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least 5 4 years from the date of entry. *These records must include, but shall not be limited to:*

(a) *The name and address of each individual represented by the athlete agent;*

(b) *Any agent contract entered into by the athlete agent; and*

(c) *Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.*

Section 116. Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words “decree of foreclosure” shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word “mortgage” shall mean any written instrument securing the payment of money or advances *and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720*; the word “debt” shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words “foreclosure proceedings” shall embrace every action in the circuit *or county* courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word “property” shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. ~~If a the declaration recorded on or after July 1, 2000, for a condominium operated by a multicondominium association, as originally recorded,~~ fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number

“one” and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration *as originally recorded, or as amended pursuant to the procedures provided therein*, may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted pursuant to the provisions contained therein ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by an owner having exclusive use of the common elements or association property.~~

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, lease, or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, *or contract for the preparation and completion of cause to be prepared and completed by a third party*, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed *by the association or received by the association* from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws*, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$100,000 or more, but less than \$200,000, shall prepare compiled financial statements.
2. An association with total annual revenues of at least \$200,000, but less than \$400,000, shall prepare reviewed financial statements.
3. An association with total annual revenues of \$400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than \$100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;
2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or
3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;
2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or
3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) **OPTIONAL PROVISIONS.**—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein*, may provide for the following:

- (a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.
- (b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.
- (c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multi-condominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is

required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multi-condominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multi-condominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multi-condominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multi-condominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multi-condominium association may include categories of expenses related to the property or common elements within a specific condominium in the multi-condominium if such property or common elements are areas in which all members of the multi-condominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multi-condominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multi-condominium associations.—

(1) An association may operate more than one condominium. *For multi-condominiums created on or after July 1, 2000, if the declaration for each condominium to be operated by that association shall provide provides for participation in a multi-condominium, in conformity with this section, and disclose discloses or describe describes:*

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: **RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.**

(d) The voting rights of the unit owners in the election of directors and in other multi-condominium association affairs when a vote of the

owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multi-condominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, as well as a copy of the question and answer sheet provided for by s. 718.504 and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: **THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND THE QUESTION AND ANSWER SHEET MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or**

2. A clause which states: **THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND QUESTION AND ANSWER SHEET IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, AND RULES, AND QUESTION AND ANSWER SHEET IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.**

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and

file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If a the condominium created on or after July 1, 2000, is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: **THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY BE) OPERATED BY THE SAME ASSOCIATION.** Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "Second" or "cornerman" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 *Concessionaires; security.*—*The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.*

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; powers; organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;

(c) Requirements regarding a participant's apparel, bandages, hand-wraps, gloves, mouthpiece, and appearance during a match;

(d) Requirements relating to a manager's participation, presence, and conduct during a match;

(e) Duties and responsibilities of all licensees under this chapter;

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;

(i) Designation and duties of a knockdown timekeeper; and

(j) Setting fee and reimbursement schedules for referees and other officials appointed by the commission or the representative of the commission.

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire*, or booking agent or representative of a booking agent shall be licensed

before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)(1) Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)(2) Be verified by the applicant.

(c)(3) Be complete and have attached to the application any photographs and other exhibits required.

(2)(4) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) *Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) *The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.*

(2) *If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.*

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—*The commission shall not issue a license to:*

(1) *Any person or business entity that ~~who in any jurisdiction~~ has been convicted of any act, or who has a trustee, partner, officer, director, or owner that has been convicted of any act, which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or*

(2) *Any person or business entity that ~~who~~ has been named in any an information or indictment, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment, for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.*

Section 136. Section 548.041, Florida Statutes, is amended to read:
(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

- (a) Is under the age of 18;
- (b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or
- (c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission, or the commission representative, shall assign to each match at least one a physician who shall observe the physical condition of the participants and advise the commissioner or commission representative ~~deputy~~ in charge and the referee of the participants' conditions before, and during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(2)(a) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is

adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than \$20,000 ~~\$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.

(2) The commission may also require participants to be covered by not less than \$20,000 ~~\$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts executed in this state between managers ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of Referee and judges; attendance at match; scoring; seconds.—~~

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569. ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines; citations.—

(1) The commission may impose a fine of not more than \$5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. Section 548.045, Florida Statutes, is repealed.

Section 146. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may autho-

alize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions, including revenues received from fines collected under s. 455.2177. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 147. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) *Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.*

Section 148. Section 399.001, Florida Statutes, is created to read:

399.001 *Short title and purpose.—This chapter may be cited as the "Elevator Safety Act." The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida Building Code. This chapter establishes the minimum standards for elevator personnel.*

Section 149. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

(1) "Alteration" means any change or addition to the vertical conveyance equipment other than maintenance, repair, or replacement.

(2) "Certificate of competency" means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any vertical conveyance elevator.

(3) "Certificate of operation" means a document issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.

(4) "Conveyance" means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) "Department" means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~

(6) (4) "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) (5) "Elevator" means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

(8) "Escalator" means an installation defined as an escalator in the Florida Building Code.

(9) "Existing installation" means an installation defined as an "installation, existing" in the Florida Building Code.

(10) "Elevator Safety Technical Advisory Committee" means the committee appointed by the Secretary of the Department of Business and Professional Regulation.

(11) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

~~(6) "Elevator company" means any person that constructs, installs, inspects, maintains, or repairs any elevator.~~

(12)(7) "Service maintenance contract" means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests such as on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

(13) "Temporarily dormant conveyance" means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) "Temporary operation permit" means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) "Registered elevator company" means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator

for Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) "Certified elevator technician" means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) "Elevator helper" means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) "Elevator certificate of competency" means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of \$50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder's completion of 8 hours of continuing education and a renewal fee of \$50.

All other building transportation terms are defined in the current Florida Building Code.

Section 150. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The Elevator Safety Technical Advisory Committee ~~division~~ shall develop and submit to the Division of Hotels and Restaurants recommendations regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1. Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

(4)(3) Each elevator shall have a serial number assigned by the department ~~division~~ painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)(4)(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the department ~~division~~. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the department ~~division~~.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the department ~~division~~. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the department ~~division~~ 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the department ~~division~~ requires. The department ~~division~~ shall keep the names of companies with whom the contract exists

confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the ~~department division~~. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The ~~department division~~ shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

~~(6)(5) The department division is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety.~~

~~(7)(6) The Elevator Safety Technical Advisory Committee division shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, ASME A18.1, or other related model codes and amendments thereto, concurrent with the update of the Florida Building Code and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.~~

Section 151. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of conveyances elevators.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permit holder to whom the permit was issued fails or refuses to comply with a stop work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except

those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permit holder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permit holder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permit holder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

(8) (4) Each elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator.

(9) (2) Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(10) (3) When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code or Elevator Safety Code that were in effect at the time of the application for the construction permit for the change in classification.

Section 152. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to \$1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.

(c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) DISCIPLINARY ACTION.—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 153. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division, pursuant to s. 399.13. If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by

a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for a routine inspection.

(2) The division may ~~shall~~ employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 154. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The ~~department division~~ shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The ~~department division~~ shall charge an annual fee for issuance of a certificate of operation in amount to be set by rule. ~~The fee must be set by rule in an amount not to exceed \$100 for an elevator not covered by a service maintenance contract or \$50 for an elevator covered by a service maintenance contract.~~ However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The ~~department division~~ may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the ~~department division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The ~~department division~~ shall charge a fee, set by rule in an amount not greater than \$100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The ~~department division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the ~~department division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 155. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the ~~department division~~ to enforce the provisions of this chapter. The ~~department division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 156. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the ~~department division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the ~~department division~~ the permit or certificate is subject to an administrative fine not greater than \$1,000 ~~\$500~~ in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than \$1,000 ~~\$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the ~~department division~~ in an amount not to exceed \$1,000 ~~\$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 157. Section 399.106, Florida Statutes, is created to read:

399.106 Elevator Safety Technical Advisory Committee.—

(1) The Elevator Safety Technical Advisory Committee is created within the Department of Business and Professional Regulation, Division of Hotels and Restaurants, consisting of seven members to be appointed

by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.

(2) The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.

(3) The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminates December 31, 2003.

(4) The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.

Section 158. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the ~~department division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as ~~credentialed under this chapter a holder of a certificate of competency issued pursuant to s. 399.045~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 159. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents or incidents; penalties.— Within 5 working days after any accident or incident occurring in or upon any elevator, the certificate of operation holder shall report the accident or incident to the division on a form prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder ~~which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident, whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject to an administrative fine, to be imposed by the division, in an amount not to exceed \$1,000~~ \$500.

Section 160. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The ~~department division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the ~~department division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the ~~department division~~; and may include such other provisions as the ~~department division~~ deems necessary.

(2) The ~~department division~~ may make inspections of elevators in such municipality or county for the purpose of determining that the

provisions of this chapter are being met and may cancel the contract with any municipality or county which the ~~department division~~ finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 161. Sections 399.045 and 399.05, Florida Statutes, are repealed.

Section 162. Sections 162-164 of this act may be cited as the "Debbie Wasserman Schultz Act."

Section 163. Greyhound adoptions.—

(1) Each dogracing permitholder operating a dogracing facility in this state shall provide for a greyhound-adoption booth to be located at the facility. The greyhound-adoption booth must be operated on weekends by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to section 550.1647, Florida Statutes. As used in this section, the term "weekend" includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. Information pamphlets and application forms shall be provided to the public upon request. In addition, the kennel operator or owner shall notify the permitholder that a greyhound is available for adoption and the permitholder shall provide information concerning the adoption of a greyhound in each race program and shall post adoption information at conspicuous locations throughout the dogracing facility. Any greyhound that is participating in a race and that will be available for future adoption must be noted in the race program. The permitholder shall allow greyhounds to be walked through the track facility to publicize the greyhound-adoption program.

(2) In addition to the charity days authorized under section 550.0351, Florida Statutes, a greyhound permitholder may fund the greyhound-adoption program by holding a charity racing day designated as "Greyhound Adopt-A-Pet Day." All profits derived from the operation of the charity day must be placed into a fund used to support activities at the racing facility which promote the adoption of greyhounds. The division may adopt rules for administering the fund. Proceeds from the charity day authorized in this subsection may not be used as a source of funds for the purposes set forth in section 550.1647, Florida Statutes.

(3)(a) Upon a violation of this section by a permitholder or licensee, the division may impose a penalty as provided in section 550.0251(10), Florida Statutes, and require the permitholder to take corrective action.

(b) A penalty imposed under section 550.0251(10), Florida Statutes, does not exclude a prosecution for cruelty to animals or for any other criminal act.

Section 164. Section 550.1647, Florida Statutes, is amended to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s. 550.0351, an amount not less than 10 percent of the amount of the credit provided by this section to any bona fide organization that promotes or encourages the adoption of greyhounds. As used in this section, the term "bona fide organization that promotes or encourages the adoption of greyhounds" means any organization that provides evidence of compliance with chapter 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adoptor. The fee for sterilization may be included in the cost of adoption.

Section 165. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction

Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida

State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; providing a title; requiring dogracing permit holders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permit holder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permit holder to hold an additional charity day that is designated as "Greyhound Adopt-A-Pet Day"; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds;

authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term "bona fide organization that promotes or encourages the adoption of greyhounds"; providing effective dates.

Senator Campbell moved the following substitute amendment:

Amendment 3 (723792)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board of *Barbering and Cosmetology*, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6. Board of Cosmetology, created under chapter 477.~~

~~6.7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

~~7.8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

~~8.9.~~ Board of Funeral Directors and Embalmers, created under chapter 470.

~~9.10.~~ Board of Landscape Architecture, created under part II of chapter 481.

~~10.11.~~ Board of Pilot Commissioners, created under chapter 310.

~~11.12.~~ Board of Professional Engineers, created under chapter 471.

~~12.13.~~ Board of Professional Geologists, created under chapter 492.

~~13.14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

~~14.15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more than seven members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with seven or fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—~~This chapter Sections 326.001-326.006 may be cited as the "Yacht and Ship Brokers' Act."~~

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter ss. 326.001-326.006*, the term:

(1) “Broker” means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) “Department” “~~Division~~” means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

(3) “Salesperson” means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) “Yacht” means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) “Person” means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The ~~department division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter ss. 326.001-326.006*.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer this chapter* implement ~~ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter ss. 326.001-326.006* against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers’ Act. The ~~department division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The ~~department division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed \$500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the ~~department division~~ in *this chapter ss. 326.001-326.006*.

(6) The ~~department division~~ may deny a license or license renewal to any applicant who does not:

(a) Furnish proof satisfactory to the ~~department division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers’ Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the ~~department division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of \$25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the ~~department division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers’ Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the ~~department division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter ss. 326.001-326.006*. When the ~~department division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers’ Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the ~~department division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson’s license or its renewal must deposit with the ~~department division~~ a bond or equivalent securities in the sum of \$10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter ss. 326.001-326.006* which results in any action being commenced on the bond or letter of credit, the ~~department division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers’ Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the ~~department division~~ that it is no longer the surety for a licensee, the ~~department division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee’s principal office. Upon the termination of such surety the licensee’s license is automatically suspended until he or she files a new bond with the ~~department division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license

must be maintained for each branch office. The ~~department division~~ shall establish by rule a fee not to exceed \$100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the ~~department division~~ for cancellation.

(15) The ~~department division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement and the Federal Bureau of Investigation conduct ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of ~~department division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The ~~department may division~~ has the power to enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the ~~department division~~ has the following powers and duties:

(a) The ~~department division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The ~~department division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the ~~department division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the ~~secretary of the department division director~~ or any officer or employee designated by the ~~secretary division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the ~~department investigating officer~~ and upon reasonable notice to all persons affected thereby, the ~~department division~~ may apply to the circuit court for an order compelling compliance, ~~may impose a civil penalty, and may suspend or revoke the licensee's license.~~

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the ~~department division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the ~~department division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The ~~department division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The ~~department division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the ~~department division~~ will carry out the purposes of this chapter.

3. The ~~department division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The ~~department division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All amounts collected must be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the ~~department division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the ~~department division~~ must be brought in the county in which the ~~department division~~ has its executive offices or in the county where the violation occurred.

(e) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. *Engages in acts that are evidence of a lack of good moral character.*

10. *Is convicted of a felony.*

(f) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. *Had a license or registration revoked, suspended, or sanctioned in another state.*

(3) All fees must be deposited in the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~ as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such*

regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~ A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for routine inspection.

(2) The division may ~~shall~~ employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must

forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) *Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.*

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) "Registration" "License" means a *registration license* issued by the department of Business and Professional Regulation to carry on the business of a talent agency under this part.

(11) "Registrant" "Licensee" means a talent agency *that which* holds a valid unrevoked and unforfeited *registration license* issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 *Operation of a talent agency Duties of the department; authority to issue and revoke license; adoption of rules.—*

(1) *It is unlawful to have* ~~The department may take any one or more of the actions specified in subsection (5) against any person who has:~~

(a) Obtained or attempted to obtain a *registration* ~~any~~ license by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of *nolo contendere* to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection *as required by* ~~to the department or any authorized agent thereof acting within its jurisdiction or by authority of law.~~

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department.~~

(i) Had a license *or registration* to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license *or registration* for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the *registrant* ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the *registrant's* ~~licensee's~~ capacity as a *registered* ~~licensed~~ talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the *registration* ~~license~~.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent *registration* ~~license~~.

(o) Permitted, aided, assisted, procured, or advised any ~~unlicensed~~ person to operate a talent agency contrary to this part or *other law* ~~to a rule of the department.~~

(p) Failed to perform any statutory or legal obligation placed on a ~~licensed~~ talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the *registrant* ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with another ~~licensee~~ or with any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* ~~licensee~~ from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* ~~licensee~~ or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

~~(2)(3)~~ The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer* ~~implement the provisions of~~ this part.

~~(3)(4)~~ A revoked or suspended *registration* ~~license~~ must be returned to the department within 7 days after the time for appeal has elapsed.

~~(4)(5)~~ Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department *may take the following actions:*

(a) Deny an application for *registration* ~~license~~ as a talent agency.

(b) ~~Permanently~~ Revoke or suspend the *registration* ~~license~~ of a talent agency.

~~(c)~~ Impose an administrative fine, not to exceed \$5,000, for each ~~count or separate offense.~~

~~(d)~~ Require restitution.

~~(e)~~ Issue a public reprimand.

~~(f)~~ Place the licensee on probation, subject to such conditions as the department *may specify.*

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

~~(5)(7)~~ The department may deny a *registration* ~~license~~ if any owner or operator listed on the application has been associated with a talent agency whose *registration* ~~license~~ has been revoked or otherwise disciplined.

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration* ~~License~~ requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first *registers with* ~~procures a license for the talent agency from~~ the department. However, a *registration* ~~license~~ is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a *registration* ~~license~~ must be accompanied by an application fee set by the department not to exceed \$300, ~~plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant.~~ Each application for a change of

operator must be accompanied by an application fee of \$150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

(3)(4) Each application must include:

(a) The name and address of the owner of the talent agency.

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

(b)(e) The street and number of the building or place where the talent agency is to be located.

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

(4)(6) If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.

(5)(7) If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or *registrant's* licensee's office.

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

(6)(9) If any information in the application supplied to the department by the applicant or *registrant* licensee changes in any manner whatsoever, the applicant or *registrant* licensee shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or *registrant* licensee.

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration License*; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial *registration* licensing, renewal of *registration* license, and reinstatement of *registration* license, none of which fees shall exceed \$400. The department may by rule establish a delinquency fee of no more than \$50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the *registering* regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency *registration* license has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The *registrant's* licensee's good standing under this part

shall be contingent upon the department's approval of any such new owner or operator.

~~(3) No *registration* license shall be valid to protect any business transacted under any name other than that designated on in the *registration* license, unless consent is first obtained from the department, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department, and unless the *registration* license is returned to the department for the recording thereon of such changes. A charge of \$25 shall be made by the department for the recording of authorization for each change of name or change of location.~~

(4) No *registration* license issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* applicant for a license shall maintain and provide to its artists or potential clients file with the application an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by notifying its artists filing with the department an amended or supplemental schedule at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration License*; content; posting.—

(1) The talent agency *registration* license shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* license, the full names and titles of the owner and the operator, and the number of the *registration* license.

(2) The talent agency *registration* license shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* licensee desires to cancel his or her *registration* license, he or she must notify the department and forthwith return to the department the *registration* license so canceled. No *registration* license fee may be refunded upon cancellation of the *registration* license.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered with* regulated by the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency requirements regulations.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; *and*

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto; ~~and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)(4) Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part ~~and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part.~~ The department shall furnish to talent agencies printed copies of any statute ~~or rule~~ required to be posted under this subsection.

(4)(5) No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(5)(6) No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the *registered* licensed name, department *registration* license number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(6)(7) No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.

(7)(8) No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(8)(9) If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.

(9)(10) Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* ~~Legal requirements~~; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with* ~~procuring a license from~~ the department.

(b) Obtaining or attempting to obtain a *registration* license by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration* license, ~~unless written notification is given to the department and to the surety or sureties on the original bond, and unless the registration license is returned to the department for the recording thereon of such changes.~~

(b) Assigning or attempting to assign a *registration* license issued under this part.

(c) Failing to show on a *registration* license application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* ~~regulated by~~ the department, ~~and which lists the address and telephone number of the department.~~

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or subsection (2)*, suspend or revoke the *registration* license of any *person* ~~licensee~~ under this part who has been found guilty of any violation of *subsection (1) or misdemeanor listed in subsection (2)*.

(4) ~~If a~~ ~~In the event the department or any state attorney finds~~ ~~shall have~~ probable cause to believe that a talent agency or other person has violated any provision of *subsection (1) or subsection (2)*, an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may *permanently prohibit a person from operating or working for a talent agency* ~~assess a penalty against any talent agency or any person in an amount not to exceed \$1,000.~~

(5) *Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed \$5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.*

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~finer, fees, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the

operation of a talent agency. If any agent, owner, or operator of a ~~registered licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency ~~registration license~~ shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future ~~registration licensure~~ as owner or operator of a Florida talent agency.

Section 22. Sections 468.405 and 468.408, Florida Statutes, are repealed.

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)1. A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. *Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.*

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, ~~the forms a form~~ of seals seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain *at least one an impression-type metal seal in the form approved by board rule aforesaid* and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final

drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in *this chapter ss. 472.001-472.041.*

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 *Exemptions Persons not affected by ss. 472.001-472.041.— This chapter does Sections 472.001-472.041 do not apply to:*

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under *this chapter the provisions of ss. 472.001-472.041.*

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)(~~a~~) and (~~b~~).

(5)(a) *Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

(b) *Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.*

(c) *Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in *this chapter ss. 472.001-472.041:*

(1) "Board" means the Board of Professional Surveyors and Mappers.

(2) “Department” means the Department of Business and Professional Regulation.

(3) “Surveyor and mapper” includes the term “professional surveyor and mapper” and means a person who is registered to engage in the practice of surveying and mapping under ~~this chapter ss. 472.001-472.041~~. For the purposes of this ~~subsection statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) “Practice of surveying and mapping” means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ “Surveyor and mapper intern” includes ~~the term~~ “surveyor-mapper-in-training” and means a person who complies with the requirements of ~~this chapter provided by ss. 472.001-472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ “Responsible charge” means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scribe, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ “License” means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) “Photogrammetric mapper” means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) “Employee” means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers’ compensation, all as prescribed by law.

(10) “Subordinate” means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) “Monument” means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) “Legal entity” means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and record-keeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ~~this chapter ss. 472.001-472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of ~~this chapter ss. 472.001-472.041~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under ~~this chapter ss. 472.001-472.041~~ as agents, employees, officers, or partners, is permitted subject to the provisions of ~~this chapter ss. 472.001-472.041~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by ~~this chapter ss. 472.001-472.041~~, and, further, provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of ~~this chapter ss. 472.001-472.041~~.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 ~~Authorization~~ ~~Surveyors and mappers authorized~~ to enter lands of third parties; ~~under certain conditions~~.—Surveyors and mappers and their subordinates may go on, over, and upon the lands of others when necessary to make surveys and maps or to search for, uncover, locate, or set monuments, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their subordinates and duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.; However, this section does not

give authority to registrants, *subordinates*, agents, or employees to destroy, injure, damage, or otherwise move any physical improvements ~~anything~~ on lands of another without the written permission of the landowner. No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers, and surveyors and mappers, and other persons authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered under this chapter pursuant to ss. ~~472.001-472.041~~;

(b) Use the name or title "registered surveyor and mapper" when such person has not registered under this chapter pursuant to ss. ~~472.001-472.041~~;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of chapter ss. ~~472.001-472.041~~.—

(1) Nothing contained in this chapter ss. ~~472.001-472.041~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of this chapter ss. ~~472.001-472.041~~.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of this chapter ss. ~~472.001-472.041~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in this chapter ss. ~~472.001-472.041~~.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—This chapter ~~act~~ may be cited as the "Barbers' Act."

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this chapter ~~act~~:

(1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board of Barbering and Cosmetology.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board of Barbering and Cosmetology.—

(1) There is created within the department the ~~Barbers'~~ Board of Barbering and Cosmetology, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) ~~Two~~ Five members of the board must ~~shall~~ be licensed barbers who have practiced the occupation of barbering in this state for at least 5 years. Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years. The remaining member must ~~two~~ members of the board shall be a resident citizens of the state who is ~~are~~ not presently a licensed barber or cosmetologist barbers. No person may ~~shall~~ be appointed to the board who is in any way connected with the manufacture, rental, or wholesale distribution of barber or cosmetology equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person may ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive \$50 per day, up to a maximum of \$2,000 per year, for time spent on board business, plus per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)(6) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as ~~may~~ be necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this *chapter* ~~act~~. Such personnel need not be licensed barbers or *cosmetologists* and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

(3) ~~The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)(4) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 ~~necessary to administer~~ ~~implement the provisions of~~ this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this *chapter* ~~act~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this *chapter* ~~act~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this *chapter* ~~act~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this *chapter* ~~act~~ by the department.

(b) Engage in willful or repeated violations of this *chapter* ~~act~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this *chapter* ~~act~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this *chapter* ~~act~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) “Board” means the Board of *Barbering and Cosmetology*.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers’ Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers’ Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers’ Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers’ compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) ~~The board shall by rule establish criteria for the approval of continuing education courses and providers. The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.~~

(d) *The board shall approve all continuing education courses and providers as set forth in this subsection. The board may not approve any course which does not substantially and exclusively relate to the practice of cosmetology and serve to ensure the protection of the public. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the department.*

(e) *Correspondence courses may be approved if offered by a provider approved by the board under paragraph (d) and meet all relevant course*

criteria established by the board. Correspondence courses must include a written post course examination developed and graded by the course provider which demonstrates the licensee's understanding of the subject matter taught by the course. The board may, by rule, set the minimum allowed passing score for such examinations.

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed \$50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed \$50.

(d) For specialists, fees for application and endorsement registration shall not exceed \$30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b) ~~Has successfully completed all architectural curriculum courses required by~~ and is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, ~~including those schools and colleges accredited by the National Architectural Accreditation Board;~~ and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) *Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney's fees.*

(b) *For purposes of this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.*

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of ~~16~~ 18 members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) *Notwithstanding the provisions of s. 20.165(6), one is a Two are consumer member members who is are not, and has have never been, a member members or practitioner practitioners of a profession regulated by the board or a member members of any closely related profession; and*

(k) *One is a Two are building official officials of a municipality or county.*

(l) *On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.*

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j); and one of the member members appointed pursuant to paragraph (2)(k).~~ Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; ~~and one of the member members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k).~~ Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 Temporary certificate or registration.—The department may issue a temporary certificate or registration to any applicant who has submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. ~~Contractors defined in s. 489.105(3)(a)-(c) Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) *or holds a valid registered local specialty license which substantially corresponds to a type of specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).*

Section 60. Subsection (6) of section 489.507, Florida Statutes, is repealed.

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by \$25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and applying for certification* who:

(a) ~~meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521;~~ ~~or~~

(b) ~~Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.*

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) "Division" means the Division of ~~Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.—~~

(1) ~~There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

(2) All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219.~~ The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to each category of business covered by this trust fund. ~~The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the division. This subsection shall operate pursuant to the provisions of s. 215.20.~~

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to \$10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.~~ No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Division of ~~Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) “Division” means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the developer. If the developer cannot be located, the clerk shall disburse the money to the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ for deposit in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.~~

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation~~; mandatory nonbinding arbitration *and mediation*; *local resolution*; *exemptions*; legislative findings.—

(1) ~~APPLICABILITY DEFINITIONS.~~—

(a) ~~The provisions of subsection (3) apply to~~ ~~As used in this section, the term “dispute” means any disagreement between two or more parties that involves:~~

(a) ~~The authority of the board of directors, under this chapter or association document to:~~

1. ~~Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto.~~

2. ~~Alter or add to a common area or element.~~

(b) the failure of a governing body, when required by this chapter or an association document, to:

1. ~~properly conduct elections or to recall a board member.~~

(b) ~~The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:~~

1. ~~The authority of the board of directors, under this chapter or an association document, to:~~

a. ~~Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto; or~~

b. ~~Alter or add to a common area or element.~~

2. ~~The failure of a governing body, when required by this chapter or an association document, to:~~

a.2. ~~Give adequate notice of meetings or other actions;~~

b.3. ~~Properly conduct meetings; or-~~

c.4. ~~Allow inspection of books and records.~~

~~“Dispute” does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

(2) ~~VOLUNTARY MEDIATION.~~—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.

(2)(3) ~~LEGISLATIVE FINDINGS.~~—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who

must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)(4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall ~~provide employ full-time attorneys to act as arbitrators to conduct the arbitration hearings as required provided by this chapter. The department may employ attorneys to act as arbitrators, and the division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter section.~~ No person may be employed by the department as ~~a full-time arbitrator unless he or she is a member in good standing of The Florida Bar.~~ The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of \$50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;
2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and
3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly

contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) ~~The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose. Upon referral of a case to mediation, or the parties may agree on~~ ~~must select~~ a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator ~~or the division~~, the arbitrator ~~or the division~~ shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator ~~or the division may~~ ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. ~~The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases.~~ The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. ~~If the case was referred to mediation by an arbitrator and the mediator declares an impasse after a mediation conference ends in an impasse has been held,~~ the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. ~~If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.~~ The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* and Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) *In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.*

(4) **EXEMPTIONS.**—*A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:*

- (a) *Title to any unit or common element;*
- (b) *The interpretation or enforcement of any warranty;*
- (c) *The levy of a fee or assessment or the collection of an assessment levied against a party;*
- (d) *The eviction or other removal of a tenant from a unit;*
- (e) *Alleged breaches of fiduciary duty by one or more directors; or*
- (f) *Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.*

(5) **DISPUTES INVOLVING ELECTION IRREGULARITIES.**—*Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.*

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and \$440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.—

(1) The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules ~~adopted~~ promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the

basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of \$4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~ as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for

recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

- (1) The front cover or the first page must contain only:
 - (a) The name of the condominium.
 - (b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

- (3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

- (a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold

interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: **THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM.** There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. **MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or**

2. **UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or**

3. **UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or**

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: **THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES.** Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or**

2. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.**

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: **RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S).** Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: **THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.**

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: **THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER).** Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: **THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD.** Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: **THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED.** Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: **THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM.** Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from

the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

1. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

- (a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.
- (b) The articles of incorporation creating the association.
- (c) The bylaws of the association.
- (d) The ground lease or other underlying lease of the condominium.
- (e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.
- (f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.
- (g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.
- (h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.
- (i) The lease of facilities used by owners and others.
- (j) The form of unit lease, if the offer is of a leasehold.
- (k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.
- (l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.
- (m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.
- (n) The form of agreement for sale or lease of units.
- (o) A copy of the agreement for escrow of payments made to the developer prior to closing.
- (p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of

Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—

(1) *There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the administration and operation of this chapter and chapters 719, 721, and 723 by the division.*

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund created by s. 718.509 ~~498.019~~. *The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.*

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including

extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer) .

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes, (Tallahassee address and telephone number of division) .

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) "Division" means the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—~~The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall provide for alternative dispute resolution in accordance with s. 718.1255.~~

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.—

(1) The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules ~~adopted~~ promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence,

description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become

effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of \$4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~ as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the cooperative.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CO-OPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the devel-

oper is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property

that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

- (a) The information required by s. 719.616.
- (b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used areas.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.
 - i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the cooperative.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without

amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes, (Tallahassee address and telephone number of division).

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) "Division" means the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser's last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent's attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser's timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent's delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and managing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—All funds collected by the division and

any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund created by s. 718.509 ~~498.019~~.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, not to exceed \$50,000 annually, to support the projects and proposals undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the "McAllister Act" in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, *former* Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) "Registered agent" means an agent duly appointed by the obligor under s. 721.84 for the purpose of accepting all notices and service of process under this part for the obligor. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)1. A successor registered agent is appointed by the resigning registered agent and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1); or-

2. *The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien; and*

(c)1. *If a successor registered agent is appointed under subparagraph (b)1., copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected*

obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders; or-

2. *If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.*

(6) *If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.*

(7) *If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.*

(8) *If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.*

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term "division" means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.~~

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.~~—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~ created by s. ~~718.509 498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

- (a) The name and address of the condemning authority.
- (b) A written or visual description of the property.
- (c) The public purpose for which the property is needed.
- (d) The appraisal value of the property.
- (e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.
- (f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund established pursuant to s. ~~718.509~~ ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

- (1) This part does not apply to:
- (a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;
- (b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;
- (c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;
- (d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;
- (e) Persons involved solely in the rental, leasing, or sale of residential property;
- (f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;
- (g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;
- (h) A developer of a timeshare plan or an exchange company approved by the Division of Florida Land Sales, Condominiums, Timeshare, and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or
- (i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

- (1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.
- (2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

~~(c)(d)~~ Has completed the application form and remitted an application fee not to exceed \$500, ~~an examination fee not to exceed the actual cost for the examination plus \$500~~; an active licensure fee not to exceed \$2,000, and all other applicable fees provided for in this part or in chapter 455.

~~(d)(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

~~(e)(f)~~ Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

~~(g) Has posted with the department a \$15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

- 2. *Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and*
 - 3. *Was signed by the applicant under penalty of perjury.*
- (b) *An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.*

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

- (1) *An agent contract must be in a record, signed, or otherwise authenticated by the parties.*
- (2) *An agent contract must state:*
 - (a) *The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;*
 - (b) *The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;*
 - (c) *A description of any expenses that the student-athlete agrees to reimburse;*
 - (d) *A description of the services to be provided to the student-athlete;*
 - (e) *The duration of the contract; and*
 - (f) *The date of execution.*
- (3) *An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:*

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

- 1. **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;**
- 2. **IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND**
- 3. **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.**

- (4) *An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*
- (5) *The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.*
- (6) *Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.*
- (7) *Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.*
- (8) *A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.*

- (9) *A student-athlete may not waive the right to cancel an agent contract.*
- (10) *If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.*

~~(1) An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point bold-faced type:~~

~~“WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS.”~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

~~(11)(6) An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.~~

~~(12)(7) An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.~~

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

- (3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227, and an administrative fine not to exceed \$25,000 for each separate offense. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) *An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:*

1. *Give any materially false or misleading information or make a materially false promise or representation;*
2. *Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or*
3. *Furnish anything of value to any individual other than the student-athlete or another athlete agent.*

(b) *An athlete agent may not intentionally:*

1. *Initiate contact with a student-athlete unless licensed under this part;*
2. *Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;*
3. *Provide materially false or misleading information in an application for licensure;*
4. *Predate or postdate an agent contract;*
5. *Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or*
6. *Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.*

(c) *An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference *or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization* and, because of that penalty, disqualification, ~~or~~ suspension, *or action* the institution:

- (a) Loses revenue from media coverage of a sports contest;
- (b) Loses the right to grant an athletic scholarship;
- (c) Loses the right to recruit an athlete;
- (d) Is prohibited from participating in postseason athletic competition;
- (e) Forfeits an athletic contest; or
- (f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

- (a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d) Court costs; and

(e) Reasonable attorney's fees.

(4) *A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.*

(5) *Any liability of the athlete agent or the former student-athlete under this section is several and not joint.*

(6) *This part does not restrict rights, remedies, or defenses of any person under law or equity.*

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) ~~An athlete agent who holds an active license and engages in business as an athlete agent~~ shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least 5 4 years from the date of entry. *These records must include, but shall not be limited to:*

(a) *The name and address of each individual represented by the athlete agent;*

(b) *Any agent contract entered into by the athlete agent; and*

(c) *Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.*

Section 116. Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words “decree of foreclosure” shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word “mortgage” shall mean any written instrument securing the payment of money or advances *and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720*; the word “debt” shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words “foreclosure proceedings” shall embrace every action in the circuit *or county* courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word “property” shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. ~~If a the declaration recorded on or after July 1, 2000, for a condominium operated by a multicondominium association, as originally recorded,~~ fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number

“one” and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration *as originally recorded, or as amended pursuant to the procedures provided therein*, may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted pursuant to the provisions contained therein ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by an owner having exclusive use of the common elements or association property.~~

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, lease, or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, ~~or contract for the preparation and completion of cause to be prepared and completed by a third party~~, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed ~~by the association or received by the association~~ from the third party, ~~but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws~~, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$100,000 or more, but less than \$200,000, shall prepare compiled financial statements.
2. An association with total annual revenues of at least \$200,000, but less than \$400,000, shall prepare reviewed financial statements.
3. An association with total annual revenues of \$400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than \$100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;
2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or
3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;
2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or
3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) **OPTIONAL PROVISIONS.**—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein*, may provide for the following:

- (a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.
- (b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.
- (c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multi-condominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is

required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multi-condominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multi-condominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multi-condominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multi-condominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multi-condominium association may include categories of expenses related to the property or common elements within a specific condominium in the multi-condominium if such property or common elements are areas in which all members of the multi-condominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multi-condominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multi-condominium associations.—

(1) An association may operate more than one condominium. *For multi-condominiums created on or after July 1, 2000, if the declaration for each condominium to be operated by that association shall provide provides for participation in a multi-condominium, in conformity with this section, and disclose discloses or describe describes:*

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: **RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.**

(d) The voting rights of the unit owners in the election of directors and in other multi-condominium association affairs when a vote of the

owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multi-condominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, as well as a copy of the question and answer sheet provided for by s. 718.504 and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: ~~THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND THE QUESTION AND ANSWER SHEET MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or~~

2. A clause which states: ~~THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND QUESTION AND ANSWER SHEET IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, AND RULES, AND QUESTION AND ANSWER SHEET IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.~~

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and

file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If a the condominium created on or after July 1, 2000, is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY BE) OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "Second" or "cornerman" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 *Concessionaires; security.*—*The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.*

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; powers; organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;

(c) Requirements regarding a participant's apparel, bandages, hand-wraps, gloves, mouthpiece, and appearance during a match;

(d) Requirements relating to a manager's participation, presence, and conduct during a match;

(e) Duties and responsibilities of all licensees under this chapter;

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;

(i) Designation and duties of a knockdown timekeeper; and

(j) Setting fee and reimbursement schedules for referees and other officials appointed by the commission or the representative of the commission.

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire*, or booking agent or representative of a booking agent shall be licensed

before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)(1) Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)(2) Be verified by the applicant.

(c)(3) Be complete and have attached to the application any photographs and other exhibits required.

(2)(4) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) *Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) *The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.*

(2) *If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.*

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—*The commission shall not issue a license to:*

(1) *Any person or business entity that ~~who in any jurisdiction~~ has been convicted of any act, or who has a trustee, partner, officer, director, or owner that has been convicted of any act, which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or*

(2) *Any person or business entity that ~~who~~ has been named in any an information or indictment, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment, for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.*

Section 136. Section 548.041, Florida Statutes, is amended to read:
(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

- (a) Is under the age of 18;
- (b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or
- (c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission, or the commission representative, shall assign to each match at least one a physician who shall observe the physical condition of the participants and advise the commissioner or commission representative deputy in charge and the referee of the participants' conditions before, and during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(2)(a) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission based on the advice of the medical advisory council. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is

adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than \$20,000 ~~\$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.

(2) The commission may also require participants to be covered by not less than \$20,000 ~~\$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts executed in this state between managers ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of~~ Referee and judges; attendance at match; scoring; seconds.—

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569. ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines; citations.—

(1) The commission may impose a fine of not more than \$5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. Section 548.045, Florida Statutes, is repealed.

Section 146. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may autho-

alize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions, including revenues received from fines collected under s. 455.2177. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 147. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) *Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.*

Section 148. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005,

F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512,

559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending

s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licenses in public accountancy whose licenses have become void; providing effective dates.

On motion by Senator Geller, further consideration of **CS for SB 348** with pending **Amendment 2** and substitute **Amendment 3** was deferred.

SENATOR SILVER PRESIDING

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Horne, **HB 1821** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Latvala	Sanderson
Brown-Waite	Dyer	Laurent	Saunders
Campbell	Garcia	Lee	Sebesta
Carlton	Geller	Meek	Silver
Clary	Holzendorf	Miller	Villalobos
Constantine	Horne	Mitchell	Wasserman Schultz
Cowin	Jones	Peaden	
Crist	King	Posey	
Dawson	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Lawson, Webster

SB 696—A bill to be entitled An act relating to the criminal use of personal identification information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit resulting from such use is of a specified amount or more; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Campbell, **SB 696** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Constantine	Geller	Latvala
Brown-Waite	Cowin	Holzendorf	Laurent
Burt	Crist	Horne	Lee
Campbell	Dawson	Jones	Meek
Carlton	Dyer	King	Miller
Clary	Garcia	Klein	Mitchell

Paden	Rossin	Sebesta	Villalobos
Posey	Sanderson	Silver	Webster
Pruitt	Saunders		

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Lawson, Smith

Consideration of **SB 432** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 1225** was withdrawn from the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for record-keeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto;

amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms “elderly” and “housing for the elderly” under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; amending s. 446.609, F.S.; deleting a time-period limitation for the “Jobs for Florida’s Graduates” school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation’s board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 460** as amended and read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1225** was read the third time by title.

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

Amendment 1 (755080)(with title amendment)—On page 7, line 7 through page 26, line 11, delete those lines and insert:

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3 through page 2, line 11, delete those lines and insert: amending s. 212.08, F.S.;

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

Amendment 2 (133508)—On page 96, line 14, delete “200” and insert: 150

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

Amendment 3 (080622)(with title amendment)—On page 118, following line 31, insert:

Section 44. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible. *For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural*

land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, following the semicolon (;) insert: amending s. 163.3177, F.S.; revising criteria for a comprehensive plan land use element for schools in certain rural counties;

Senator Clary moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (312886)(with title amendment)—On page 118, after line 31, insert:

Section 44. Paragraph (a) of subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year ~~2000-2001 shall not exceed \$24 million. The state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 may and each subsequent year shall not exceed \$30 million. The total for each subsequent fiscal year may not exceed \$35 million.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: amending s. 288.095, F.S.; providing a cap on the total state share of tax refund payments scheduled in all active certifications approved by the Office of Tourism, Trade, and Economic Development;

Senator Brown-Waite moved the following amendment which was adopted by two-thirds vote:

Amendment 5 (663514)(with title amendment)—On page 7, line 6, insert:

Section 1. Paragraph (b) of subsection (3) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(b) “Public agency” means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, *a federally recognized Native American tribe*, and any similar entity of any other state of the United States.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 163.01, F.S.; redefining the term “public agency” for purposes of the Florida Interlocal Cooperation Act of 1969;

Senator Bronson moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (185650)(with title amendment)—On page 119, before line 1, insert:

Section 107. *The sum of \$650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of \$650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial*

Space Financing Corporation by the General Appropriations Act shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a non-fiduciary, nonvoting advisory role. The committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority by the General Appropriations Act shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a non-fiduciary, nonvoting advisory role. The committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropriation;

Senator Horne moved the following amendment which was adopted by two-thirds vote:

Amendment 7 (213348)(with title amendment)—On page 119, line 1, insert:

Section 44. Paragraph (ggg) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(ggg) *Certain facilities that train aircraft pilots and flight crews.—Sales and leases to or by any facility, school, or business that is certified under Part 142 of Federal Aviation Regulations and trains aircraft pilots and flight crews for approval, certification, or regulation by the Federal Aviation Administration, or a comparable foreign national government regulatory agency are exempt from the tax imposed by this chapter as provided herein. The exemption applies only to purchases and leases for use in flight training facilities and activities certified under Part 142 of the Federal Aviation Regulations. In order to claim this exemption, a consumer's certificate of exemption must be obtained from the department. The amount of this exemption shall not exceed \$500,000 in any fiscal year.*

Exemptions provided to any entity by this subsection shall not insure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: provides sales and use tax exemption for Type 142 air crew training simulators;

Senator Horne moved the following amendment:

Amendment 8 (970540)(with title amendment)—On page 119, line 1, insert:

Section 44. *The sum of \$1,800,000 is appropriated from nonrecurring General Revenue funds for Fiscal Year 2001-2002, to the Executive Office of the Governor, Office of Tourism, Trade and Economic Development to contract with Enterprise Florida, Inc., to promote the growth of employment in the Information Technology Industry and expended as follows: There shall be paid an incentive payment to a qualifying corporation in an amount equal to the product of \$3,000 and the total number of full-time Florida employees in the employ of the qualifying corporation as of December 31, 2001. Incentive payments shall be made to qualifying corporations submitting applications after February 15, 2002 until \$1,800,000 appropriated for this purpose is depleted, in the order in which applications from qualifying corporations are received by Enterprise Florida, Inc. The amount of the incentive payment made to an individual corporation cannot exceed the gross compensation of all new full-time Florida employees hired between January 1, 2001 and December 31, 2001. For these purposes "qualifying corporation" means an Information Technology Industry corporation (1) whose percentage increase in full-time Florida employees equals or exceeds ten percent or whose new full-time Florida employees is at least 50 and (2) the average gross compensation of all its full-time Florida employees for calendar year 2001 exceeds \$60,000. A corporation is an "Information Technology Industry" corporation if it derives more than 50% of its revenues during calendar year 2001 from (1) designing, developing, manufacturing, processing, or producing computer software, including but not limited to operating systems, software applications, internet enablement software, business information systems software, and enterprise resource planning software, or (2) the sale to end users of voice or data services delivered over a broadband facility capable of transmission in speeds in excess of 128kbps. "New full-time Florida employees" means the number of full-time Florida employees as of December 31, 2001 less the number of full-time Florida employees as of December 31, 2000. "Full-time Florida employee" means an employee who performs duties for an average of 36 hours or more per week and is reported on the corporation's Florida Unemployment Compensation Report, Form UCT-6. "New employee" means an employee hired or relocated to Florida on or after January 1, 2001 and during calendar year 2001. An individual employed in Florida*

by a member of the same affiliated group of corporations at any time during the 12 months preceding the date of hire or relocation by the qualifying corporation shall not be counted as a new employee. "Gross compensation" means all amounts reported in Box 5 of the employee's Federal Form W-2, Wages and Tax Statement. Average gross compensation shall mean total gross compensation for all full-time Florida employees for calendar year 2001 divided by the number of full-time Florida employees as of December 31, 2001. A qualifying corporation shall include with its application for incentive payments documentation reflecting compliance with the foregoing job growth and compensation requirements. Such documentation may include W-2 forms, state unemployment compensation tax returns or other supporting schedules. The funds subject to this proviso shall be subject to the provisions of s. 216.301(1)(a).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing an appropriation for promoting growth of employment in the Information Technology Industry;

Senator Horne moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 9 (482452)(with title amendment)—On page 119, line 1, insert:

Section 44. The sum of \$1,000,000 is appropriated from nonrecurring General Revenue funds for Fiscal Year 2001-2002, to the Executive Office of the Governor, Office of Tourism, Trade and Economic Development to contract with Enterprise Florida, Inc., to promote the growth of employment in the Information Technology Industry and expended as follows: There shall be paid an incentive payment to a qualifying corporation in an amount equal to the product of \$3,000 and the total number of full-time Florida employees in the employ of the qualifying corporation as of December 31, 2001. Incentive payments shall be made to qualifying corporations submitting applications after February 15, 2002 until \$1,000,000 appropriated for this purpose is depleted, in the order in which applications from qualifying corporations are received by Enterprise Florida, Inc. The amount of the incentive payment made to an individual corporation cannot exceed the gross compensation of all new full-time Florida employees hired between January 1, 2001 and December 31, 2001. For these purposes "qualifying corporation" means an Information Technology Industry corporation (1) whose percentage increase in full-time Florida employees equals or exceeds ten percent or whose new full-time Florida employees is at least 50 and (2) the average gross compensation of all its full-time Florida employees for calendar year 2001 exceeds \$60,000. A corporation is an "Information Technology Industry" corporation if it derives more than 50% of its revenues during calendar year 2001 from (1) designing, developing, manufacturing, processing, or producing computer software, including but not limited to operating systems, software applications, internet enablement software, business information systems software, and enterprise resource planning software, or (2) the sale to end users of voice or data services delivered over a broadband facility capable of transmission in speeds in excess of 128kpbs. "New full-time Florida employees" means the number of full-time Florida employees as of December 31, 2001 less the number of full-time Florida employees as of December 31, 2000. "Full-time Florida employee" means an employee who performs duties for an average of 36 hours or more per week and is reported on the corporation's Florida Unemployment Compensation Report, Form UCT-6. "New employee" means an employee hired or relocated to Florida on or after January 1, 2001 and during calendar year 2001. An individual employed in Florida by a member of the same affiliated group of corporations at any time during the 12 months preceding the date of hire or relocation by the qualifying corporation shall not be counted as a new employee. "Gross compensation" means all amounts reported in Box 5 of the employee's Federal Form W-2, Wages and Tax Statement. Average gross compensation shall mean total gross compensation for all full-time Florida employees for calendar year 2001 divided by the number of full-time Florida employees as of December 31, 2001. A qualifying corporation shall include with its application for incentive payments documentation reflecting compliance with the foregoing job growth and compensation requirements. Such documentation may include W-2 forms, state unemployment compensation tax returns or other supporting schedules. The funds subject to this proviso shall be subject to the provisions of s. 216.301(1)(a).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing an appropriation for promoting growth of employment in the Information Technology Industry;

On motion by Senator Clary, **HB 1225** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Meek	Sullivan
Campbell	Geller	Mitchell	Villalobos
Carlton	Horne	Peaden	Wasserman Schultz
Clary	Jones	Posey	Webster
Constantine	King	Rossin	
Cowin	Klein	Sanderson	
Crist	Latvala	Saunders	

Nays—3

Dawson	Holzendorf	Miller
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Vote after roll call:

Yea—Lawson, Smith

SB 432—A bill to be entitled An act relating to growth management; amending s. 163.3244, F.S.; extending the repeal date of the Sustainable Communities Demonstration Project; providing an effective date.

—as amended May 3 was read the third time by title.

Senator Brown-Waite moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (912100)(with title amendment)—On page 1, between lines 15 and 16, insert:

Section 2. Paragraph (b) of subsection (3) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(b) "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 163.01, F.S.; redefining the term "public agency" for purposes of the Florida Interlocal Cooperation Act of 1969;

On motion by Senator Constantine, **SB 432** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Bronson	Cowin	Horne	Meek
Brown-Waite	Crist	Jones	Miller
Burt	Dawson	King	Mitchell
Campbell	Dyer	Klein	Peaden
Carlton	Garcia	Latvala	Posey
Clary	Geller	Laurent	Pruitt
Constantine	Holzendorf	Lee	Sanderson

Saunders Silver Villalobos Wasserman Schultz
 Sebesta
 Nays—1

Diaz de la Portilla

Vote after roll call:

Yea—Lawson, Smith, Webster

SB 768—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Sanderson, **SB 768** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Latvala	Sanderson
Brown-Waite	Dyer	Laurent	Saunders
Burt	Garcia	Lee	Sebesta
Carlton	Geller	Meek	Silver
Clary	Holzendorf	Miller	Villalobos
Constantine	Horne	Mitchell	Wasserman Schultz
Cowin	Jones	Peaden	Webster
Crist	King	Pruitt	
Dawson	Klein	Rossin	

Nays—2

Campbell Posey

Vote after roll call:

Yea—Lawson, Smith

CS for SB 1310—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Klein, **CS for SB 1310** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Dawson	Latvala	Rossin
Brown-Waite	Diaz de la Portilla	Laurent	Sanderson
Burt	Dyer	Lee	Sebesta
Campbell	Garcia	Meek	Silver
Carlton	Geller	Miller	Villalobos
Clary	Horne	Mitchell	Wasserman Schultz
Constantine	Jones	Peaden	Webster
Cowin	King	Posey	
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Lawson, Smith

On motion by Senator Garcia, by two-thirds vote **HB 1811** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Garcia, by two-thirds vote—

HB 1811—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by cabinet officers; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUN-COM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S.,

to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the officer's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor's recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining "information technology resources" and "data processing software"; amending ss. 119.083, F.S.; correcting cross references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments; providing an effective date.

—a companion measure, was substituted for **CS for SB 874** as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1811** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Cowin	Jones	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—King, Lawson, Smith

Consideration of **SB 1022** was deferred.

CS for SB 876—A bill to be entitled An act relating to state technology resource procurement; amending s. 287.042, F.S.; requiring the State Technology Office to assess technological needs of agencies and to evaluate contracts; amending s. 287.057, F.S.; requiring state agencies to participate in the on-line procurement program; requiring the State Technology Office to determine criteria for exceptions to participation; authorizing the collection of fees for use of the procurement program;

authorizing the creation of State Strategic Information Technology Alliances; amending s. 287.0731, F.S.; requiring the Department of Management Services to consult with the State Technology Office in the establishment of a permanent team for contract negotiations; providing an effective date.

—was read the third time by title.

Senator Bronson moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (494440)(with title amendment)—On page 5, between lines 13 and 14, insert:

Section 4. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.—

(1) *On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete notice required by law shall be published. The Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.*

(2) *The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."*

(3) *No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.*

Section 5. Subsections (1), (2), (6), and (8) of section 288.109, Florida Statutes is amended, subsection (10) is deleted and subsequent subsections are renumbered to read:

288.109 One-Stop Permitting System.—

(1) ~~By January 1, 2001~~ ~~2000~~, the ~~State Technology Office~~ ~~Department of Management Services~~ must establish and implement an Internet site for the One-Stop Permitting System. The One-Stop Permitting System Internet site shall provide individuals and businesses with information concerning development permits; guidance on what development permits are needed for particular projects; permit requirements; and who may be contacted for more information concerning a particular development permit for a specific location. The ~~office~~ ~~department~~ shall

design and construct the Internet site and may competitively procure and contract for services to develop the site. In designing and constructing the Internet site, the office department must solicit input from potential users of the site.

(2) The office department shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the office department shall implement, in the most timely manner possible, the capabilities described in this subsection. The office department shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The office department may competitively procure and contract for services to develop such capabilities.

(6) The office department may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has expired. *The 60-day period for approving or denying a complete application does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. However, the reviewing agency shall make a good-faith effort to act on such permit applications within 60 days.*

~~(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 6. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for

renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 288.109(1), F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license;

On motion by Senator Garcia, **CS for SB 876** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson, Smith

HJR 571—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution requiring the Legislature to provide by general law for the provision of an economic impact statement of each amendment proposed by initiative to the State Constitution prior to its adoption by the voters of the state.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 5 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) *The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to Section 3.*

(c)(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(d)(e) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

ECONOMIC IMPACT STATEMENTS FOR
PROPOSED CONSTITUTIONAL AMENDMENTS OR REVISIONS

Requires the Legislature to provide by general law for the provision of an economic impact statement to the public prior to the public voting on an amendment of the Florida Constitution proposed by initiative.

—was read the third time in full.

On motion by Senator Horne, **HJR 571** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

Bronson	Dawson	Klein	Rossin
Brown-Waite	Diaz de la Portilla	Latvala	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Garcia	Meek	Sebesta
Carlton	Geller	Miller	Silver
Clary	Holzendorf	Mitchell	Sullivan
Constantine	Horne	Peaden	Villalobos
Cowin	Jones	Posey	Wasserman Schultz
Crist	King	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Lawson, Smith

CS for SB 846—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 921.0022, F.S.; ranking the offense of aggravated fleeing or eluding; reenacting ss. 318.17, 322.61, F.S., relating respectively to offense excepted from motor vehicle licenses and disqualifications from operating a commercial motor vehicle, to incorporate the amendments to s. 316.1935, F.S., in references thereto; creating s. 812.158, F.S.; prohibiting certain acts by movers involving a shipper's household goods; providing a penalty; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 846** was passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Crist	Horne	Miller
Brown-Waite	Dawson	Jones	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lee	Rossin
Cowin	Holzendorf	Meek	Sanderson

Saunders	Silver	Villalobos	Webster
Sebesta	Sullivan	Wasserman Schultz	

Nays—None

Vote after roll call:

Yea—Lawson, Smith

Consideration of **CS for HB 455** was deferred.

On motion by Senator Burt, by two-thirds vote **HB 757** was withdrawn from the Committees on Transportation; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Burt, by two-thirds vote—

HB 757—A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross reference; providing that the term “civil penalties and fines” does not include reference to a wrecker operator's lien; amending s. 713.78, F.S., relating to liens; revising conditions for sale of certain vehicles and vessels; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

—a companion measure, was substituted for **CS for SB 2044** as amended and read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (960988)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), ~~or~~ s. 316.1967(6), or s. 713.78(13) a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. *As used in this subsection, the term “civil penalties and fines” does not include a wrecker operator's lien as described in s. 713.78(13).* If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Paragraph (b) of subsection (4) and subsection (6) are amended, and subsection (13) is added to section 713.78, Florida Statutes, to read:

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

(4)

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel

to the registered owner and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold after 35 days free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of a vehicle, vessel, or mobile home abandoned under s. 705.103, upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.
2. The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).
3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.
4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.
5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c1) The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than \$500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment

of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle, vessel, or mobile home attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of \$2, which shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund established under s. 860.158. A service charge of \$2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross-reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

Senator Geller moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (655052)(with title amendment)—On page 2, between lines 17 and 18, insert:

Section 2. Present subsections (1) through (27) of section 713.01, Florida Statutes, are redesignated as subsections (2) through (28), respectively, and a new subsection (1) is added to that section to read:

713.01 Definitions.—As used in this part, the term:

(1) "Abandoned property" means all tangible personal property that has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 20, after the first semicolon (;) insert: amending s. 713.01, F.S.; defining the term "abandoned property";

Amendment 1B (040796)—On page 4, delete line 25 and insert: *an abandoned vehicle, vessel, or mobile home*

Amendment 1 as amended was adopted.

On motion by Senator Burt, by two-thirds vote **HB 757** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Meek	Sebesta
Burt	Garcia	Miller	Silver
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	Webster
Cowin	King	Rossin	
Dawson	Klein	Sanderson	

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 2074—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing exemption from permits for certain floating vessel platforms; requiring the Department of Environmental Protection to adopt a general permit by rule for floating vessel platforms after January 1, 2002, which meet certain conditions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 2074** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Latvala	Sanderson
Brown-Waite	Dyer	Laurent	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Sullivan
Carlton	Holzendorf	Miller	Villalobos
Clary	Horne	Mitchell	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Dawson	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

HB 1863—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing for review of the need for licensing the portable restroom industry; requiring a report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 1863** was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Latvala	Rossin
Brown-Waite	Dyer	Laurent	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for HB 455—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term “principal representative”; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—was read the third time by title.

On motion by Senator Constantine, **CS for HB 455** was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Latvala	Rossin
Brown-Waite	Dyer	Laurent	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith, King

SB 2004—A bill to be entitled An act relating to education; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing

an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; amending s. 446.609, F.S.; deleting a time-period limitation for the “Jobs for Florida’s Graduates” school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation’s board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Horne, **SB 2004** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Latvala	Rossin
Brown-Waite	Dyer	Laurent	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 892—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 892** was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Latvala	Rossin
Brown-Waite	Dyer	Laurent	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 934—A bill to be entitled An act relating to Florida Academic Improvement Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida Academic Improvement Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for administration of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 934** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Latvala	Rossin
Brown-Waite	Dyer	Laurent	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 930—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida Academic Improvement Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 930** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—35

Bronson	Dyer	Laurent	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster
Diaz de la Portilla	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 1968—A bill to be entitled An act relating to the State Law Enforcement Radio Operating Trust Fund; amending s. 282.1095, F.S.; creating the State Law Enforcement Operating Trust Fund; providing for its purposes; transferring a current trust fund balance; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **CS for SB 1968** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Latvala	Rossin
Brown-Waite	Dyer	Laurent	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Dawson	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the approval of seaport security plans by the Office of Drug Control and the Department of Law Enforcement; providing requirements for criminal history checks on applicants for employment or current employees of a seaport; providing an appeal procedure; providing for modification or variance from a particular standard; providing for inspections of seaports; providing requirements for compliance by seaports; providing for the Department of Law Enforcement to impose penalties if a seaport fails to meet certain project timelines; requiring certain reports; providing funding criteria; providing an effective date.

—as amended May 3 was read the third time by title.

THE PRESIDENT PRESIDING

Senator Holzendorf moved the following amendment:

Amendment 1 (103810)(with title amendment)—On page 7, between lines 29 and 30, insert:

(7) *Ports that do not wish to receive state funds for seaport security are exempt from the provisions contained in subsections (1)-(6).*

And the title is amended as follows:

On page 1, line 19, following the semicolon (;) insert: providing an exemption;

On motion by Senator Burt, further consideration of **CS for SB 978** as amended with pending **Amendment 1** was deferred.

RECESS

On motion by Senator Horne, the Senate recessed at 12:43 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:36 p.m. in lieu of 1:00 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 1238** and **CS for SB 1762** were withdrawn from the Committee on Rules and Calendar; and

CS for SB 1500 was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 108, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 108—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

House Amendment 1 (655695)(with title amendment)—On page 1, line 24, insert:

Section 1. Subsections (8), (9), (10), (14), and (15) of section 626.9911, Florida Statutes, are amended to read:

626.9911 Definitions.—As used in this act, the term:

(8) “Related provider trust” means a *titling trust or other trust established by a licensed viatical settlement provider or financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction entering into or owning viatical settlement contracts. The trust must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the department as if those records and files were maintained directly by the licensed viatical settlement provider.* This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(9) “Viatical settlement purchase agreement” means a contract or agreement, entered into by a viatical settlement purchaser, to which the viator is not a party, to purchase a life insurance policy or an interest in a life insurance policy, which is entered into for the purpose of deriving an economic benefit. *The term also includes purchases made by viatical settlement purchasers from any person other than the provider who effectuated the viatical settlement contract.*

(10) “Viatical settlement purchaser” means a person *who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy that has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit, including purchases made from any person other than the provider who effectuated the viatical settlement contract or an entity affiliated with the provider. The term does not include, other*

~~than~~ a licensee under this part, an accredited investor as defined in Rule 501, Regulation D of the Securities Act Rules, or a qualified institutional buyer as defined by Rule 144(a) of the Federal Securities Act, or a special purpose entity, a financing entity, or a contingency insurer who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy which has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit. The above references to Rule 501, Regulation D and Rule 144(a) of the Federal Securities Act are used strictly for defining purposes and shall not be interpreted in any other manner. Any person who claims to be an accredited investor shall sign an affidavit stating that he or she is an accredited investor, the basis of that claim, and that he or she understands that as an accredited investor he or she will not be entitled to certain protections of the Viatical Act. This affidavit must be kept with other documents required to be maintained by this act.

(14) “Special purpose entity” means an entity established by a licensed viatical settlement provider or by a financing entity, which may be a corporation, partnership, trust, limited liability company, or other similar entity formed solely to provide, either directly or indirectly, access to act as a vehicle to permit a lender to the provider to access institutional capital markets to a viatical settlement for the provider or financing entity. A special purpose entity shall not enter into a viatical settlement contract or a viatical settlement purchase agreement.

(15) “Financing entity” means an underwriter, placement agent, lender, purchaser of securities, or purchaser of a policy or certificate from a viatical settlement provider, credit enhancer, or any entity person that may be a party to a viatical settlement contract and that has direct ownership in a policy or certificate that is the subject of a viatical settlement contract, but whose principal sole activity related to the transaction is providing funds or credit enhancement to effect the viatical settlement or the purchase of one or more viatical policies and who has an agreement in writing with one or more licensed viatical settlement providers to finance the acquisition of viatical settlement contracts a licensed viatical settlement provider to act as a participant in a financing transaction. The term does not include a nonaccredited investor, a viatical settlement purchaser, or other natural person. A financing entity may not enter into a viatical settlement contract.

Section 2. Subsection (1) of section 626.9921, Florida Statutes, is amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, viatical settlement purchase agreement form, escrow form, or related form may be used in this state only after the viatical settlement provider or any related provider trust has filed the form has been filed with the department and only after the form has been approved by the department.

Section 3. Subsection (3) is added to section 626.99235, Florida Statutes, to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(3) *The requirements of this section also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract which are the subject of a viatical settlement purchase agreement.*

Section 4. Section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider and the viatical settlement sales agent, themselves itself or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:

- (a) All the life expectancy certifications obtained by the provider.
- (b) The name and address of the insurance company, the policy number, and the date of original issue of the viaticated policy.

(c) The experience and qualifications of the person issuing the life expectancy certification, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.

(d) The name and address of any person providing escrow services, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.

(e) The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.

(f) The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.

(2) The viatical settlement purchase agreement is voidable by the purchaser at any time within 3 days after the disclosures mandated by this section are received by the purchaser.

(3) At the time the disclosures in subsection (1) are made, the viatical settlement purchaser shall be advised to seek independent financial advice from a person not compensated by the viatical settlement provider or viatical settlement broker or the viatical settlement sales agent. The viatical settlement purchaser shall sign an affidavit that he or she has received the disclosures and understands their importance.

(4) A viatical settlement purchase transaction, which involves a purchase from any person other than the provider who effectuated the viatical settlement contract that is the subject of a viatical settlement purchase agreement, may be completed only through the use of an independent third-party trustee or escrow agent. All funds to be paid by the purchaser must be deposited by the purchaser with the independent third-party trustee or escrow agent. The independent third-party trustee or escrow agent shall not release the deposited funds to the seller until after the 3-day voidable period established by subsection (2) has expired.

(5) The requirements of subsections (1), (2), and (3) also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract that are the subject of a viatical settlement purchase agreement.

Section 5. Subsection (10) is added to section 626.9924, Florida Statutes, to read:

626.9924 Viatical settlement contracts; procedures; rescission.—

(10) The viatical settlement provider who effectuated the viatical settlement contract with the viator (the "initial provider") is responsible for tracking the insured, including but not limited to, keeping track of the insured's whereabouts and health status, submission of death claims or assisting the beneficiary in the submission of death claims, and the status of the payment of premiums until the death of the insured. This responsibility may be contracted out to a third party; however, the ultimate responsibility remains with the initial provider. This responsibility continues with the initial provider, notwithstanding any transfers of the viaticated policy in the secondary market. This subsection applies only to those viaticated policies that are or are to become the subject of viatical settlement purchase agreements.

Section 6. Subsection (3) is added to section 626.99245, Florida Statutes, to read:

626.99245 Conflict of regulation of viaticals.—

(3) This section does not affect the requirement of ss. 626.9911(6) and 626.9912(1) that a viatical settlement provider doing business from this state must obtain a viatical settlement license from the department. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts and effectuating viatical settlement purchase agreements from offices in this state, regardless of the state of residence of the viator or the viatical settlement purchaser.

And the title is amended as follows:

On page 1, lines 2 and 3, remove from the title of the bill: all of said lines, and insert in lieu thereof: An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; specifying the purpose of the act;

House Amendment 2 (983481)(with title amendment)—On page 5, line 1 through page 11, line 29 remove from the bill: all of said lines and insert in lieu thereof:

(p) "Structured-settlement-payment rights" means rights to receive periodic payments, including lump-sum payments under a structured settlement, whether from the structured-settlement obligor or the annuity issuer, if:

1. The payee or any other interested party is domiciled in this state;
2. The structured settlement agreement was approved by a court of this state; or
3. The settled claim was pending before the courts of this state when the parties entered into the structured-settlement agreement.

(q) "Terms of the structured settlement" means the terms of the structured-settlement agreement; the annuity contract; a qualified-assignment agreement; or an order or approval of a court or other government authority authorizing or approving the structured settlement.

(r) "Transfer" means a sale, assignment, pledge, hypothecation, or other form of alienation or encumbrance made by a payee for consideration.

(s) "Transfer agreement" means the agreement providing for transfer of structured-settlement-payment rights from a payee to a transferee.

(t) "Transferee" means a person who is receiving or who will receive structured-settlement-payment rights resulting from a transfer.

(3) CONDITIONS TO TRANSFERS OF STRUCTURED-SETTLEMENT-PAYMENT RIGHTS AND STRUCTURED-SETTLEMENT AGREEMENTS.—

(a) A direct or indirect transfer of structured-settlement-payment rights is not effective and a structured-settlement obligor or annuity issuer is not required to make a payment directly or indirectly to a transferee of structured-settlement-payment rights unless the transfer is authorized in advance in a final order by a court of competent jurisdiction which is based on the written express findings by the court that:

1. The transfer complies with this section and does not contravene other applicable law;
2. At least 10 days before the date on which the payee first incurred an obligation with respect to the transfer, the transferee provided to the payee a disclosure statement in bold type, no smaller than 14 points in size, which specifies:

a. The amounts and due dates of the structured-settlement payments to be transferred;

b. The aggregate amount of the payments;

c. The discounted present value of the payments, together with the discount rate used in determining the discounted present value;

d. The gross amount payable to the payee in exchange for the payments;

e. An itemized listing of all brokers' commissions, service charges, application fees, processing fees, closing costs, filing fees, referral fees, administrative fees, legal fees, and notary fees and other commissions, fees, costs, expenses, and charges payable by the payee or deductible from the gross amount otherwise payable to the payee;

f. The net amount payable to the payee after deducting all commissions, fees, costs, expenses, and charges described in sub-subparagraph e.;

g. The quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments, which must be disclosed in the following statement: "The net amount that you will receive from us in exchange for your future structured-settlement payments represent ___ percent of the estimated current value of the payments based upon the discounted value using the applicable federal rate";

h. The effective annual interest rate, which must be disclosed in the following statement: "Based on the net amount that you will receive from us and the amounts and timing of the structured-settlement payments that you are turning over to us, you will, in effect, be paying interest to us at a rate of ___ percent per year"; and

i. The amount of any penalty and the aggregate amount of any liquidated damages, including penalties, payable by the payee in the event of a breach of the transfer agreement by the payee;

3. The payee has established that the transfer is in the best interests of the payee, taking into account the welfare and support of the payee's dependents;

4. The payee has received, or waived his or her right to receive, independent professional advice regarding the legal, tax, and financial implications of the transfer;

5. The transferee has given written notice of the transferee's name, address, and taxpayer identification number to the annuity issuer and the structured-settlement obligor and has filed a copy of the notice with the court;

6. The transfer agreement provides that if the payee is domiciled in this state, any disputes between the parties will be governed in accordance with the laws of this state and that the domicile state of the payee is the proper venue to bring any cause of action arising out of a breach of the agreement; and

7. The court has determined that the net amount payable to the payee is fair, just, and reasonable under the circumstances then existing.

(b) If a proposed transfer would contravene the terms of the structured settlement, upon the filing of a written objection by any interested party and after considering the objection and any response to it, the court may grant, deny, or impose conditions upon the proposed transfer which the court deems just and proper given the facts and circumstances and in accordance with established principles of law. Any order approving a transfer must require that the transferee indemnify the annuity issuer and the structured-settlement obligor for any liability, including reasonable costs and attorney's fees, which arises from compliance by the issuer or obligor with the order of the court.

(c) Any provision in a transfer agreement which gives a transferee power to confess judgment against a payee is unenforceable to the extent that the amount of the judgment would exceed the amount paid by the transferee to the payee, less any payments received from the structured-settlement obligor or payee.

(d) In negotiating a structured settlement of claims brought by or on behalf of a claimant who is domiciled in this state, the structured-settlement obligor must disclose in writing to the claimant or the claimant's legal representative all of the following information that is not otherwise specified in the structured-settlement agreement:

1. The amounts and due dates of the periodic payments to be made under the structured-settlement agreement. In the case of payments that will be subject to periodic percentage increases, the amounts of future payments may be disclosed by identifying the base payment amount, the amount and timing of scheduled increases, and the manner in which increases will be compounded;

2. The amount of the premium payable to the annuity issuer;

3. The discounted present value of all periodic payments that are not life-contingent, together with the discount rate used in determining the discounted present value;

4. The nature and amount of any costs that may be deducted from any of the periodic payments;

5. Where applicable, that any transfer of the periodic payments is prohibited by the terms of the structured settlement and may otherwise be prohibited or restricted under applicable law; and

6. That any transfer of the periodic payments by the claimant may subject the claimant to serious adverse tax consequences.

(4) **JURISDICTION; PROCEDURE FOR APPROVAL OF TRANSFERS.**—At least 20 days before the scheduled hearing on an application for authorizing a transfer of structured-settlement-payment rights under this section, the transferee must file with the court and all interested parties a notice of the proposed transfer and the application for its authorization. The notice must include:

(a) A copy of the transferee's application to the court;

(b) A copy of the transfer agreement;

(c) A copy of the disclosure statement required under subsection (3);

(d) Notification that an interested party may support, oppose, or otherwise respond to the transferee's application, in person or by counsel, by submitting written comments to the court or by participating in the hearing; and

(e) Notification of the time and place of the hearing and notification of the manner in which and the time by which any written response to the application must be filed in order to be considered by the court. A written response to an application must be filed within 15 days after service of the transferee's notice.

(5) **WAIVER PROHIBITED; NO PENALTIES INCURRED.**—

(a) The provisions of this section may not be waived.

(b) If a transfer of structured-settlement-payment rights fails to satisfy the conditions of subsection (3), the payee who proposed the transfer does not incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee.

(6) **NONCOMPLIANCE.**—

(a) If a transferee violates the requirements for stipulating the discount and finance charge provided for in subsection (3), neither the transferee nor any assignee may collect from the transferred payments, or from the payee, any amount in excess of the net advance amount, and the payee may recover from the transferee or any assignee:

1. A refund of any excess amounts previously received by the transferee or any assignee;

2. A penalty in an amount determined by the court, but not in excess of three times the aggregate amount of the discount and finance charge; and

3. Reasonable costs and attorney's fees.

(b) If the transferee violates the disclosure requirements in subsection (3), the transferee and any assignee are liable to the payee for:

1. A penalty in an amount determined by the court, but not in excess of three times the amount of the discount and finance charge; and

2. Reasonable costs and attorney's fees.

(c) A transferee or assignee is not liable for any penalty in any action brought under this section if the transferee or assignee establishes by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the transferee's maintenance of procedures reasonably designed to avoid such errors.

(d) Notwithstanding any other law, an action may not be brought under this section more than 1 year after the due date of:

1. The last transferred structured-settlement payment, in the case of a violation of the requirements for stipulating the discount and finance charge provided for in subsection (3).

2. *The first transferred structured-settlement payment, in the case of a violation of the disclosure requirements of subsection (3).*

(e) *When any interested party has reason to believe that any transferee has violated this section, any interested party may bring a civil action for injunctive relief, penalties, and any other relief that is appropriate to secure compliance with this section.*

And the title is amended as follows:

On page 1, lines 19-20 remove from the title of the bill: all of said lines and insert in lieu thereof: violations of the act; authorizing an interested party to bring an action for injunctive

On motion by Senator Geller, the Senate concurred in the House amendments.

CS for CS for SB 108 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 400, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

House Amendment 1 (930887)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 827.06, Florida Statutes, is amended to read:

827.06 ~~Persistent~~ Nonsupport of dependents.—

(1) *The Legislature finds that most noncustodial parents want to support their children and remain connected to their families. The Legislature also finds that while many noncustodial parents lack the financial resources and other skills necessary to provide that support, a small percentage of such parents willfully fail to provide support to their children even when they are aware of the obligation and have the ability to do so pursuant to s. 61.30. The Legislature further finds that existing statutory provisions for civil enforcement of support have not proven sufficiently effective or efficient in gaining adequate support for all children. Recognizing that it is the public policy of this state that children shall be maintained primarily from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through public assistance programs, it is the intent of the Legislature that the criminal penalties provided for in this section are to be pursued in all appropriate cases where exhaustion of appropriate civil enforcement has not resulted in payment.*

(2)(4) *Any person who, after notice as specified in subsection (6), and who has been previously adjudged in contempt for failure to comply with*

a support order, willfully fails to provide support which he or she has the ability to provide to a child or a spouse whom the person knows he or she is legally obligated to support commits, and over whom no court has jurisdiction in any proceedings for child support or dissolution of marriage, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In lieu of any punishment imposed pursuant to s. 775.082 or s. 775.083, any person who is convicted of a violation of this subsection shall be punished:

(a) *By a fine to be paid after restitution for:*

1. *Not less than \$250 nor more than \$500 for a first conviction.*
2. *Not less than \$500 nor more than \$750 for a second conviction.*
3. *Not less than \$750 nor more than \$1,000 for a third conviction; and*

(b) *By imprisonment for:*

1. *Not less than 15 days nor more than 1 month for a first conviction.*
2. *Not less than 1 month nor more than 3 months for a second conviction.*
3. *Not less than 3 months nor more than 6 months for a third conviction.*

(3) *Any person who is convicted of a fourth or subsequent violation of subsection (2) or who violates subsection (2) and who has owed to that child or spouse for more than 1 year support in an amount equal to or greater than \$5,000 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(4) *Upon a conviction under this section, the court shall order restitution in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.*

(5)(a) *Evidence that the defendant willfully failed to make sufficient good faith efforts to legally acquire the resources to pay legally ordered support may be sufficient to prove that he or she had the ability to provide support but willfully failed to do so, in violation of this section.*

(b) *The element of knowledge may be proven by evidence that a court or tribunal as defined by s. 88.1011(22) has entered an order that obligates the defendant to provide the support.*

(6)(2) *Prior to commencing prosecution under this section, the state attorney must notify advise the person responsible for support by certified mail, return receipt requested, that a prosecution under this section will be commenced against him or her unless the person pays the total unpaid support obligation makes such delinquent support payments or provides a satisfactory explanation as to why he or she has not made such payments.*

Section 2. This act shall take effect October 1, 2001.

And the title is amended as follows:

On page 1, line 2, remove from the title of the bill: all of said lines and insert in lieu thereof:

An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

On motion by Senator Horne, the Senate concurred in the House amendment.

CS for CS for SB 400 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burt	Clary	Crist
Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla

Dyer	Klein	Peaden	Silver
Garcia	Latvala	Posey	Smith
Geller	Laurent	Pruitt	Sullivan
Holzendorf	Lee	Rossin	Villalobos
Horne	Meek	Sanderson	Wasserman Schultz
Jones	Miller	Saunders	Webster
King	Mitchell	Sebesta	

Nays—None

Vote after roll call:

Yea—Lawson

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 638, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees' sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

House Amendment 1 (100171)(with title amendment)—On page 1, line 10, of the bill insert:

Section 1. *There is hereby appropriated from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Educational Program for fiscal year 2001-2002 a sum of \$200,000.*

And the title is amended as follows:

On page 1, line 2, remove from the title of the bill: all of said line and insert in lieu thereof: An act relating to education; providing an appropriation to the University of Miami-RSMAS Integrated Marine Research and Educational Program;

House Amendment 2 (702977)(with directory language and title amendments)—On page 1, between lines 15 and 16, of the bill insert:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis ~~is shall~~ be entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which ~~may shall~~ not be used ~~before prior to the time~~ it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which ~~may shall~~ not be used ~~before prior to the time~~ it is earned and credited to the employee. However, each member of the instructional staff and each other employee ~~is shall~~ be entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 ~~sick~~ days of sick leave available to him or her, the district school board may withhold the average daily amount for the ~~days of sick leave used days utilized~~ but unearned by the employee. Such leave ~~may shall~~ be taken only when necessary because of sickness as ~~herein~~ prescribed in this section. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons ~~shall~~ be charged only to accrued sick leave, and leave for personal reasons ~~is shall~~ be noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay ~~may shall~~ not exceed an amount determined as follows:

- a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.
- b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.
- c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.
- d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.
- e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. ~~However, for such employees hired on or after July 1, 1995,~~

- a. Terminal pay ~~may shall~~ not exceed ~~an amount determined as follows:~~
 - a. one-fourth of all unused sick leave accumulated on or after July 1, 2001, and ~~may 1995; however, terminal pay allowable for such accumulated sick leave shall~~ not exceed a maximum of 60 days of actual payment. *This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.*
 - b. For unused sick leave accumulated ~~before prior to~~ July 1, 2001 ~~1995~~, terminal payment shall be made pursuant to a district school board's policies, contracts, or rules that ~~which~~ are in effect on ~~June 30, 2001~~ July 1, 1995.
 - c. *If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.*

And the directory language is amended as follows:

On page 1, lines 11-12, remove: all of said lines and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended, and paragraph (e) is added to said subsection to read:

And the title is amended as follows:

On page 1, line 3, insert after the semicolon: limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave;

On motion by Senator Wasserman Schultz, the Senate concurred in the House amendments.

SB 638 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	King	Rossin
Bronson	Dawson	Klein	Sanderson
Brown-Waite	Diaz de la Portilla	Latvala	Saunders
Burt	Dyer	Laurent	Sebesta
Campbell	Garcia	Lee	Silver
Carlton	Geller	Meek	Sullivan
Clary	Holzendorf	Mitchell	Villalobos
Constantine	Horne	Peaden	Wasserman Schultz
Cowin	Jones	Pruitt	Webster

Nays—2

Miller Posey

Vote after roll call:

Yea—Lawson

Nay to Yea—Posey

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 784, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term “agency”; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation,

and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

House Amendment 1 (375733)(with title amendment)—On page 29, line 23, through page 41, line 2 remove from the bill: all of said lines
And the title is amended as follows:

On page 2, line 23, through page 3, line 26 remove from the title of the bill: all of said lines and insert in lieu thereof: severability; amending s.

On motion by Senator Geller, the Senate concurred in the House amendment.

CS for CS for SB 784 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	Webster
Cowin	King	Rossin	
Crist	Laurent	Sanderson	

Nays—2

Klein Latvala

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 838, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 838—A bill to be entitled An act relating to landlord and tenant; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending s. 475.011, F.S.; providing an exemption from the real estate brokers and salespersons regulatory law; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing for termination of a rental agreement by a member of the United States Armed Forces; providing an effective date.

House Amendment 1 (035999)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (3) of section 83.49, Florida Statutes, is amended to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(3)(a) Upon the vacating of the premises for termination of the lease, if the landlord does not intend to impose a claim on the security deposit, the landlord shall have 15 days to return the security deposit together with interest if otherwise required, or the landlord shall have 30 days in which to give the tenant written notice by certified mail to the tenant's last known mailing address of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:

This is a notice of my intention to impose a claim for damages in the amount of . . . upon your security deposit, due to It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to (landlord's address) .

If the landlord fails to give the required notice within the 30-day 15-day period, he or she forfeits the right to impose a claim upon the security deposit.

(b) Unless the tenant objects to the imposition of the landlord's claim or the amount thereof within 15 days after receipt of the landlord's notice of intention to impose a claim, the landlord may then deduct the amount of his or her claim and shall remit the balance of the deposit to the tenant within 30 days after the date of the notice of intention to impose a claim for damages.

(c) If either party institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney. The court shall advance the cause on the calendar.

(d) Compliance with this section by an individual or business entity authorized to conduct business in this state, including Florida-licensed real estate brokers and salespersons, shall constitute compliance with all other relevant Florida Statutes pertaining to security deposits held pursuant to a rental agreement or other landlord-tenant relationship. Enforcement personnel shall look solely to this section to determine compliance. This section prevails over any conflicting provisions in chapter 475 and in other sections of the Florida Statutes, and shall operate to permit licensed real estate brokers to disburse security deposits and deposit money without having to comply with the notice and settlement procedures contained in s. 475.25(1)(d).

Section 2. Subsection (3) of section 83.67, Florida Statutes, is amended to read:

83.67 Prohibited practices.—

(3) No landlord of any dwelling unit governed by this part shall remove the outside doors, locks, roof, walls, or windows of the unit except for purposes of maintenance, repair, or replacement; nor shall the landlord remove the tenant's personal property from the dwelling unit unless said action is taken after surrender, abandonment, or a lawful eviction. If provided in the rental agreement or a written agreement separate from the rental agreement, upon surrender or abandonment by the tenant, the landlord is not required to comply with s. 715.104 and is shall not be liable or responsible for storage or disposition of the tenant's personal property; if provided in the rental agreement there must shall be printed or clearly stamped on such rental agreement a legend in substantially the following form:

BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, THE FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

For the purposes of this section, abandonment shall be as set forth in s. 83.59(3)(c).

Section 3. Section 715.105, Florida Statutes, is amended to read:

715.105 Form of notice to former tenant.—

(1) A notice to the former tenant which is in substantially the following form satisfies the requirements of s. 715.104:

Notice of Right to Reclaim Abandoned Property

To: (Name of former tenant) (Address of former tenant)

When you vacated the premises at (address of premises, including room or apartment number, if any), the following personal property remained: (insert description of personal property) .

You may claim this property at (address where property may be claimed) .

Unless you pay the reasonable costs of storage and advertising, if any, for all the above-described property and take possession of the property which you claim, not later than (insert date not fewer than 10 days after notice is personally delivered or, if mailed, not fewer than 15 days after notice is deposited in the mail), this property may be disposed of pursuant to s. 715.109.

(Insert here the statement required by subsection (2))

Dated: . . . (Signature of landlord)

(Type or print name of landlord)

(Telephone number)

(Address)

(2) The notice set forth in subsection (1) shall also contain one of the following statements:

(a) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money."

(b) "Because this property is believed to be worth less than \$500 \$250, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

Section 4. Section 715.106, Florida Statutes, is amended to read:

715.106 Form of notice to owner other than former tenant.—

(1) A notice which is in substantially the following form given to a person who is not the former tenant and whom the landlord reasonably believes to be the owner of any of the abandoned personal property satisfies the requirements of s. 715.104:

Notice of Right to Reclaim Abandoned Property

To: (Name) (Address)

When (name of former tenant) vacated the premises at (address of premises, including room or apartment number, if any), the following personal property remained: (insert description of personal property) .

If you own any of this property, you may claim it at (address where property may be claimed) . Unless you pay the reasonable costs of storage and advertising, if any, and take possession of the property to which you are entitled, not later than (insert date not fewer than 10 days after notice is personally delivered or, if mailed, not fewer than 15 days after notice is deposited in the mail), this property may be disposed of pursuant to s. 715.109.

(Insert here the statement required by subsection (2))

Dated: . . . (Signature of landlord)

(Type or print name of landlord)

(Telephone number)

(Address)

(2) The notice set forth in subsection (1) shall also contain one of the following statements:

(a) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money."

(b) "Because this property is believed to be worth less than \$500 ~~\$250~~, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

Section 5. Subsection (1) of section 715.109, Florida Statutes, is amended to read:

715.109 Sale or disposition of abandoned property.—

(1) If the personal property described in the notice is not released pursuant to s. 715.108, it shall be sold at public sale by competitive bidding. However, if the landlord reasonably believes that the total resale value of the property not released is less than \$500 ~~\$250~~, she or he may retain such property for her or his own use or dispose of it in any manner she or he chooses. Nothing in this section shall be construed to preclude the landlord or tenant from bidding on the property at the public sale. The successful bidder's title is subject to ownership rights, liens, and security interests which have priority by law.

Section 6. (1)(a) *Any member of the United States Armed Forces who is required to move pursuant to permanent change of station orders to depart 35 miles or more from the location of a rental premises or who is prematurely or involuntarily discharged or released from active duty with the United States Armed Forces may terminate his or her rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the member's commanding officer.*

(b) *In the event a member of the United States Armed Forces dies during active duty, an adult member of his immediate family may terminate his rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the member's Commanding Officer.*

(2) *Upon termination of a rental agreement under this section, the tenant is liable for the rent due under the rental agreement prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the rental agreement. The tenant is not liable for any other rent or damages due to the early termination of the tenancy except the liquidated damages provided in this section. If a tenant terminates the rental agreement pursuant to this section 14 or more days prior to occupancy, no damages or penalties of any kind are due.*

(3) *In consideration of early termination of the rental agreement, the tenant is liable to the landlord for liquidated damages provided the tenant has completed less than 9 months of the tenancy and the landlord has suffered actual damages due to loss of the tenancy. The liquidated damages must be no greater than 1 month's rent if the tenant has completed less than 6 months of the tenancy as of the effective date of termination, or one-half of 1 month's rent if the tenant has completed at least 6 but not less than 9 months of the tenancy as of the effective date of termination.*

(4) *The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.*

Section 7. Subsection (13) is added to section 475.011, Florida Statutes, to read:

475.011 Exemptions.—This part does not apply to:

(13) *Any property management firm or any owner of an apartment complex for the act of paying a finder's fee or referral fee to an unlicensed person who is a tenant in such apartment complex provided the value of the fee does not exceed \$50 per transaction. Nothing in this subsection authorizes an unlicensed person to advertise or otherwise promote the person's services in procuring or assisting in procuring prospective lessees*

or tenants of apartment units. For purposes of this subsection, "finder's fee" or "referral fee" means a fee paid, credit towards rent, or some other thing of value provided to a person for introducing or arranging an introduction between parties to a transaction involving the rental or lease of an apartment unit. It is a violation of s. 475.25(1)(h) and punishable under s. 475.42 for a property management firm or any owner of an apartment complex to pay a finder's fee or a referral fee to an unlicensed person unless expressly authorized by this subsection.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 2-13, remove from the title of the bill: all of said lines and insert in lieu thereof: An act relating to landlord and tenant; amending s. 83.49, F.S.; increasing the time period within which a landlord must notify a tenant of the intention to impose a claim on a security deposit; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending ss. 715.105, 715.106, and 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing for termination of a rental agreement by a member of the United States Armed Forces; amending s. 475.011, F.S.; providing an additional exemption for certain activities; providing an effective date.

On motion by Senator Saunders, the Senate concurred in the House amendment.

CS for SB 838 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	

Nays—1

Posey

Vote after roll call:

Yea—Wasserman Schultz

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 850, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing an effective date.

House Amendment 1 (372859)(with title amendment)—On page 3, between lines 22 and 23, of the bill insert:

Section 2. Subsection (1) of section 255.31, Florida Statutes, is amended to read:

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings are governed by the Florida Building Code and the Florida Fire Prevention Code, which

are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department; provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985; *the Governor's mansion and grounds thereof as described in s. 272.18; and the Capitol Building and environs, being that part of the City of Tallahassee bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street*, the department may not conduct plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

And the title is amended as follows:

On page 1, line 5, after the semicolon insert: amending s. 255.31, F.S.; authorizing the Department of Management Services to review certain plans for consistency with the Florida Building Code;

On motion by Senator Burt, the Senate concurred in the House amendment.

SB 850 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Villalobos
Clary	Horne	Mitchell	Wasserman Schultz
Constantine	Jones	Peaden	Webster
Cowin	King	Posey	
Crist	Klein	Pruitt	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1258, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration,

to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an appropriation; providing an effective date.

House Amendment 1 (255983)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 394.499, Florida Statutes, is created to read:

394.499 Integrated children's crisis stabilization unit/juvenile addictions receiving facility services.—

(1) *Beginning July 1, 2001, the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, is authorized to establish children's behavioral crisis unit demonstration models in Collier, Lee, and Sarasota Counties. By December 31, 2003, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that evaluates the number of clients served, quality of services, performance outcomes, and feasibility of continuing or expanding the demonstration models. Beginning July 1, 2004, subject to approval by the Legislature, the department, in cooperation with the agency, may expand the demonstration models to other areas in the state. The children's behavioral crisis unit demonstration models will integrate children's mental health crisis stabilization units with substance abuse juvenile addictions receiving facility services, to provide emergency mental health and substance abuse services that are integrated within facilities licensed and designated by the agency for children under 18 years of age who meet criteria for admission or examination under this section. The services shall be designated as "integrated children's crisis stabilization unit/juvenile addictions receiving facility services," shall be licensed by the agency as children's crisis stabilization units, and shall meet all licensure requirements for crisis stabilization units. The department, in cooperation with the agency, shall develop standards that address eligibility criteria, clinical procedures, staffing requirements, operational, administrative, and financing requirements, and investigation of complaints for such integrated facility services. Standards that are implemented specific to substance abuse services shall meet or exceed existing standards for addictions receiving facilities.*

(2) *Children eligible to receive integrated children's crisis stabilization unit/juvenile addictions receiving facility services include:*

(a) *A person under 18 years of age for whom voluntary application is made by his or her guardian, if such person is found to show evidence of mental illness and to be suitable for treatment pursuant to s. 394.4625. A person under 18 years of age may be admitted for integrated facility services only after a hearing to verify that the consent to admission is voluntary.*

(b) *A person under 18 years of age who may be taken to a receiving facility for involuntary examination, if there is reason to believe that he or she is mentally ill and because of his or her mental illness, pursuant to s. 394.463:*

1. *Has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or*

2. *Is unable to determine for himself or herself whether examination is necessary; and*

a. Without care or treatment is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

b. There is a substantial likelihood that without care or treatment he or she will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(c) A person under 18 years of age who wishes to enter treatment for substance abuse and applies to a service provider for voluntary admission, pursuant to s. 397.601.

(d) A person under 18 years of age who meets the criteria for involuntary admission because there is good faith reason to believe the person is substance abuse impaired pursuant to s. 397.675 and, because of such impairment:

1. Has lost the power of self-control with respect to substance use; and

2.a. Has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict, physical harm on himself or herself or another; or

b. Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that the person is incapable of appreciating his or her need for such services and of making a rational decision in regard thereto; however, mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services.

(e) A person under 18 years of age who meets the criteria for examination or admission under paragraph (b) or paragraph (d) and has a coexisting mental health and substance abuse disorder.

(3) The department shall contract for an independent evaluation of the children's behavioral crisis unit demonstration models to identify the most effective ways to provide integrated crisis stabilization unit/juvenile addiction receiving facility services to children. The evaluation shall be reported to the Legislature by December 31, 2003.

(4) The department, in cooperation with the agency, is authorized to adopt rules regarding standards and procedures for integrated children's crisis stabilization unit/juvenile addictions receiving facility services.

Section 2. Nothing in section 394.499, Florida Statutes, shall be construed to require an existing crisis stabilization unit or juvenile addictions receiving facility to convert to a children's behavioral crisis unit.

Section 3. Subsections (13) and (14) are added to section 394.66, Florida Statutes, to read:

394.66 Legislative intent with respect to substance abuse and mental health services.—It is the intent of the Legislature to:

(13) Promote best practices and the highest quality of care in contracted alcohol, drug abuse, and mental health services through achievement of national accreditation.

(14) Ensure that the state agencies licensing and monitoring contracted providers perform in the most cost-efficient and effective manner with limited duplication and disruption to organizations providing services.

Section 4. Section 394.741, Florida Statutes, is created to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(1) As used in this section, the term "behavioral health care services" means mental health and substance abuse treatment services.

(2) Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency's and department's facility licensure on-site review requirements and shall be accepted as a substitute for the department's administrative and program monitoring requirements, except as required by subsections (3) and (4):

(a) Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Council on Accreditation for Children and Family Services, or have those services that are being purchased by the department accredited by CARF—the Rehabilitation Accreditation Commission.

(b) Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission, or the Council on Accreditation of Children and Family Services.

(c) Any network of providers from which the department or the agency purchase behavioral health care services accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission, the Council on Accreditation of Children and Family Services, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.

(3) For mental health services, the department and the agency may adopt rules that establish:

(a) Additional standards for monitoring and licensing accredited programs and facilities that the department and the agency have determined are not specifically and distinctly covered by the accreditation standards and processes. These standards and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.

(b) An on-site monitoring process between 24 months and 36 months after accreditation for nonresidential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(c) An on-site monitoring process between 12 months and 24 months after accreditation for residential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(4) For substance abuse services, the department shall conduct full licensure inspections every 3 years and shall develop in rule criteria which would justify more frequent inspections.

(5) The department and the agency shall be given access to all accreditation reports, corrective action plans, and performance data submitted to the accrediting organizations. When major deficiencies, as defined by the accrediting organization, are identified through the accreditation process, the department and the agency may perform followup monitoring to assure that such deficiencies are corrected and that the corrections are sustained over time. Proof of compliance with fire and health safety standards will be submitted as required by rule.

(6) The department or agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its rights to perform inspections at any time, including contract monitoring to ensure that deliverables are provided in accordance with the contract.

(7) The department and the agency shall report to the Legislature by January 1, 2003, on the viability of mandating all organizations under contract with the department for the provision of behavioral health care services, or licensed by the agency or department to be accredited. The department and the agency shall also report to the Legislature by January 1, 2003, on the viability of privatizing all licensure and monitoring functions through an accrediting organization.

(8) The accreditation requirements of this section shall apply to contracted organizations that are already accredited immediately upon becoming law.

Section 5. Subsection (5) of section 394.90, Florida Statutes, is amended to read:

394.90 Inspection; right of entry; records.—

(5)(a) The agency shall ~~may~~ accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited according to the provisions of s. 394.741 and the

agency receives the report of the accrediting organization. ~~The department, in consultation with the agency, shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being licensed; specific criteria for accepting the standards and survey methodologies of an accrediting organization; delineations of the obligations of accrediting organizations to assure adherence to those standards; criteria for receiving, accepting and maintaining the confidentiality of the survey and corrective action reports, and allowance for the agency's participation in surveys.~~

~~(b) The agency shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The agency may conduct a lifesafety inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

Section 6. Subsection (3) of section 397.403, Florida Statutes, is amended to read:

397.403 License application.—

(3) The department shall accept proof of accreditation by ~~CARF—the Rehabilitation Accreditation Commission on Accreditation of Rehabilitation Facilities (CARF)~~ or the Joint Commission on Accreditation of Health Care Organizations (JCAHCO), or through any other nationally recognized certification process that is acceptable to the department and meets the minimum licensure requirements under this chapter, in lieu of requiring the applicant to submit the information required by paragraphs (1)(a)-(c).

Section 7. Subsection (2) of section 397.411, Florida Statutes, is amended to read:

397.411 Inspection; right of entry; records.—

~~(2)(a) The department shall may accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited according to the provisions of s. 394.741 and the department receives the report of the accrediting organization. The department shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being licensed; specific criteria for accepting the standards and survey methodologies of an accrediting organization; delineations of the obligations of accrediting organizations to assure adherence to those standards; criteria for receiving, accepting, and maintaining the confidentiality of the survey and corrective action reports; and allowance for the department's participation in surveys.~~

~~(b) The department shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The department may conduct a fire, safety, and health inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The department, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

Section 8. Paragraph (a) of subsection (4) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or ~~CARF—the Rehabilitation Accreditation Commission the Council on Accreditation of Rehabilitation Facilities (CARF)~~. The department may develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility

to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

Section 9. *Behavioral Health Service Delivery Strategies.*—

(1) *LEGISLATIVE FINDINGS AND INTENT.*—*The Legislature finds that a management structure that places the responsibility for mental health and substance abuse treatment services within a single entity and that contains a flexible funding arrangement will allow for customized services to meet individual client needs and will provide incentives for provider agencies to serve persons in the target population who have the most complex treatment and support needs. The Legislature recognizes that in order for the state's publicly funded mental health and substance abuse treatment systems to evolve into a single well-integrated behavioral health system, a transition period is needed and demonstration sites must be established where new ideas and technologies can be tested and critically reviewed.*

(2) *DEFINITIONS.*—*As used in this section, the term:*

(a) *“Behavioral health services” means mental health services and substance abuse treatment services that are provided with state and federal funds.*

(b) *“Managing entity” means an entity that manages the delivery of behavioral health services.*

(3) *SERVICE DELIVERY STRATEGIES.*—*The Department of Children and Family Services and the Agency for Health Care Administration shall develop service delivery strategies that will improve the coordination, integration, and management of the delivery of mental health and substance abuse treatment services to persons with emotional, mental, or addictive disorders. It is the intent of the Legislature that a well-managed service delivery system will increase access for those in need of care, improve the coordination and continuity of care for vulnerable and high-risk populations, redirect service dollars from restrictive care settings and out-of-date service models to community-based psychiatric rehabilitation services, and reward cost-effective and appropriate care patterns. The Legislature recognizes that the Medicaid, mental health, and substance abuse treatment programs are three separate systems and that each has unique characteristics, including unique requirements for eligibility. To move toward a well-integrated system of behavioral health care services will require careful planning and implementation. It is the intent of the Legislature that the service delivery strategies will be the first phase of transferring the provision and management of mental health and substance abuse treatment services provided by the Department of Children and Family Services and the Medicaid program from traditional fee-for-service and unit-cost contracting methods to risk-sharing arrangements. As used in this section, the term “behavioral health care services” means mental health services and substance abuse treatment services that are provided with state and federal funds.*

(4) *CONTRACT FOR SERVICES.*—

(a) *The Department of Children and Family Services and the Agency for Health Care Administration may contract for the provision or management of behavioral health services with a managing entity in at least two geographic areas. Both the Department of Children and Family Services and the Agency for Health Care Administration must contract with the same managing entity in any distinct geographic area where the strategy operates. This managing entity shall be accountable for the delivery of behavioral health services specified by the department and the*

agency for children, adolescents, and adults. The geographic area must be of sufficient size in population and have enough public funds for behavioral health services to allow for flexibility and maximum efficiency. Notwithstanding the provisions of section 409.912(3)(b) 1. and 2., Florida Statutes, at least one service delivery strategy must be in one of the service districts in the catchment area of G. Pierce Wood Memorial Hospital.

(b) Under one of the service delivery strategies, the Department of Children and Family Services may contract with a prepaid mental health plan that operates under section 409.912, Florida Statutes, to be the managing entity. Under this strategy, the Department of Children and Family Services is not required to competitively procure those services and, notwithstanding other provisions of law, may employ prospective payment methodologies that the department finds are necessary to improve client care or institute more efficient practices. The Department of Children and Family Services may employ in its contract any provision of the current prepaid behavioral health care plan authorized under section 409.912(3)(a) and (b), Florida Statutes, or any other provision necessary to improve quality, access, continuity, and price. Any contracts under this strategy in Area 6 of the Agency for Health Care Administration or in the prototype region under section 20.19(7), Florida Statutes, of the Department of Children and Family Services may be entered with the existing substance abuse treatment provider network if an administrative services organization is part of its network. In Area 6 of the Agency for Health Care Administration or in the prototype region of the Department of Children and Family Services, the Department of Children and Family Services and the Agency for Health Care Administration may employ alternative service delivery and financing methodologies, which may include prospective payment for certain population groups. The population groups that are to be provided these substance abuse services would include at a minimum: individuals and families receiving family safety services; Medicaid-eligible children, adolescents, and adults who are substance-abuse-impaired; or current recipients and persons at risk of needing cash assistance under Florida's welfare reform initiatives.

(c) Under the second service delivery strategy, the Department of Children and Family Services and the Agency for Health Care Administration shall competitively procure a contract for the management of behavioral health services with a managing entity. The Department of Children and Family Services and the Agency for Health Care Administration may purchase from the managing entity the management services necessary to improve continuity of care and access to care, contain costs, and improve quality of care. The managing entity shall manage and coordinate all publicly funded diagnostic or assessment services, acute care services, rehabilitative services, support services, and continuing care services for persons who meet the financial criteria specified in part IV of chapter 394, Florida Statutes, for publicly funded mental health and substance abuse treatment services or for persons who are Medicaid eligible. The managing entity shall be solely accountable for a geographic area and shall coordinate the emergency care system. The managing entity may be a network of existing providers with an administrative services organization that can function independently, may be an administrative services organization that is independent of local provider agencies, or may be an entity of state or local government.

(d) Under both strategies, the Department of Children and Family Services and the Agency for Health Care Administration may:

1. Establish benefit packages based on the level of severity of illness and level of client functioning;
2. Align and integrate procedure codes, standards, or other requirements if it is jointly determined that these actions will simplify or improve client services and efficiencies in service delivery;
3. Use prepaid per capita and prepaid aggregate fixed-sum payment methodologies; and
4. Modify their current procedure codes to increase clinical flexibility, encourage the use of the most effective interventions, and support rehabilitative activities.

(e) The cost of the managing entity contract shall be funded through a combination of funds from the Department of Children and Family Services and the Agency for Health Care Administration. To operate the managing entity, the Department of Children and Family Services and the Agency for Health Care Administration may not expend more than 10 percent of the annual appropriations for mental health and substance

abuse treatment services prorated to the geographic areas and must include all behavioral health Medicaid funds, including psychiatric inpatient funds. This restriction does not apply to a prepaid behavioral health plan that is authorized under section 409.912(3)(a) and (b), Florida Statutes.

(f) Contracting and payment mechanisms for services should promote flexibility and responsiveness and should allow different categorical funds to be combined. The service array should be determined by using needs assessment and best practice models.

(g) Medicaid contracts for Behavioral Health Overlay Services for dependent children or delinquent children will remain fee-for-service. Any provider who currently contracts to provide Medicaid behavioral health services with residential group care facilities under the Family Safety program of the Department of Children and Family Services or with the Department of Juvenile Justice to serve delinquent youth in residential commitment programs shall be included in the network of providers in both service delivery strategies and shall continue the existing staffing arrangements. During the operation of the service delivery strategies, any new behavioral health provider that enters into a contract with residential group care facilities under the Family Safety program of the Department of Children and Family Services or with the Department of Juvenile Justice for delinquent youth in residential commitment programs shall also be included in the network.

(5) STATEWIDE ACTIONS.—If Medicaid appropriations for Community Mental Health Services or Mental Health Targeted Case Management are reduced in fiscal year 2001-02, the agency and the department shall jointly develop and implement strategies that reduce service costs in a manner that mitigates the impact on persons in need of those services. The agency and department may employ any methodologies on a regional or statewide basis necessary to achieve the reduction, including but not limited to use of case rates, prepaid per capita contracts, utilization management, expanded use of care management, use of waivers from the Health Care Financing Administration to maximize federal matching of current local and state funding, modification or creation of additional procedure codes, and certification of match or other management techniques.

(6) GOALS.—The goal of the service delivery strategies is to provide a design for an effective coordination, integration, and management approach for delivering effective behavioral health services to persons who are experiencing a mental health or substance abuse crisis, who have a disabling mental illness or substance abuse disorder and will require extended services in order to recover from their illness, or who need brief treatment or supportive interventions to avoid a crisis or disability. Other goals of the models include the following:

- (a) Improve accountability for a local system of behavioral health care services to meet performance outcomes and standards.
- (b) Assure continuity of care for all children, adolescents, and adults who enter the publicly funded behavioral health service system.
- (c) Provide early diagnosis and treatment interventions to enhance recovery and prevent hospitalization.
- (d) Improve assessment of local needs for behavioral health services.
- (e) Improve the overall quality of behavioral health services through the use of best practice models.
- (f) Demonstrate improved service integration between behavioral health programs and other programs, such as vocational rehabilitation, education, child welfare, primary health care, emergency services, and criminal justice.
- (g) Provide for additional testing of creative and flexible strategies for financing behavioral health services to enhance individualized treatment and support services.
- (h) Control the costs of services without sacrificing quality of care.
- (i) Coordinate the admissions and discharges from state mental health hospitals and residential treatment centers.
- (j) Improve the integration, accessibility, and dissemination of behavioral health data for planning and monitoring purposes.

(k) Promote specialized behavioral health services to residents of assisted living facilities.

(l) Reduce the admissions and the length of stay for dependent children in residential treatment centers.

(m) Provide services to abused and neglected children and their families as indicated in court-ordered case plans.

(7) ESSENTIAL ELEMENTS.—

(a) The managing entity must demonstrate the ability of its network of providers to comply with the pertinent provisions of chapters 394 and 397, Florida Statutes, and to assure the provision of comprehensive behavioral health services. The network of providers shall include, but is not limited to, mental health centers, substance abuse treatment providers, hospitals, licensed psychiatrists, licensed psychiatric nurses, and mental health professionals licensed under chapter 490 or chapter 491, Florida Statutes. A behavioral health client served by the network under the service delivery strategies may reside in his or her own home or in settings including, but not limited to, assisted living facilities, skilled nursing facilities, foster homes, or group homes.

(b) The target population to be served in the service delivery strategies must include children, adolescents, and adults who fall into the following categories:

1. Adults in mental health crisis;
2. Older adults in crisis;
3. Adults with serious and persistent mental illness;
4. Adults with substance abuse problems;
5. Adults with forensic involvement;
6. Older adults with severe and persistent mental illness;
7. Older adults with substance abuse problems;
8. Children and adolescents with serious emotional disturbances as defined in section 394.492(6), Florida Statutes;
9. Children with substance abuse problems as defined in section 397.93(2), Florida Statutes;
10. Children and adolescents in state custody pursuant to chapter 39, Florida Statutes; and
11. Children and adolescents in residential commitment programs of the Department of Juvenile Justice pursuant to chapter 985, Florida Statutes.

(c) The service delivery strategies must include a continuing care system for persons whose clinical and functional status indicates the need for these services. These persons will be eligible for a range of treatment, rehabilitative, and support services until they no longer need the services to maintain or improve their level of functioning. Given the long-term nature of some mental and addictive disorders, continuing care services should be sensitive to the variable needs of individuals across time and shall be designed to help assure easy access for persons with these long-term problems. The Department of Children and Family Services shall develop criteria for the continuing care program for behavioral health services.

(d) A local body or group must be identified by the district administrator of the Department of Children and Family Services to serve in an advisory capacity to the behavioral health service delivery strategy and must include representatives of the local school system, the judicial system, county government, public and private Baker Act receiving facilities, and law enforcement agencies; a consumer of the public behavioral health system; and a family member of a consumer of the publicly funded system. This advisory body may be the community alliance established under section 20.19(6), Florida Statutes, or any other suitable established local group.

(e) The managing entity shall ensure that written cooperative agreements are developed among the judicial system, the criminal justice system, and the local behavioral health providers in the geographic area

which define strategies and alternatives for diverting, from the criminal justice system to the civil system as provided under part I of chapter 394, Florida Statutes, or chapter 397, Florida Statutes, persons with behavioral health problems who are arrested for a misdemeanor. These agreements must also address the provision of appropriate services to persons with behavioral health problems who leave the criminal justice system.

(f) Managing entities must submit data to the Department of Children and Family Services and the Agency for Health Care Administration on the use of services and the outcomes for all enrolled clients. Managing entities must meet performance standards developed by the Agency for Health Care Administration and the Department of Children and Family Services related to:

1. The rate at which individuals in the community receive services, including persons who receive followup care after emergencies.
2. Clinical improvement of individuals served, clinically and functionally.
3. Reduction of jail admissions.
4. Consumer and family satisfaction.
5. Satisfaction of key community constituents such as law enforcement agencies, juvenile justice agencies, the courts, the schools, local government entities, and others as appropriate for the locality.

(g) The Agency for Health Care Administration may establish a certified match program, which must be voluntary. Under a certified match program, reimbursement is limited to the federal Medicaid share to Medicaid-enrolled strategy participants. The agency shall take no action to implement a certified match program without ensuring that the consultation provisions of chapter 216, Florida Statutes, have been met. The agency may seek federal waivers that are necessary to implement the behavioral health service delivery strategies.

(h)1. The Department of Children and Family Services, in consultation with the Agency for Health Care Administration, shall prepare an amendment by October 31, 2001, to the 2001 master state plan required under section 394.75(1), Florida Statutes, which describes each service delivery strategy, including at least the following details:

- a. Operational design;
 - b. Counties or service districts included in each strategy;
 - c. Expected outcomes; and
 - d. Timeframes.
2. The amendment shall specifically address the application of each service delivery strategy to substance abuse services, including:
 - a. The development of substance abuse service protocols;
 - b. Credentialing requirements for substance abuse services; and
 - c. The development of new service models for individuals with co-occurring mental health and substance abuse disorders.
 3. The amendment must specifically address the application of each service delivery strategy to the child welfare system, including:
 - a. The development of service models that support working with both children and their families in a community-based care system and that are specific to the child welfare system.
 - b. A process for providing services to abused and neglected children and their families as indicated in court-ordered case plans.

(8) MONITORING AND EVALUATION.—The Department of Children and Family Services and the Agency for Health Care Administration shall provide routine monitoring and oversight of and technical assistance to the managing entities. The Louis de la Parte Florida Mental Health Institute shall conduct an ongoing formative evaluation of each strategy to identify the most effective methods and techniques used to manage, integrate, and deliver behavioral health services. The entity conducting the evaluation shall report to the Department of Children and

Family Services, the Agency for Health Care Administration, the Executive Office of the Governor, and the Legislature every 12 months regarding the status of the implementation of the service delivery strategies. The report must include a summary of activities that have occurred during the past 12 months of implementation and any problems or obstacles that prevented, or may prevent in the future, the managing entity from achieving performance goals and measures. The first status report is due January 1, 2002. After the service delivery strategies have been operational for 1 year, the status report must include an analysis of administrative costs and the status of the achievement of performance outcomes. Upon receiving the annual report from the evaluator, the Department of Children and Family Services and the Agency for Health Care Administration shall jointly make any recommendations to the Executive Office of the Governor regarding changes in the service delivery strategies or in the implementation of the strategies, including timeframes.

Section 10. *Behavioral Health Services Integration Workgroup.*—

(1) *The Secretary of Children and Family Services shall establish the Behavioral Health Services Integration Workgroup, which, at a minimum, shall include representatives from the following: Department of Juvenile Justice, the Department of Corrections, and the Department of Education; the Office of Drug Control Policy; the Agency for Health Care Administration; and county jails, homeless coalitions, county government, providers of behavioral health services, public and private Baker Act receiving facilities, providers of child protection services, assisted living facilities serving behavioral health clients, and consumers of behavioral health services and their families. The Behavioral Health Services Integration Workgroup shall assess barriers to the effective and efficient integration of mental health and substance abuse treatment services across various systems, propose solutions to these barriers, and ensure that plans for mental health and substance abuse treatment services which are required by statute consider these solutions. Under chapter 216, Florida Statutes, the Department of Children and Family Services may transfer up to \$200,000 to support the Behavioral Health Services Integration Workgroup.*

(2) *The Behavioral Health Services Integration Workgroup shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, regarding the Workgroup's progress toward achieving the goals specified in subsection (1).*

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to substance abuse and mental health services; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent relating to the accreditation and cost-efficiency of substance abuse and mental health service providers; creating s. 394.741, F.S., relating to accreditation requirements for providers of behavioral health care services; defining the term "behavioral health care services"; requiring the accreditation of certain entities to be accepted in lieu of licensure, administrative, and program monitoring requirements; authorizing the adoption of rules; requiring that the Department of Children and Family Services and the Agency for Health Care Administration be allowed access to all accreditation reports, corrective action plans, and performance data submitted to accrediting organizations; authorizing followup monitoring by the department and the agency if major deficiencies are identified through the accreditation process; preserving the right of the department and agency to perform inspections, including contract monitoring; requiring the department and the agency to report to the Legislature on the viability of mandating accreditation and privatizing licensure and monitoring functions; specifying that the accreditation requirements of s. 394.741, F.S., apply to contracted organizations that are already accredited; amending s. 394.90, F.S., relating to substance abuse and mental health services; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending s. 397.411, F.S., relating to substance abuse service providers; revising provisions

relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending ss. 397.403 and 409.1671, F.S.; revising the name of the Commission on Accreditation of Rehabilitation Facilities; providing legislative findings with respect to providing mental health and substance abuse treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance abuse treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; requiring certain contracts for overlay services remain fee-for-services; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; providing an effective date.

On motion by Senator Mitchell, the Senate concurred in the House amendment.

CS for CS for SB 1258 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1424, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1424—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

House Amendment 1 (412311)—In the title, on page 1, line 5, remove from the bill: 475.22 and insert in lieu thereof: 475.622

On motion by Senator Posey, the Senate concurred in the House amendment.

SB 1424 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Laurent	Saunders
Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Webster
Constantine	Jones	Pruitt	
Cowin	King	Rossin	
Crist	Klein	Sanderson	

Nays—None

Vote after roll call:

Yea—Wasserman Schultz

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1684, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

House Amendment 1 (950359)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *Transition to Teaching Program; Legislative intent.*—*The Transition to Teaching Program is created to encourage and assist mid-career professionals who want to become teachers.*

Section 2. *Grants; eligible applicants.*—

(1) *The Commissioner of Education shall design the process for receiving and evaluating grant proposals in accordance with state and federal appropriations guidelines. Grants may be awarded only to the extent that funding is provided.*

(2) *The Commissioner of Education shall request proposals from eligible applicants to participate in the program. Each application must:*

(a) *Describe the target group of career-changing professionals upon which the applicant will focus in carrying out its program, including a description of the characteristics of the target group that shows how the knowledge and experience of its members are likely to improve their ability to become effective teachers.*

(b) *Describe how the applicant will identify and recruit program participants.*

(c) *Describe how the applicant will ensure that program participants are placed and teach in eligible school districts in this state.*

(d) *Describe the teacher support services that program participants will receive throughout at least their first year of teaching.*

(e) *Describe how the applicant will collaborate with other institutions, agencies, or organizations to recruit, train, place, and support program participants, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program.*

(3) *The Commissioner of Education must require an evaluation process to measure the progress and effectiveness of the program. This evaluation must include:*

(a) *The program's goals and objectives.*

(b) *The performance indicators that the applicant will use to measure the program's progress.*

(c) *The outcome measures that will be used to determine the program's effectiveness.*

(d) *An assurance that the applicant will provide the commissioner with information the commissioner finds necessary to determine the overall effectiveness of the programs.*

Section 3. *Program implementation; authorized expenditures.*—

(1) *An applicant shall estimate the funds required for the proposed program. All funds provided for a program must be used as authorized in federal guidelines.*

(2) *Eligible applicants are encouraged to implement the program using the following components:*

(a) *Recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that will train, place, and support them in the teaching profession.*

(b) *Assisting providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching.*

(c) *Placement activities, including identifying eligible local education agencies with a need for the skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those school districts.*

(d) *Post-placement support activities for program participants.*

Section 4. *Eligible participants; requirements for grant repayment.*—

(1) *Each participant who receives a grant from the program to pursue a teacher-preparation program must agree to teach in an eligible school district in this state for at least 3 years after certification. To be eligible, a school district must meet the requirements established in regulations that implement the Omnibus Appropriations Bill of 2000.*

(2) *The commissioner shall establish conditions under which a participant must repay all or a portion of the training stipend if the participant fails to complete his or her service obligation.*

Section 5. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2, remove the entire title from the bill and insert in lieu thereof: An act relating to teacher recruitment; creating the Transition to Teaching Program; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

On motion by Senator Klein, the Senate concurred in the House amendment.

CS for SB 1684 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Jones	Miller
Bronson	Dawson	King	Mitchell
Brown-Waite	Diaz de la Portilla	Klein	Peaden
Burt	Dyer	Latvala	Posey
Campbell	Garcia	Laurent	Pruitt
Carlton	Geller	Lawson	Rossin
Clary	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

Vote after roll call:

Yea—Constantine

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1766, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1766—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these exemptions; providing a statement of public necessity for the exemptions; amending s. 119.07, F.S.; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

House Amendment 1 (435285)(with title amendment)—On page 1, line 21 through page 4, line 6, remove from the bill: all of said lines

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

On motion by Senator Crist, the Senate concurred in the House amendment.

SB 1766 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2042, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations;

creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

House Amendment 1 (255577)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsections (18) through (27) of section 482.021, Florida Statutes, are redesignated as subsections (19) through (28), respectively, and a new subsection (18) is added to that section, to read:

482.021 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the term:

(18) "New construction" means the erection of a new building or the construction of an addition to an existing building, which encloses a space and requires a building permit under applicable building codes.

Section 2. Subsection (6) is added to section 482.051, Florida Statutes, to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(6) That the department may issue an immediate stop-use or stop-work order for fumigation performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including, but not limited to, failure to use required personal protective equipment, failure to use a required warning agent, failure to post required warning signs, failure to secure a structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

Section 3. Section 482.0815, Florida Statutes, is created to read:

482.0815 Permit to perform preventive termite treatment services for new construction only.—

(1) A licensee must have a permit to perform preventive termite treatments for new construction, except for preventive termite treatments on additions to existing structures for which the licensee has a current termite treatment contract.

(2) A permit shall be automatically renewed upon renewal of the license held by the licensee, unless the permit has been suspended, revoked, or otherwise denied.

(3) A permit shall be probationary for 120 days after a licensee is found to be in violation of s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, and treatment areas, except for provisions governing recordkeeping. A licensee whose permit is on probationary status must provide advance notice to the department of any preventive treatment planned for new construction.

(4) A licensee's permit shall be suspended for a 30-day to 90-day period if:

(a) The licensee whose permit is on probationary status violates s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, or treatment areas, except for provisions governing recordkeeping, at three or more sites on three or more separate dates;

(b) The licensee violates s. 482.051(3) or a rule with respect to three contracts within 2 years and the violation is failure to comply with contractual obligations to re-treat a wood-destroying-organism infestation or

to repair damage caused by wood-destroying organisms when required by the contract. If a licensee makes a good-faith offer to repair damage covered by a valid contract, the licensee must be considered to be in compliance with the contractual obligation;

(c) The licensee violates subsection (9); or

(d) The licensee violates the recordkeeping requirements of s. 482.051(5) three or more times within 2 years.

(5) A suspended permit may be reinstated after the period of the suspension if the licensee's license is in good standing.

(6) The permit of a licensee whose permit has been suspended within the previous 3 years shall be revoked if the licensee subsequently meets any of the conditions of subsection (4).

(7) The department may not issue a permit or renew the permit to perform preventive termite treatments if the applicant or licensee or any of its directors, officers, owners, or general partners are or were directors, officers, owners, or general partners of a pest control business that went out of business or sold the business within 5 years immediately preceding the date of application or renewal and failed to reimburse the prorated renewal fee of any customer's remaining wood-destroying-organism contract periods or failed to provide for another licensed pest control operator to assume its existing wood-destroying-organism contract responsibility.

(8) A licensee must conspicuously display its current permit at all business locations, each of which must have a separate permit.

(9) A licensee holding a permit must maintain accurate records of all pesticides purchased, obtained, or available for its use; the total amount of the area treated using soil applied termiticides; and the total number of sites treated using this and any other method of treatment. These records must be made available to the department upon request. The amount of pesticides purchased, obtained, or otherwise available must at least equal the amount required by the pesticide label to treat the area or number of sites treated.

(10) The department shall suspend the license of any licensee who performs preventive termite treatments for new construction while its permit is suspended or revoked.

(11) The department shall adopt rules necessary to administer this section.

Section 4. Subsection (10) is added to section 482.091, Florida Statutes, to read:

482.091 Employee identification cards.—

(10) In addition to the training required by s. 482.091(3), each identification cardholder must receive 4 hours of classroom training in pesticide safety, integrated pest management, and applicable federal and state laws and rules within 6 months after issuance of the card or must have received such training within 2 years before issuance of the card. Each cardholder must receive at least 2 hours of continuing training in pesticide safety, integrated pest management, and applicable federal and state laws and rules by the renewal date of the card. Certified operators who maintain their certificates in good standing are exempt from this subsection. The department shall adopt rules regarding verification of such training.

Section 5. Paragraph (b) of subsection (2) of section 482.132, Florida Statutes, is amended to read:

482.132 Qualifications for examination and certification.—

(2) Each applicant for examination for a pest control operator's certificate must possess the minimum qualifications specified in one of the following paragraphs:

(b) A degree with advanced training or a major in entomology, botany, agronomy, or horticulture from a recognized college or university, which training or major included the completion of at least 20 semester hours or 30 quarter hours of college credits in those subjects, plus 1 year's employment as a service employee of a licensee that performs pest control in the category or categories in which the applicant seeks certification or the successful completion of a 1-year entomology program at a

public university in this state which specializes in urban pest management and includes practical pest management experience. If such advanced training or major is in entomology, the applicant is qualified for examination in all categories; but if such advanced training or major is in botany, agronomy, or horticulture, the applicant is qualified for examination only in the category of lawn and ornamental pest control.

Section 6. Subsection (4) of section 482.161, Florida Statutes, is amended to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(4) Any charge of a violation of this chapter or of the rules adopted pursuant to this chapter by a licensee affects only the license or permit of the business location from which the violation is alleged to have occurred. Another license or permit may not be issued to the same licensee, or to any person who has an ownership interest in the suspended or revoked business license of the licensee and who knew or should have known of the violation that resulted in the suspension or revocation, for a new business location in the same county or any contiguous county for a period of 3 years after the effective date of the suspension or revocation.

Section 7. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.—

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) Regulations that:

1. Require, for multi-complex dwellings in excess of 10 units, annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.

2. Require pest control treatments of structures that have termite activity or damage which must be performed by a person licensed under this chapter.

3. Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d)(e) Protection of wellhead protection areas and high recharge areas.

(e)(d) Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f)(e) Hazardous material unlawful discharge and disposal.

(g)(f) Hazardous materials remediation.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 3-24, remove from the title of the bill: all of said lines and insert in lieu thereof: amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest control regulation; providing an effective date.

On motion by Senator Bronson, the Senate concurred in the House amendment.

CS for SB 2042 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Rows include Mr. President, Bronson, Brown-Waite, Burt, Campbell, Carlton, Constantine, Cowin, Crist, Dawson.

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2156, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term "end-stage condition"; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

House Amendment 1 (491499)(with title amendment)—On page 6, between lines 6 and 7, insert:

Section 5. Subsection (2) of section 765.1103, Florida Statutes, is amended to read:

765.1103 Pain management and palliative care.—

(2) Health care providers and practitioners regulated under chapter 458, chapter 459, or chapter 464 must, as appropriate, comply with a request for pain management or palliative care from a patient under their care or, for an incapacitated patient under their care, from a surrogate, proxy, guardian, or other representative permitted to make health care decisions for the incapacitated patient. Facilities regulated under chapter

400 or chapter 395 must comply with the pain management or palliative care measures ordered by the patient's physician. When the patient is receiving care as an admitted patient of a facility or a provider or is a subscriber of a health care facility, health care provider, or health care practitioner regulated under chapter 395, chapter 400, chapter 458, chapter 459, chapter 464, or chapter 641, such facility, provider, or practitioner must, when appropriate, comply with a request for pain management or palliative care from a capacitated patient or an incapacitated patient's health care surrogate or proxy, court-appointed guardian as provided in chapter 744, or attorney in fact as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.

And the title is amended as follows:

On page 1, line 15, after the semicolon insert: amending s. 765.1103, F.S.; directing certain health care providers and practitioners to comply with a request for pain management or palliative care from a patient under certain circumstances;

On motion by Senator Klein, the Senate concurred in the House amendment.

CS for CS for SB 2156 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Diaz de la Portilla, Laurent, Sanderson. Rows include Mr. President, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson.

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 2240, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term "additive product"; redefining the terms "motor vehicle service agreement" and "salesperson"; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s.

634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

House Amendment 1 (543585)—On page 31, line 26, remove from the bill: 20 and insert in lieu thereof: 120

On motion by Senator Garcia, the Senate concurred in the House amendment.

SB 2240 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 374, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.;

authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

House Amendment 2 (501593)(with title amendment)—On page 11, between lines 13 and 14, insert:

Section 9. Subsection (3) of section 765.401, Florida Statutes, is amended to read:

765.401 The proxy.—

(3) Before exercising the incapacitated patient’s rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305; except that a proxy’s decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent, and a guardian ad litem not related to the patient must be appointed to represent the patient’s interests.

Section 10. Paragraph (f) is added to subsection (4) of section 744.3215, Florida Statutes, to read:

(f) Consent to or otherwise direct on behalf of the ward to withdraw or withhold life-prolonging procedures. Any authority exercised under this paragraph must comply with chapter 765.

And the title is amended as follows:

On page 2, line 3, after the semicolon insert: amending s. 765.401, F.S.; requiring appointment of a guardian ad litem when a proxy seeks to withhold or withdraw life-prolonging procedures; amending s. 744.3215, F.S.; providing that a guardian must seek court approval to withdraw or withhold life-prolonging procedures;

On motion by Senator Carlton, the Senate refused to concur in the House amendment to **CS for CS for SB 374** and the House was requested to recede. The action of the Senate was certified to the House. The vote was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Holzendorf	Miller	Sullivan
Carlton	Horne	Mitchell	Villalobos
Clary	Jones	Peaden	Wasserman Schultz
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Smith

BILLS ON THIRD READING, continued

CS for HB 367—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising the membership of and the procedures governing the appointment of members to each judicial nominating commission; prohibiting justices and judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; requiring the Governor to seek to ensure racial, ethnic, and gender diversity of the membership; requiring consideration of county representation on circuit judicial nominating commissions; providing for suspension of members for cause; prescribing quorum requirements; requiring the Executive Office of the Governor to provide administrative support and to adopt rules; amending s.

112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Cowin, **CS for HB 367** as amended was passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Cowin	Laurent	Sebesta
Bronson	Crist	Lawson	Smith
Brown-Waite	Diaz de la Portilla	Lee	Sullivan
Burt	Garcia	Peaden	Villalobos
Campbell	Horne	Posey	Webster
Carlton	King	Pruitt	
Clary	Klein	Sanderson	
Constantine	Latvala	Saunders	

Nays—10

Dawson	Holzendorf	Miller	Rossin
Dyer	Jones	Mitchell	Wasserman Schultz
Geller	Meek		

MOTIONS

On motion by Senator Campbell, the rules were waived and by two-thirds vote **CS for HB 415** was placed on the Special Order Calendar and taken up instanter.

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent’s parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including

notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor’s placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—which was previously considered and amended May 3. Pending **Amendment 3 (304386)** by Senator Garcia was adopted.

Senator Garcia moved the following amendments which were adopted:

Amendment 4 (105046)—On page 46, line 27 through page 47, line 2, delete those lines and insert:

13. *Under section 63.165, Florida Statutes, the State of Florida maintains a registry of adoption information. Information about the registry is available from the Department of Children and Family Services.*

Amendment 5 (755690)—On page 59, lines 5-9, delete those lines and insert:

paternity of the minor; and

(g) *Any person the mother has reason to believe may be the father.*

Amendment 6 (100822)—On page 61, lines 8-15, delete those lines and insert:

(n) *Search of one Internet databank locator service; and*

(o) *Information held by all medical providers who rendered medical treatment or care to the birth mother and child, including the identity and location information of all persons listed by the mother as being financially responsible for the uninsured expenses of treatment or care and all persons who made any such payments.*

On motion by Senator Campbell, by two-thirds vote **CS for HB 415** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crist	Latvala	Sebesta
Bronson	Diaz de la Portilla	Laurent	Silver
Brown-Waite	Dyer	Lawson	Smith
Burt	Garcia	Meek	Sullivan
Campbell	Holzendorf	Miller	Villalobos
Carlton	Horne	Mitchell	Wasserman Schultz
Clary	Jones	Peaden	Webster
Constantine	King	Pruitt	
Cowin	Klein	Saunders	

Nays—2

Posey Sanderson

Vote after roll call:

Yea—Dawson

Yea to Nay—Villalobos

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the approval of seaport security plans by the Office of Drug Control and the Department of Law Enforcement; providing requirements for criminal history checks on applicants for employment or current employees of a seaport; providing an appeal procedure; providing for modification or variance from a particular standard; providing for inspections of seaports; providing requirements for compliance by seaports; providing for the Department of Law Enforcement to impose penalties if a seaport fails to meet certain project timelines; requiring certain reports; providing funding criteria; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (103810)** by Senator Holzendorf was withdrawn.

SENATOR SILVER PRESIDING

On motion by Senator Burt, **CS for SB 978** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Horne	Mitchell	Smith
Clary	Jones	Peaden	Sullivan
Cowin	King	Posey	Villalobos
Crist	Klein	Pruitt	Wasserman Schultz
Dawson	Latvala	Rossin	Webster

Nays—2

Holzendorf Miller

CS for CS for HB 267—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice upon the request of the provider; amending s. 230.23161, F.S.; providing legislative goals with respect to education within department programs; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an

agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; limiting the department's authority to provide an exemption; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; providing for retroactive effect; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01 and 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; amending s. 985.02, F.S.; clarifying legislative intent concerning the responsibilities of parents, custodians, and guardians of children in the juvenile justice system; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending s. 985.04, F.S.; providing that certain records maintained by the Department of Juvenile Justice need only be retained for 25 years; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; amending ss. 985.207 and 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; revising provisions related to the collection of certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; revising provisions related to the collection of certain fees; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; providing legislative intent with regard to contracting with faith-based organizations that provide services to juveniles; clarifying conditions under which a juvenile may be transferred; deleting language relating to the collection and reporting of cost data and program ranking; amending s. 985.412, F.S.; adding requirements relating to the collection and reporting of cost data and program ranking; requiring the Department of Juvenile Justice to submit proposals for funding incentives and disincentives based upon quality assurance performance and cost-effectiveness performance to the Legislature by a date certain; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the deposit of repair and maintenance funds into the Administrative Trust

Fund; amending s. 985.401, F.S., to conform; requiring the Office of Program Policy Analysis and Government Accountability to annually review certain safety and security best practices; requiring school districts to use such practices to conduct certain assessments; requiring school district superintendents to make certain recommendations to school boards based on such assessments; requiring school boards to hold public meetings on the assessments and recommendations; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.

Garcia	Latvala	Peaden	Silver
Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster
Klein	Mitchell	Sebesta	

Nays—None

—as amended May 3 was read the third time by title.

On motion by Senator Smith, **CS for CS for HB 267** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Latvala, by unanimous consent—

CS for HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—as amended May 3 was taken up out of order and read the third time by title.

Senator Latvala moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (774290)(with title amendment)—On page 4, between lines 16 and 17, insert:

Section 8. *The sum of \$500,000 in nonrecurring revenue is appropriated from the General Revenue Fund to the Department of Environmental Protection to facilitate the development of a uniform fiscal impact analysis model to assist local governments to evaluate the cost of infrastructure to support development.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: providing an appropriation to the Department of Environmental Protection to develop a model to analyze infrastructure costs;

On motion by Senator Latvala, **CS for HB 589** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer

CS for SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing limitations on certain funds; clarifying that certain existing law relating to state lands is not abrogated; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Smith, **CS for SB 1246** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Diaz de la Portilla	Lee	Saunders
Brown-Waite	Garcia	Meek	Sebesta
Burt	Geller	Miller	Silver
Campbell	Holzendorf	Mitchell	Smith
Carlton	Jones	Peaden	Sullivan
Clary	Klein	Posey	Villalobos
Cowin	Latvala	Pruitt	Wasserman Schultz
Crist	Laurent	Rossin	Webster
Dawson	Lawson	Sanderson	

Nays—1

Dyer

Vote after roll call:

Yea—King

SB 1382—A bill to be entitled An act relating to real estate brokers; creating s. 475.015, F.S.; clarifying applicability of ch. 475, F.S., to a broker acting as a trustee or in a fiduciary capacity; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Laurent, **SB 1382** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Lawson	Sanderson
Brown-Waite	Dyer	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Carlton	Holzendorf	Mitchell	Smith
Clary	Jones	Peaden	Sullivan
Cowin	Klein	Posey	Villalobos
Crist	Latvala	Pruitt	Wasserman Schultz
Dawson	Laurent	Rossin	Webster

Nays—None

CS for SB 1234—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing definitions; creating s. 548.015, F.S.; authorizing the commission to require the posting of a bond or other form of security by concessionaires;

amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; requiring the commission to make recommendations with respect to unregulated and unsanctioned boxing competitions; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules providing for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission may not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the commission to adopt rules relating to blood tests; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Sebesta, **CS for SB 1234** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Jones	Mitchell	Villalobos
Cowin	King	Peaden	Wasserman Schultz
Crist	Klein	Posey	
Dawson	Latvala	Pruitt	

Nays—None

CS for HB 161—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of funds; providing for demonstration restoration projects; providing effective dates.

—as amended May 3 was read the third time by title.

On motion by Senator Brown-Waite, **CS for HB 161** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

HB 421—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 421** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for HB 501** was deferred.

CS for SB 1342—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student Assistance Grant program for part-time students; providing for rule-making by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 1342** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Smith Villalobos Wasserman Schultz Webster
 Sullivan
 Nays—None

CS for CS for SB 2066—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator King, **CS for CS for SB 2066** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **HB 625** and **HB 1471** was deferred.

SB 20—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, Sean Ryan Calderon, and Lily Ann Calderon; authorizing and directing Miami-Dade County to compensate them for the death of Roberto Luis Calderon which was caused by the negligence of a Miami-Dade County employee; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Villalobos, **SB 20** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Dawson	Laurent	Rossin
Brown-Waite	Dyer	Lawson	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Smith
Constantine	Jones	Peaden	Sullivan
Cowin	Klein	Posey	Villalobos
Crist	Latvala	Pruitt	

Nays—2

King Webster

Vote after roll call:

Yea—Diaz de la Portilla

SB 2216—A bill to be entitled An act relating to the food stamp program; amending s. 414.31, F.S.; providing a methodology for valuing vehicles as assets for purposes of food stamp eligibility; providing rule-making authority; providing a deadline for implementation; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **SB 2216** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 821** was withdrawn from the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

HB 821—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz; providing for an appropriation to compensate Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing for reversion of funds; providing an effective date.

—a companion measure, was substituted for **SB 50** and read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 821** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Diaz de la Portilla	Laurent	Rossin
Brown-Waite	Dyer	Lawson	Sanderson
Burt	Garcia	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Smith
Constantine	Jones	Peaden	Sullivan
Crist	Klein	Posey	Villalobos
Dawson	Latvala	Pruitt	Wasserman Schultz

Nays—3

Cowin King Webster

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303,

230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—as amended May 3 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Posey, the Senate reconsidered the vote by which **Amendment 2 (304148)** was adopted.

Senator Posey moved the following amendment to **Amendment 2** which was adopted by two-thirds vote:

Amendment 2A (062556)—On page 2, lines 2 and 3, delete those lines and insert: *members*.

Amendment 2 as amended was adopted by two-thirds vote.

THE PRESIDENT PRESIDING

Senator Posey moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (942762)(with title amendment)—On page 41, line 12 through page 42, line 3, delete those lines and insert:

Section 43. *The following councils, created pursuant to ss. 570.0705, Florida Statutes, and chapter 90-487, Laws of Florida, are abolished:*

- (1) *Florida City State Farmers Market Advisory Committee.*
- (2) *Fort Myers State Farmers Market Advisory Council.*
- (3) *Fort Pierce State Farmers Market Advisory Council.*
- (4) *Gadsden County State Farmers Market Advisory Council.*
- (5) *Immokalee State Farmers Market Advisory Council.*
- (6) *Nitrate Bill Best Management Practices Advisory Group.*
- (7) *Palatka State Farmers Market Advisory Council.*
- (8) *Plant City State Farmers Market Advisory Council.*
- (9) *Pompano Beach Farmers Market Authority.*
- (10) *Sanford State Farmers Market Advisory Council.*
- (11) *Seed Potato Advisory Council.*
- (12) *Starke State Farmers Market Advisory Council.*
- (13) *Suwannee Valley State Farmers Market Advisory Council.*
- (14) *Trenton State Farmers Market Advisory Council.*
- (15) *Tropical Soda Apple Task Force.*
- (16) *Wauchula State Farmers Market Advisory Council.*

Section 44. *Section 290.049, Florida Statutes, is repealed.*

Section 45. Subsection (7) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(7) *Establish an advisory committee of no more than 13 members to solicit participation in designing, administering, and evaluating the program and in linking the program with other housing and community development resources.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 23 through page 5, line 10, delete those lines and insert: *Vehicles; abolishing the Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; repealing s. 290.049, F.S., relating to the Community Development*

Block Grant Advisory Council; amending s. 290.048, F.S.; establishing an advisory committee; providing effective dates.

Senator Bronson moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (875624)(with title amendment)—On page 42, between lines 3 and 4, insert:

Section 44. *Notwithstanding the repeal contained in HB 1717, as enacted by the 2001 Regular Session of the Legislature, sections 570.40 and 570.41, Florida Statutes, are reenacted.*

Section 45. *Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, subsection (2) of section 20.14, Florida Statutes, is reenacted to read:*

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

- (a) Administration.
- (b) Agricultural Environmental Services.
- (c) Animal Industry.
- (d) Aquaculture.
- (e) Consumer Services.
- (f) Dairy Industry.
- (g) Food Safety.
- (h) Forestry.
- (i) Fruit and Vegetables.
- (j) Marketing and Development.
- (k) Plant Industry.
- (l) Standards.

Section 46. *Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.29, Florida Statutes, is reenacted to read:*

570.29 Departmental divisions.—The department shall include the following divisions:

- (1) Administration.
- (2) Agricultural Environmental Services.
- (3) Animal Industry.
- (4) Aquaculture.
- (5) Consumer Services.
- (6) Dairy Industry.
- (7) Food Safety.
- (8) Forestry.
- (9) Fruit and Vegetables.
- (10) Marketing and Development.
- (11) Plant Industry.
- (12) Standards.

Section 47. *Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.18, Florida Statutes, is reenacted to read:*

570.18 Organization of departmental work.—In the assignment of functions to the 12 divisions of the department created in s. 570.29, the department shall retain within the Division of Administration, in addition to executive functions, those powers and duties enumerated in s. 570.30. The department shall organize the work of the other 11 divisions in such a way as to secure maximum efficiency in the conduct of the department. The divisions created in s. 570.29 are solely to make possible the definite placing of responsibility. The department shall be conducted as a unit in which every employee, including each division director, is assigned a definite workload, and there shall exist between division directors a spirit of cooperative effort to accomplish the work of the department.

Section 48. *Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.50, Florida Statutes, is reenacted to read:*

570.50 Division of Food Safety; powers and duties.—The duties of the Division of Food Safety include, but are not limited to:

(1) Enforcing those provisions of chapter 585, and the rules adopted under that chapter, relating to the inspection of meat and the antemortem and postmortem inspection of poultry.

(2) Conducting those general inspection activities relating to food and food products being processed, held, or offered for sale in this state and enforcing those provisions of chapters 500, 501, 502, 503, 531, 583, 585, 586, and 601 relating to foods as authorized by the department.

(3) Analyzing samples of foods offered for sale in this state as required under chapters 500, 501, 502, 503, 585, 586, and 601.

(4) Investigating, evaluating, and developing new or improved methodology to enhance the analytical capability and efficiency of all divisional laboratories and performing other related analyses as deemed necessary.

(5) Analyzing food and feed samples offered for sale in the state for chemical residues as required under the adulteration sections of chapters 500 and 580.

Section 49. *Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, subsection (1) of section 570.51, Florida Statutes, is reenacted to read:*

570.51 Director; qualifications; duties.—

(1) The director of the Division of Food Safety shall be appointed by the commissioner to serve at the commissioner's pleasure.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: reenacting ss. 570.40, 570.41, F.S., relating to the Division of Dairy Industry, notwithstanding a repeal; reenacting ss. 20.14(2), 570.29, 570.18, 570.50, 570.51(1), F.S.; reestablishing the Division of Dairy Industry;

SENATOR ROSSIN PRESIDING

On motion by Senator Posey, **CS for HB 501** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Horne	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	Klein	Posey	Wasserman Schultz
Cowin	Latvala	Pruitt	Webster
Crist	Laurent	Sanderson	
Dawson	Lawson	Saunders	

Nays—1

Holzendorf

Vote after roll call:

Yea—King

CS for CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; authorizing the agency to pay for assistive-care services; amending s. 409.908, F.S.; providing for a temporary rate reduction; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; requiring the Medicaid Pharmaceutical and Therapeutics Committee to recommend a preferred drug formulary; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for committee responsibilities; requiring the agency to publish the preferred drug formulary; providing for a hearing process; amending s. 409.912, F.S.; authorizing the agency to establish requirements for prior authorization for certain populations, drug classes, or particular drugs; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; directing the agency to establish a demonstration project in Miami-Dade County to provide minority health care; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation; providing for distribution of funds under the disproportionate share program for specified hospitals for the 2001 federal fiscal year; providing for the distribution of County Health Department Trust Funds; requiring the certificate-of-need workgroup to review and make recommendations regarding specified regulations; providing for a temporary rate reduction; providing for an exemption from review for transfer of certain beds and services to a satellite facility; providing for future repeal; providing an appropriation; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing effective dates.

—as amended May 3 was read the third time by title.

Senator Silver moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (735674)(with title amendment)—On page 13, line 16 through page 15, line 19, delete those lines and insert:

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and qual-

ity and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. *Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.*

2. *The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.*

3. *The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.*

4. *All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.*

5. *On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.*

6. *Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent existing appropriations are available. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate setting period beginning April 1, 1999, the agency shall establish a case mix reimbursement methodology for the rate of payment for long term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level of care data and other appropriate data. The case mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.*

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

And the title is amended as follows:

On page 1, lines 27 and 28, delete those lines and insert: 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; revising standards, guidelines, and

Amendment 2 (153646)(with title amendment)—On page 66, between lines 2 and 3, insert:

Section 16. *The Legislature determines and declares that this act fulfills an important state interest.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 19, after the second semicolon (;) insert: amending s. 408.036, F.S.; exempting specified projects from required review by the Agency for Health Care Administration; providing that the act fulfills an important state interest;

On motion by Senator Silver, **CS for CS for SB 792** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Villalobos
Clary	Jones	Mitchell	Wasserman Schultz
Constantine	King	Peaden	Webster
Cowin	Klein	Posey	
Crist	Latvala	Pruitt	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

SPECIAL RECOGNITION

Senator King presented Senator Silver with a University of Miami license plate that had been personalized to read “Dean of the Legislature.” Senator Silver expressed his appreciation to the Senate.

CS for SB 904—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to supplemental drug rebates; providing an exemption from the public meetings law for certain portions of meetings of the Medicaid Pharmaceutical and Therapeutics Committee; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 904** was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Burt	Clary	Cowin
Brown-Waite	Carlton	Constantine	Crist

Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Laurent	Posey	Sullivan
Geller	Lawson	Pruitt	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster
Horne	Meek	Saunders	
Jones	Miller	Sebesta	

Nays—2

Campbell	Villalobos
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THE PRESIDENT PRESIDING

HB 625—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing a custodian to withdraw as custodian under certain circumstances; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders; providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing effective dates.

—was read the third time by title.

On motion by Senator Constantine, **HB 625** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Lawson	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Laurent	Sanderson	

Nays—None

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 1471** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Lee	Sebasta
Bronson	Dyer	Meek	Silver
Brown-Waite	Geller	Miller	Smith
Burt	Holzendorf	Mitchell	Sullivan
Campbell	Horne	Peaden	Villalobos
Carlton	Jones	Posey	Wasserman Schultz
Clary	King	Pruitt	Webster
Constantine	Klein	Rossin	
Cowin	Laurent	Sanderson	
Dawson	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Crist

The Senate resumed consideration of—

CS for SB 348—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms “mortgage” and “foreclosure proceedings”; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing effective dates.

—which was previously considered and amended with pending **Amendment 2 (493372)** by Senator Campbell and substitute **Amendment 3 (723792)** by Senator Campbell. **Amendment 3** was withdrawn.

Senator Campbell moved the following substitute for **Amendment 2** which was adopted by two-thirds vote:

Amendment 4 (843900)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) is repealed and paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.
2. Florida Board of Auctioneers, created under part VI of chapter 468.
3. ~~Barbers'~~ Board of *Barbering and Cosmetology*, created under chapter 476.
4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.
5. Construction Industry Licensing Board, created under part I of chapter 489.
6. ~~Board of Cosmetology, created under chapter 477.~~
- 6.7. Electrical Contractors' Licensing Board, created under part II of chapter 489.
- 7.8. Board of Employee Leasing Companies, created under part XI of chapter 468.
- 8.9. Board of Funeral Directors and Embalmers, created under chapter 470.
- 9.10. Board of Landscape Architecture, created under part II of chapter 481.
- 10.11. Board of Pilot Commissioners, created under chapter 310.
- 11.12. Board of Professional Engineers, created under chapter 471.
- 12.13. Board of Professional Geologists, created under chapter 492.
- 13.14. Board of Professional Surveyors and Mappers, created under chapter 472.
- 14.15. Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more *than seven* members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with *seven or fewer than five* members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

(7) ~~No board, with the exception of joint coordinators, shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.~~

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter Sections 326.001-326.006 may be cited as the “Yacht and Ship Brokers’ Act.”*

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter ss. 326.001-326.006*, the term:

(1) “Broker” means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) “Department” “Division” means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation.~~

(3) “Salesperson” means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) “Yacht” means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) “Person” means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The ~~department division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter ss. 326.001-326.006*.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer this chapter implement ss. 326.001-326.006* and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter ss. 326.001-326.006* against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers’ Act. The ~~department division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The ~~department division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed \$500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the ~~department division~~ in *this chapter ss. 326.001-326.006*.

(6) The ~~department division~~ may deny a license or license renewal to any applicant who does not:

(a) Furnish proof satisfactory to the ~~department division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers’ Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the ~~department division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of \$25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the ~~department division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers’ Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the ~~department division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter ss. 326.001-326.006*. When the ~~department division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers’ Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the ~~department division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson’s license or its renewal must deposit with the ~~department division~~ a bond or equivalent securities in the sum of \$10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter ss. 326.001-326.006* which results in any action being commenced on the bond or letter of credit, the ~~department division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers’ Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the ~~department division~~ that it is no longer the surety for a licensee, the ~~department division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee’s principal office. Upon the termination of such surety the licensee’s license is automatically suspended until he or she files a new bond with the ~~department division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office. The ~~department division~~

shall establish by rule a fee not to exceed \$100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the ~~department division~~ for cancellation.

(15) The ~~department division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement and the Federal Bureau of Investigation conduct ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of ~~department division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The ~~department may division has the power to~~ enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the ~~department division~~ has the following powers and duties:

(a) The ~~department division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The ~~department division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the ~~department division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the ~~secretary of the department division director~~ or any officer or employee designated by the ~~secretary division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the ~~department investigating officer~~ and upon reasonable notice to all persons affected thereby, the ~~department division~~ may apply to the circuit court for an order compelling compliance, may impose a civil penalty, and may suspend or revoke the licensee's license.

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the ~~department division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the ~~department division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The ~~department division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The ~~department division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the ~~department division~~ will carry out the purposes of this chapter.

3. The ~~department division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The ~~department division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All amounts collected must be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the ~~department division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the ~~department division~~ must be brought in the county in which the ~~department division~~ has its executive offices or in the county where the violation occurred.

(e) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. *Engages in acts that are evidence of a lack of good moral character.*

10. *Is convicted of a felony.*

(f) The ~~department division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. *Had a license or registration revoked, suspended, or sanctioned in another state.*

(3) All fees must be deposited in the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund~~ as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such*

regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division pursuant to s. 399.13. ~~If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~ A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for routine inspection.

(2) The division may ~~shall~~ employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must

forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) *Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.*

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) "Registration" "License" means a *registration license* issued by the department of Business and Professional Regulation to carry on the business of a talent agency under this part.

(11) "Registrant" "Licensee" means a talent agency *that which* holds a valid unrevoked and unforfeited *registration license* issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 *Operation of a talent agency Duties of the department; authority to issue and revoke license; adoption of rules.—*

(1) *It is unlawful to have* ~~The department may take any one or more of the actions specified in subsection (5) against any person who has:~~

(a) Obtained or attempted to obtain a *registration* ~~any~~ license by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of *nolo contendere* to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection *as required by* ~~to the department or any authorized agent thereof acting within its jurisdiction or by authority of law.~~

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department.~~

(i) Had a license *or registration* to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license *or registration* for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the *registrant* ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the *registrant's* ~~licensee's~~ capacity as a *registered* ~~licensed~~ talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the *registration* ~~license~~.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent *registration* ~~license~~.

(o) Permitted, aided, assisted, procured, or advised any ~~unlicensed~~ person to operate a talent agency contrary to this part or *other law* ~~to a rule of the department.~~

(p) Failed to perform any statutory or legal obligation placed on a ~~licensed~~ talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the *registrant* ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with another ~~licensee~~ or with any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* ~~licensee~~ from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* ~~licensee~~ or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

~~(2)(3)~~ The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary to administer* ~~implement the provisions of~~ this part.

~~(3)(4)~~ A revoked or suspended *registration* ~~license~~ must be returned to the department within 7 days after the time for appeal has elapsed.

~~(4)(5)~~ Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department *may take the following actions:*

(a) Deny an application for *registration* ~~license~~ as a talent agency.

(b) ~~Permanently~~ Revoke or suspend the *registration* ~~license~~ of a talent agency.

~~(c)~~ Impose an administrative fine, not to exceed \$5,000, for each ~~count or separate offense.~~

~~(d)~~ Require restitution.

~~(e)~~ Issue a public reprimand.

~~(f)~~ Place the licensee on probation, subject to such conditions as the department *may specify.*

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

~~(5)(7)~~ The department may deny a *registration* ~~license~~ if any owner or operator listed on the application has been associated with a talent agency whose *registration* ~~license~~ has been revoked or otherwise disciplined.

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration* ~~License~~ requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first *registers with* ~~procures a license for the talent agency from~~ the department. However, a *registration* ~~license~~ is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a *registration* ~~license~~ must be accompanied by an application fee set by the department not to exceed \$300, ~~plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant.~~ Each application for a change of

operator must be accompanied by an application fee of \$150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

(3)(4) Each application must include:

(a) The name and address of the owner of the talent agency.

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

(b)(e) The street and number of the building or place where the talent agency is to be located.

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

(4)(6) If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.

(5)(7) If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or *registrant's* licensee's office.

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

(6)(9) If any information in the application supplied to the department by the applicant or *registrant* licensee changes in any manner whatsoever, the applicant or *registrant* licensee shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or *registrant* licensee.

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration License*; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial *registration* licensing, renewal of *registration* license, and reinstatement of *registration* license, none of which fees shall exceed \$400. The department may by rule establish a delinquency fee of no more than \$50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the *registering* regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency *registration* license has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The *registrant's* licensee's good standing under this part

shall be contingent upon the department's approval of any such new owner or operator.

(3) No *registration* license shall be valid to protect any business transacted under any name other than that designated on in the *registration* license, unless consent is first obtained from the department, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department, and unless the *registration* license is returned to the department for the recording thereon of such changes. A charge of \$25 shall be made by the department for the recording of authorization for each change of name or change of location.

(4) No *registration* license issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* applicant for a license shall maintain and provide to its artists or potential clients file with the application an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by notifying its artists filing with the department an amended or supplemental schedule at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration License*; content; posting.—

(1) The talent agency *registration* license shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* license, the full names and titles of the owner and the operator, and the number of the *registration* license.

(2) The talent agency *registration* license shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* licensee desires to cancel his or her *registration* license, he or she must notify the department and forthwith return to the department the *registration* license so canceled. No *registration* license fee may be refunded upon cancellation of the *registration* license.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered* with regulated by the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency requirements regulations.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; *and*

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto; ~~and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)(4) Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part ~~and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part.~~ The department shall furnish to talent agencies printed copies of any statute ~~or rule~~ required to be posted under this subsection.

(4)(5) No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(5)(6) No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the *registered licensed* name, department *registration license* number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(6)(7) No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.

(7)(8) No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(8)(9) If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.

(9)(10) Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* ~~Legal requirements~~; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with* ~~procuring a license from~~ the department.

(b) Obtaining or attempting to obtain a *registration license* by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration license*, ~~unless written notification is given to the department and to the surety or sureties on the original bond, and unless the registration license is returned to the department for the recording thereon of such changes.~~

(b) Assigning or attempting to assign a *registration license* issued under this part.

(c) Failing to show on a *registration license* application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* ~~regulated by~~ the department, ~~and which lists the address and telephone number of the department.~~

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or subsection (2)*, suspend or revoke the *registration license* of any *person licensee* under this part who has been found guilty of any violation of *subsection (1) or misdemeanor listed in subsection (2)*.

(4) ~~If a~~ ~~In the event the department or any state attorney finds~~ ~~shall have~~ probable cause to believe that a talent agency or other person has violated any provision of *subsection (1) or subsection (2)*, an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may *permanently prohibit a person from operating or working for a talent agency* ~~assess a penalty against any talent agency or any person in an amount not to exceed \$1,000.~~

(5) *Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed \$5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.*

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~fines, fees, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the

operation of a talent agency. If any agent, owner, or operator of a ~~registered licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency ~~registration license~~ shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future ~~registration licensure~~ as owner or operator of a Florida talent agency.

Section 22. Sections 468.405 and 468.408, Florida Statutes, are repealed.

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)1. A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. *Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.*

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, ~~the forms a form~~ of seals seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain *at least one an impression-type metal* seal in the form *approved by board rule aforesaid* and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final

drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in *this chapter ss. 472.001-472.041*.

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 *Exemptions Persons not affected by ss. 472.001-472.041.— This chapter does Sections 472.001-472.041 do not apply to:*

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under *this chapter the provisions of ss. 472.001-472.041*.

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)(~~a~~) and (~~b~~).

(5)(a) *Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

(b) *Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.*

(c) *Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.*

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in *this chapter ss. 472.001-472.041*:

(1) "Board" means the Board of Professional Surveyors and Mappers.

(2) “Department” means the Department of Business and Professional Regulation.

(3) “Surveyor and mapper” includes the term “professional surveyor and mapper” and means a person who is registered to engage in the practice of surveying and mapping under ~~this chapter ss. 472.001-472.041~~. For the purposes of this subsection ~~statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) “Practice of surveying and mapping” means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ “Surveyor and mapper intern” includes ~~the term~~ “surveyor-mapper-in-training” and means a person who complies with the requirements of ~~this chapter provided by ss. 472.001-472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ “Responsible charge” means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scribe, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ “License” means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) “Photogrammetric mapper” means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) “Employee” means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers’ compensation, all as prescribed by law.

(10) “Subordinate” means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) “Monument” means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) “Legal entity” means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and record-keeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ~~this chapter ss. 472.001-472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of ~~this chapter ss. 472.001-472.041~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under ~~this chapter ss. 472.001-472.041~~ as agents, employees, officers, or partners, is permitted subject to the provisions of ~~this chapter ss. 472.001-472.041~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by ~~this chapter ss. 472.001-472.041~~, and, further, provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of ~~this chapter ss. 472.001-472.041~~.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 ~~Authorization~~ ~~Surveyors and mappers authorized~~ to enter lands of third parties; ~~under certain conditions~~.—Surveyors and mappers and their subordinates may go on, over, and upon the lands of others when necessary to make surveys and maps or to search for, uncover, locate, or set monuments, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their subordinates and duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.; However, this section does not

give authority to registrants, *subordinates*, agents, or employees to destroy, injure, damage, or otherwise move any physical improvements ~~anything~~ on lands of another without the written permission of the landowner. No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers, and surveyors and mappers, and other persons authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered under this chapter pursuant to ss. ~~472.001-472.041~~;

(b) Use the name or title "registered surveyor and mapper" when such person has not registered under this chapter pursuant to ss. ~~472.001-472.041~~;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of chapter ss. ~~472.001-472.041~~.—

(1) Nothing contained in this chapter ss. ~~472.001-472.041~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of this chapter ss. ~~472.001-472.041~~.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of this chapter ss. ~~472.001-472.041~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in this chapter ss. ~~472.001-472.041~~.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—This chapter ~~act~~ may be cited as the "Barbers' Act."

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this chapter ~~act~~:

(1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board of Barbering and Cosmetology.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board of Barbering and Cosmetology.—

(1) There is created within the department the ~~Barbers'~~ Board of Barbering and Cosmetology, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) ~~Two~~ Five members of the board must ~~shall~~ be licensed barbers who have practiced the occupation of barbering in this state for at least 5 years. Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years. The remaining member must ~~two~~ members of the board shall be a resident citizens of the state who is ~~are~~ not presently a licensed barber or cosmetologist barbers. No person may ~~shall~~ be appointed to the board who is in any way connected with the manufacture, rental, or wholesale distribution of barber or cosmetology equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person may ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive \$50 per day, up to a maximum of \$2,000 per year, for time spent on board business, plus per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)(6) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as ~~may~~ be necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this *chapter* ~~æ~~. Such personnel need not be licensed barbers or *cosmetologists* and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

(3) ~~The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)(4) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 ~~necessary to administer~~ ~~implement the provisions of~~ this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this *chapter* ~~æ~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this *chapter* ~~æ~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this *chapter* ~~æ~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this *chapter* ~~æ~~ by the department.

(b) Engage in willful or repeated violations of this *chapter* ~~æ~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this *chapter* ~~æ~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this *chapter* ~~æ~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this *chapter* ~~æ~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this *chapter* ~~æ~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) “Board” means the Board of *Barbering and Cosmetology*.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers’ Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers’ Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers’ Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers’ compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed \$50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed \$50.

(d) For specialists, fees for application and endorsement registration shall not exceed \$30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, ~~including those schools and colleges accredited by the National Architectural Accreditation Board;~~ and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; *injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title “architect” or “registered architect,” or “interior designer” or “registered interior designer,” or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) *Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney’s fees.*

(b) *For purposes of this subsection, “affected person” means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.*

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of ~~16~~ 18 members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) *Notwithstanding the provisions of s. 20.165(6), one is a* ~~Two are~~ consumer member members who is are not, and has have never been, a member members or practitioner practitioners of a profession regulated by the board or a member members of any closely related profession; and

(k) *One is a* ~~Two are~~ building official officials of a municipality or county.

(l) On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j); and one of the member members appointed pursuant to paragraph (2)(k).~~ Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; ~~and one of the member members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k).~~ Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 *Temporary certificate or registration.*—*The department may issue a temporary certificate or registration to any applicant who has*

submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. ~~Contractors defined in s. 489.105(3)(a)-(c) Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) or holds a valid registered local specialty license which substantially corresponds to a type of specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).

Section 60. Subsection (6) of section 489.507, Florida Statutes, is repealed.

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by \$25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and applying for certification* who:

(a) meets the requirements for certification ~~as set forth~~ in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; ~~or~~

(b) ~~Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.*

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) "Division" means the Division of ~~Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.—~~

(1) ~~There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

(2) All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219.~~ The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to each category of business covered by this trust fund. ~~The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the~~

~~division. This subsection shall operate pursuant to the provisions of s. 215.20.~~

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to \$10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the ~~Professional Regulation Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Division of ~~Real Estate Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) “Division” means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the developer. If the developer cannot be located, the clerk shall disburse the money to the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ for deposit in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund.

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation~~; mandatory nonbinding arbitration *and mediation*; *local resolution*; *exemptions*; legislative findings.—

(1) ~~APPLICABILITY DEFINITIONS.~~—

~~(a) The provisions of subsection (3) apply to As used in this section, the term “dispute” means any disagreement between two or more parties that involves:~~

~~(a) The authority of the board of directors, under this chapter or association document to:~~

~~1. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto.~~

~~2. Alter or add to a common area or element.~~

~~(b) the failure of a governing body, when required by this chapter or an association document, to:~~

~~1. properly conduct elections or to recall a board member.~~

~~(b) The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:~~

~~1. The authority of the board of directors, under this chapter or an association document, to:~~

~~a. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto; or~~

~~b. Alter or add to a common area or element.~~

~~2. The failure of a governing body, when required by this chapter or an association document, to:~~

~~a.2. Give adequate notice of meetings or other actions;:~~

~~b.3. Properly conduct meetings; or:~~

~~c.4. Allow inspection of books and records.~~

~~“Dispute” does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

~~(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.~~

~~(2)(3) LEGISLATIVE FINDINGS.—~~

~~(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who must rely on his or her own financial resources to satisfy the costs of litigation against the association.~~

~~(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.~~

~~(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.~~

~~(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding~~

arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)(4) **MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.**—~~The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall provide employ full-time attorneys to act as arbitrators to conduct the arbitration hearings as required provided by this chapter. The department may employ attorneys to act as arbitrators, and the division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter section. No person may be employed by the department as an a full-time arbitrator unless he or she is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.~~

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of \$50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;
2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and
3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) *The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose Upon referral of a case to mediation, or the parties may agree on ~~must select~~ a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator or the division, the arbitrator or the division shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator or the*

division may ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases. The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the case was referred to mediation by an arbitrator and the mediator declares an impasse after a mediation conference ends in an impasse ~~has been held~~, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. *If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.* The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and ex-

penses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* ~~and~~ Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) *In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.*

(4) **EXEMPTIONS.**—*A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:*

- (a) *Title to any unit or common element;*
- (b) *The interpretation or enforcement of any warranty;*
- (c) *The levy of a fee or assessment or the collection of an assessment levied against a party;*
- (d) *The eviction or other removal of a tenant from a unit;*
- (e) *Alleged breaches of fiduciary duty by one or more directors; or*
- (f) *Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.*

(5) **DISPUTES INVOLVING ELECTION IRREGULARITIES.**—*Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.*

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and \$440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile Homes.—

(1) The Division of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules ~~adopted promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has vio-

lated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the

public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund.~~ If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis,

notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of \$4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~ as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes.~~ Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

- (1) The front cover or the first page must contain only:
- (a) The name of the condominium.
 - (b) The following statements in conspicuous type:
 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.
 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.
 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.
- (2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.
- (3) A separate index of the contents and exhibits of the prospectus.
- (4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:
- (a) Its name and location.
 - (b) A description of the condominium property, including, without limitation:
 1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.
 2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.
 3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.
 - (c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.
 - (5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.
 - (b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.
 - (6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:
 - (a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.
 - (b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.
 - (c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.
 - (d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.
 - (e) The estimated date when each room or other facility will be available for use by the unit owners.
 - (f) An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;
 2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and
 3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.
 - (g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.
- Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.
- (7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:
- (a) Each building and facility committed to be built.
 - (b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.
 - (c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.
 - (d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.
 - (e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.
 - (f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase. Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.
- (8) Recreation lease or associated club membership:
- (a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased

or have club membership associated, the following statement in conspicuous type shall be included: **THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM.** There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. **MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS;** or

2. **UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE;** or

3. **UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES);** or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: **THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES.** Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN;** or

2. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.**

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: **RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S).** Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan,

including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: **THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.**

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: **THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER).** Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: **THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD.** Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: **THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED.** Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: **THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM.** Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: **BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM.** Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building,

the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as

well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

- (d) The ground lease or other underlying lease of the condominium.
- (e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.
- (f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.
- (g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.
- (h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.
- (i) The lease of facilities used by owners and others.
- (j) The form of unit lease, if the offer is of a leasehold.
- (k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.
- (l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.
- (m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.
- (n) The form of agreement for sale or lease of units.
- (o) A copy of the agreement for escrow of payments made to the developer prior to closing.
- (p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—

(1) *There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the administration and operation of this chapter and chapters 719, 721, and 723 by the division.*

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury

to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund created by s. 718.509 ~~498.019~~. *The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.*

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events

your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~, (Tallahassee address and telephone number of division).

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) “Division” means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—~~The division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall provide for alternative dispute resolution in accordance with s. 718.1255.~~

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~.—

(1) The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation, referred to as the “division” in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules ~~adopted~~ promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term “willfully and knowingly” means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes Trust Fund~~. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory

statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of \$4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of \$250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

- (a) The name of the cooperative.
- (b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A COOPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

- (a) Its name and location.
- (b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a

description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: **THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS.** Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN;** or

2. **THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.**

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: **RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S).** Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: **THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.**

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

- (a) The names of contracting parties.
- (b) The term of the contract.
- (c) The nature of the services included.
- (d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.
- (e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall

appear, identifying the proposed or existing contract manager: **THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER).** Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: **THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD.** Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: **THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED.** Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: **THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE.** Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: **BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE.** Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

- (a) The information required by s. 719.616.
- (b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how

such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used areas.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.
 - i. Other expenses.
 - j. Operating capital.
 - k. Reserves.
1. Fee payable to the division.
2. Expenses for a unit owner:
 - a. Rent for the unit, if subject to a lease.
 - b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit

owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the cooperative.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any

extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes, (Tallahassee address and telephone number of division).

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) "Division" means the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not

materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser's last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent's attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser's timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent's delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and manag-

ing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund.—All funds collected by the division and any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund created by s. 718.509 498.019.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales~~, Condominiums, *Timeshare*, and Mobile Homes Trust Fund, not to exceed \$50,000 annually, to support the projects and proposals

undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the "McAllister Act" in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, *former* Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) "Registered agent" means an agent duly appointed ~~by the obligor~~ under s. 721.84 for the purpose of accepting all notices and service of process under this part *for the obligor*. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)1. A successor registered agent is appointed *by the resigning registered agent* and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1); *or*—

2. *The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien; and*

(c)1. *If a successor registered agent is appointed under subparagraph (b)1., copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders; or*—

2. *If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.*

(6) *If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as*

successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.

(7) *If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.*

(8) *If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.*

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term “division” means the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund.

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction,

and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division of ~~Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund.—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund created by s. 718.509 ~~498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

- (a) The name and address of the condemning authority.
- (b) A written or visual description of the property.
- (c) The public purpose for which the property is needed.
- (d) The appraisal value of the property.

(e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.

(f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regula-

tion may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund established pursuant to s. 718.509 ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~ pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

(1) This part does not apply to:

(a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;

(b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;

(c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;

(d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other

places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;

(e) Persons involved solely in the rental, leasing, or sale of residential property;

(f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;

(g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;

(h) A developer of a timeshare plan or an exchange company approved by the Division of Florida Land Sales, Condominiums, Timeshare, and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or

(i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

~~(c)(d) Has completed the application form and remitted an application fee not to exceed \$500, an examination fee not to exceed the actual cost for the examination plus \$500, an active licensure fee not to exceed \$2,000, and all other applicable fees provided for in this part or in chapter 455.~~

~~(d)(e) Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card~~

to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

~~(e)(f) Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.~~

~~(g) Has posted with the department a \$15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) An agent contract must be in a record, signed, or otherwise authenticated by the parties.

- (2) An agent contract must state:
 - (a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;
 - (b) The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;
 - (c) A description of any expenses that the student-athlete agrees to reimburse;
 - (d) A description of the services to be provided to the student-athlete;
 - (e) The duration of the contract; and
 - (f) The date of execution.
- (3) An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;
 2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND
 3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.
- (4) An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.
 - (5) The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.
 - (6) Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.
 - (7) Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.
 - (8) A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.
 - (9) A student-athlete may not waive the right to cancel an agent contract.
 - (10) If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

(1) ~~An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to~~

provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point bold-faced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

~~(11)(6) An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.~~

~~(12)(7) An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.~~

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227, and an administrative fine not to exceed \$25,000 for each separate offense. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:

1. Give any materially false or misleading information or make a materially false promise or representation;
2. Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or

3. *Furnish anything of value to any individual other than the student-athlete or another athlete agent.*

(b) *An athlete agent may not intentionally:*

1. *Initiate contact with a student-athlete unless licensed under this part;*

2. *Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;*

3. *Provide materially false or misleading information in an application for licensure;*

4. *Predate or postdate an agent contract;*

5. *Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or*

6. *Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.*

(c) *An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, or is disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, or by an intercollegiate athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization and, because of that penalty, disqualification, or suspension, or action the institution:

- (a) Loses revenue from media coverage of a sports contest;
- (b) Loses the right to grant an athletic scholarship;
- (c) Loses the right to recruit an athlete;
- (d) Is prohibited from participating in postseason athletic competition;
- (e) Forfeits an athletic contest; or
- (f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

- (a) Actual damages;
- (b) Punitive damages;
- (c) Treble damages;
- (d) Court costs; and
- (e) Reasonable attorney's fees.

(4) *A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.*

(5) *Any liability of the athlete agent or the former student-athlete under this section is several and not joint.*

(6) *This part does not restrict rights, remedies, or defenses of any person under law or equity.*

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) ~~An athlete agent who holds an active license and engages in business as an athlete agent shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least 5 4 years from the date of entry. These records must include, but shall not be limited to:~~

(a) *The name and address of each individual represented by the athlete agent;*

(b) *Any agent contract entered into by the athlete agent; and*

(c) *Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.*

Section 116. Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words “decree of foreclosure” shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word “mortgage” shall mean any written instrument securing the payment of money or advances and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720; the word “debt” shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words “foreclosure proceedings” shall embrace every action in the circuit or county courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word “property” shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If a the declaration recorded on or after July 1, 2000, for a condominium operated by a multicondominium association, as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number “one” and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration as originally recorded, or as amended pursuant to the procedures provided therein, may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act. However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted pursuant to the provisions contained therein ~~under s. 718.110(2)~~. ~~Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.~~

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements or association property; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred~~ by an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property

shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, lease, or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of cause to be prepared and completed by a third party*, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received by the association from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws*, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$100,000 or more, but less than \$200,000, shall prepare compiled financial statements.
2. An association with total annual revenues of at least \$200,000, but less than \$400,000, shall prepare reviewed financial statements.
3. An association with total annual revenues of \$400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than \$100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;
2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or
3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) **OPTIONAL PROVISIONS.**—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein*, may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This*

paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000, if the declaration for each condominium to be operated by that association shall provide provides for participation in a multicondominium, in conformity with this section, and disclose discloses or describe describes:*

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, ~~as well as a copy of the question and answer sheet provided for by s. 718.504~~ and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: ~~THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND THE QUESTION AND ANSWER SHEET MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or~~

2. A clause which states: ~~THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND QUESTION AND ANSWER SHEET IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, AND RULES, AND QUESTION AND ANSWER SHEET IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.~~

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall

state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If ~~a~~ the condominium created on or after July 1, 2000, is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "*Concessionaire*" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "*Second*" or "*cornerman*" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 *Concessionaires; security.*—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; powers; organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor,

subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) *Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;*

(c) *Requirements regarding a participant's apparel, bandages, hand-wraps, gloves, mouthpiece, and appearance during a match;*

(d) *Requirements relating to a manager's participation, presence, and conduct during a match;*

(e) *Duties and responsibilities of all licensees under this chapter;*

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) *Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;*

(i) *Designation and duties of a knockdown timekeeper; and*

(j) Setting fee and reimbursement schedules for referees and other officials appointed by the commission or the representative of the commission.

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *cessionnaire*, or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)(1) Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)(2) Be verified by the applicant.

(c)(3) Be complete and have attached to the application any photographs and other exhibits required.

(2)(4) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) *Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 *Background investigation of applicants for licensure.—*

(1) *The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.*

(2) *If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.*

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—The commission shall not issue a license to:

(1) Any person or business entity that ~~who in any jurisdiction~~ has been convicted of any act, or who has a trustee, partner, officer, director, or owner that has been convicted of any act, which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or

(2) Any person or business entity that ~~who~~ has been named in any ~~an~~ information or indictment, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment, for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.

Section 136. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 *Age, condition, and suspension of boxers.—*

(1) *A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:*

(a) *Is under the age of 18;*

(b) *Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or*

(c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than

4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission, or the commission representative, shall assign to each match at least one a physician who shall observe the physical condition of the participants and advise the commissioner or commission representative deputy in charge and the referee of the participants' conditions before, and during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(2)(a) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission based on the advice of the medical advisory council. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the pur-

pose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than \$20,000 ~~\$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.

(2) The commission may also require participants to be covered by not less than \$20,000 ~~\$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts executed in this state between managers ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of Referee and judges; attendance at match; scoring; seconds.—~~

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this

state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569. ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines; citations.—

(1) The commission may impose a fine of not more than \$5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. Section 548.045, Florida Statutes, is repealed.

Section 146. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions, including revenues received from fines collected under s. 455.2177. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management

report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 147. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) *Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.*

Section 148. *Notwithstanding any other provision of law, Workforce Florida, Inc., shall develop strategies and policies for incorporating the use of private-sector staffing services firms into the operation of the state's workforce system, in order to reduce duplication in the delivery of workforce services to individuals and employers. Workforce Florida, Inc., shall incorporate provisions relating to the use of such staffing services firms into the strategic plan required under section 445.006, Florida Statutes. In addition, Workforce Florida, Inc., shall develop policies and guidelines for use by the regional workforce boards in fulfilling the ability of the boards to use private-sector staffing services firms to the maximum extent feasible in the one-stop delivery system, pursuant to section 445.009(9), Florida Statutes. In developing the strategies, policies, and guidelines under this section, Workforce Florida, Inc., shall consider the extent to which the use of private-sector staffing services firms could result in more efficient delivery of workforce services, including, but not limited to, the extent to which portions of the one-stop delivery system or specific activities of the one-stop delivery system could be reduced or replaced by activities conducted by such staffing services firms. By January 1, 2002, Workforce Florida, Inc., shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on its progress in fulfilling the requirements and on additional options for the state to increase the use of private-sector staffing services firms in the workforce system. The report shall also include recommendations on whether the membership of the board of Workforce Florida, Inc., and the regional workforce boards should be amended to include representatives from staffing services firms.*

Section 149. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412,

468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions;

providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood

test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing for the use of private sector staffing services firms in the delivery of workforce services; requires the development of policies and guidelines by Workforce Florida, Inc., related to the use of staffing services in the operation of the workforce system; requires a report by Workforce Florida, Inc.; providing effective dates.

On motion by Senator Geller, **CS for SB 348** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Geller	Meek	Silver
Burt	Holzendorf	Miller	Smith
Campbell	Horne	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Crist

SB 1022—A bill to be entitled An act relating to public procuring and contracting; providing a short title; providing a purpose; prohibiting the state, and any political subdivision, agency, or instrumentality of the state, from engaging in specified activities under certain procurement or contracting circumstances; authorizing challenge of certain procurement or contracting documents or agreements; providing for award of costs and attorney's fees under certain circumstances; providing an effective date.

—as amended May 3 was read the third time by title.

Senator Dyer moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (840188)—On page 2, line 7, after "projects" insert: *except in charter counties or counties having a population of 500,000 or more*

The vote was:

Yeas—27

Mr. President	Carlton	Dawson	Dyer
Campbell	Clary	Diaz de la Portilla	Geller

Holzendorf	Latvala	Mitchell	Silver
Horne	Lawson	Peaden	Smith
Jones	Lee	Pruitt	Sullivan
King	Meek	Rossin	Wasserman Schultz
Klein	Miller	Saunders	

Nays—9

Bronson	Garcia	Posey	Sebesta
Brown-Waite	Laurent	Sanderson	Villalobos
Cowin			

Vote after roll call:

Yea—Crist

Senator Dyer moved the following amendments which were adopted by two-thirds vote:

Amendment 2 (531590)—On page 2, line 17, after “organization” insert: *except in charter counties or counties having a population of 500,000 or more*

Amendment 3 (521576)—On page 2, line 12, after “projects” insert: *except in charter counties or counties having a population of 500,000 or more*

On motion by Senator Cowin, further consideration of **SB 1022** as amended was deferred.

The Senate resumed consideration of—

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term “economic development agency” to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—which was previously considered May 3.

Amendments were considered and adopted by two-thirds vote to conform **SB 484** to **CS for HB 1541**.

Pending further consideration of **SB 484** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 1541** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

CS for HB 1541—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term “economic development agency” to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 484** as amended and by two-thirds vote read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 1541** was read the

third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Wasserman Schultz
Clary	Jones	Posey	Webster
Constantine	King	Pruitt	
Cowin	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Crist

REMARKS ON THE CONFERENCE COMMITTEE REPORT ON SB 2000

The President recognized Senator Horne, chairman of the Committee on Appropriations, to discuss the Conference Committee Report on **SB 2000**, the general appropriations bill.

MOTIONS

On motion by Senator Rossin, by two-thirds vote, debate on **SB 2000** was limited to 4 minutes per person with 12 minutes for closing remarks.

On motion by Senator Rossin, the following remarks were ordered spread upon the Journal.

Mr. President: Senator Horne, let’s begin on the Appropriations Bill. Senators, we will now take up the Appropriations Bill Conference Report. We will not vote on it until after seven o’clock, but I think we can commence the debate and discussion of the bill at the present time. The Senator from the 6th is recognized to explain the Conference Committee Report on the Appropriations Bill.

Senator Horne: Thank you, Mr. President. I also would like to include the subcommittee chairmen in this process. So if they could prepare to discuss their areas. We believe that we have spent a considerable amount of time producing what we believe is a very good budget. I know there is a lot of talk about the Senate budget that was voted out of here a week or so ago, and now the Conference Report that is before us.

I want to make a couple of points, as we start this process of discussing and debating the bill, that you need to recognize. Because I know there are some, at least the rumors are, that are troubled by the Conference Bill, in terms of a tax cut and a belief that somehow that ended up resulting in reductions in appropriations to some of the key and very critical areas.

Overall, the Conference Report for Senate Bill 2000 contains \$446.5 million more than our original Senate bill—\$446.5 million more than our original Senate bill. I want to make sure that you hear that loud and clear.

The Senate prevailed in conference in many ways. We added \$99.3 million more in education funding than when the bill left the Senate. It included \$513 million more in health and human services than when it left the Senate floor. We restored over \$5 million of the state court system reductions. We added \$12 million additional dollars and 27 new judges to enhance the state courts. In doing so, the Senate held firm in two big areas.

Number one, we would accept nothing less than a four-percent increase in per-student funding. That was one of the most critical issues that was most important to me. I said that I would not go below four percent. We reached an impasse day after day, but I held tight to four percent because that was important to the Senate; it was important to me; and the Senate prevailed and we held to a four-percent increase in per-student funding in that budget.

We also said, and this came directly from the President, very clear all the way down to the subcommittee levels, that no one who is currently receiving Medicaid benefits would lose his or her eligibility or have his or her services reduced. We held our position. I will tell you, it was not easy. It was probably one of the most difficult fights the Senate has had on these two very important priorities. But the Senate prevailed. We held our line. We drew a line in the sand and we said we would not cross that line, and we didn't. We accomplished all this and, yes, we did reach a compromise with the House on its tax reduction package. We all know about that.

The most difficult debate occurred in the beginning process of this conference. Generally, we have no problem reaching allocations and then we would begin the process of conference. Subcommittees work, and then negotiate. They compromise, and they horse-trade dollars for different kinds of programs. But we had a real struggle because the President said no to tax cuts. The Senate budget originally did not include tax cuts. But we also recognized the reality of politics. We know that we have to compromise, and we did. Now, it was not the compromise that we necessarily wanted. The President had to be pushed, pulled, almost had to drag him there. He did not want to do it. He didn't want to compromise on tax cuts. But he also recognized the need to preserve the Medicaid funding for the most needy citizens of Florida.

He also recognized that we have to serve the public schools of this great state. So he was willing, with those points in mind, to compromise on the tax package. It was not something he necessarily wanted to do, but we did it, we compromised. But we also drew the line that we wanted to not only hold our line, we wanted to advance the bill. We were able to do that.

Now, how did we do that? How did we get from where we were, absorb a tax cut, and increase funding in these critical areas? Well, it is not easy. We had to take a long, hard look at all available sources. Clearly, we had some unallocated funds in the budget. Yes, we looked at some more efficiencies and some ways to save some money, to redirect funding. And, yes, we began to maximize the use of trust funds, and we did. It was not an easy job. It was probably one of the most difficult jobs. I have never participated in anything quite so intense in negotiating the front end. Generally, the intensity is on the back end as you try to finally figure out exactly where you are going to spend the dollars.

But I will tell you, once we got past the log jam, the impasse on tax cuts and in the allocation to public schools, which was the last piece of the puzzle, it became the most efficient process I have ever seen and have ever participated in. No one told us, or believed that we could get done in three days. With the House's cooperation, I will tell you, my counterpart was an incredible individual to work with. We have become fast friends, almost like brothers. We share the same philosophies. We knew once we could get past the point of allocations, we could get this job done. The subcommittees worked literally around the clock. Our staff did work around the clock. I have never seen so much work and so much come together in such a short period of time. I think this Senate can be very proud of this work product. Did we get everything we wanted? Did we get most of what we wanted? Absolutely. Can we be proud of it? You bet. I think you can go home and you can hold your head high. This is a product that serves the critical needs of the State of Florida. It is something that we can be proud of.

At this time I would like to let some of the subcommittees share a little bit about what we have accomplished. Senator Sullivan, I think you are first on deck.

Senator Sullivan: Mr. Chairman, I would like to thank the staff, also. When you turned the education budget over to us, I had questions in my mind whether we would be able to pull this together. But working with Representative Lynn and the staff and the members of my committee, we made a good effort. And, much to my surprise, we pretty well finished on time.

This year, the public school funding per student was increased by four percent. I think that you are to be commended, Mr. Chairman, for having held the line on that. That was important to me, too, because I believe that we really need to invest in our public school education as much as we can.

The final conference agreement required the House to increase their FEFP total funds by \$213 million. Their initial position was one of no

major increase. I think that, by holding this, we did something for all the kids in the State of Florida.

The Senate resisted House efforts for some controversial changes in the school funding formula which would have hurt several of the very large school districts. In addition to the attendance adjustment, they wanted to eliminate funding for dual enrollment and eliminate funding for international baccalaureate programs. These are programs that are very necessary for us to encourage our kids to take the hardest courses and to move through the system as fast as they can, not because we want to get them through the system as fast as they can go, but because we want them to take the best courses, to learn as much as they can, and to move through the system so they can learn even more.

There were also some other House proposals that were eventually dropped. There was a proposal to eliminate the public school technology funding. As you know, technology is important to the educational process in public schools. We resisted that quite strongly. There were also some proposals to change teacher training, which we resisted.

The Senate also refused to proceed to changes in spending priorities to eliminate the extended school year. This is a program that was started two years ago and is just beginning to reach the point where we are going to be able to measure the learning changes. In this program, children go to school 210 days a year. The studies show that the kids that do that have a 30-percent increase in their learning gains within a two-year period. We increased the funding for the Excellent Teaching Program.

For the first time the community colleges really did well. They have been one of the most aggressive organizations in education as far as adapting to changing technology and changing needs in our communities. We increased their funding by \$30.3 million.

For the State University System, we moved up \$193 million of our original funding. School construction, one of the perennial problems in a growing state like Florida, was increased by \$70.7 million above the Senate budget.

All in all, Mr. Chairman, the changes made in the education budget, I'm proud to say, were a great step forward and a great improvement over our initial work product.

Senator Horne: Thank you, Senator Sullivan, for all of your hard work, your dedication, and commitment to education. We could not have done it without your hard work.

Senator Clary will now discuss general government.

Senator Clary: Thank you, Mr. Chairman. I would also like to thank the staff for the incredible work that they did in the general government section. Thank you for your guidance and work on the allocation portion of that. I truly believed that we were going to be here until August, so I was loading up for that but the President worked really hard and got us the allocations that we needed so we could go ahead and move forward. Without the, basically, around-the-clock work that the staff did, we would have never gotten there.

Some of the things that we accomplished in the general government conference, in the funding highlights include over \$350 million for acquisition of recreational conservation environmentally sensitive lands, using the second series bond proceeds for Florida Forever and Save Our Rivers funds. We have a \$100 million deposit provided for the Save Our Everglades Trust Fund, using \$75 million of our encumbered Preservation 2000 funds, and \$25 million from Florida Forever bond proceeds. We have \$125.6 million dedicated to continued state effort and funding wastewater, stormwater, and surface water projects, \$30 million to continual restoration and renourishment of Florida's pristine beaches. It also included the necessary state matching funds to provide a \$37 million drinking water facility construction revolving loan program, and \$134 million wastewater treatment facility construction program revolving loan program.

In the transportation outreach program, we provided \$116 million for high priority products that preserve Florida's transportation infrastructure and enhance mobility across the state. In economic development, we authorized \$140.4 million for the various programs with a boost in the funding for military base infrastructure improvements of \$5 million, which we believe is critical with the proposed base closures that will probably happen in the next year to two years.

We provided citrus canker eradication funds at \$45.2 million, and compensation for destroyed residential trees at \$27.5 million. Renovations and expansions of agricultural and livestock facilities were funded at \$6.3 million. Funds and positions are authorized for 25 new Fish and Wildlife Conservation Commission law enforcement officers for enhanced manatee protection. Law enforcement overtime for the Highway Patrol was provided at \$2 million. \$10.9 million was provided for the Florida System improvements and for the implementation of a new automated system to improve child support enforcement operations in the Department of Revenue.

We authorized another \$10 million for the Department of Business and Professional Regulation to continue the development of the online licensing system. We provided \$2 million to the Department of Military Affairs for armory repairs and maintenance. Over \$27 million goes to fund the entire recreation development assistance program. Historical preservation projects, we funded the advisory council's entire list with \$17.2 million. Cultural facilities grants: we funded the arts council's entire recommended list with \$6.3 million. Grants to counties for voting systems assistance: \$20 million. Library operational grants: \$34.2 million. The Library Cooperative Grant Program: \$1.2 million.

We had marvelous cooperation from the House and my counterpart over there, I actually had two counterparts, which made it a little bit, I guess you would say, doubly difficult, because we had two subcommittees in the House working with our one subcommittee over here. And those are the highlights, Mr. Chairman.

Senator Horne: Thank you, Mr. President. The Senator from the 11th, Senator Cowin, will now explain public safety.

Senator Cowin: Thank you, Mr. Chairman, Mr. President, and members. Actually, it was a pretty interesting experience being the chairman of this committee and working with my staff. They are all quite knowledgeable, as were the members on my committee. I want to thank each and every one of them who helped to put together a very good budget. We were very fortunate in being able to actually give some money back to the Chairman so that other committees would be able to have some more money to spend. Likewise, we were also able to finish early. I think that is because of the really good team that we had working together and everybody really putting their heads together and making sure that we had a good budget balanced early.

In the state court system, the House had reduced the whole base budget for the courts and provided absolutely zero funding for judges. We went into the conference and we came out with 27 judges, including the amendment that was on the floor to increase the extra judge. In addition, we put in an increase and enhancement of the guardian ad litem program. The guardian ad litem takes care of the children, and represents the children in those dependency court hearings. There are also dependency courts that we have had as projects. We enhanced the ones that are currently in place and expanded those projects. Those court funds did not stop there because we went beyond that and even funded the Supreme Court, and funded counties in the beginnings with Article V fundings. So when you go back home, you can tell your counties that we started giving back money to them, in addition to giving judges to their courts.

The Conference Report for this year provides a nearly \$12 million increase, which is a five-percent increase over last year's funding for our state court system.

We have had a tough stance on crime. As we are increasing our stance by this Legislature, we have this year also put several million dollars into additional funding in prevention and in rehabilitation. Let me tell you some of those things so when you go back you can say, yes, we took a hard line. We are reducing crime, but we are not just punishing crime, we are doing something to make sure that when the people come out, that they are able to get back to being good members of society. We put \$7.1 million in post release transitional housing and rehabilitative services. That is getting people out of prison when they finish their term and back into society. That is \$7.1 million.

Nearly \$80 million was put in for juvenile delinquency prevention and for the diversion programs. We are coordinating and helping the schools, parents, and law enforcement officers to respond to local juvenile crime and the delinquency problems. I think that a multipronged approach with the courts and in crime is really helpful. Let me say to the Member from the 36th, and to all the different members who had a very strong

concern about civil rights—we actually expanded the Office of Civil Rights within the Department of Legal Affairs to address discrimination issues faced by women, senior citizens, and those with mental and physical disabilities. So you have a lot to go home to. We have helped the courts. We have helped the juveniles so that they do not go into crime. We have put in transition for prisoners coming out of prison. We are safeguarding against any kind of discriminatory processes that may happen in our society.

I think that we have a very good budget. When we go home, we can raise our heads and say, we are tough, but we are compassionate, and we are here to serve the people of Florida. Thank you.

Senator Horne: Thank you, Senator. The Senator from the 38th, who probably undertook the most difficult job you can imagine. He probably was excited momentarily when asked to undertake the job, then quickly came the bad news that we were facing a Medicaid crisis in enrollment proportions, basically three years' worth of enrollment, a deficit that would be very difficult. He knew as he started on the task that there was no way to possibly attack this and look good. And yet, with a very cheerful disposition and with the tenacity that he always has on every issue, he invested himself in this budget subcommittee. We owe him a debt of gratitude because he worked very diligently, producing, I think, under a very extreme situation, an outstanding budget. He held his line. He fought the fight, and he produced something that we can all be proud of. Senator Silver.

Senator Silver: Thank you very much, Mr. Chairman, for those kind remarks. Number one, I would like to remind you, Mr. Chairman, that this is the first time that I can remember that we actually had strategy going into this conference that we developed. I think the strategy worked very well and, hopefully, will continue on in the future for each one of the subcommittee chairmen, to allow them to move ahead that way. I also want you to know that I asked for this position. I asked the President for this. I really wanted to do this job. You are right, I had some second thoughts after I got into it with the figures. But I want to thank him for allowing me to do this.

I want to explain to the members, and I explained to the folks that were at the conference committee, how difficult this was. On the first vote that we took in the committee, we had to cut four percent and ten percent, respectively. Every one of the committee members on the committee faced a very difficult circumstance. When we talk about the subcommittee on behalf of human services, we talk about individuals. We talk about individuals who basically need help and cannot take care of themselves. They need some assistance. For the first vote that we took we had to deal with that question and we had to cut some programs. We had to choose which programs we had to cut, whether it was one disease or another disease, we had to take money out of these programs. It was heart-wrenching, that was absolutely heart-wrenching. I don't remember, in all the years I have been in this Legislature, having to deal with something like that, where we were going to be taking away those monies and those dollars that we had allocated for certain people with certain situations.

We took that vote. We did what we had to do. Mr. Chairman, and the President, you remember how I came to you and spoke to you about how difficult that was. You both wanted to go around and speak to the committee members, because we were all in really sad shape. Your sensitivity to all of us at that particular time was appreciated and is appreciated today. Because I am not sure we could have gone through the process if we did not get some help and get some support.

But we all knew that the President had set a goal and an objective to deal with the health and human services area in a way like we have not done before. This is my 23rd year in this process. I have never seen a commitment by any one of our presiding officers, whether they be Democrat or Republican, like this President had, to the health and human services area. That made the job, quite frankly, a little bit easier to deal with because we knew that if resources were going to be available that this President would give us those resources and the Appropriations Chairman would follow through with that. They did that. But what a ride, what a run we did have.

That is what government should be about. Government should be about helping those that are less fortunate than we are. Government should be about helping those that cannot help themselves. That is what this administration has dealt with. They committed to that. And they

would not waiver from that. I remember going in and having conversations. They would not waiver from that for one single moment. The President and the Chairman said, we are not going to deal with anything that will decrease the eligibility of people for benefits. They gave me that strict order.

I think it is also time to pay homage to my house counterparts, Representative Maygarden, the Chairman of the committee and the House members of that committee. They were of a somewhat similar mind, even though their budget initially did not reflect that. But as the resources became available, they came together, we came together and we had a very good conference.

I also want to pay tribute now to another factor. This administration gave the subcommittee chairmen full authority to deal with the issues. And we did. I think that had something to do with the fact that not many issues were bumped either to the chairmen or to the presiding officers. I think that ought to be a goal and objective of future leadership here. Let's have the subcommittee chairmen do their job. Let's give them some flexibility. If that is the case, then we can proceed and we can get through this in a respectable manner.

Let me give you a couple of things that we have here, and this by no means covers it all. Our report provided \$30 million more for developmental services above the Senate's budget level of funding. We were also able to restore over \$43.8 million in cuts to Medicaid eligibility for the elderly and disabled, as well as to prevent a fee cut of \$6.6 million which would have eliminated adult dental and hearing services.

When we started out the priorities of this administration were child welfare, mental health services, and the homeless. These priorities were all preserved at the Senate's recommended levels or more. Nearly \$146 million in additional funding was provided for these programs.

I just want to tell you that I said when we went through that first process that we would not come out with a budget that is not defensible. I meant that; we would not do that. When we got to this floor, we came out with a budget which was defensible, and I said that. But let me tell you, on the finished product that we came out with, I think it is a great budget for helping human services. This is not only something that is defensible, this is a great budget. Never have we put so much into the resources than we have this year. The credit goes to the President and the Appropriations Chairman. I want to take time right now to thank my committee members, who were fantastic; Senator Peaden, Senator Sanderson, Senator Saunders, and Senator Mitchell. They all went through this with me. None of us really thought we were going to make it through this whole process. I want to thank them. I also want to thank the staff, lead by Mr. Paul Belcher. Mr. Belcher has gone through this process for a long period of time. I challenge anyone to know more about this process than he does. I challenge anyone to have the ability and the calm manner, first of all, to deal with someone like myself. He was always calm. And, secondly, to get through this process in an amicable way and have the experience that he has. He has been through several administrations, both on the Governor's side and the legislative side. There is nobody that can do this job better for health and human services than he can. His staff that he has behind him are outstanding and fantastic. They all do one thing, just like every one of these committee members do, that is that we all very sincerely care about people. We care about what they are about and we care about what is happening to them. That to me is the essence of being in this august body as a legislator, to try and help people. I think we have done that with this budget. Thank you, Mr. Chairman. Thank you, Mr. President.

Senator Horne: Thank you, Senator from the 38th. You know, I have been involved in the budget since I have arrived and this is my seventh year. During my seven years, I cannot remember a conference that did not have issues bumped up to the presiding officers. No issues, not one, were bumped to the presiding officers. Truth is, not many were bumped to me. That left me a little insecure but nevertheless, very few issues were bumped to the Chairman. I have asked staff who have been around this process for 20-plus years and they said they do not recall a conference where no issues were bumped to the presiding officers. I credit that, not to my great leadership, which I would love to take credit for, but to that of the subcommittee chairmen who have worked hard. While I allow them the authority to work with their allocations, make the decisions, and negotiate, likewise, they allowed their committees in a very bipartisan way to work with their colleagues on the other side to craft a subcommittee budget that they could be proud of. I do not think

that Senator Silver's committee is any different than all the rest. I think all participated in a very bipartisan way to help craft that budget. Likewise, I felt that I have endeavored the best that I could to be fair to all. I hope, and it is certainly my hope that you believe that this is a budget that you are very proud of. I will tell you, a lot of hard work went into it. While you may think it took place during a few days, there were a lot of hours invested to bring us to this point. I think Senator Silver said, this is a great budget. We have come a long way. Mr. President, I think our mission is now over.

Mr. President: Sir, you have done an excellent job and displayed superb leadership in not only leading us through the cut process, which as Senator Silver said, was so difficult, but also in leading us through the appropriations process. Were it not for the good fortune of having someone with your skills, we would not have found that additional \$241.9 million. Not only do I owe you a debt, not only does the Senate owe you a debt, the entire State of Florida owes you a debt, and I thank you.

Senator from the 35th, for what purpose do you rise?

Senator Rossin: To make a motion, Mr. President, and suggest a procedure for this debate.

Mr. President: State your motion, Senator.

Senator Rossin: My motion, Mr. President, would be that we limit debate to four minutes per individual Senator to debate the budget. At that point, just before we are able to vote on the budget, which I guess is around 7:30, that the only debate left would be by the Minority Leader, the Majority Leader, and the Appropriations Chairman for closing remarks.

Mr. President: Without objection, please show that motion passing. That is four minutes per person, Senator. The final 12 minutes at the time of voting, or immediately preceding voting, will be allocated to the Senator from the 35th, the Senator from the 8th, and the Senator from the 6th. Senators, we are going to have comments on the Appropriations Bill now. I would appreciate a display of hands of those that wish to debate the bill. So all that wish to be proponents of the bill, would you please raise your hands? Proponents. All that wish to be opponents of the bill, please raise your hand.

All I have, and this is going to be the limitation, as an opponent, the Senator from the 28th. That is the only opponent I have written down. The only two proponents I have listed are the Senator from the 22nd and the Senator from the 29th. So debate will be limited to those three individuals, plus the other three individuals previously mentioned. But I do not want to cut anybody off so, am I missing anything? The Senator from the 8th, for what purpose do you rise?

Senator King: Mr. President, just to make sure that everybody does understand. When the final vote does take place, which is somewhere after seven o'clock, in the motion stated by the Senator from the 35th, there will only be three people who will actually close on the bill. So if anybody wanted to debate, this would be the time to do it, if you wanted to. This would be the last time.

Mr. President: That is correct. Madam Secretary, just in an abundance of caution, let me have a quorum call so that I can note those individuals that might be here in the event they might want to say something.

Madam Secretary, please note those Senators who are not in the chamber now in case they wish to make a request because they were not aware of it. One more time, Senators. The only opponent I have listed to speak at the present on the bill is the Senator from the 28th. The only proponents I have are the Senator from the 22nd, the Senator from the 29th, and the Senator from the 33rd. Let me recognize the Senator from the 14th.

Senator Dyer: Are you going to allow questions?

Mr. President: I think I would like to get it all within that four minutes per person, Senator. So if you would like to be an opponent or a proponent in that period of time, I would be happy to put down your name. I am just trying to balance the schedule.

Senator Dyer: I am not an opponent or a proponent, I just want to ask a question.

Mr. President: I am going to put you down as a neutral. A new category. The Senator from the 31st, for what purpose do you rise?

Senator Sanderson: Thank you, Mr. President. Could you please add my name as a proponent?

Mr. President: Certainly. To begin the debate on the Conference Committee Report on the Appropriations Bill, let me first recognize the Senator from the 29th.

Senator Geller: Thank you Mr. President. Members, this budget is not everything that I would like to see. I do not think we have passed a budget in the 13 years that I have been here that is everything that I would like to see. I personally have voted in committee against the tax cuts because I have been concerned that in a year where we are short, the tax cuts are not appropriate.

The issues that we have passed this year, under your leadership, sir, are issues that I would not have expected we would be passing this year. A dramatic increase in funding for the homeless. The only issue that the President has come to me directly this year on to vote was on homelessness issues. We have leadership that says, we want more money for the homeless. We insist on at least four-percent increase for education. Mr. President, this budget could easily have been a disaster, I believe, at the beginning of the session, in my opinion, with the over enthusiastic demands for a tax cut on the part of the Governor and on the part of the House leadership. This budget could have, and would have, been a train wreck without you, Mr. President, without somebody standing firm and saying no. When times are rough, we cannot give away the store. When we can afford tax cuts, we will do them. When we cannot, we will not. Without someone like you standing up and saying, we will not do that, this year would have been a train wreck. So I certainly intend to vote for the budget. It is not what I would have written, but it is by far the best that we could have gotten when one considers the other Chamber.

Again, Mr. President, I just want to extend my personal thanks, because I know that we would not have reached a budget this good for the citizens of the State of Florida without your taking a strong, firm stand at the beginning.

Mr. President: Thank you, Senator. Next, let me recognize the Senator from the 31st.

Senator Sanderson: Thank you, Mr. President. I want to start by thanking my chairman, the Senator from the 38th. I have served in the Legislature for 19 years, as of this session. For four years I had the privilege of chairing the same committee in the House. We have been adversaries the last couple of years, but not really. This has to be the hardest job in the Florida Legislature, that of dealing with health and human services, because every cut we make affects someone's life in some way. The sensitivity which you develop in working through this budget, and the heartache you go through when we make those initial cuts, which were around \$400 million, though some people would like to place it in one budget entity or another budget entity, you cannot just do that, because those are people that we are affecting.

Mr. President, with your guidance and with the importance that you have placed on human services, you have elevated it probably more in all the years that I have served in the Florida Legislature. Because of that, and the resources that you gave us, and the Senator from the 6th, who guided us with grace, in spite of all the long hours when most of us really should not have been around anything electric or sharp. We had very little sleep and all of our energies were poured into this. I want to thank you, Mr. President, and I want to thank my colleagues on the Subcommittee on Health and Human Services and, most especially, the guidance of our captain, the Senator from the 38th. It was a pleasure working with you. I think that we have a product this year that we can go home and be proud of. As others have said, we are not taking home everything we want and maybe some people would like to have taken that \$400 million and put it into member projects. Yes, they are things that are good for our communities. But I believe that we had some very, very difficult decisions to make. I am proud of the result of our product. I am going to go home with a much lighter heart than the day we had to cut the over \$400 million in human services, and then work through all of the machinations that we did. But I particularly want to thank my chairman. Thank you.

Mr. President: Thank you for those comments, Senator. Recognize the neutral Senator from the 14th.

Senator Dyer: Mr. President, if the Senator from the 22nd would yield for a question?

Mr. President: He yields. You are recognized, Senator.

Senator Dyer: Although I serve on the Subcommittee for Education, and most of the decisions were made at the committee level, one of the issues that is in the budget that we have not addressed, and no one really explained to us how it is going to work, is the teacher bonus provisions. I was a proponent for putting that money through the FEFP. As I understand it, the final proviso was that the money is not distributed through the FEFP, but is going to be distributed individually to the districts on some basis and then given out in individual bonuses to the teachers and will not be rolled into their salary. It will be a one-time thing. It is not going to be an increase in their salary. I was wondering if you could explain to us how that is going to work. Is the Commissioner of Education going to get a bunch of checks, and go around to districts, and hand them out, or how is that money going to be distributed?

Mr. President: To respond, the Senator from the 22nd.

Senator Sullivan: Senator, the money is going to be distributed to the school districts. That \$152 million includes, not only the teachers' bonus, but the taxes that are due on that, so that the school districts will be held harmless in that regard.

Secondly, the amount of money in that pot actually includes additional money for recruitment and retention of teachers. It includes money that is eligible to be used, not required to be used, but eligible to be used, for signing bonuses for teachers, for activities related to teacher recruitment. It would also be eligible to be used for retention of outstanding teachers in "D" and "F" schools. So that you have to look at that one pot as being, number one, a bonus for each individual teacher, and, number two, recruitment and retention. That money will be distributed to the school districts and be distributed by the school districts. It is included in the calculation of the FEFP.

Mr. President: Does that answer your question? Further questions from the Senator from the 14th? The Senator from the 33rd is recognized on the bill.

Senator Campbell: Mr. President, members of the Senate. I think I said something yesterday that probably applies in this situation, which is "blessed are the peacemakers, for you are going to catch hell from all sides." When you look at this budget, you have to try to figure out, how we are doing as a government. Hubert Humphrey once gave a speech where he said that the moral test of government is to see how it treats those that are in the dawn of their life, the children, those in the twilight of their lives, the seniors, and those in the shadows of life, mainly the disabled and the needy.

I have looked at this budget. I was concerned, at first, with us giving back the tax breaks that were required to get this thing through the House. If you look at the final product, we do take care of those in the twilight, because our seniors are taken care of. We do take care of those in the shadows of life because we have provided for our disabled and needy, the homeless. We do take care of those in the dawn of our life, our children. I am especially proud that we are returning so much more money to education and I wish that at some point in time our education requirements in the State of Florida would hit 48 percent of our state budget. I think education is the greatest equalizer we have in society. I think if we educate our kids, we are going to have less crime. If we educate our kids, we are going to have better economic development. If we educate our kids, we will be sure that we provide social security.

So this should not be a political issue, whether you are a Democrat or a Republican. Certainly, if we had given all the tax breaks that they had taken, or asked for, I would not have voted for this, and would not have voted for this budget.

But the end result is that this is fair. It is not the best because one of the things that concerns me the most is taking \$40 million, as I see it, from next year's allotment of cigarette money. I think that that is wrong. But you have to look at the whole picture. I think that this outweighs whatever small wrong there is, to make sure that we do take care of our children, our seniors, and the needy and disabled. So I would encourage you to look at this budget, not from a political perspective, not from a rhetorical perspective, but from what we are doing for the citizens of the State of Florida.

Mr. President: Further on the bill. The Senator from the 28th is recognized as the opponent.

Senator Klein: Thank you, Mr. President. Did you say as the opponent?

Mr. President, I would like to start out by saying what I have heard more often this year than anything else. That is, thank God for the Senate. I think that has to do with a lot of things that the Senate has considered this year and the result that the Senate has produced, whether it is the Appropriations Bill or a number of other pieces of legislation that we have worked through very carefully. But I also want to point out as someone who continues to be concerned about higher education, how I see this budget, and the message that we continue to send out.

Budgets are all about collecting a certain amount of revenue and a prioritization of how those revenues will be spent. It is a difficult process. There are fixed expenses we have to deal with every year. Health and Human Services, I think we have done an excellent job this year of covering. There is education, there is criminal justice, public safety. And then there is general government, as we call it. What we call member projects, I would just say these are local needs. We can call them turkeys. We can call them whatever they are. But we justify them to each other as we present them through the budget process. At the end of the day, we conclude that that is something that is important enough that we want to spend statewide dollars on.

Then, of course, the Governor has his opportunity to do what he does. In the past he has vetoed quite a bit of the local projects that have been put in the budget. There were proposed this year by the Governor's office, tax cuts. Not as significant as the billion-and-a-half that we have given back over the last couple of years when we have cut taxes, but there were tax cuts, nevertheless, offered this year by the Governor's office as something that was a priority.

It is just a question of philosophy. We go back to how much revenue we have to spend and then how we are going to spend it. The less revenue we have to spend, the more we have to make more difficult choices. Obviously, we understand that taking people's money in the form of taxes is serious business and we should only take the minimum amount we need to take in order to spend that on priorities of this state.

But one area that I think we still are not doing enough in, and I think particularly in this budget we went in the wrong direction, is our universities and community colleges. In particular, when we raised the student share of tuition seven-and-a-half percent in one year, I think that is going in the wrong direction. When we, as one of our state benefits for people who work for the state and for those who are watching at home, unaware of this, one of the benefits you have in this state, and there are not that many, but one of them is the ability to go to our state universities tuition free. We have not changed that to create a voucher. The concept of allowing them to go to a state university or a community college is not a bad idea, expanding it to community colleges or other postsecondary institutions is not a bad idea. But there is only \$500,000 statewide, first come, first serve. Think about the individuals who are planning their futures with their family and they are in the middle of a college program right now, university program, and because we have made this pretty substantial cut, think of this person at home who is in the middle of a four-year program, working full time, taking some classes with a goal of getting a Bachelor's degree or some enhanced degree which will help that state employee do a better job in his or her job, we have now made it much more difficult to participate in this program because there is only \$500,000 in the budget, first come, first serve.

In discussing this, we are going to come back next year, maybe add more money to it. But I think we have now gone back and in some cases made it very difficult to allow people to finish their college education. So we disrupted it, the timing, or interrupted in some way. That is the wrong direction.

Another issue that I have heard about in my eight years of Legislature, more than anything else, when we talk about education, and that is workforce training. But how well is our workforce? Our children that go through school and are eventually going to be future workers, how well are they prepared? If we look at exactly what is going on, our state universities, plus our community colleges and all the other institutions, play a major role. We need to do more to expand the opportunities. We

need to do more to make the access available. Raising tuition, I do not think, is the right direction. We need to do more. It is our biggest opportunity of creating a better future for every Floridian, in making a post high school education opportunity available for everyone. There are more and more kids coming through the system and more and more resources will be there.

So, Mr. President, today I am going to vote against the budget, but I want to make it very clear. It is no reflection on anybody in this Senate because this Senate did a good job with what we have. My gripe, my disagreement, is with tax cuts because I think that \$175 million could have been used to eliminate any kind of tuition increase for our state universities, could have expanded university and community college access, could have done so many things in that direction. I understand why people like tax cuts. It is a question, in my view, of the way I view the priorities of education in this state.

So, again, with all due respect to everyone in this room, my voice today is a No vote on the budget because of the tax cuts, because of that portion of education which I think we need to focus on. I would ask you, in the future, as we move forward, because the budget, of course, will pass today, to keep in mind the importance of our postsecondary, post high school education and how we need to focus on it more, deal with it more, with the tech jobs and all the other kinds of jobs that are so important to us for us to prepare our youth for the future of this state. Thank you, Mr. President.

Mr. President: The Senator from the 22nd is recognized as a proponent on the budget.

Senator Sullivan: Mr. President, members, I speak as someone who has a detailed view of what went on on my side of the budget. Too often we tend to look at the flaws in the budget or the things that we disagree with, but I stand to rise and speak about some things that are working well.

We have made some changes in the budget process over the last few years. There are some things that are a step in the right direction, and some things that we need to improve on. One thing that I didn't mention in my remarks on the budget was the amount of money we put into technology and how that has been so well used by the state that now you can walk into almost any library and be connected throughout the state. You can certainly walk into any university library and be connected throughout the state. You can walk into any community college and be connected throughout the state. That is wonderful.

A new student sitting at home, with the money that we have spent on technology, can register for classes, can shop for classes, can enroll, can receive student advising, all over the Internet. There have been some wonderful changes in education as a result of what was spent.

There are some procedures that we are doing that are working very well. The Governor's insistence on review of all projects was a great step forward. There were fewer projects suggested by legislators this year. Before this year, they were unexamined. The process is working. It needs to be refined. We need to be able to get more information so that we can pick and choose among the things that are available to us to make better use of our money.

Recurring and nonrecurring money—we made much better use of the recurring and nonrecurring money this year. A strict adherence to the proper use of these items and the proper use of the funding formula were great steps forward.

The working capital fund—another \$150 million back in the working capital fund in a year with very tight finances was a great thing to do. The rainy day fund is now up to \$1 billion. All of the people of the State of Florida ought to be very pleased that we have taken such a responsible attitude.

This year we made better use of federal funds than ever before. We funded several projects through TANF. We matched sometimes at a four-to-one ratio. I think we made better use of the money that was available for us than I have seen in my five years in the budget process.

I guess there is one thing that we need to continue to make progress on, and I know it is one of your priorities. Performance-based budgeting has not yet reached the point where we should be happy with it. Our efforts to reach zero-based budgeting and to change our budgets over to

activity-based budgeting must be continued. That will enable us to go back and review the entire budget process on a detailed basis so that we can make our decisions better.

Mr. President, I think the budget process is improving. If we continue to keep our eyes focused on those important points, I think it will continue to improve in the future.

RECONSIDERATION OF BILL

On motion by Senator Horne, the Senate reconsidered the vote by which—

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for record-keeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065,

F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms “elderly” and “housing for the elderly” under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; amending s. 446.609, F.S.; deleting a time-period limitation for the “Jobs for Florida’s Graduates” school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation’s board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations; providing effective dates.

—as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 7** was adopted. **Amendment 7** was withdrawn.

Senator Horne moved the following amendment which was adopted by two-thirds vote:

Amendment 10 (072144)(with title amendment)—On page 119, line 1, insert:

Section 44. *There is appropriated from nonrecurring general revenue a refund of sales taxes paid in fiscal year 2001-2002 to any facility, school, or business that is certified under Part 142 of Federal Aviation Regulations and trains aircraft pilots and flight crews for approval, certification, or regulation by the Federal Aviation Administration, or a comparable foreign national government regulatory agency. Total refunds to all such facilities, school, or businesses shall not exceed \$500,000.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: provides a one time sales tax refund for Type 142 air crew training simulators;

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 6** was adopted. **Amendment 6** was withdrawn.

Senator Bronson moved the following amendment which was adopted by two-thirds vote:

Amendment 11 (031356)(with title amendment)—On page 119, before line 1, insert:

Section 107. *The sum of \$650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of \$650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation pursuant to this section shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. These funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority pursuant to this section shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropria-

On motion by Senator Horne, **HB 1225** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dyer	Lee	Silver
Bronson	Garcia	Meek	Smith
Brown-Waite	Geller	Miller	Sullivan
Burt	Holzendorf	Mitchell	Villalobos
Campbell	Horne	Peaden	Wasserman Schultz
Carlton	Jones	Posey	Webster
Clary	King	Pruitt	
Constantine	Klein	Rossin	
Diaz de la Portilla	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Cowin, Crist

On motion by Senator Dyer, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 428, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 428—A bill to be entitled An act relating to building construction; amending s. 95.11, F.S.; providing alternative applications to a statute of limitations for certain legal or equitable actions for actions to enforce claims against payment bonds; revising a statute of limitations for actions to enforce claims against certain payment bonds; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; revising a provision relating to notice of nonpayment for certain labor, materials, or supplies; amending s. 713.01, F.S.; revising certain definitions; amending s. 713.02, F.S.; clarifying a criterion for a proscription against certain liens; amending s. 713.13, F.S.; deleting authorization for certain fax numbers in notices of commencement; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; amending s. 713.245, F.S.; providing additional bond criteria for coextension of a surety's duty to pay lienors with a contractor's duty to pay; amending ss. 725.06, 725.08, F.S.; revising indemnification and hold harmless requirements for construction contracts and design professional contracts; repealing s. 713.18(3), F.S., relating to service of certain notices by facsimile transmission; providing effective dates. amending s. 489.13, F.S.; providing for issuance of a notice of noncompliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

House Amendment 1 (785035)(with title amendment)—On page 17, lines 1-28, remove from the bill: all of said lines, and insert in lieu thereof:

Section 10. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.—

(1) Any portion of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated therewith, between an owner of real property and an architect, engineer, general contractor,

subcontractor, sub-subcontractor, or materialman or any combination thereof wherein any party referred to herein promises to indemnify or hold harmless the other party to the agreement, contract, or guarantee for liability for damages to persons or property caused in whole or in part by any act, omission, or default of the indemnitee arising from the contract or its performance, shall be void and unenforceable unless the contract contains a monetary limitation on the extent of the indemnification that bears a reasonable commercial relationship to the contract and is part of the project specifications or bid documents, if any. Notwithstanding the foregoing, the monetary limitation on the extent of the indemnification provided to the owner of real property by any party in privity of contract with such owner shall not be less than \$1 million per occurrence, unless otherwise agreed by the parties. Indemnification provisions in any such agreements, contracts, or guarantees may not require that the indemnitor indemnify the indemnitee for damages to persons or property caused in whole or in part by any act, omission, or default of a party other than:

- (a) *The indemnitor;*
- (b) *Any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees; or*
- (c) *The indemnitee or its officers, directors, agents, or employees. However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for statutory violation or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the acts or omissions of the indemnitor or any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees.*

(2)(1) A construction contract for a public agency or in connection with a public agency's project may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

(3)(2) Except as specifically provided in subsection (2) (1), a construction contract for a public agency or in connection with a public agency's project may not require one party to indemnify, defend, or hold harmless the other party, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision is void as against public policy of this state.

(4) *This section does not affect any contracts, agreements, or guarantees entered into before the effective date of this section or any renewals thereof.*

Section 11. Subsection (2) of section 725.08, Florida Statutes, is amended to read:

725.08 Design professional contracts; limitation in indemnification.—

(2) Except as specifically provided in subsection (1), a professional services contract entered into with a public agency may not require that the design professional defend, indemnify, or hold harmless the agency, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision shall be void as against the public policy of this state.

And the title is amended as follows:

On page 1, lines 27-30, remove from the title of the bill: all of said lines, and insert in lieu thereof: amending s. 725.06, F.S.; revising indemnification and hold harmless restrictions for certain construction agreements, contracts, or guarantees; providing application; amending s. 725.08, F.S.; revising indemnification and hold harmless restrictions for certain professional services contracts; repealing s. 713.18(3),

On motion by Senator Dyer, the Senate concurred in the House amendment.

SB 428 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Lawson	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Geller	Meek	Silver
Burt	Holzendorf	Miller	Smith
Campbell	Horne	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1226, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an effective date.

House Amendment 1 (902973)(with title amendment)—remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (3) and paragraph (a) of subsection (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. *A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified community-based organizations and faith-based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. These programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds. To provide after-school care programs under this paragraph, a community-based organization or a faith-based organization must be a nonprofit organization that holds a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code or must be a religious organization that is not required to apply for recognition of its exemption from federal taxation under s. 501(c)(3) of the Internal Revenue Code.*

Section 2. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. *It is the intent of the Legislature that, whenever possible and to the greatest extent practicable, membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex officio members of the board or of committees organized by the board.* The importance of minority and gender representation shall be considered when making appointments to the board. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

Senators Klein, Wasserman Schultz and Holzendorf offered the following amendment which was moved by Senator Klein and adopted:

Senate Amendment 1 (454446)(with title amendment) to House Amendment 1—On page 3, line 6, after the period (.) insert: *Funds expended under this paragraph may not be used for religious or sectarian purposes.*

And the title is amended as follows:

On page 5, line 1, after the semicolon (;) insert: prohibiting certain uses of such funds;

On motion by Senator Holzendorf, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 1226 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Laurent	Saunders
Bronson	Dyer	Lawson	Sebesta
Brown-Waite	Geller	Lee	Silver
Burt	Holzendorf	Meek	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1260, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker's bank; amending s. 658.165, F.S.; providing criteria for formation of a banker's bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts; providing effective dates.

House Amendment 1 (880317)(with title amendment)—On page 2, line 22, insert:

Section 1. Subsection (3) of section 68.065, Florida Statutes, is amended to read:

68.065 Actions to collect worthless checks, drafts, or orders of payment; attorney's fees and collection costs.—

(3) Before recovery under subsection (1) ~~or subsection (2)~~ may be claimed, a written demand shall be delivered by certified or registered mail, evidenced by return receipt, to the maker or drawer of the check, draft, or order of payment. The form of such notice shall be substantially as follows:

“You are hereby notified that a check numbered . . . in the face amount of \$. . . issued by you on (date), drawn upon (name of bank), and payable to . . . , has been dishonored. Pursuant to Florida law, you

have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$. . . . and cents. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action."

And the title is amended as follows:

On page 1, line 2 after the semicolon, insert: amending s. 68.065, F.S.; removing a requirement that a written demand be delivered as a requirement for certain recoveries on worthless checks, drafts, or orders of payment;

House Amendment 2 (804975)(with title amendment)—On page 3, between lines 15 and 16, insert:

Section 3. Paragraph (b) of subsection (2) of section 655.059, Florida Statutes, is amended to read:

655.059 Access to books and records; confidentiality; penalty for disclosure.—

(2)

(b) The books and records pertaining to the deposit accounts and loans of depositors, borrowers, members, and stockholders of any financial institution shall be kept confidential by the financial institution and its directors, officers, and employees and shall not be released except upon express authorization of the account holder as to her or his own accounts, loans, or voting rights. However, information relating to any loan made by a financial institution may be released without the borrower's authorization in a manner prescribed by the board of directors for the purpose of meeting the needs of commerce and for fair and accurate credit information. Information may also be released, without the authorization of a member or depositor but in a manner prescribed by the board of directors, to verify or corroborate the existence or amount of a customer's or member's account when such information is reasonably provided to meet the needs of commerce and to ensure accurate credit information. In addition, a financial institution, *affiliate*, and its subsidiaries, and any holding company of the financial institution or subsidiary of such holding company, may furnish to one another information relating to their customers or members, subject to the requirement that each corporation receiving information that is confidential maintain the confidentiality of such information and not provide or disclose such information to any unaffiliated person or entity. *Notwithstanding this paragraph, nothing in this subsection shall prohibit a financial institution from disclosing financial information as referenced in this subsection as permitted by Public Law 106-102(1999), as set forth in 15 U.S.C.A., s. 6802, as amended.*

And the title is amended as follows:

On page 1, line 9, after the semicolon, insert: amending s. 655.059, F.S.; authorizing certain disclosures permitted by certain federal law;

On motion by Senator King, the Senate concurred in the House amendments.

CS for SB 1260 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cowin	Horne	Miller
Bronson	Crist	Jones	Mitchell
Brown-Waite	Dawson	King	Peaden
Burt	Diaz de la Portilla	Klein	Posey
Campbell	Dyer	Latvala	Pruitt
Carlton	Garcia	Laurent	Rossin
Clary	Geller	Lee	Sanderson
Constantine	Holzendorf	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	
Nays—None			

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1524, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1524—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

House Amendment 1 (605113)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraphs (b) and (c) of subsection (8) of section 373.026, Florida Statutes, are amended to read:

373.026 General powers and duties of the department.—The department, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(8)

(b) To ensure to the greatest extent possible that project components will go forward as planned, the department shall collaborate with the *South Florida Water Management District in implementing the comprehensive plan as defined in s. 373.470(2)(a) restudy*. Before any project component is submitted to Congress for authorization or receives an ~~additional~~ appropriation of state funds, the department must approve, or approve with amendments, each project component within 60 days following formal submittal of the project component to the department. Department approval shall be based upon a determination of the *South Florida Water Management District's compliance with s. 373.1501(5)*. Once a project component is approved, *the South Florida Water Management District shall provide to the Joint Legislative Committee on Everglades Oversight a schedule for implementing the project component, the estimated total cost of the project component, any existing federal or nonfederal credits, the estimated remaining federal and nonfederal share of costs, and an estimate of the amount of state funds that will be needed to implement the project component*. All requests for an ~~additional~~ appropriation of state funds needed to implement the project component shall be submitted to the department and such requests shall be included in the department's annual request to the Governor.

(c) Notwithstanding paragraph (b), the use of state funds for land purchases from willing sellers is authorized for projects within the *South Florida Water Management District's approved 5-year plan of acquisition pursuant to s. 373.59 or within the South Florida Water Management District's approved Florida Forever water management district work plan pursuant to s. 373.199*.

Section 2. Section 373.1502, Florida Statutes, is created to read:

373.1502 Regulation of comprehensive plan project components.—

(1) *SHORT TITLE.*—This section may be cited as the “Comprehensive Everglades Restoration Plan Regulation Act.”

(2) *FINDINGS; INTENT.*—

(a) *The Legislature finds that implementation of the comprehensive plan, as defined in s. 373.470(2)(a), is in the public interest and is necessary for restoring, preserving, and protecting the South Florida ecosystem, providing for the protection of water quality in and the reduction of the loss of fresh water from the Everglades, and providing such features as are necessary to meet the other water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the project.*

(b) *The Legislature intends to provide efficient and effective permitting of project components, taking into account all other statutory responsibilities the department and the South Florida Water Management District are required to consider.*

(3) *REGULATION OF COMPREHENSIVE PLAN STRUCTURES AND FACILITIES.*—

(a) *This subsection applies to all project components, as defined in s. 373.1501, identified in the comprehensive plan unless the project component is otherwise subject to s. 373.4592, s. 373.4595, or the department’s rules on reuse of reclaimed water. Permits issued under this subsection are in lieu of all other permits required under this chapter or chapter 403, except for permits issued under any delegated or approved federal program.*

(b) *The department shall issue a permit for a term of 5 years for the construction, operation, modification, or maintenance of a project component based on the criteria set forth in this section. If the department is the entity responsible for the construction, operation, modification, or maintenance of any individual project component, the district shall issue a permit for a term of 5 years based on the criteria set forth in this section. The permit application must provide reasonable assurances that:*

1. *The project component will achieve the design objectives set forth in the detailed design documents submitted as part of the application.*

2. *State water quality standards will be met to the maximum extent practicable. Under no circumstances shall the project component cause or contribute to violation of state water quality standards.*

3. *Discharges from the project component will not pose a serious danger to public health, safety, or welfare.*

4. *Any impacts to wetlands or threatened or endangered species resulting from implementation of the project component will be avoided, minimized, and mitigated, as appropriate.*

(c) *Construction activities for comprehensive plan project components may be initiated upon submission of a permit application and completion of the department’s approval under s. 373.1501, but before final agency action or notice of intended agency action. However, a permit must be obtained before the commencement or modification of operation.*

(d) *Permits issued under this subsection must contain reasonable conditions to ensure that water quality resulting from construction and operation of project components is adequately and accurately monitored.*

(e) *Permits issued under this subsection may:*

1. *Authorize construction, operation, modification, and maintenance of individual or multiple project components under a single permit;*

2. *Include any standard conditions provided by department rule which are appropriate and consistent with this subsection; or*

3. *Establish reporting requirements that are consolidated with other reports if all reporting requirements are met.*

(f) *The permitting entity shall require a processing fee in an amount sufficient to cover the costs of reviewing and acting upon any application for a permit under this section and to cover the costs of surveillance associated with any permit issued under this section.*

(g) *At least 60 days before the expiration of any permit issued under this subsection, the permittee may apply for a renewal for a term of 5*

years. Such submittals are considered timely and sufficient under s. 120.60(4). Permits issued under this subsection may be modified upon review and approval by the department or district, as appropriate.

Section 3. Section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(1) *The Legislature hereby accepts and adopts the recommendations contained in the Phase I Lake Belt Report and Plan, known as the “Miami-Dade County Lake Plan,” dated February 1997 and hereby accepts the Phase II Plan, submitted on February 9, 2001 to the Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee. These plans shall collectively be known as the Miami-Dade County Lake Belt Plan. This plan was developed to enhance the water supply for Miami-Dade County and the Everglades, including appropriate wellfield protection measures; to maximize efficient recovery of limestone while promoting the social and economic welfare of the community and protecting the environment; and to educate various groups and the general public of the benefits of the plan.*

(2)(a) *The Legislature recognizes that deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials are located in limited areas of the state.*

(b) *The Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west.*

(3) *The Miami-Dade County Lake Belt Area is that area bounded by the Ronald Reagan Turnpike to the east, the Miami-Dade-Broward County line to the north, Krome Avenue to the west and Tamiami Trail to the south together with the land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, sections 24, 25, and 36, Township 54 South, Range 38 East less those portions of section 3, south of Krome Avenue and west of U.S. Highway 27, section 10, except the west one-half, section 11, except the northeast one-quarter and the east one-half of the northwest one-quarter, and tracts 38 through 41, and tracts 49 through 64 inclusive, section 13, except tracts 17 through 35 and tracts 46 through 48, of Florida Fruit Lands Company Subdivision No. 1 according to the plat thereof as recorded in plat book 2, page 17, public records of Miami-Dade County, and section 14, except the west three quarters, Township 52 South, Range 39 East, lying north of the Miami Canal, sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East and Government Lots 1 and 2, lying between Townships 53 and 54 South, Range 39 East and those portions of sections 1 and 2, Township 54 South, Range 39 East, lying north of Tamiami Trail.*

(4) *The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezoning or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.*

(5) *The Miami Dade County Lake Belt Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the Miami Dade County Lake Belt Plan. The committee shall consist of the chair of the governing board of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the office of the Governor, the secretary of the Department of Environmental Protection, the director of the Division of Water Facilities or its successor*

division within the Department of Environmental Protection, the director of the Office of Tourism, Trade, and Economic Development within the office of the Governor, the secretary of the Department of Community Affairs, the executive director of the Fish and Wildlife Conservation Commission, the director of the Department of Environmental Resource Management of Miami-Dade County, the director of the Miami-Dade County Water and Sewer Department, the Director of Planning in Miami-Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, four representatives of the nonmining private landowners within the Miami-Dade County Lake Belt Area, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3), and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3). The committee may appoint other ex officio members, as needed, by a majority vote of all committee members. A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.

(6) The committee shall develop Phase II of the Lake Belt Plan which shall:

- (a) Include a detailed master plan to further implementation;
- (b) Consider the feasibility of a common mitigation plan for nonrock mining uses, including a nonrock mining mitigation fee. Any mitigation fee shall be for the limited purpose of offsetting the loss of wetland functions and values and not as a revenue source for other purposes.
- (c) Further address compatible land uses, opportunities, and potential conflicts;
- (d) Provide for additional wellfield protection;
- (e) Provide measures to prevent the reclassification of the Northwest Miami-Dade County wells as groundwater under the direct influence of surface water;
- (f) Secure additional funding sources;
- (g) Consider the need to establish a land authority; and
- (h) Analyze the hydrological impacts resulting from the future mining included in the Lake Belt Plan and recommend appropriate mitigation measures, if needed, to be incorporated into the Lake Belt Mitigation Plan.

(7) The committee shall remain in effect until January 1, 2002, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31 of each year. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a Phase II report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, 2000, to supplement the Phase I report submitted on February 28, 1997. The Phase II report must include the detailed master plan for the Miami-Dade County Lake Belt Area together with the final reports on all studies, the final recommendations of the committee, the status of implementation of Phase I recommendations and other relevant information, and the committee's recommendation for legislative and regulatory revisions.

(8) The committee shall report to the governing board of the South Florida Water Management District semiannually.

(9) In carrying out its work, the committee shall solicit comments from scientific and economic advisors and governmental, public, and

private interests. The committee shall provide meeting notes, reports, and the strategy document in a timely manner for public comment.

(10) The committee is authorized to seek from the agencies or entities represented on the committee any grants or funds necessary to enable it to carry out its charge.

(5)(11) The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the *Miami-Dade Lake Belt Plan* and the provisions of this section.

(6)(12)(a) All agencies of the state shall review the status of their landholdings within the boundaries of the Miami-Dade County Lake Belt. Those lands for which no present or future use is identified must be made available, together with other suitable lands, to the *Department of Environmental Protection* committee for its use in carrying out the objectives of this act.

(b) It is the intent of the Legislature that lands provided to the *Department of Environmental Protection* committee be used for land exchanges to further the objectives of this act.

Section 4. Section 373.4415, Florida Statutes, is amended to read:

373.4415 Role of Miami-Dade County in processing permits for limerock mining in Miami-Dade County Lake Belt.—The department and Miami-Dade County shall cooperate to establish and fulfill reasonable requirements for the departmental delegation to the Miami-Dade County Department of Environmental Resource Management of authority to implement the permitting program under ss. 373.403-373.439 for limerock mining activities within the geographic area of the Miami-Dade County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 by the *Miami-Dade County Lake Belt Plan Implementation Committee* under s. 373.4149. The delegation of authority must be consistent with s. 373.441 and chapter 62-344, Florida Administrative Code. To further streamline permitting within the Miami-Dade County Lake Belt, the department and Miami-Dade County are encouraged to work with the United States Army Corps of Engineers to establish a general permit under s. 404 of the Clean Water Act for limerock mining activities within the geographic area of the Miami-Dade County Lake Belt consistent with the report submitted in February 1997. Miami-Dade County is further encouraged to seek delegation from the United States Army Corps of Engineers for the implementation of any such general permit. This section does not limit the authority of the department to delegate other responsibilities to Miami-Dade County under this part.

Section 5. Section 378.4115, Florida Statutes, is amended to read:

378.4115 County certification for limerock mining in the Miami-Dade County Lake Belt.—The department and Miami-Dade County shall cooperate to establish and fulfill reasonable requirements for the departmental certification of the Miami-Dade County Department of Environmental Resource Management to implement the reclamation program under ss. 378.401-378.503 for limerock mining activities within the geographic area of the Miami-Dade County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 by the *Miami-Dade County Lake Belt Plan Implementation Committee* under s. 373.4149. The delegation of implementing authority must be consistent with s. 378.411 and chapter 62C-36, Florida Administrative Code. Further, the reclamation program shall maximize the efficient mining of limestone, and the littoral area surrounding the lake excavations shall not be required to be greater than 100 feet average in width.

Section 6. Paragraphs (b) and (d) of subsection (4) of section 373.4595, Florida Statutes, are amended to read:

373.4595 Lake Okeechobee Protection Program.—

(4) LAKE OKEECHOBEE PROTECTION PERMITS.—

(b) Permits obtained pursuant to this section are in lieu of all other permits under chapter 373 or chapter 403, except those issued under s.

403.0885, if applicable. No additional permits are required for the Lake Okeechobee Construction Project or structures discharging into or from Lake Okeechobee, *if permitted under this section*. Construction activities related to implementation of the Lake Okeechobee Construction Project may be initiated prior to final agency action, or notice of intended agency action, on any permit from the department under this section.

(d) The department shall require permits for Lake Okeechobee Construction Project facilities. *However, projects identified in subparagraph (3)(b)1.b. that qualify as exempt pursuant to s. 373.406 shall not need permits under this section*. Such permits shall be issued for a term of 5 years upon the demonstration of reasonable assurances that:

1. The Lake Okeechobee Construction Project facility, based upon the conceptual design documents and any subsequent detailed design documents developed by the district, will achieve the design objectives for phosphorus required in paragraph (3)(b);

2. For water quality standards other than phosphorus, the quality of water discharged from the facility is of equal or better quality than the inflows;

3. Discharges from the facility do not pose a serious danger to public health, safety, or welfare; and

4. Any impacts on wetlands or state-listed species resulting from implementation of that facility of the Lake Okeechobee Construction Project are minimized and mitigated, as appropriate.

Section 7. Subsection (7) of section 373.470, Florida Statutes, is amended to read:

373.470 Everglades restoration.—

(7) ANNUAL REPORT.—To provide enhanced oversight of and accountability for the financial commitments established under this section and the progress made in the implementation of the comprehensive plan, the following information must be prepared annually:

(a) The district, in cooperation with the department, shall provide the following information as it relates to implementation of the comprehensive plan:

1. An identification of funds, by source and amount, received by the state and by each local sponsor during the fiscal year.

2. An itemization of expenditures, by source and amount, made by the state and by each local sponsor during the fiscal year.

3. A description of the purpose for which the funds were expended.

4. The unencumbered balance of funds remaining in trust funds or other accounts designated for implementation of the comprehensive plan.

5. A schedule of anticipated expenditures for the next fiscal year.

(b) The department shall prepare a detailed report on all funds expended by the state and credited toward the state's share of funding for implementation of the comprehensive plan. The report shall include:

1. A description of all expenditures, by source and amount, from the Conservation and Recreation Lands Trust Fund, the Land Acquisition Trust Fund, the Preservation 2000 Trust Fund, the Florida Forever Trust Fund, the Save Our Everglades Trust Fund, and other named funds or accounts for the acquisition or construction of project components or other features or facilities that benefit the comprehensive plan.

2. A description of the purposes for which the funds were expended.

3. The unencumbered fiscal-year-end balance that remains in each trust fund or account identified in subparagraph 1.

(c) The district, in cooperation with the department, shall provide a detailed report on progress made in the implementation of the comprehensive plan, including the status of all project components initiated after the effective date of this act or the date of the last report prepared under this subsection, whichever is later.

The information required in paragraphs (a), (b), and (c) shall be provided annually in a single report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and copies of the report must be made available to the public. The initial report is due by November 30, 2000, and each annual report thereafter is due by *January 31* ~~November 30~~.

Section 8. Paragraph (g) of subsection (2) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; conditions.—

(2)

(g) The Legislature finds that the restoration of the *South Florida ecosystem Everglades Protection Area, including the construction, operation, and maintenance of stormwater treatment areas (STAs)* is in the public interest. Accordingly, whenever a facility to be constructed, operated, or maintained in accordance with *s. 373.1501, s. 373.1502, s. 373.4595, or s. 373.4592* is subjected to permitting requirements pursuant to chapter 373 or this chapter, and the issuance of the initial permit for a new source, a new discharger, or a recommending discharger is subjected to a request for hearing pursuant to s. 120.569, the administrative law judge may, upon motion by the permittee, issue a recommended order to the secretary who, within 5 days, shall issue an order authorizing the interim construction, operation, and maintenance of the facility if it complies with all uncontested conditions of the proposed permit and all other conditions recommended by the administrative law judge during the period until the final agency action on the permit.

1. An order authorizing such interim construction, operation, and maintenance shall be granted if requested by motion and no party opposes it.

2. If a party to the administrative hearing pursuant to ss. 120.569 and 120.57 opposes the motion, the administrative law judge shall issue a recommended order granting the motion if the administrative law judge finds that:

a. The facility is likely to receive the permit; and

b. The environment will not be irreparably harmed by the construction, operation, or maintenance of the facility pending final agency action on the permit.

3. Prior to granting a contested motion for interim construction, operation, or maintenance of a facility *regulated or otherwise permitted* ~~authorized~~ by *s. 373.1501, s. 373.1502, s. 373.4595, or s. 373.4592*, the administrative law judge shall conduct a hearing using the summary hearing process defined in s. 120.574, which shall be mandatory for motions made pursuant to this paragraph. Notwithstanding the provisions of s. 120.574(1), summary hearing proceedings for these facilities shall begin within 30 days of the motion made by the permittee. Within 15 days of the conclusion of the summary proceeding, the administrative law judge shall issue a recommended order either denying or approving interim construction, operation, or maintenance of the facility, which shall be submitted to the secretary who shall within 5 days thereafter, enter an order granting or denying interim construction operation or maintenance of the facility. The order shall remain in effect until final agency action is taken on the permit.

Section 9. This act shall take effect upon becoming a law.

And the title is amended as follows: Remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to the comprehensive Everglades restoration plan; amending s. 373.026, F.S.; requiring the South Florida Water Management District to submit certain information to the Joint Legislative Committee on Everglades Oversight; requiring the committee to provide certain review of appropriation requests and make recommendations to the Legislature; providing that state funds for land purchases are authorized if contained within the district's Florida Forever 5-year work plan; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing for regulation of comprehensive plan project components; providing findings and intent; providing an expedited permit process; providing a fee; providing for renewal; amending s. 373.4149, F.S.; providing for acceptance of the Phase II Lake Belt Plan; clarifying boundaries of the Miami-Dade County Lake Belt Area; eliminating the Miami-Dade Lake Belt Plan Implementation Committee; providing for certain lands to be made available to the Department

of Environmental Protection to be used for land exchanges; amending s. 373.4415, F.S.; deleting an obsolete reference; amending s. 378.4115, F.S.; deleting an obsolete reference; amending s. 373.4595, F.S.; revising Lake Okeechobee protection permit requirements and related exemptions; amending s. 373.470, F.S.; revising due date of the annual report on implementation of the comprehensive plan; amending s. 403.088, F.S.; providing application of water pollution operation permitting procedures to facilities constructed, operated, or maintained in the South Florida ecosystem, including the components of the comprehensive Everglades restoration plan; providing an effective date.

On motion by Senator Constantine, the Senate concurred in the House amendment.

CS for SB 1524 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1562, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1562—A bill to be entitled An act relating to public-records exemptions; creating s. 569.215; providing that proprietary confidential business information used to negotiate or verify annual tobacco settlement payments are exempt from public records requirements; providing a statement of public necessity; providing an effective date.

House Amendment 1 (245935)—On page 1, lines 24-26, remove from the bill: all of said lines and insert in lieu thereof: *Auditor General for any purpose relating to verifying settlement payments made pursuant to the settlement agreement is confidential and exempt from the provisions of s.*

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for SB 1562 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Lawson	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1576, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

House Amendment 1 (840689)(with title amendment)—On page 3, remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. (1) Paragraphs (b) and (c) of subsection (1) of section 206.9825, Florida Statutes, are amended to read:

206.9825 Aviation fuel tax.—

(1)

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2., (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4., 7., 9., and 12. ~~This paragraph will expire on July 1, 2001.~~

(c) If, before July 1, 2001, the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below 250, the exemption granted pursuant to this section shall not apply during the period in which the air carrier has fewer than the 250 additional employees.

(2) This section shall take effect upon this act becoming a law.

Section 2. If section 35 of chapter 2000-260, Laws of Florida, is repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into

which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.

8. All other proceeds shall remain with the General Revenue Fund.

Section 3. If section 35 of chapter 2000-260, Laws of Florida, is not repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the

applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. *Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.*

8. All other proceeds shall remain with the General Revenue Fund.

Section 4. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(k) Payment information relative to chapters 199, 201, 212, 220, and 221 to the Office of Tourism, Trade, and Economic Development in its administration of the tax refund program for qualified defense contractors authorized by s. 288.1045, and the tax refund program for qualified target industry businesses authorized by s. 288.106, and the sales tax reimbursement program for certified sports industry economic development projects authorized by s. 288.113.

Section 5. Section 288.113, Florida Statutes, is created to read:

288.113 Tax reimbursement program for certified sports industry economic development projects.—

(1) **LEGISLATIVE FINDINGS AND DECLARATIONS.**—*The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certified sports industry economic development projects provides high-quality employment opportunities for residents of the state, increases tourism, and enhances the economic foundations of the state. It is the policy of the state to encourage the growth of high-value-added employment to the economic base by providing a sales tax reimbursement to certified sports industry economic development projects that create new employment opportunities and generate new sales tax dollars by expanding businesses within the state or by bringing new businesses to the state.*

(2) **DEFINITIONS.**—*As used in this section:*

(a) "Certified sports industry economic development project" or "project" means any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state, has submitted a properly completed application to the Office of Tourism, Trade, and Economic Development, and has subsequently been certified by that office as a certified sports industry economic development project.

(b) "Sales tax reimbursement" means the monthly amount to be distributed through a reimbursement to a certified sports industry economic development project pursuant to s. 212.20. Such amount shall be determined by the Office of Tourism, Trade, and Economic Development as provided in this section.

(3) **AMATEUR SPORTS BUSINESS ELIGIBLE TO APPLY.**—

(a) Any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes

for the state may submit to the Office of Tourism, Trade, and Economic Development an application for approval as a certified sports industry economic development project for the purpose of receiving a sales tax reimbursement on new sales taxes generated by increased new business and tourism activity directly attributable to the proposed amateur sports industry economic development project.

(b) The number of certified sports industry economic development projects shall not exceed three until June 30, 2006, and thereafter only one new certified sports industry economic development project may be certified by the Office of Tourism, Trade, and Economic Development each year.

(4) **SALES TAX REIMBURSEMENT AND AUTHORIZED AMOUNT.**—Pursuant to s. 212.20, each certified sports industry economic development project shall be eligible for a monthly distribution of its sales tax reimbursement in the amount determined by its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development. The amount shall be based on new sales tax revenues generated under chapter 212 by increased new business and tourism activity directly attributable to the project as determined using the sports economic impact model and, subject to other restrictions, returns 50 percent of that amount to the project. The total amount of sales tax reimbursement for all fiscal years estimated for each project shall not exceed 50 percent of the cost of the project as determined by the Office of Tourism, Trade, and Economic Development in the certification process set forth in subsection (6). The annualized amount of the monthly distribution shall be calculated by the Office of Tourism, Trade, and Economic Development and specified in the applicant's sales tax reimbursement agreement. Annual payment amounts shall be no less than \$500,000 and no more than \$2 million, unless the Office of Tourism, Trade, and Economic Development reduces payments below \$500,000 under its authority to decertify a project as discussed in subsection (6).

(5) **AUTHORIZED USE OF SALES TAX REIMBURSEMENT PAYMENTS.**—After entering into a sales tax reimbursement agreement under subsection (7), a certified sports industry economic development project may receive a sales tax reimbursement for:

(a) Developing and implementing any component of the project's sports events and activities;

(b) Constructing, reconstructing, renovating, furnishing, equipping, or operating the project's facilities or events;

(c) Pledging payments or debt service on or funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds for the project's activities and facilities; or

(d) Paying the cost of relocating the project's corporate headquarters into the state.

(6) **CERTIFICATION, RECERTIFICATION, AND DECERTIFICATION PROCEDURE.**—

(a) The Office of Tourism, Trade, and Economic Development shall establish a certification process by which a proposed amateur sports industry economic development project may be approved by the office as a certified sports industry economic development project that is eligible to receive economic development incentives in the form of a sales tax reimbursement of a percentage of new sales taxes that have been generated and remitted to the state as a result of the certified sports industry economic development project.

(b) Before certifying an applicant under this subsection, the Office of Tourism, Trade, and Economic Development shall determine that the applicant has:

1. Completed an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the proposed amateur sports industry economic development project will generate a minimum of \$1 million annually in new sales tax revenues over a multiyear period.

2. Received commitments for amateur sports activities which demonstrate that the proposed amateur sports economic development project will bring to this state on a multiyear basis new proposed amateur sports economic development project activities that will generate a minimum of \$1 million in new sales tax revenues annually, as verified by the Office of Tourism, Trade, and Economic Development.

3. Demonstrated that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred in or related to the development of the proposed amateur sports industry economic development project.

(c) An amateur sports business that has previously been certified under this section and has received a sales tax reimbursement under that certification is ineligible for additional certification.

(d) Upon determining that a proposed amateur sports industry economic development project meets the established criteria for approval as a certified sports industry economic development project and qualifies for a sales tax reimbursement, the Office of Tourism, Trade, and Economic Development shall issue to the applicant a letter of certification that stipulates the terms of the sales tax reimbursement agreement and the penalties for failing to comply with those terms.

(e) The Office of Tourism, Trade, and Economic Development shall deny the application of an amateur sports business to be a certified sports industry economic development project if the office determines that the proposed project does not meet the established criteria for approval.

(f) The Office of Tourism, Trade, and Economic Development shall develop a standardized form for an amateur sports business to complete in applying for certification as a certified sports industry economic development project. The application shall include, but shall not be limited to, relevant information on employment and job creation, proposed budgets, contracts for multiyear events and projects, project financing, and other information requested by the office. The application may be distributed to applicants by the Office of Tourism, Trade, and Economic Development, and all completed applications shall be processed by the office.

(g) Initial certification for a sales tax reimbursement under this section is valid for 120 months. Subsequent to the initial certification period, the certified sports industry economic development project is eligible for two periods of recertification, each of which is valid for 60 months. A project shall request recertification 12 months before the expiration of the certificate.

(h) A certified sports industry economic development project may request recertification after the initial certification period to be requalified for certification as a certified sports industry economic development project for a period not to exceed 240 months.

(i) The Office of Tourism, Trade, and Economic Development shall recertify, before the end of the first 10-year period, that the certified sports industry economic development project is operational and that the project is meeting the minimum projections for sales tax revenues as required at the time of original certification. If the project is not recertified during this 10-year review period as meeting the minimum projections, funding shall be adjusted until certification criteria are met. If the project fails to generate annual sales tax revenues pursuant to its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, the amount of revenues distributed to the project under s. 212.20(6)(e)7.e. shall be reduced to the amount of the taxes collected times 50 percent. If, for 2 consecutive years, the amount of tax revenues collected falls below a minimum of \$1 million per year, the project may be decertified at the discretion of the Office of Tourism, Trade, and Economic Development. Such a reduction shall remain in effect until the sales tax revenues generated by the project in a 12-month period equal or exceed \$1 million.

(j) A project may be decertified if the Office of Tourism, Trade, and Economic Development determines that the amateur sports business can no longer maintain its economic development activities in this state. If the project is no longer in existence, or is no longer viable, as determined by the project's sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, or if the project has the certificate for purposes other than those authorized by this section and chapter 212, the Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue to suspend payment for a period of 6 months until the project is either in compliance with the sales tax reimbursement agreement or is determined to be in default. In addition to other penalties imposed by law, any person who knowingly and willfully falsifies an application for purposes other than those authorized by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k) The Office of Tourism, Trade, and Economic Development shall provide written notification to the Department of Revenue of all certifications, recertifications, and decertifications of projects and of the sales tax reimbursement distribution amount each project is entitled to receive.

(l) The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.

(7) SALES TAX REIMBURSEMENT AGREEMENT TERMS.—

(a) In order to qualify for sales tax reimbursement from the state, each certified sports industry economic development project shall enter into a written agreement with the Office of Tourism, Trade, and Economic Development which specifies, at a minimum:

1. The total number of full-time-equivalent jobs created in or transferred to this state as a direct result of the project, the average wage paid for those jobs, the criteria that will apply to measuring the achievement of these terms during the effective period of the agreement, and a time schedule or plan for when such jobs will be in place and operative in the state.

2. The maximum amount of new sales taxes estimated to be generated as a result of the project, the maximum amount of sales tax reimbursement that the project is eligible to receive, and the maximum amount of sales tax reimbursement that the project is requesting.

3. The budgets, financing, projections, and cost estimates for the sports activities and projects for which reimbursement is sought.

(b) Compliance with the terms and conditions of the sales tax reimbursement agreement is a condition precedent for receiving a sales tax reimbursement each year. The terms and timeframe of the agreement shall be commensurate with the duration of the certification period. Failure to comply with the terms and conditions of the sales tax reimbursement agreement shall result in an immediate review by the Office of Tourism, Trade, and Economic Development of the activities of the project.

(c) The sales tax reimbursement shall not exceed 50 percent of the total project costs, amortized over a period not to exceed 20 years.

(d) Sales tax reimbursement may be provided through direct payment or other means of payment to the certified sports industry economic development project, as determined in the sales tax reimbursement agreement with the approval of the Department of Revenue.

(8) ADMINISTRATION.—

(a) The Office of Tourism, Trade, and Economic Development may verify information provided in any claim for sales tax reimbursement under this section, including information regarding employment and wage levels or the payment of taxes under chapter 212 to the appropriate agency, including the Department of Revenue, the Agency for Workforce Innovation, or the appropriate local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the Office of Tourism, Trade, and Economic Development may request information necessary for determining a project's compliance with this section from the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority. These governmental entities shall provide assistance in the areas within their scope of responsibilities.

(c) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section.

(9) RELATIONSHIP OF SALES TAX REIMBURSEMENTS TO SPORTS INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—Beginning January 1, 2003, the Office of Tourism, Trade, and Economic Development shall maintain records based on information provided on taxpayer applications for certified sports industry economic development projects that receive sales tax reimbursements. These records shall include a statement of the percentage of the overall new economic impact generated by certified sports industry economic development projects and the amount of funds annually reimbursed to such projects. In addition, the Office of Tourism, Trade, and Economic Development shall maintain

data showing the annual growth in Florida-based amateur sports industry businesses and the number of persons employed and wages paid by such businesses. The Office of Tourism, Trade, and Economic Development shall report this information to the Legislature annually, no later than December 1.

Section 6. Subsection (1) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) The attraction of amateur sports industry economic development projects to this state for the purposes set forth in paragraphs (a) and (b), as well as for the purposes of increasing national and international media promotions and attention, promoting the quality of life in the state, and promoting tourism, which will have a positive effect on expanding the tax base as well as creating new jobs in the state.

Section 7. Section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. Thereafter, determination of the assessed value of the property is subject to the following provisions:

(1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the property for the prior year; or

(b) The percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or
2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(4)(a) Changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The value of any replaced real property, or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Replaced real property with a just value of less than 100 percent of the original property's just value shall be assessed pursuant to subsection (5).

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any annual assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the *just value and assessed value assessment* must be recalculated for every such year, *including the year in which the mistake occurred*.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 8. Effective January 1, 2003, paragraph (c) of subsection (2) of section 195.096, Florida Statutes, as amended by this act, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142. In addition, to the greatest extent practicable, the department shall study assessment roll strata by value groups or market areas for each classification, subclassification, or stratum to be studied to ensure the representativeness of ratio study samples.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 9. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit *pursuant to chapter 617* or a Florida limited partnership, the sole general partner of which is a corporation not for profit *pursuant to chapter 617*, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), *units or apartments in homes for the aged shall be exempt only to the extent that residency in the existing unit or apartment of the applicant home is reserved for or restricted to or the unit or apartment is occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:*

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects ~~that which~~ are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and ~~that which~~ are subject to the income limitations established by that department ~~are shall~~ be exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is ~~hereby~~ declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of a ~~such~~ property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each ~~corporation home~~ applying for an exemption under paragraph (a) of this subsection or paragraph (4)(a) must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under ~~either of those paragraphs that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority

bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) *Sections 196.195 and 196.196 do not apply to this section.*

Section 10. Section 196.24, Florida Statutes, is amended to read:

196.24 *Exemption for disabled ex-service member; evidence of disability of ex-service member; exemption.*—Any ex-service member, a bona fide resident of the state, who has been disabled to a degree of 10 percent or more while serving during a period of wartime service as defined in s. 1.01(14), or by misfortune, is entitled to the exemption from taxation provided for in s. 3(b), Art. VII of the State Constitution *as provided in this section. Property to the value of \$5,000 of such person shall be exempt from taxation.*; ~~and~~ The production by him or her of a certificate of disability from the United States Government or the United States Department of Veterans Affairs or its predecessor before the property appraiser of the county wherein the ex-service member's property lies is prima facie evidence of the fact that he or she is entitled to such exemption.

Section 11. Section 197.212, Florida Statutes, is amended to read:

197.212 *Minimum tax bill.*—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than *an amount up to \$50 \$5*. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than *an amount up to \$50 \$5*. The minimum tax bill so established may not exceed *an amount up to \$50 \$5*.

Section 12. Subsection (1) of section 197.343, Florida Statutes, is amended to read:

197.343 *Tax notices; additional notice required.*—

(1) An additional tax notice shall be mailed by April 30 ~~10~~ to each taxpayer whose payment has not been received. The notice shall include a description of the property and the following statement: If the taxes for (year) on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office at once.

Section 13. Subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 *Application for obtaining tax deed by holder of tax sale certificate; fees.*—

(5)(a) *The tax collector may contract with a title company or an abstract company at a reasonable fee to provide the minimum information required by subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector shall make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.*

1. *The ownership and encumbrance report must be printed or typed on stationery or other paper showing a letterhead of the person, firm, or company that makes the search, and the signature of the person who makes the search or of an officer of the firm must be attached. The tax*

collector is not liable for payment to the firm unless these requirements are met.

2. The tax collector shall not accept or pay for any title search or abstract if no financial responsibility is assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.

3. In order to establish uniform prices for ownership and encumbrance reports within the county, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time.

(b) Any fee paid for any title search or abstract shall be collected at the time of application under subsection (1), and the amount of the fee shall be added to the opening bid.

(c) The clerk shall advertise and administer the sale and receive such fees for the issuance of the deed and sale of the property as are provided in s. 28.24.

Section 14. Effective January 1, 2002, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11) and s. 200.065(13).

(1) The notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held:," and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; ~~the a single entry for other independent special districts in which the parcel lies, if any, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.~~

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:." ~~The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11).~~ For each voted levy levies for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). However:

~~1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;~~

~~2. For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line)"; and~~

~~3. For the line showing totals, the following statement shall appear: "For details on independent special districts and voter approved debt, contact your Tax Collector at (phone number)." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.~~

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding each the entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter approved special assessments for debt service if collected utilizing the ad valorem method.~~

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemptions	Taxable Value
Your Property Value Last Year	\$	\$	\$	\$
Your Property Value This Year	\$	\$	\$	\$

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at (phone number) OR (location).

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE (date).

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

- For homestead property: value as limited by the State Constitution;
- For agricultural and similarly assessed property: classified use value;
- For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

~~(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.~~

(11)(12) The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(12)(13)(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES
AND PROPOSED OR ADOPTED
NON-AD VALOREM ASSESSMENTS
DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately 1/8-inch thick. By rule, the department shall provide a format for the form

of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.
2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.
3. Each non-ad valorem assessment for each levying local governing board must be listed separately.
4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.
5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (11) ~~(12)~~ shall not be placed on the notice.

Section 15. Effective January 1, 2002, paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069(11)~~(12)~~).

Section 16. (1) *There is created the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, providing and evaluating suggestions for improving the property tax administration process, and promoting greater understanding of property tax administration issues. The Property Tax Administration Task Force shall consist of members representing business and industry, taxpayer groups, municipalities, counties, school districts, special districts, state government, and elected officials charged with assessing and collecting property taxes. The executive director of the department shall appoint the members. The task force shall make periodic reports to the department concerning findings and recommendations in the area of property tax administration.*

(2) *This section shall take effect upon this act becoming a law.*

Section 17. (1) *There is created an advisory committee on airport and seaport property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and shall submit a written report on this issue to the President of the Senate and*

the Speaker of the House of Representatives on or before October 1, 2001. The committee shall expire upon completion of the report.

(2) *This section shall take effect upon becoming a law.*

Section 18. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2, through Page 3, line 4 remove from the title of the bill: all of said lines and insert in lieu thereof: An act relating to ad valorem tax administration; amending s. 206.9825, F.S.; removing the expiration date of provisions which allow any licensed wholesaler or terminal supplier that delivers aviation fuel to certain air carriers to receive a credit or refund of the aviation fuel tax under certain conditions; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for record-keeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 193.155, F.S.; revising provisions relating to the correction of errors in the assessment of homestead property due to a material mistake of fact; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; requiring the department, effective for 2003 and subsequent tax rolls, to study assessment roll strata by value groups or market areas to ensure the representativeness of ratio study samples; amending s. 196.1975, F.S., relating to exemptions for non-profit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; amending s. 197.212, F.S., which allows the board of county commissioners to instruct the tax collector not to mail a tax notice when the amount of taxes is less than a specified amount; increasing such minimum amount; amending s. 197.343, F.S.; revising the deadline for mailing an additional tax notice to a taxpayer whose payment has not been received; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title or abstract company to provide information concerning property described in a tax certificate and providing requirements with respect thereto; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of such fee shall be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S., which provides requirements for the form of the notice of proposed property taxes and non-ad valorem assessments; removing provisions which specify that a separate line entry for each independent special taxing district is optional; revising requirements for entries relating to voted levies for debt service; amending s. 192.0105, F.S.; correcting a reference; creating a

Property Tax Administration Task Force and providing its duties; creating an advisory committee on airport and seaport property taxation; providing purposes and membership; requiring a report; providing effective dates.

Senator Carlton moved the following amendment:

Senate Amendment 1 (081292)(with title amendment) to House Amendment 1—On page 1, line 18 through page 43, line 26, delete those lines and insert:

Section 1. Paragraph (c) of subsection (2) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 2. Effective January 1, 2003, paragraph (c) of subsection (2) of section 195.096, Florida Statutes, as amended by section 1 of this act, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142. *In addition, to the greatest extent practicable, the department shall study assessment roll strata by value groups or market areas for each classification, subclassification, or stratum to be studied, to assure the representativeness of ratio study samples.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 3. Subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(5)(a) *The tax collector may contract with a title company or an abstract company at a reasonable fee to provide the minimum information required in subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector must make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.*

1. *The ownership and encumbrance report must be printed or typed on stationery or other paper showing a letterhead of the person, firm, or company that makes the search, and the signature of the person who makes the search or of an officer of the firm must be attached. The tax collector is not liable for payment to the firm unless these requirements are met.*

2. *The tax collector may not accept or pay for any title search or abstract if no financial responsibility is assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.*

3. *In order to establish uniform prices for ownership and encumbrance reports within the county, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time.*

(b) *Any fee paid for any title search or abstract must be collected at the time of application under section (1), and the amount of the fee must be added to the opening bid.*

(c) *The clerk shall advertise and administer the sale and receive such fees for the issuance of the deed and sale of the property as are provided in s. 28.24.*

Section 4. Effective January 1, 2002, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in ~~subsection (11)~~ and s. 200.065(13).

(1) The notice shall read:

**NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL**

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held," and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; ~~the a single entry for other~~

~~independent special districts in which the parcel lies, if any; and, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.~~

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". ~~The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11). For each voted levy levies for debt service, the entry shall be "Voter Approved Debt Payments."~~

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). ~~However:~~

~~1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;~~

~~2. For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line)," and~~

~~3. For the line showing totals, the following statement shall appear: "For details on independent special districts and voter approved debt, contact your Tax Collector at (phone number)." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.~~

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding ~~the~~ entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter approved special assessments for debt service if collected utilizing the ad valorem method.~~

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemptions	Taxable Value
Your Property Value Last Year	\$	\$	\$	\$
Your Property Value This Year	\$	\$	\$	\$

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at (phone number) or (location).

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE (date).

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

- For homestead property: value as limited by the State Constitution;
- For agricultural and similarly assessed property: classified use value;
- For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.

(11)(12) The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(12)(13)(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES AND PROPOSED OR ADOPTED NON-AD VALOREM ASSESSMENTS DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately 1/8-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.
2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.
3. Each non-ad valorem assessment for each levying local governing board must be listed separately.
4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.
5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (11) (12) shall not be placed on the notice.

Section 5. Section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. Thereafter, determination of the assessed value of the property is subject to the following provisions:

- (1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:
 - (a) Three percent of the assessed value of the property for the prior year; or
 - (b) The percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.
- (2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.
- (3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or
2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(4)(a) Changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The value of any replaced real property, or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Replaced real property with a just value of less than 100 percent of the original property's just value shall be assessed pursuant to subsection (5).

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any annual assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the just value and assessed value assessment must be recalculated for every such year, including the year in which the mistake occurred.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted

the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 6. Subsection (1) of section 197.343, Florida Statutes, is amended to read:

197.343 Tax notices; additional notice required.—

(1) An additional tax notice shall be mailed by ~~April 30~~ ~~April 10~~ to each taxpayer whose payment has not been received. The notice shall include a description of the property and the following statement: If the taxes for (year) on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office at once.

Section 7. Paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069(11) ~~s. 200.069(12)~~).

Section 8. Section 197.212, Florida Statutes, is amended to read:

197.212 Minimum tax bill.—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than an amount up to \$30 \$5. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than an amount up to \$30 \$5. The minimum tax bill so established may not exceed an amount up to \$30 \$5.

Section 9. (1) *There is created the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, of providing and evaluating suggestions for improving the property tax administration process, and of promoting greater understanding of property tax administration issues. The Property Tax Administration Task Force shall consist of members representing business and industry, taxpayer groups, municipalities, counties, school districts, special districts, state government, and elected officials charged with assessing and collecting property taxes. The Executive Director of the Department of Revenue shall appoint the members. The task force shall make periodic reports to the department concerning findings and recommendations in the area of property tax administration.*

(2) *This section shall take effect upon becoming a law.*

Section 10. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit pursuant to chapter 617 or a Florida limited partnership, the sole general partner of which is a corporation not for profit pursuant to chapter 617, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a “home for the aged” unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), units or apartments in homes for the aged shall be exempt only to the extent that residency in the existing unit or apartment of the applicant home is reserved for or restricted to or the unit or apartment is occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects that which are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and that which are subject to the income limitations established by that department are shall be exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is hereby declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of a such property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each corporation home applying for an exemption under paragraph (a) of this subsection or paragraph (4)(a) must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under either of those paragraphs that paragraph is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

Section 11. (1) There is created an advisory committee on property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and may consider taxation of other public facilities and issues related to special districts. The advisory committee shall submit a written report on this issue to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001.

(2) *The sum of \$100,000 is appropriated to the Department of Revenue from the General Revenue Fund to defray the expenses of the advisory committee.*

(3) *This section shall take effect upon becoming a law.*

Section 12. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort results in millage in excess of the 10-mill limit, millage levied pursuant to this subsection must be calculated as required local effort to the extent that the total district millage exceeds the 10-mill limit.*

Section 13. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 14. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

Section 15. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 44, line 5 through page 46, line 25, delete those lines and insert: An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; providing for calculating the levy if the millage exceeds certain limits; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

Senator Carlton moved the following amendment to the amendment which was adopted:

Senate Amendment 1A (333630)(with title amendment) to Senate Amendment 1 to House Amendment 1—On page 24, line 6 through page 26, line 28, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 28, line 31 through page 29, line 9, delete those lines and insert: appropriation;

Senate Amendment 1 to House Amendment 1 as amended was adopted.

On motion by Senator Carlton, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for SB 1576 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Lawson	Sebesta
Bronson	Diaz de la Portilla	Lee	Silver
Brown-Waite	Geller	Meek	Smith
Burt	Holzendorf	Miller	Sullivan
Campbell	Horne	Mitchell	Villalobos
Carlton	Jones	Peaden	Wasserman Schultz
Clary	King	Posey	Webster
Constantine	Klein	Rossin	
Cowin	Latvala	Sanderson	
Crist	Laurent	Saunders	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, and passed CS for HB 347 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 347—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; creating the “Officer Malcolm Thompson Act”; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; amending s. 121.4501, F.S.; redefining the term “approved provider”; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest; providing an effective date.

House Amendment 1 (603071)(with title amendment) to Senate Amendment 1—On page 5, line 15, through page 21, line 30, remove from the amendment: all of said lines and insert in lieu thereof:

Section 6. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees and service offices of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, at the discretion of the President of the Senate and the Speaker of the House of Representatives, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(d) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System in a position that has been designated eligible for inclusion in the Executive Service of the State University System or who holds a position as president of a state university, unless such member elects, pursuant to s. 121.35, to participate in the optional retirement program.

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, Treasurer, and Comptroller acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(f) Effective July 1, 1997:

1. Any elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Any elected county officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected county officers, elect to participate in a lifetime monthly annuity program, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general,*

and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security.

2. In lieu of participating in the Senior Management Service Class, a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 7. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of said section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program. *The term includes a bundled provider that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education.* Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, *that is, a second election, at the employee's discretion*, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move from the Public Employee Optional Retirement Program to the defined benefit program, the employee must transfer from his or her optional program ~~Public Employee Optional Retirement Program~~ account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services, *where those services do not duplicate services provided by the Division of Retirement within the Department of Management Services*. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materi-

als; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall *also* select one or more *bundled* providers, *each of whom who offer nine multiple investment options and related services products* when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. *Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, U.S. fixed income, U.S. equities, and foreign stock.* The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum, *and may include a guaranteed account as well as investment products such as individually allocated guaranteed and variable annuities, that meet the requirements of this subsection and that combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime income benefit provided by the Florida Retirement System.*

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, *and shall include products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity.*

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

4. *Fees or charges for insurance features, such as mortality and expense risk charges, shall be reasonable relative to the benefits provided.*

(f)1. *An approved provider shall comply with all applicable federal and state securities and insurance laws and regulations, as well as the applicable rules and guidelines of the National Association of Securities Dealers (NASD) governing the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with National Association of Security Dealers rules.*

2. Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.

3. The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate regulatory agency.

4. Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 8. The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.

Section 9. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters and state law enforcement officers; special provisions relative to disability.—

(1) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any state law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3), respectively, caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter or state law enforcement officer shall have successfully passed a physical examination upon entering into any such service as a firefighter or state law enforcement officer, correctional officer, or correctional probation officer, which examination failed to reveal any evidence of any such condition. Such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(2) This section shall be construed to authorize the above governmental entities to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter, law enforcement officer, correctional officer, or correctional probation officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

And the title is amended as follows:

On page 23, line 27, through page 24, line 22, of the amendment remove: all of said lines and insert in lieu thereof: technicians, or paramedics; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; amending s. 112.18, F.S.; expanding the provisions of law with respect to disability in the line of duty to include all law enforcement officers and certain correctional officers and correctional probation officers; amending s. 121.0515, F.S.; allowing

On motion by Senator Garcia, the Senate refused to concur in the House amendment to the Senate amendment to CS for HB 347 and the House was requested to recede. The action of the Senate was certified to the House. The vote was:

Yeas—38

Mr. President Brown-Waite Campbell Constantine
Bronson Burt Clary Cowin

Crist Jones Miller Sebesta
Dawson King Mitchell Silver
Diaz de la Portilla Klein Peaden Smith
Dyer Latvala Posey Sullivan
Garcia Laurent Pruitt Wasserman Schultz
Geller Lawson Rossin Webster
Holzendorf Lee Sanderson
Horne Meek Saunders

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, and passed HB 657 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

House Amendment 1 (405209) (with title amendment) to Senate Amendment 1—On page 1, lines 21 and 26, and on page 2, line 6, remove from the amendment: 1999 and insert in lieu thereof: 2000

And the title is amended as follows:

On page 3, lines 16-28, of the amendment remove: all of said lines and insert in lieu thereof: 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 Special Session, the 2000 Regular Session, and the 2001 Regular Session are not repealed by this adoption act; requesting the Division of Statutory Revision to prepare an adoption act for introduction at the 2002 Regular Session.

On motion by Senator Lee, the Senate refused to concur in the House amendment to the Senate amendment to HB 657 and the House was requested to recede. The action of the Senate was certified to the House. The vote was:

Yeas—34

Mr. President Dyer Lawson Saunders
Bronson Garcia Lee Sebesta
Burt Geller Meek Silver
Campbell Holzendorf Miller Smith
Clary Jones Mitchell Sullivan
Constantine King Peaden Villalobos
Cowin Klein Pruitt Webster
Crist Latvala Rossin
Dawson Laurent Sanderson

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1202, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising

the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the

reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s.

400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; providing appropriations; providing for severability; providing effective dates.

House Amendment 1 (341895)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (4) of section 400.0073, Florida Statutes, is amended to read:

400.0073 State and local ombudsman council investigations.—

(4) In addition to any specific investigation made pursuant to a complaint, the local ombudsman council shall conduct, at least annually, an investigation, which shall consist, in part, of an onsite administrative inspection, of each nursing home or long-term care facility within its jurisdiction. *This inspection shall focus on the rights, health, safety, and welfare of the residents.*

Section 2. Section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(1) "Administrator" means the licensed individual who has the general administrative charge of a facility.

(2) "Agency" means the Agency for Health Care Administration, which is the licensing agency under this part.

(3) "Bed reservation policy" means the number of consecutive days and the number of days per year that a resident may leave the nursing home facility for overnight therapeutic visits with family or friends or for hospitalization for an acute condition before the licensee may discharge the resident due to his or her absence from the facility.

(4) "Board" means the Board of Nursing Home Administrators.

(5) "Controlling interest" means:

(a) *The applicant for licensure or a licensee;*

(b) *A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the management company or other entity, related or unrelated, which the applicant or licensee may contract with to operate the facility; or*

(c) *A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the applicant or licensee.*

The term does not include a voluntary board member.

(6)(~~5~~) "Custodial service" means care for a person which entails observation of diet and sleeping habits and maintenance of a watchfulness over the general health, safety, and well-being of the aged or infirm.

(7)(~~6~~) "Department" means the Department of Children and Family Services.

(8)(~~7~~) "Facility" means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

(9)(~~8~~) "Geriatric outpatient clinic" means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant.

(10)(~~9~~) "Geriatric patient" means any patient who is 60 years of age or older.

(11)(~~10~~) "Local ombudsman council" means a local long-term care ombudsman council established pursuant to s. 400.0069, located within the Older Americans Act planning and service areas.

(12)(~~11~~) "Nursing home bed" means an accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing; and which conforms to minimum space requirements, including the availability of appropriate equipment and furnishings within the 48 hours, as specified by rule of the agency, for the provision of services specified in this part to a single resident.

(13)(~~12~~) "Nursing home facility" means any facility which provides nursing services as defined in part I of chapter 464 and which is licensed according to this part.

(14)(~~13~~) "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in s. 464.003.

(15)(~~14~~) "Planning and service area" means the geographic area in which the Older Americans Act programs are administered and services are delivered by the Department of Elderly Affairs.

(16)(~~15~~) "Respite care" means admission to a nursing home for the purpose of providing a short period of rest or relief or emergency alternative care for the primary caregiver of an individual receiving care at home who, without home-based care, would otherwise require institutional care.

(17)(~~16~~) "Resident care plan" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident, *the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being*, a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals. *The resident care plan must be signed by the director of nursing and the resident, the resident's designee, or the resident's legal representative.*

(18)(17) "Resident designee" means a person, other than the owner, administrator, or employee of the facility, designated in writing by a resident or a resident's guardian, if the resident is adjudicated incompetent, to be the resident's representative for a specific, limited purpose.

(19)(18) "State ombudsman council" means the State Long-Term Care Ombudsman Council established pursuant to s. 400.0067.

(20) "Voluntary board member" means a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not receive any remuneration for his or her services on the board of directors, and has no financial interest in the corporation or organization. The agency shall recognize a person as a voluntary board member following submission of a statement to the agency by the director and the not-for-profit corporation or organization which affirms that the director conforms to this definition. The statement affirming the status of the director must be submitted to the agency on a form provided by the agency.

Section 3. *The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities, an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities, an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident, the impact of the devices on the privacy and dignity of both the resident on whose behalf the device is installed and other residents who may be affected by the device, the potential impact on improving the care of residents, the potential impact on the care environment and on staff recruitment and retention, appropriate uses of any tapes if mandated by law, including methods and time frames for reporting any questionable incidents to the facility and appropriate regulatory agencies, appropriate security needed to protect the integrity of tapes for both the protection of the resident and direct care staff, and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care Administration shall have the lead on the study and shall submit the findings and recommendations of the study to the Governor, the Speaker of the House of Representatives and the President of the Senate by January 1, 2002.*

Section 4. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.023, Florida Statutes, is amended to read:

400.023 Civil enforcement.—

(1) Any resident whose rights as specified in this part are ~~violated~~ ~~deprived or infringed upon~~ shall have a cause of action against any licensee responsible for the violation. The action may be brought by the resident or his or her guardian, by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident regardless of the cause of death. ~~If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21 when the cause of death resulted from the deprivation or infringement of the decedent's rights. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any violation of deprivation or infringement on the rights of a resident or for negligence. Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action, and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a~~

~~nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.~~

(2) *In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:*

- (a) *The defendant owed a duty to the resident;*
- (b) *The defendant breached the duty to the resident;*
- (c) *The breach of the duty is a legal cause of loss, injury, death or damage to the resident; and*
- (d) *The resident sustained loss, injury, death or damage as a result of the breach.*

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.022 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

- ~~(2) Attorneys' fees shall be based on the following criteria:~~
- ~~(a) The time and labor required;~~
 - ~~(b) The novelty and difficulty of the questions;~~
 - ~~(c) The skill requisite to perform the legal service properly;~~
 - ~~(d) The preclusion of other employment by the attorney due to the acceptance of the case;~~
 - ~~(e) The customary fee;~~
 - ~~(f) Whether the fee is fixed or contingent;~~
 - ~~(g) The amount involved or the results obtained;~~
 - ~~(h) The experience, reputation, and ability of the attorneys;~~
 - ~~(i) The costs expended to prosecute the claim;~~
 - ~~(j) The type of fee arrangement between the attorney and the client;~~
 - ~~(k) Whether the relevant market requires a contingency fee multiplier to obtain competent counsel;~~
 - ~~(l) Whether the attorney was able to mitigate the risk of nonpayment in any way.~~

(3) *In any claim brought pursuant to s. 400.023, a licensee, person or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person or entity would use under like circumstances.*

(4) *In any claim for resident's rights violation or negligence by a nurse licensed under Part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses.*

(5)(3) *A licensee shall not be liable for the medical negligence of any physician rendering care or treatment to the resident except for the administrative services of a medical director as required in this part.*

Nothing in this subsection shall be construed to protect a licensee, *person, or entity* from liability for failure to provide a resident with appropriate observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care by nursing staff.

(6) ~~The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.~~

(7) ~~An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.~~

(4) ~~Claimants alleging a deprivation or infringement of adequate and appropriate health care pursuant to s. 400.022(1)(k) which resulted in personal injury to or the death of a resident shall conduct an investigation which shall include a review by a licensed physician or registered nurse familiar with the standard of nursing care for nursing home residents pursuant to this part. Any complaint alleging such a deprivation or infringement shall be accompanied by a verified statement from the reviewer that there exists reason to believe that a deprivation or infringement occurred during the resident's stay at the nursing home. Such opinion shall be based on records or other information available at the time that suit is filed. Failure to provide records in accordance with the requirements of this chapter shall waive the requirement of the verified statement.~~

(5) ~~For the purpose of this section, punitive damages may be awarded for conduct which is willful, wanton, gross or flagrant, reckless, or consciously indifferent to the rights of the resident.~~

(6) ~~To recover attorney's fees under this section, the following conditions precedent must be met:~~

(a) ~~Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

1. ~~Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

a. ~~Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

b. ~~Set a date for mediation.~~

e. ~~Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

2. ~~The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

3. ~~The mediation shall be conducted in the following manner:~~

a. ~~Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

b. ~~Each party shall mediate in good faith.~~

4. ~~All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

(b) ~~If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff~~

~~prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

(c) ~~This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

(d) ~~This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

(7) ~~Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.~~

(8) ~~In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.~~

Section 5. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0233, Florida Statutes, is created to read:

400.0233 *Presuit notice; investigation; notification of violation of resident's rights or alleged negligence; claims evaluation procedure; informal discovery; review.*—

(1) *As used in this section, the term:*

(a) *"Claim for resident's rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.022 or an asserted deviation from the applicable standard of care.*

(b) *"Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, Joint Underwriting Association, or any uninsured prospective defendant.*

(2) *Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.022 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.*

(3)(a) *No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:*

1. *Internal review by a duly qualified facility risk manager or claims adjuster;*

2. *Internal review by counsel for each prospective defendant;*

3. *A quality assurance committee authorized under any applicable state or federal statutes or regulations;*

4. *Any other similar procedure that fairly and promptly evaluates the claims.*

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) *At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:*

1. *Rejecting the claim; or*

2. *Making a settlement offer.*

(c) *The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.*

(4) *The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.*

(5) *No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.*

(6) *Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).*

(7) *Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things as follows:*

(a) *Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.*

(b) *Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.*

(8) *Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.*

(9) *If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.*

(10) *To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.*

(11) *Within 30 days after the claimant's receipt of the defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period*

may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 6. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0234, Florida Statutes, is created to read:

400.0234 *Availability of facility records for investigation of resident's rights violations and defenses; penalty.—*

(1) *Failure to provide complete copies of a resident's records including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 400.145 shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.*

(2) *No facility shall be held liable for any civil damages as a result of complying with this section.*

Section 7. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0235, Florida Statutes, is created to read:

400.0235 *Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized under this part is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.*

Section 8. Effective May 15, 2001, section 400.0236, Florida Statutes, is created to read:

400.0236 *Statute of limitations.—*

(1) *Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.*

(2) *In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event for more than 6 years from the date the incident giving rise to the injury occurred.*

(3) *This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence but in no event more than 4 years from the effective date of this section.*

Section 9. Section 400.0237, Florida Statutes, is created to read:

400.0237 *Punitive damages; pleading; burden of proof.—*

(1) *In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.*

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 10. Section 400.0238, Florida Statutes, is created to read:

400.0238 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk

of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 768.735, Florida Statutes, are amended and subsection (3) is added to that section to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly under chapter 415, or abuse of the developmentally disabled ~~or any civil action arising under chapter 400~~. Such actions are governed by applicable statutes and controlling judicial precedent. This section does not apply to claims brought pursuant to s. 400.023 or s. 400.429.

(2)(a) In any civil action based upon child abuse, abuse of the elderly under chapter 415, or abuse of the developmentally disabled, ~~or actions arising under chapter 400~~ and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). This subsection does not apply to any class action.

(3) This section is remedial in nature and shall take effect upon becoming a law.

Section 12. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 415.1111, Florida Statutes, is amended to read:

415.1111 Civil actions.—A vulnerable adult who has been abused, neglected, or exploited as specified in this chapter has a cause of action against any perpetrator and may recover actual and punitive damages for such abuse, neglect, or exploitation. The action may be brought by the vulnerable adult, or that person's guardian, by a person or organization acting on behalf of the vulnerable adult with the consent of that person or that person's guardian, or by the personal representative of the estate of a deceased victim without regard to whether the cause of death resulted from the abuse, neglect, or exploitation. The action may be brought in any court of competent jurisdiction to enforce such action and to recover actual and punitive damages for any deprivation of or infringement on the rights of a vulnerable adult. A party who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a vulnerable adult. *Notwithstanding the foregoing, any civil action for damages against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part II of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.023, or against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part III of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.429. Such licensee or entity shall not be vicariously liable for the acts or omissions of its employees or agents or any other third party in an action brought under this section.*

Section 13. Subsection (17) is added to section 400.0255, Florida Statutes, to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(17) *The provisions of this section apply to transfers or discharges that are initiated by the nursing home facility, and not by the resident or by the resident's physician or legal guardian or representative.*

Section 14. Subsection (3) of section 400.062, Florida Statutes, is amended to read:

400.062 License required; fee; disposition; display; transfer.—

(3) The annual license fee required for each license issued under this part shall be comprised of two parts. Part I of the license fee shall be the basic license fee. The rate per bed for the basic license fee shall be established annually and shall be \$50 per bed. The agency may adjust the per bed licensure fees by the Consumer Price Index based on the 12 months immediately preceding the increase ~~must be reasonably calculated to cover the cost of regulation under this part, but may not exceed \$35 per bed.~~ Part II of the license fee shall be the resident protection fee, which shall be at the rate of not less than 25 cents per bed. The rate per bed shall be the minimum rate per bed, and such rate shall remain in effect until the effective date of a rate per bed adopted by rule by the agency pursuant to this part. At such time as the amount on deposit in the Resident Protection Trust Fund is less than \$1 million ~~\$500,000~~, the agency may adopt rules to establish a rate which may not exceed \$10 per bed. The rate per bed shall revert back to the minimum rate per bed when the amount on deposit in the Resident Protection Trust Fund reaches \$1 million ~~\$500,000~~, except that any rate established by rule shall remain in effect until such time as the rate has been equally required for each license issued under this part. Any amount in the fund in excess of \$2 million ~~\$800,000~~ shall revert to the Health Care Trust Fund and may not be expended without prior approval of the Legislature. The agency may prorate the annual license fee for those licenses which it issues under this part for less than 1 year. Funds generated by license fees collected in accordance with this section shall be deposited in the following manner:

(a) The basic license fee collected shall be deposited in the Health Care Trust Fund, established for the sole purpose of carrying out this part. When the balance of the account established in the Health Care Trust Fund for the deposit of fees collected as authorized under this section exceeds one-third of the annual cost of regulation under this part, the excess shall be used to reduce the licensure fees in the next year.

(b) The resident protection fee collected shall be deposited in the Resident Protection Trust Fund for the sole purpose of paying, in accordance with the provisions of s. 400.063, for the appropriate alternate placement, care, and treatment of a resident removed from a nursing

home facility on a temporary, emergency basis or for the maintenance and care of residents in a nursing home facility pending removal and alternate placement.

Section 15. Subsections (2) and (5) of section 400.071, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

400.071 Application for license.—

(2) The application shall be under oath and shall contain the following:

(a) The name, address, and social security number of the applicant if an individual; if the applicant is a firm, partnership, or association, its name, address, and employer identification number (EIN), and the name and address of ~~any controlling interest every member; if the applicant is a corporation, its name, address, and employer identification number (EIN), and the name and address of its director and officers and of each person having at least a 5 percent interest in the corporation; and the name by which the facility is to be known.~~

(b) The name of any person whose name is required on the application under the provisions of paragraph (a) and who owns at least a 10 percent interest in any professional service, firm, association, partnership, or corporation providing goods, leases, or services to the facility for which the application is made, and the name and address of the professional service, firm, association, partnership, or corporation in which such interest is held.

(c) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

(d) The name of the person or persons under whose management or supervision the facility will be conducted and the name of ~~the its licensed~~ administrator.

~~(e)~~ *A signed affidavit disclosing any financial or ownership interest that a person or entity described in paragraph (a) or paragraph (d) has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.*

~~(f)~~(e) The total number of beds and the total number of Medicare and Medicaid certified beds.

~~(g)~~(f) Information relating to the number, experience, and training of the employees of the facility and of the moral character of the applicant and employees which the agency requires by rule, including the name and address of any nursing home with which the applicant or employees have been affiliated through ownership or employment within 5 years of the date of the application for a license and the record of any criminal convictions involving the applicant and any criminal convictions involving an employee if known by the applicant after inquiring of the employee. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

~~(h)~~(g) Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.

(5) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the *nursing* home in accordance with the requirements of this part and all rules adopted under this part, and the agency shall establish standards for this purpose, *including information reported under paragraph (2)(e)*. The agency also shall establish documen-

tation requirements, to be completed by each applicant, that show anticipated facility revenues and expenditures, the basis for financing the anticipated cash-flow requirements of the facility, and an applicant's access to contingency financing.

(11) *The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but that is reasonably expected to resume services. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 6 additional months. Any request by a licensee that a nursing home become inactive must be submitted to the agency and approved by the agency prior to initiating any suspension of service or notifying residents. Upon agency approval, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.*

(12) *As a condition of licensure, each facility must establish and submit with its application a plan for quality assurance and for conducting risk management.*

Section 16. Subsection (1) of section 400.102, Florida Statutes, is amended to read:

400.102 Action by agency against licensee; grounds.—

(1) Any of the following conditions shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act materially affecting the health or safety of residents of the facility;

(b) Misappropriation or conversion of the property of a resident of the facility;

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a nursing home resident;

(d) Violation of provisions of this part or rules adopted under this part; ~~or~~

(e) *Fraudulent altering, defacing, or falsifying any medical or nursing home records, or causing or procuring any of these offenses to be committed; or*

(f)(e) Any act constituting a ground upon which application for a license may be denied.

Section 17. Subsections (3) and (4) are added to section 400.111, Florida Statutes, to read:

400.111 Expiration of license; renewal.—

(3) *The agency may not renew a license if the applicant has failed to pay any fines assessed by final order of the agency or final order of the Health Care Financing Administration under requirements for federal certification. The agency may renew the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order.*

(4) *The licensee shall submit a signed affidavit disclosing any financial or ownership interest that a licensee has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.*

Section 18. Subsection (2) of section 400.118, Florida Statutes, is amended to read:

400.118 Quality assurance; early warning system; monitoring; rapid response teams.—

(2)(a) The agency shall establish within each district office one or more quality-of-care monitors, based on the number of nursing facilities in the district, to monitor all nursing facilities in the district on a regular, unannounced, aperiodic basis, including nights, evenings, weekends, and holidays. *Quality-of-care monitors shall visit each nursing facility at least quarterly. Priority for additional monitoring visits shall*

be given to nursing facilities with a history of *resident patient* care deficiencies. Quality-of-care monitors shall be registered nurses who are trained and experienced in nursing facility regulation, standards of practice in long-term care, and evaluation of patient care. Individuals in these positions shall not be deployed by the agency as a part of the district survey team in the conduct of routine, scheduled surveys, but shall function solely and independently as quality-of-care monitors. Quality-of-care monitors shall assess the overall quality of life in the nursing facility and shall assess specific conditions in the facility directly related to *resident patient* care, *including the operations of internal quality improvement and risk management programs and adverse incident reports.* The quality-of-care monitor shall include in an assessment visit observation of the care and services rendered to residents and formal and informal interviews with residents, family members, facility staff, resident guests, volunteers, other regulatory staff, and representatives of a long-term care ombudsman council or Florida advocacy council.

(b) Findings of a monitoring visit, both positive and negative, shall be provided orally and in writing to the facility administrator or, in the absence of the facility administrator, to the administrator on duty or the director of nursing. The quality-of-care monitor may recommend to the facility administrator procedural and policy changes and staff training, as needed, to improve the care or quality of life of facility residents. Conditions observed by the quality-of-care monitor which threaten the health or safety of a resident shall be reported immediately to the agency area office supervisor for appropriate regulatory action and, as appropriate or as required by law, to law enforcement, adult protective services, or other responsible agencies.

(c) Any record, whether written or oral, or any written or oral communication generated pursuant to paragraph (a) or paragraph (b) shall not be subject to discovery or introduction into evidence in any civil or administrative action against a nursing facility arising out of matters which are the subject of quality-of-care monitoring, and a person who was in attendance at a monitoring visit or evaluation may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the monitoring visits or evaluations. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented during monitoring visits or evaluations, and any person who participates in such activities may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her participation in such activities. The exclusion from the discovery or introduction of evidence in any civil or administrative action provided for herein shall not apply when the quality-of-care monitor makes a report to the appropriate authorities regarding a threat to the health or safety of a resident.

Section 19. Section 400.1183, Florida Statutes, is created to read:

400.1183 Resident grievance procedures.—

(1) *Every nursing home must have a grievance procedure available to its residents and their families. The grievance procedure must include:*

(a) *An explanation of how to pursue redress of a grievance.*

(b) *The names, job titles, and telephone numbers of the employees responsible for implementing the facility's grievance procedure. The list must include the address and the toll-free telephone numbers of the ombudsman and the agency.*

(c) *A simple description of the process through which a resident may, at any time, contact the toll-free telephone hotline of the ombudsman or the agency to report the unresolved grievance.*

(d) *A procedure for providing assistance to residents who cannot prepare a written grievance without help.*

(2) *Each facility shall maintain records of all grievances and shall report annually to the agency the total number of grievances handled, a categorization of the cases underlying the grievances, and the final disposition of the grievances.*

(3) *Each facility must respond to the grievance within a reasonable time after its submission.*

(4) *The agency may investigate any grievance at any time.*

(5) *The agency may impose an administrative fine, in accordance with s. 400.121, against a nursing home facility for noncompliance with this section.*

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny an application, revoke, or suspend a license, or impose an administrative fine, not to exceed \$500 per violation per day, against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest: for

(a) A violation of any provision of s. 400.102(1);

(b) A demonstrated pattern of deficient practice;

(c) Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;

(d) Exclusion from the Medicare or Medicaid program; or

(e) An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought. If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) ~~Except as provided in s. 400.23(8), a \$500 fine shall be imposed~~ The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed \$500 for each violation. Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than \$5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid by any nursing home facility licensee under this subsection shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.

(3) *The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:*

(a) *Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;*

(b) *Is conditionally licensed for 180 or more continuous days;*

(c) *Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or*

(d) *Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.*

The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.

(4)(3) The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)(4)(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

(6)(5) An action taken by the agency to deny, suspend, or revoke a facility's license under this part, ~~in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility,~~ shall be heard by the Division of Administrative Hearings of the Department of Management Services within 60 ~~120~~ days after the assignment of an administrative law judge receipt of the facility's request for a hearing, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. ~~This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

(7)(6) The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of \$500 per day for each day the staffing is below the level required by the agency.

(8) *An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.*

(9) *Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.*

(10) *In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.*

Section 21. Subsection (12) is added to section 400.126, Florida Statutes, to read:

400.126 Receivership proceedings.—

(12) *Concurrently with the appointment of a receiver, the agency and the Department of Elderly Affairs shall coordinate an assessment of each resident in the facility by the Comprehensive Assessment and Review for Long-Term-Care (CARES) Program for the purpose of evaluating each resident's need for the level of care provided in a nursing facility and the potential for providing such care in alternative settings. If the CARES assessment determines that a resident could be cared for in a less restrictive setting or does not meet the criteria for skilled or intermediate care in a nursing home, the department and agency shall refer the resident for such care, as is appropriate for the resident. Residents referred pursuant to this subsection shall be given primary consideration for receiving services under the Community Care for the Elderly program in the same manner as persons classified to receive such services pursuant to s. 430.205.*

Section 22. Subsections (14), (15), (16), (17), (18), (19), and (20) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(14) *Submit to the agency the information specified in s. 400.071(2)(e) for a management company within 30 days after the effective date of the management agreement.*

(15) *Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regard-*

ing certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:

(a) Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.

(b) Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.

(c) The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.

(d) A licensed facility shall impose a moratorium on new admissions to the facility during any period that the staff-to-resident ratio falls below the minimum required by the agency.

(16) Report monthly the number of vacant beds in the facility which are available for resident occupancy on the day the information is reported.

(17) Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

(18) If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.

(19) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.

(20) Maintain liability insurance coverage that is in force at all times.

(21) Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 23. Section 400.1413, Florida Statutes, is created to read:

400.1413 *Volunteers in nursing homes.*—

(1) It is the intent of the Legislature to encourage the involvement of volunteers in nursing homes in this state. The Legislature also acknowledges that the licensee is responsible for all the activities that take place in the nursing home and recognizes the licensee's need to be aware of and coordinate volunteer activities in the nursing home. Therefore, a nursing home may require that volunteers:

(a) Sign in and out with staff of the nursing home upon entering or leaving the facility.

(b) Wear an identification badge while in the building.

(c) Participate in a facility orientation and training program.

(2) This section does not affect the activities of state or local long-term-care ombudsman councils authorized under part I.

Section 24. Section 400.147, Florida Statutes, is created to read:

400.147 *Internal risk management and quality assurance program.*—

(1) Every facility shall, as part of its administrative functions, establish an internal risk management and quality assurance program, the purpose of which is to assess resident care practices; review facility quality indicators, facility incident reports, deficiencies cited by the agency, and resident grievances; and develop plans of action to correct and respond quickly to identified quality deficiencies. The program must include:

(a) A designated person to serve as risk manager, who is responsible for implementation and oversight of the facility's risk management and quality assurance program as required by this section.

(b) A risk management and quality assurance committee consisting of the facility risk manager, the administrator, the director of nursing, the medical director, and at least three other members of the facility staff. The risk management and quality assurance committee shall meet at least monthly.

(c) Policies and procedures to implement the internal risk management and quality assurance program, which must include the investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to residents.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(e) The development of appropriate measures to minimize the risk of adverse incidents to residents, including, but not limited to, education and training in risk management and risk prevention for all nonphysician personnel, as follows:

1. Such education and training of all nonphysician personnel must be part of their initial orientation; and

2. At least 1 hour of such education and training must be provided annually for all nonphysician personnel of the licensed facility working in clinical areas and providing resident care.

(f) The analysis of resident grievances that relate to resident care and the quality of clinical services.

(2) The internal risk management and quality assurance program is the responsibility of the facility administrator.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of adverse incidents to residents and violations of residents' rights shall be encouraged and their implementation and operation facilitated.

(4) Each internal risk management and quality assurance program shall include the use of incident reports to be filed with the risk manager and the facility administrator. The risk manager shall have free access to all resident records of the licensed facility. The incident reports are part of the work papers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management and quality assurance program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency under this section, the term "adverse incident" means:

(a) An event over which facility personnel could exercise control and which is associated in whole or in part with the facility's intervention, rather than the condition for which such intervention occurred, and which results in one of the following:

1. Death;
2. Brain or spinal damage;
3. Permanent disfigurement;
4. Fracture or dislocation of bones or joints;
5. A limitation of neurological, physical, or sensory function;
6. Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or
7. Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident's condition prior to the adverse incident;

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Abuse, neglect and harm as defined in s. 39.01;

(d) Resident elopement; or

(e) An event that is reported to law enforcement.

(6) The internal risk manager of each licensed facility shall:

(a) Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact when the allegation is that the sexual misconduct occurred at the facility or at the grounds of the facility;

(b) Report every allegation of sexual misconduct to the administrator of the licensed facility; and

(c) Notify the resident representative or guardian of the victim that an allegation of sexual misconduct has been made and that an investigation is being conducted.

(7) The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(9) Each facility subject to this section shall report monthly any liability claim filed against it. The report must include the name of the resident, the date or dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(10) The agency shall review, as part of its licensure inspection process, the internal risk management and quality assurance program at each facility regulated by this section to determine whether the program meets standards established in statutory laws and rules, is being conducted in a manner designed to reduce adverse incidents, and is appropriately reporting incidents as required by this section.

(11) There is no monetary liability on the part of, and a cause of action for damages may not arise against, any risk manager for the implementation and oversight of the internal risk management and quality assurance program in a facility licensed under this part as required by this section, or for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management and quality assurance program if the risk manager acts without intentional fraud.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board.

(13) The agency may adopt rules to administer this section.

(14) The agency shall annually submit to the Legislature a report on nursing home adverse incidents. The report must include the following information arranged by county:

(a) The total number of adverse incidents.

(b) A listing, by category, of the types of adverse incidents, the number of incidents occurring within each category, and the type of staff involved.

(c) A listing, by category, of the types of injury caused and the number of injuries occurring within each category.

(d) Types of liability claims filed based on an adverse incident or reportable injury.

(e) Disciplinary action taken against staff, categorized by type of staff involved.

(15) Information gathered by a credentialing organization under a quality assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use of facility records, including those records from which the credentialing organization gathered its information.

Section 25. Section 400.148, Florida Statutes, is created to read:

400.148 Medicaid "Up-or-Out" Quality of Care Contract Management Program.—

(1) The Legislature finds that the federal Medicare program has implemented successful models of managing the medical and supportive-care needs of long-term nursing home residents. These programs have maintained the highest practicable level of good health and have the potential to reduce the incidence of preventable illnesses among long-stay residents of nursing homes, thereby increasing the quality of care for residents and reducing the number of lawsuits against nursing homes. Such models are operated at no cost to the state.

(2) The Agency for Health Care Administration shall develop a pilot project in selected counties to demonstrate the effect of assigning skilled

and trained medical personnel to ensure the quality of care, safety, and continuity of care for long-stay Medicaid recipients in the highest scoring nursing homes in the Florida Nursing Home Guide on the date the project is implemented. The agency is authorized to begin the pilot project in the highest scoring homes in counties where Evercare services are immediately available. On January 1 of each year of the pilot project the agency shall submit to the fiscal and substantive committees of the Legislature and to the Governor an assessment of the program and a proposal for expansion of the program to additional facilities. The staff of the pilot project shall assist regulatory staff in imposing regulatory sanctions, including revocation of licensure, pursuant to s. 400.121, against nursing homes that have quality-of-care violations.

(3) The pilot project must ensure:

(a) Oversight and coordination of all aspects of a resident's medical care and stay in a nursing home.

(b) Facilitation of close communication between the resident, the resident's guardian or legal representative, the resident's attending physician, the resident's family, and staff of the nursing facility.

(c) Frequent onsite visits to the resident.

(d) Early detection of medical or quality problems that have the potential to lead to adverse outcomes and unnecessary hospitalization.

(e) Close communication with regulatory staff.

(f) Immediate investigation of resident quality-of-care complaints and communication and cooperation with the appropriate entity to address those complaints, including the ombudsman, state agencies, agencies responsible for Medicaid program integrity, and local law enforcement agencies.

(g) Assistance to the resident or the resident's representative to relocate the resident if quality-of-care issues are not otherwise addressed.

(h) Use of Medicare and other third-party funds to support activities of the program.

(4) The agency shall coordinate the pilot project activities with providers approved by Medicare to operate Evercare demonstration projects.

Section 26. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be \$6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys. The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

(4) The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in which a long-term care ombudsman council, pursuant to ss. 400.0071

and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews every 3 months ~~within a 12-month period~~ of each facility while the facility ~~which~~ has a conditional ~~license~~ ~~licensure~~ status. Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

Section 27. Subsection (3) and paragraph (a) of subsection (5) of section 400.191, Florida Statutes, are amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(3) Each nursing home facility licensee shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of such reports shall be retained in such records for not less than 5 years from the date the reports are filed or issued.

(a) The agency shall quarterly publish a "Nursing Home Guide Watch List" to assist consumers in evaluating the quality of nursing home care in Florida. The watch list must identify each facility that met the criteria for a conditional licensure status on any day within the quarter covered by the list and each facility that was operating under bankruptcy protection on any day within the quarter. The watch list must include, but is not limited to, the facility's name, address, and ownership; the county in which the facility operates; the license expiration date; the number of licensed beds; a description of the deficiency causing the facility to be placed on the list; any corrective action taken; and the cumulative number of times the facility has been on a watch list. The watch list must include a brief description regarding how to choose a nursing home, the categories of licensure, the agency's inspection process, an explanation of terms used in the watch list, and the addresses and phone numbers of the agency's managed care and health quality area offices.

(b) Upon publication of each quarterly watch list, the agency must transmit a copy of the watch list to each nursing home facility by mail and must make the watch list available on the agency's Internet web site.

(5) Every nursing home facility licensee shall:

(a) Post, in a sufficient number of prominent positions in the nursing home so as to be accessible to all residents and to the general public;

1. A concise summary of the last inspection report pertaining to the nursing home and issued by the agency, with references to the page numbers of the full reports, noting any deficiencies found by the agency and the actions taken by the licensee to rectify such deficiencies and indicating in such summaries where the full reports may be inspected in the nursing home.

2. A copy of the most recent version of the Florida Nursing Home Guide Watch List.

Section 28. Subsection (2) of section 400.211, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(2) The following categories of persons who are not certified as nursing assistants under part II of chapter 464 may be employed by a nursing facility for a period of 4 months:

(a) Persons who are enrolled in, or have completed, a state-approved nursing assistant program; ~~or~~

(b) Persons who have been positively verified as actively certified and on the registry in another state with no findings of abuse, neglect, or exploitation in that state; or

(c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

(4) *When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:*

(a) *Be sufficient to ensure the continuing competence of nursing assistants, must be at least 18 hours per year, and may include hours accrued under s. 464.203(8);*

(b) *Include, at a minimum:*

1. *Techniques for assisting with eating and proper feeding;*
2. *Principles of adequate nutrition and hydration;*
3. *Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;*
4. *Techniques for caring for the resident at the end-of-life; and*
5. *Recognizing changes that place a resident at risk for pressure ulcers and falls; and*

(c) *Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.*

Section 29. Subsections (2), (3), (7), and (8) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 1999, are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be self-supporting during and immediately following disasters. ~~The agency shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.~~ In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(b) The number and qualifications of all personnel, including management, medical, nursing, and other professional personnel, and nursing assistants, orderlies, and support personnel, having responsibility for any part of the care given residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof, based on rules developed under this chapter and the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) *The implementation of the consumer satisfaction survey pursuant to s. 400.0225; the availability, distribution, and posting of reports and records pursuant to s. 400.191; and the Gold Seal Program pursuant to s. 400.235.*

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing and a minimum licensed nursing staffing per resident per day; ~~including evening and night shifts and weekends. The minimum certified nursing assistant staffing shall be 2.6 hours of direct care per resident per day beginning January 1, 2002, and shall increase to 2.9 hours of direct care per resident per day beginning January 1, 2003. Beginning January 1, 2002, no facility shall staff at less than one certified nursing assistant per 20 residents. Facilities that have been free of any class I or class II violation for the past 30 months may provide a minimum of 2.3 hours of certified nursing assistant service per resident per day until January 1, 2003. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards, sanctions for violation of such standards, and requirements for daily posting of the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.~~

(b) The agency shall adopt rules to allow properly trained staff of a nursing facility, in addition to certified nursing assistants and licensed nurses, to assist residents with eating. The rules shall specify the minimum training requirements and shall specify the physiological conditions or disorders of residents which would necessitate that the eating assistance be provided by nursing personnel of the facility. Nonnursing staff providing eating assistance to residents under the provisions of this subsection shall not count towards compliance with minimum staffing standards.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

(7) The agency shall, at least every 15 months, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with the established rules adopted under this part as a basis for assigning a licensure status to that facility. The agency shall base its evaluation on the most recent inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. The agency shall assign a licensure status of standard or conditional to each nursing home.

(a) A standard licensure status means that a facility has no class I or class II deficiencies, has corrected all class III deficiencies within the time established by the agency, and is in substantial compliance at the time of the survey with criteria established under this part, with rules adopted by the agency, and, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(b) A conditional licensure status means that a facility, due to the presence of one or more class I or class II deficiencies, or class III deficiencies not corrected within the time established by the agency, is not in substantial compliance at the time of the survey with criteria established under this part or, with rules adopted by the agency, or, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended. If the facility has no class I, class II, or class III deficiencies comes into substantial compliance at the time of the followup survey, a standard licensure status may be assigned.

(c) In evaluating the overall quality of care and services and determining whether the facility will receive a conditional or standard license, the agency shall consider the needs and limitations of residents in the facility and the results of interviews and surveys of a representative sampling of residents, families of residents, ombudsman council members in the planning and service area in which the facility is located, guardians of residents, and staff of the nursing home facility.

(d) The current licensure status of each facility must be indicated in bold print on the face of the license. A list of the deficiencies of the facility shall be posted in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to that facility. Licensees receiving a conditional licensure status for a facility shall prepare, within 10 working days after receiving notice of deficiencies, a plan for correction of all deficiencies and shall submit the plan to the agency for approval. Correction of all deficiencies, within the period approved by the agency, shall result in termination of the conditional licensure status. Failure to correct the deficiencies within a reasonable period approved by the agency shall be grounds for the imposition of sanctions pursuant to this part.

(e) Each licensee shall post its license in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to the facility.

(f) ~~Not later than January 1, 1994,~~ The agency shall adopt rules that:

1. Establish uniform procedures for the evaluation of facilities.
2. Provide criteria in the areas referenced in paragraph (c).
3. Address other areas necessary for carrying out the intent of this section.

(8) The agency shall adopt rules to provide that, when the criteria established under subsection (2) are not met, such deficiencies shall be classified according to the nature and the scope of the deficiency. *The scope shall be cited as isolated, patterned, or widespread. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency where more than a very limited number of residents are affected, or more than a very limited number of*

staff are involved, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents. The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) ~~A class I deficiency is a deficiency that deficiencies are those which the agency determines presents a situation in which immediate corrective action is necessary because the facility's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility present an imminent danger to the residents or guests of the nursing home facility or a substantial probability that death or serious physical harm would result therefrom.~~ The condition or practice constituting a class I violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. ~~Notwithstanding s. 400.121(2),~~ A class I deficiency is subject to a civil penalty of \$10,000 for an isolated deficiency, \$12,500 for a patterned deficiency, and \$15,000 for a widespread in an amount not less than \$5,000 and not exceeding \$25,000 for each and every deficiency. ~~The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine must may be levied notwithstanding the correction of the deficiency.~~

(b) ~~A class II deficiency is a deficiency that deficiencies are those which the agency determines has compromised the resident's ability to maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services have a direct or immediate relationship to the health, safety, or security of the nursing home facility residents, other than class I deficiencies.~~ A class II deficiency is subject to a civil penalty of \$2,500 for an isolated deficiency, \$5,000 for a patterned deficiency, and \$7,500 for a widespread in an amount not less than \$1,000 and not exceeding \$10,000 for each and every deficiency. ~~The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine shall be levied notwithstanding the correction of the deficiency. A citation for a class II deficiency shall specify the time within which the deficiency is required to be corrected. If a class II deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) ~~A class III deficiency is a deficiency that deficiencies are those which the agency determines will result in no more than minimal physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services to have an indirect or potential relationship to the health, safety, or security of the nursing home facility residents, other than class I or class II deficiencies.~~ A class III deficiency is shall be subject to a civil penalty of \$1,000 for an isolated deficiency, \$2,000 for a patterned deficiency, and \$3,000 for a widespread not less than \$500 and not exceeding \$2,500 for each and every deficiency. ~~The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A citation for a class III deficiency must shall specify the time within which the deficiency is required to be corrected. If a class III deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(d) ~~A class IV deficiency is a deficiency that the agency determines has the potential for causing no more than a minor negative impact on the resident. If the class IV deficiency is isolated, no plan of correction is required.~~

Section 30. Subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(a) Had no class I or class II deficiencies within the 30 months preceding application for the program.

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule.

(c) Participate consistently in the required consumer satisfaction process as prescribed by the agency, and demonstrate that information is elicited from residents, family members, and guardians about satisfaction with the nursing facility, its environment, the services and care provided, the staff's skills and interactions with residents, attention to resident's needs, and the facility's efforts to act on information gathered from the consumer satisfaction measures.

(d) Evidence the involvement of families and members of the community in the facility on a regular basis.

(e) Have a stable workforce, *as described in s. 400.141*, as evidenced by a relatively low rate of turnover among certified nursing assistants and licensed nurses within the 30 months preceding application for the Gold Seal Program, and demonstrate a continuing effort to maintain a stable workforce and to reduce turnover of licensed nurses and certified nursing assistants.

(f) Evidence an outstanding record regarding the number and types of substantiated complaints reported to the State Long-Term Care Ombudsman Council within the 30 months preceding application for the program.

(g) Provide targeted inservice training provided to meet training needs identified by internal or external quality assurance efforts.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

Section 31. Section 400.275, Florida Statutes, is created to read:

400.275 Agency duties.—

(1) *The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full-time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility. The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 5 years.*

(2) *The agency shall semiannually provide for joint training of nursing home surveyors and staff of facilities licensed under this part on at least one of the 10 federal citations that were most frequently issued against nursing facilities in this state during the previous calendar year.*

(3) *Each member of a nursing home survey team who is a health professional licensed under part I of chapter 464, part X of chapter 468, or chapter 491, shall earn not less than 50 percent of required continuing education credits in geriatric care. Each member of a nursing home survey team who is a health professional licensed under chapter 465 shall earn not less than 30 percent of required continuing education credits in geriatric care.*

(4) *The agency must ensure that when a deficiency is related to substandard quality of care, a physician with geriatric experience licensed under chapter 458 or chapter 459 or a registered nurse with geriatric experience licensed under chapter 464 participates in the agency's informal dispute-resolution process.*

Section 32. Subsections (3) and (4) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is

granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(a) A standard license shall be issued to facilities providing one or more of the *personal* services identified in s. 400.402. Such facilities may also employ or contract with a person licensed under part I of chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

(b) An extended congregate care license shall be issued to facilities providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to part I of chapter 464 by persons licensed thereunder, and supportive services defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least ~~quarterly~~ ~~two times a year~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part and with rules that relate to extended congregate care. One of these visits may be in conjunction with the regular ~~biennial~~ survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that ~~biennially~~ inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the ~~biennial~~ inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities that are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, either directly or through contract, the services of a person licensed pursuant to part I of chapter 464.

h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.

4. Facilities licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 400.441. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities may not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:

a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.

b. The number and characteristics of residents receiving such services.

c. The types of services rendered that could not be provided through a standard license.

d. An analysis of deficiencies cited during *licensure* ~~biennial~~ inspections.

e. The number of residents who required extended congregate care services at admission and the source of admission.

f. Recommendations for statutory or regulatory changes.

g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.

h. Such other information as the department considers appropriate.

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least ~~twice~~ ~~once~~ a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part and with related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that ~~biennially~~ inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k), unless the facility is licensed to provide extended congregate care services.

(4)(a) The biennial license fee required of a facility is \$300 ~~\$240~~ per license, with an additional fee of \$50 ~~\$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed \$10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$400 per license, *with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility*. No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee* and the annual license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$250 ~~\$200~~ per license, with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed \$2,000, No~~

part of *this fee* which shall be returned to the facility. The agency may adjust the *per-bed license fee and the \$200 biennial license fee and the maximum total license fee* once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

Section 33. Paragraph (n) is added to subsection (1) of section 400.414, Florida Statutes, and subsection (8) is added to that section, to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, any person subject to level 2 background screening under s. 400.4174, or any facility employee:

(n) *Any act constituting a ground upon which application for a license may be denied.*

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

(8) *The agency may issue a temporary license pending final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.*

Section 34. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(1) Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

(a) Class “I” violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. A class I violation is subject to an administrative fine in an amount not less than \$5,000 \$1,000 and not exceeding \$10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.

(b) Class “II” violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. A class II violation is subject to an administrative fine in an amount not less than \$1,000 \$500 and not exceeding \$5,000 for each violation. A citation for a class II violation *must shall* specify the time within which the violation is required to be corrected. ~~If a class II violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.~~

(c) Class “III” violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of facility residents, other than class I or class II violations. A class III violation is subject to an administrative fine of not less than \$500 \$100 and not exceeding \$1,000 for each violation. A citation for a class III violation *must shall* specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.

(d) Class “IV” violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. A facility that does not correct a class IV violation within the time specified in the agency-approved corrective action plan is subject to an

administrative fine of not less than \$100 \$50 nor more than \$200 for each violation. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.

~~(2) The agency may set and levy a fine not to exceed \$1,000 for each violation which cannot be classified according to subsection (1). Such fines in the aggregate may not exceed \$10,000 per survey.~~

(2)(3) In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner or administrator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the facility of committing or continuing the violation.

(e) The licensed capacity of the facility.

(3)(4) Each day of continuing violation after the date fixed for termination of the violation, as ordered by the agency, constitutes an additional, separate, and distinct violation.

(4)(5) Any action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility’s license when a facility administrator fraudulently misrepresents action taken to correct a violation.

(5)(6) For fines that are upheld following administrative or judicial review, the violator shall pay the fine, plus interest at the rate as specified in s. 55.03, for each day beyond the date set by the agency for payment of the fine.

(6)(7) Any unlicensed facility that continues to operate after agency notification is subject to a \$1,000 fine *per day*. ~~Each day beyond 5 working days after agency notification constitutes a separate violation, and the facility is subject to a fine of \$500 per day.~~

(7)(8) Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of \$5,000 *per day*. ~~Each day that the unlicensed facility continues to operate beyond 5 working days after agency notification constitutes a separate violation, and the licensed facility shall be subject to a fine of \$500 per day retroactive to the date of agency notification.~~

(8)(9) Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine of ~~not to exceed~~ \$5,000.

(9)(10) In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility’s biennial license and bed fee or \$500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

(10)(11) The agency, as an alternative to or in conjunction with an administrative action against a facility for violations of this part and adopted rules, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner or administrator of the facility, prior to written notification. The agency, instead of fixing a period within which the facility shall enter into compliance with standards, may request a plan of corrective action from the facility which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.

(11)(12) Administrative fines paid by any facility under this section shall be deposited into the Health Care Trust Fund and expended as provided in s. 400.418.

(12)(13) The agency shall develop and disseminate an annual list of all facilities sanctioned or fined \$5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 35. Section 400.423, Florida Statutes, is created to read:

400.423 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

(1) Every facility licensed under this part may, as part of its administrative functions, voluntarily establish a risk management and quality assurance program, the purpose of which is to assess resident care practices, facility incident reports, deficiencies cited by the agency, adverse incident reports, and resident grievances and develop plans of action to correct and respond quickly to identify quality differences.

(2) Every facility licensed under this part is required to maintain adverse incident reports. For purposes of this section, the term, "adverse incident" means:

(a) An event over which facility personnel could exercise control rather than as a result of the resident's condition and results in:

1. Death;
2. Brain or spinal damage;
3. Permanent disfigurement;
4. Fracture or dislocation of bones or joints;
5. Any condition that required medical attention to which the resident has not given his or her consent, including failure to honor advanced directives;
6. Any condition that requires the transfer of the resident from the facility to a unit providing more acute care due to the incident rather than the resident's condition before the incident.

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Events reported to law enforcement; or

(d) Elopement.

(3) Licensed facilities shall provide within 1 business day after the occurrence of an adverse incident, by electronic mail, facsimile, or United States mail, a preliminary report to the agency on all adverse incidents specified under this section. The report must include information regarding the identity of the affected resident, the type of adverse incident, and the status of the facility's investigation of the incident.

(4) Licensed facilities shall provide within 15 days, by electronic mail, facsimile, or United States mail, a full report to the agency on all adverse incidents specified in this section. The report must include the results of the facility's investigation into the adverse incident.

(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(6) The agency shall annually submit to the Legislature a report on assisted living facility adverse incident reports. The report must include the following information arranged by county:

(a) A total number of adverse incidents;

(b) A listing, by category, of the type of adverse incidents occurring within each category and the type of staff involved;

(c) A listing, by category, of the types of injuries, if any, and the number of injuries occurring within each category;

(d) Types of liability claims filed based on an adverse incident report or reportable injury; and

(e) Disciplinary action taken against staff, categorized by the type of staff involved.

(7) The information reported to the agency pursuant to subsection (3) which relates to persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.

(8) If the agency, through its receipt of the adverse incident reports prescribed in this part or through any investigation, has reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate board, the agency shall report this fact to such regulatory board.

(9) The adverse incident reports and preliminary adverse incident reports required under this section are confidential as provided by law and are not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or appropriate regulatory board.

(10) The Department of Elderly Affairs may adopt rules necessary to administer this section.

Section 36. Present subsections (7), (8), (9), (10), and (11) of section 400.426, Florida Statutes, are redesignated as subsections (8), (9), (10), (11), and (12), respectively, and a new subsection (7) is added to that section, to read:

400.426 Appropriateness of placements; examinations of residents.—

(7) The facility must notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

Section 37. Paragraph (k) of subsection (1) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

(k) At least 45 ~~30~~ days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 ~~30~~ days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

Section 38. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.429, Florida Statutes, is amended to read:

400.429 Civil actions to enforce rights.—

(1) Any person or resident whose rights as specified in this part are violated shall have a cause of action against any facility owner, administrator, or staff responsible for the violation. The action may be brought by the resident or his or her guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident regardless of the cause of death when the cause of death resulted from a violation of the decedent's rights, to enforce such rights. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages for violation of the rights of a resident or negligence when malicious, wanton, or willful disregard of the rights of others can be shown. Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.

(2) In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:

- (a) The defendant owed a duty to the resident;
- (b) The defendant breached the duty to the resident;
- (c) The breach of the duty is a legal cause of loss, injury, death or damage to the resident; and
- (d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.428 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(3) In any claim brought pursuant to s. 400.429, a licensee, person or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses. To recover attorney's fees under this section, the following conditions precedent must be met:

(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.

1.—Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:

a.—Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.

b.—Set a date for mediation.

e.—Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.

2.—The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.

3.—The mediation shall be conducted in the following manner:

a.—Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.

b.—Each party shall mediate in good faith.

4.—All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.

(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.

(e) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.

(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.

(5)(3) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(6)(4) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

(7) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

Section 39. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4293, Florida Statutes, is created to read:

400.4293 Presuit notice; investigation; notification of violation of residents' rights or alleged negligence; claims evaluation procedure; informal discovery; review.—

(1) As used in this section, the term:

(a) "Claim for residents' rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.428 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, Joint Underwriting Association, or any uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.428 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;
2. Internal review by counsel for each prospective defendant;
3. A quality assurance committee authorized under any applicable state or federal statutes or regulations;
4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or
2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things, as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 40. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4294, Florida Statutes, is created to read:

400.4294 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility within 10 days, in accordance with the provisions of s. 400.145, shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 41. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295, Florida Statutes, is created to read:

400.4295 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence

recognized herein is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 42. Effective May 15, 2001, section 400.4296, Florida Statutes, is created to read:

400.4296 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event not more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence but in no event more than 4 years from the effective date of this section.

Section 43. Section 400.4297, Florida Statutes, is created to read:

400.4297 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 44. Section 400.4298, Florida Statutes, is created to read:

400.4298 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportion-

ate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 45. Section 400.434, Florida Statutes, is amended to read:

400.434 Right of entry and inspection.—Any duly designated officer or employee of the department, the Department of Children and Family Services, the agency, the state or local fire marshal, or a member of the state or local long-term care ombudsman council shall have the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with the provisions of this part and of rules or standards in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the agency has reason to believe is being operated or maintained as a facility without a license; but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing such entry. The warrant requirement shall extend only to a facility which the agency has reason to believe is being operated or maintained as a facility without a license. Any application for a license or renewal thereof made pursuant to this part shall constitute permission for, and complete acquiescence in, any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. Any current valid license shall constitute unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel. The agency shall retain the right of entry and inspection of facilities that have had a license revoked or suspended within the previous 24 months, to ensure that the facility is not operating unlawfully. However, before entering the facility, a statement of probable cause must be filed with the director of the agency, who must approve or disapprove the action within 48 hours. Probable cause shall include, but is not limited to, evidence that the facility holds itself out to the public as a provider of personal care services or the receipt of a complaint by the long-term care ombudsman council about the facility. Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards.

Section 46. Paragraph (h) of subsection (1) and subsection (4) of section 400.441, Florida Statutes, are amended to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(h) The care and maintenance of residents, which must include, but is not limited to:

1. The supervision of residents;
2. The provision of personal services;
3. The provision of, or arrangement for, social and leisure activities;
4. The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;
5. The management of medication;
6. The nutritional needs of residents; and
7. Resident records; and-
8. Internal risk management and quality assurance.

(4) The agency may use an abbreviated biennial *standard licensure* inspection that ~~which~~ consists of a review of key quality-of-care standards in lieu of a full inspection in facilities which have a good record of past performance. However, a full inspection shall be conducted in facilities which have had a history of class I or class II violations, uncorrected class III violations, confirmed ombudsman council complaints, or confirmed licensure complaints, within the previous licensure period immediately preceding the inspection or when a potentially serious problem is identified during the abbreviated inspection. The agency, in consultation with the department, shall develop the key quality-of-care standards with input from the State Long-Term Care Ombudsman Council and representatives of provider groups for incorporation into its rules. ~~Beginning on or before March 1, 1991,~~ The department, in consultation with the agency, shall report annually to the Legislature concerning its implementation of this subsection. The report shall include, at a minimum, the key quality-of-care standards which have been developed; the number of facilities identified as being eligible for the abbreviated inspection; the number of facilities which have received the abbreviated inspection and, of those, the number that were converted to full inspection; the number and type of subsequent complaints received by the agency or department on facilities which have had abbreviated inspections; any recommendations for modification to this subsection; any plans by the agency to modify its implementation of this subsection; and any other information which the department believes should be reported.

Section 47. Section 400.449, Florida Statutes, is created to read:

400.449 Resident records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical or other record of an assisted living facility, or causes or procures any such offense to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A conviction under subsection (1) is also grounds for restriction, suspension, or termination of license privileges.

Section 48. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. *Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with changes of ownership filed on or after July 1, 2001, are equivalent to the previous owner's reimbursement rate.*

2. *The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the direct care subcomponent effective October 1, 2001. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The indirect subcomponent shall not be adjusted and the individual provider targets, and the target rate class ceilings for the indirect care subcomponent shall be lowered proportionately to account for the separation of costs into a direct and an indirect care subcomponent. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.*

3. *The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, staffing coordinator, and contract nursing services.*

4. *All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.*

5. *On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.*

6. *Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent existing appropriations are available. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate setting period beginning April 1, 1999, the agency shall establish a case mix reimbursement methodology for the rate of payment for long-term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level of care data and other appropriate data. The case mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify*

~~other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.~~

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 49. Subsections (2) and (3) of section 430.709, Florida Statutes, are amended to read:

430.709 Reports and evaluations.—

(2) *The agency, in consultation with the department, shall contract for an independent evaluation of the community diversion pilot projects. Such evaluation must include a careful review and assessment of the actual cost for the provision of services to enrollees participants. No later than 120 days after the effective date of this section, the agency shall select a contractor with experience and expertise in evaluating capitation rates for managed care organizations serving a disabled or frail elderly population to conduct the evaluation of the community diversion pilot project as defined in s. 430.703. The contractor shall demonstrate the capacity to evaluate managed care arrangements that seek to test the blending of Medicaid and Medicare capitation as a strategy to provide efficient, cost-effective care. The contractor shall report to the agency and the Legislature the specific array of services provided to each enrollee, the average number of times per week each service was provided, the unit cost and total cost per week to provide the service, the total cost of all services provided to the enrollee, and the enrollment period for which total costs were calculated. In addition, the contractor shall report to the agency and the Legislature the total number of enrollees to date; the total payment to the managed care organization for enrollees; the number of enrollees who have been admitted to a nursing facility; the total number of days enrollees have spent in nursing home facilities; the number of enrollees who have disenrolled from the project; the average length of time participants were enrolled, expressed as the mean number of days and standard deviation; the number of persons who disenrolled and subsequently became a nursing home resident; the number of enrollees who have died while enrolled in the project and the mean number of days enrolled prior to death; the list of available services delivered in-home by percentage of enrollees receiving the service; the list of available services delivered out-of-home by percentage of enrollees receiving the service. The evaluation contractor shall analyze and report the individual services and the array of services most associated with effective diversion of frail elderly enrollees from nursing home placement. Further, the contractor will evaluate the project responses to at least the following questions:*

(a) *Was the cost of the diversion project per person less than the cost of providing services through fee-for-service Medicaid?*

(b) *Did the diversion project increase access to physical health care, mental health care, and social services?*

(c) *Did the diversion project maintain or improve the quality of care and quality of life of the participants?*

(d) *What was the functional status of participants before enrolling in the diversion project, and what was the functional status at various points during and after enrollment?*

(e) *How many participants disenrolled and at what point after enrollment?*

(f) *Why did participants disenroll?*

(g) *Did the department develop specialized contract standards and quality assurance measures?*

(h) Did the department assess quality of care, appropriateness of care claims data analysis, and consumer self-report data?

(i) Does the cost analysis show savings to the state?

(j) What were the results of recipient profile and enrollment analyses?

(k) What were the results of the family satisfaction and consumer outcome analyses?

(l) How did hospital admissions and preventable readmissions differ among nursing home enrollees in the diversion project, nursing home residents not in the project, and frail elders living in the community? Did payer or provider type have a significant relationship to the number of hospital admissions?

(m) What agencies or providers did the diversion project contractor engage to provide noninstitutional services?

(n) Was there a volume-outcome or dose-response relationship between the utilization rate of noninstitutional services, functional assessment, and the ability of the enrollee to remain in the community?

(3) The evaluation contractor shall submit the final report to the Speaker of the House of Representatives and the President of the Senate on or before February 15, 2002. Subsequent to the completion of the evaluation and submission of the evaluation report to the Legislature, the agency, in consultation with the department, ~~in consultation with the agency,~~ shall assess and make specific recommendations to the Legislature as to the feasibility of implementing a managed long-term care system throughout the state to serve appropriate Medicaid-eligible long-term care recipients age 60 years and older.

Section 50. Section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required Level I or Level II screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or
2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The board shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) Certification as a nursing assistant, in accordance with this part, continues in effect until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(6)(5) A certified nursing assistant shall maintain a current address with the board in accordance with s. 456.035.

(7) A certified nursing assistant shall complete 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.0285(2)(b), shall propose rules to implement this subsection.

Section 51. Subsection (2) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

- (2) A nursing home facility as defined in s. 400.021 ~~s. 400.021(12)~~.

The exemptions from licensure in this section do not apply to any facility or entity which receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated pursuant to s. 397.406. No provision of this chapter shall be construed to limit the practice of a physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491, providing outpatient or inpatient substance abuse treatment to a voluntary patient, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider under this act. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. *Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006. The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state. This moratorium on certificates of need shall not apply to nursing home beds that are not eligible for Medicaid reimbursement in a continuing care retirement community certified by the Department of Insurance pursuant to chapter 651, Florida Statutes.*

Section 53. Subsections (3) and (8) of section 400.0255, Florida Statutes, as amended by section 138 of chapter 2000-349, section 3 of chapter 2000-350, and section 58 of chapter 2000-367, Laws of Florida, are reenacted to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(3) When a discharge or transfer is initiated by the nursing home, the nursing home administrator employed by the nursing home that is discharging or transferring the resident, or an individual employed by the nursing home who is designated by the nursing home administrator to act on behalf of the administration, must sign the notice of discharge or transfer. Any notice indicating a medical reason for transfer or discharge must either be signed by the resident's attending physician or the medical director of the facility, or include an attached written order for the discharge or transfer. The notice or the order must be signed by the resident's physician, medical director, treating physician, nurse practitioner, or physician assistant.

(8) The notice required by subsection (7) must be in writing and must contain all information required by state and federal law, rules, or regulations applicable to Medicaid or Medicare cases. The agency shall develop a standard document to be used by all facilities licensed under this part for purposes of notifying residents of a discharge or transfer. Such document must include a means for a resident to request the local long-term care ombudsman council to review the notice and request information about or assistance with initiating a fair hearing with the department's Office of Appeals Hearings. In addition to any other pertinent information included, the form shall specify the reason allowed under federal or state law that the resident is being discharged or transferred, with an explanation to support this action. Further, the form shall state the effective date of the discharge or transfer and the location to which the resident is being discharged or transferred. The form shall clearly describe the resident's appeal rights and the procedures for filing an appeal, including the right to request the local ombudsman council to review the notice of discharge or transfer. A copy of the notice must be placed in the resident's clinical record, and a copy must be transmitted to the resident's legal guardian or representative and to the local ombudsman council within 5 business days after signature by the resident or resident designee.

Section 54. Subsection (5) of section 400.23, Florida Statutes, as amended by section 6 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5) The agency, in collaboration with the Division of Children's Medical Services of the Department of Health, must, no later than December 31, 1993, adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age. A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

Section 55. Subsection (2) of section 400.191, Florida Statutes, as amended by section 5 of chapter 2000-350, Laws of Florida, and subsection (6) of that section, as created by section 5 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.191 Availability, distribution, and posting of reports and records.—

(2) The agency shall provide additional information in consumer-friendly printed and electronic formats to assist consumers and their families in comparing and evaluating nursing home facilities.

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A list by name and address of all nursing home facilities in this state.
2. Whether such nursing home facilities are proprietary or nonproprietary.
3. The current owner of the facility's license and the year that that entity became the owner of the license.
4. The name of the owner or owners of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.
5. The total number of beds in each facility.
6. The number of private and semiprivate rooms in each facility.
7. The religious affiliation, if any, of each facility.
8. The languages spoken by the administrator and staff of each facility.
9. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

10. Recreational and other programs available at each facility.
11. Special care units or programs offered at each facility.
12. Whether the facility is a part of a retirement community that offers other services pursuant to part III, part IV, or part V.

13. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

14. Survey and deficiency information contained on the Online Survey Certification and Reporting (OSCAR) system of the federal Health Care Financing Administration, including annual survey, revisit, and complaint survey information, for each facility for the past 45 months. For noncertified nursing homes, state survey and deficiency information, including annual survey, revisit, and complaint survey information for the past 45 months shall be provided.

15. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility of annual, revisit, and complaint surveys; the severity and scope of the citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(b) The agency shall provide the following information in printed form:

1. A list by name and address of all nursing home facilities in this state.
2. Whether such nursing home facilities are proprietary or nonproprietary.
3. The current owner or owners of the facility's license and the year that entity became the owner of the license.
4. The total number of beds, and of private and semiprivate rooms, in each facility.
5. The religious affiliation, if any, of each facility.
6. The name of the owner of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.
7. The languages spoken by the administrator and staff of each facility.
8. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.
9. Recreational programs, special care units, and other programs available at each facility.
10. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.
11. The Internet address for the site where more detailed information can be seen.
12. A statement advising consumers that each facility will have its own policies and procedures related to protecting resident property.
13. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility on annual, revisit, and complaint surveys; the severity and scope of the citations; the number of citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score,

rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(c) For purposes of this subsection, references to the Online Survey Certification and Reporting (OSCAR) system shall refer to any future system that the Health Care Financing Administration develops to replace the current OSCAR system.

(d) The agency may provide the following additional information on an Internet site or in printed form as the information becomes available:

1. The licensure status history of each facility.
 2. The rating history of each facility.
 3. The regulatory history of each facility, which may include federal sanctions, state sanctions, federal fines, state fines, and other actions.
 4. Whether the facility currently possesses the Gold Seal designation awarded pursuant to s. 400.235.
 5. Internet links to the Internet sites of the facilities or their affiliates.
- (6) The agency may adopt rules as necessary to administer this section.

Section 56. Section 400.0225, Florida Statutes, as amended by section 2 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.0225 Consumer satisfaction surveys.—The agency, or its contractor, in consultation with the nursing home industry and consumer representatives, shall develop an easy-to-use consumer satisfaction survey, shall ensure that every nursing facility licensed pursuant to this part participates in assessing consumer satisfaction, and shall establish procedures to ensure that, at least annually, a representative sample of residents of each facility is selected to participate in the survey. The sample shall be of sufficient size to allow comparisons between and among facilities. Family members, guardians, or other resident designees may assist the resident in completing the survey. Employees and volunteers of the nursing facility or of a corporation or business entity with an ownership interest in the facility are prohibited from assisting a resident with or attempting to influence a resident's responses to the consumer satisfaction survey. The agency, or its contractor, shall survey family members, guardians, or other resident designees. The agency, or its contractor, shall specify the protocol for conducting and reporting the consumer satisfaction surveys. Reports of consumer satisfaction surveys shall protect the identity of individual respondents. The agency shall contract for consumer satisfaction surveys and report the results of those surveys in the consumer information materials prepared and distributed by the agency. The agency may adopt rules as necessary to administer this section.

Section 57. Subsections (4) and (5) of section 400.141, Florida Statutes, as renumbered and amended by section 4 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(4) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. To be eligible for repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under the provisions of this subsection shall not be held liable in any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom

the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided herein. A pharmacist who repackages and relabels prescription medications, as authorized under this subsection, may charge a reasonable fee for costs resulting from the implementation of this provision.

(5) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 58. Paragraph (a) of subsection (3) and subsection (4) of section 400.235, Florida Statutes, as amended by section 12 of chapter 2000-305 and section 7 of chapter 2000-350, Laws of Florida, and subsection (9) of section 400.235, Florida Statutes, as created by section 7 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(3)(a) The Gold Seal Program shall be developed and implemented by the Governor's Panel on Excellence in Long-Term Care which shall operate under the authority of the Executive Office of the Governor. The panel shall be composed of three persons appointed by the Governor, to include a consumer advocate for senior citizens and two persons with expertise in the fields of quality management, service delivery excellence, or public sector accountability; three persons appointed by the Secretary of Elderly Affairs, to include an active member of a nursing facility family and resident care council and a member of the University Consortium on Aging; the State Long-Term Care Ombudsman; one person appointed by the Florida Life Care Residents Association; one person appointed by the Secretary of Health; two persons appointed by the Secretary of Health Care Administration; one person appointed by the Florida Association of Homes for the Aging; and one person appointed by the Florida Health Care Association. Vacancies on the panel shall be filled in the same manner as the original appointments.

(4) The panel shall consider the quality of care provided to residents when evaluating a facility for the Gold Seal Program. The panel shall determine the procedure or procedures for measuring the quality of care.

(9) The agency may adopt rules as necessary to administer this section.

Section 59. Subsection (1) of section 400.962, Florida Statutes, as amended by section 8 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.962 License required; license application.—

(1) It is unlawful to operate an intermediate care facility for the developmentally disabled without a license.

Section 60. Section 10 of chapter 2000-350, Laws of Florida, is reenacted to read:

Section 10. The Board of Pharmacy, in cooperation with the Agency for Health Care Administration, shall undertake a study of the feasibility, efficiency, cost-effectiveness, and safety of using automated medication dispensing machines in nursing facilities. The board and the agency may authorize the establishment of demonstration projects in up to five nursing facilities with a class I institutional pharmacy as part of the study. Demonstration projects may be allowed to continue for up to 12 months. A report summarizing the results of the study shall be submitted by the board and the agency to the Speaker of the House of Representatives and the President of the Senate by January 1, 2001. If the study

determines that such dispensing machines would benefit residents of nursing facilities and should be allowed, the report shall identify those specific statutory changes necessary to allow nursing facilities to use automated medication dispensing machines.

Section 61. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) *Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.*

Section 62. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

Section 63. *The Agency for Health Care Administration shall develop by October 31, 2001, a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports. The Auditor General shall approve the standard chart of accounts developed by the Agency for Health Care Administration not later than December 31, 2001. The agency shall amend the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate this standard chart of accounts and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The standard chart of accounts shall include specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.*

Section 64. *The Agency for Health Care Administration shall amend the Medicaid Title XIX Long-Term Care Reimbursement Plan effective December 31, 2001, to include the following provisions:*

(1) *Effective with nursing facility cost reports filed for periods ending on or after December 31, 2002, the cost report shall contain detailed information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants.*

(2) *Effective for cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency.*

Section 65. *The Office of State Long-Term Care Ombudsman shall be responsible for the cost of leasing its own office space, but shall not be colocated with the headquarters office of the Department of Elderly Affairs.*

Section 66. *The sum of \$5,602,460 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 79 positions are authorized for the purpose of implementing the provisions of this act during the 2001-2002 fiscal year.*

Section 67. *The sum of \$948,782 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purpose of paying the salaries and other administrative expenses of the Office of State Long-Term Care Ombudsman to carry out the provisions of this act during the 2001-2002 fiscal year.*

Section 68. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 69. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; creating s. 400.1183, F.S.; providing for resident grievance procedures; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician;

providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care; providing requirements; providing for penalties; requiring annual reports; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring inservice training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirement for notice of a resident's relocation or termination from a facility; providing a penalty; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria gov-

erning employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; amending s. 430.709, F.S.; providing requirements for contracts for independent evaluation of long-term care community diversion projects; transferring responsibility from the Department of Elderly Affairs to the agency; requiring reports to the agency and Legislature; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional community nursing home beds; providing intent for such prohibition; providing an exemption; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2) and (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), and (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; requiring the Auditor General to develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; providing for office space for the Office of State Long-Term Care Ombudsman; providing appropriations; providing for severability; providing effective dates.

Senator Brown-Waite moved the following amendment:

Senate Amendment 1 (260568)(with title amendment) to House Amendment 1—On page 1, line 17 through page 129, line 7, delete those lines and insert:

Section 1. Subsection (4) of section 400.0073, Florida Statutes, is amended to read:

400.0073 State and local ombudsman council investigations.—

(4) In addition to any specific investigation made pursuant to a complaint, the local ombudsman council shall conduct, at least annually, an investigation, which shall consist, in part, of an onsite administrative inspection, of each nursing home or long-term care facility within its jurisdiction. *This inspection shall focus on the rights, health, safety, and welfare of the residents.*

Section 2. Section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(1) "Administrator" means the licensed individual who has the general administrative charge of a facility.

(2) "Agency" means the Agency for Health Care Administration, which is the licensing agency under this part.

(3) "Bed reservation policy" means the number of consecutive days and the number of days per year that a resident may leave the nursing home facility for overnight therapeutic visits with family or friends or for hospitalization for an acute condition before the licensee may discharge the resident due to his or her absence from the facility.

(4) "Board" means the Board of Nursing Home Administrators.

(5) "Controlling interest" means:

(a) *The applicant for licensure or a licensee;*

(b) *A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the management company or other entity, related or unrelated, which the applicant or licensee may contract with to operate the facility; or*

(c) *A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the applicant or licensee.*

The term does not include a voluntary board member.

(6)(5) "Custodial service" means care for a person which entails observation of diet and sleeping habits and maintenance of a watchfulness over the general health, safety, and well-being of the aged or infirm.

(7)(6) "Department" means the Department of Children and Family Services.

(8)(7) "Facility" means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

(9)(8) "Geriatric outpatient clinic" means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant.

(10)(9) "Geriatric patient" means any patient who is 60 years of age or older.

(11)(10) "Local ombudsman council" means a local long-term care ombudsman council established pursuant to s. 400.0069, located within the Older Americans Act planning and service areas.

(12)(11) "Nursing home bed" means an accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing; and which conforms to minimum space requirements, including the availability of appropriate equipment and furnishings within the 48 hours, as specified by rule of the agency, for the provision of services specified in this part to a single resident.

(13)(12) "Nursing home facility" means any facility which provides nursing services as defined in part I of chapter 464 and which is licensed according to this part.

(14)(13) "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in s. 464.003.

(15)(14) "Planning and service area" means the geographic area in which the Older Americans Act programs are administered and services are delivered by the Department of Elderly Affairs.

(16)(15) "Respite care" means admission to a nursing home for the purpose of providing a short period of rest or relief or emergency alternative care for the primary caregiver of an individual receiving care at home who, without home-based care, would otherwise require institutional care.

(17)(16) "Resident care plan" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with

participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident, *the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being*, a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals. *The resident care plan must be signed by the director of nursing and the resident, the resident's designee, or the resident's legal representative.*

(18)(17) "Resident designee" means a person, other than the owner, administrator, or employee of the facility, designated in writing by a resident or a resident's guardian, if the resident is adjudicated incompetent, to be the resident's representative for a specific, limited purpose.

(19)(18) "State ombudsman council" means the State Long-Term Care Ombudsman Council established pursuant to s. 400.0067.

(20) "Voluntary board member" means a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not receive any remuneration for his or her services on the board of directors, and has no financial interest in the corporation or organization. *The agency shall recognize a person as a voluntary board member following submission of a statement to the agency by the director and the not-for-profit corporation or organization which affirms that the director conforms to this definition. The statement affirming the status of the director must be submitted to the agency on a form provided by the agency.*

Section 3. *The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities; an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities; an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident; the impact of the devices on the privacy and dignity of the resident on whose behalf the device is installed and other residents who may be affected by the device; the potential impact on improving the care of residents; the potential impact on the care environment and on staff recruitment and retention; appropriate uses of any tapes if mandated by law, including methods and timeframes for reporting any questionable incidents to the facility and appropriate regulatory agencies; appropriate security needed to protect the integrity of tapes for the protection of the resident and direct-care staff; and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care Administration shall lead the study and shall submit the findings and recommendations of the study to the Governor, the President of the Senate, and Speaker of the House of Representatives by January 1, 2002.*

Section 4. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.023, Florida Statutes, is amended to read:

400.023 Civil enforcement.—

(1) Any resident whose rights as specified in this part are ~~violated deprived or infringed upon~~ shall have a cause of action ~~against any licensee responsible for the violation~~. The action may be brought by the resident or his or her guardian, by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident ~~regardless of the cause of death. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21 when the cause of death resulted from the deprivation or infringement of the decedent's rights. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.~~ The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any ~~violation of deprivation or infringement on~~ the rights of a resident or for negligence. *Any resident who prevails in seeking*

injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action, and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.

(2) *In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:*

- (a) *The defendant owed a duty to the resident;*
- (b) *The defendant breached the duty to the resident;*
- (c) *The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and*
- (d) *The resident sustained loss, injury, death, or damage as a result of the breach.*

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.022 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

- ~~(2) Attorneys' fees shall be based on the following criteria:~~
 - ~~(a) The time and labor required;~~
 - ~~(b) The novelty and difficulty of the questions;~~
 - ~~(c) The skill requisite to perform the legal service properly;~~
 - ~~(d) The preclusion of other employment by the attorney due to the acceptance of the case;~~
 - ~~(e) The customary fee;~~
 - ~~(f) Whether the fee is fixed or contingent;~~
 - ~~(g) The amount involved or the results obtained;~~
 - ~~(h) The experience, reputation, and ability of the attorneys;~~
 - ~~(i) The costs expended to prosecute the claim;~~
 - ~~(j) The type of fee arrangement between the attorney and the client;~~
 - ~~(k) Whether the relevant market requires a contingency fee multiplier to obtain competent counsel;~~
 - ~~(l) Whether the attorney was able to mitigate the risk of nonpayment in any way.~~

(3) *In any claim brought pursuant to s. 400.023, a licensee, person, or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person, or entity would use under like circumstances.*

(4) *In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to*

exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses.

(5)(3) *A licensee shall not be liable for the medical negligence of any physician rendering care or treatment to the resident except for the administrative services of a medical director as required in this part. Nothing in this subsection shall be construed to protect a licensee, person, or entity from liability for failure to provide a resident with appropriate observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care by nursing staff.*

(6) *The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.*

(7) *An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.*

~~(4) Claimants alleging a deprivation or infringement of adequate and appropriate health care pursuant to s. 400.022(1)(k) which resulted in personal injury to or the death of a resident shall conduct an investigation which shall include a review by a licensed physician or registered nurse familiar with the standard of nursing care for nursing home residents pursuant to this part. Any complaint alleging such a deprivation or infringement shall be accompanied by a verified statement from the reviewer that there exists reason to believe that a deprivation or infringement occurred during the resident's stay at the nursing home. Such opinion shall be based on records or other information available at the time that suit is filed. Failure to provide records in accordance with the requirements of this chapter shall waive the requirement of the verified statement.~~

~~(5) For the purpose of this section, punitive damages may be awarded for conduct which is willful, wanton, gross or flagrant, reckless, or consciously indifferent to the rights of the resident.~~

~~(6) To recover attorney's fees under this section, the following conditions precedent must be met:~~

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.

(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.

(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.

(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.

(7) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(8) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

Section 5. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0233, Florida Statutes, is created to read:

400.0233 *Presuit notice; investigation; notification of violation of resident's rights or alleged negligence; claims evaluation procedure; informal discovery; review.*—

(1) As used in this section, the term:

(a) "Claim for resident's rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.022 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, joint underwriting association, or uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.022 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;
2. Internal review by counsel for each prospective defendant;
3. A quality assurance committee authorized under any applicable state or federal statutes or regulations; or
4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or
2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things as follows:

(a) *Unsworn statements.*—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) *Documents or things.*—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) *To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.*

(11) *Within 30 days after the claimant's receipt of the defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.*

Section 6. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0234, Florida Statutes, is created to read:

400.0234 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) *Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 400.145 shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.*

(2) *No facility shall be held liable for any civil damages as a result of complying with this section.*

Section 7. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0235, Florida Statutes, is created to read:

400.0235 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized under this part is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 8. Effective May 15, 2001, section 400.0236, Florida Statutes, is created to read:

400.0236 Statute of limitations.—

(1) *Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.*

(2) *In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event for more than 6 years from the date the incident giving rise to the injury occurred.*

(3) *This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event more than 4 years from the effective date of this section.*

Section 9. Section 400.0237, Florida Statutes, is created to read:

400.0237 Punitive damages; pleading; burden of proof.—

(1) *In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may*

move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) *A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:*

(a) *"Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.*

(b) *"Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.*

(3) *In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:*

(a) *The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;*

(b) *The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or*

(c) *The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.*

(4) *The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.*

(5) *This section is remedial in nature and shall take effect upon becoming a law.*

Section 10. Section 400.0238, Florida Statutes, is created to read:

400.0238 Punitive damages; limitation.—

(1)(a) *Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:*

1. *Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or*

2. *The sum of \$1 million.*

(b) *Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:*

1. *Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or*

2. *The sum of \$4 million.*

(c) *Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.*

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 768.735, Florida Statutes, are amended and subsection (3) is added to that section to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly under chapter 415, or abuse of the developmentally disabled ~~or any civil action arising under chapter 400~~. Such actions are governed by applicable statutes and controlling judicial precedent. This section does not apply to claims brought pursuant to s. 400.023 or s. 400.429.

(2)(a) In any civil action based upon child abuse, abuse of the elderly under chapter 415, or abuse of the developmentally disabled, ~~or actions arising under chapter 400~~ and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). This subsection does not apply to any class action.

(3) This section is remedial in nature and shall take effect upon becoming a law.

Section 12. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 415.1111, Florida Statutes, is amended to read:

415.1111 Civil actions.—A vulnerable adult who has been abused, neglected, or exploited as specified in this chapter has a cause of action against any perpetrator and may recover actual and punitive damages for such abuse, neglect, or exploitation. The action may be brought by the vulnerable adult, or that person's guardian, by a person or organization acting on behalf of the vulnerable adult with the consent of that person or that person's guardian, or by the personal representative of the estate of a deceased victim without regard to whether the cause of death resulted from the abuse, neglect, or exploitation. The action may be brought in any court of competent jurisdiction to enforce such action and to recover actual and punitive damages for any deprivation of or infringement on the rights of a vulnerable adult. A party who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a vulnerable adult. *Notwithstanding the foregoing, any civil action for damages against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part II of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.023, or against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part III of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.429. Such licensee or entity shall not be vicariously liable for the acts or omissions of its employees or agents or any other third party in an action brought under this section.*

Section 13. Subsection (17) is added to section 400.0255, Florida Statutes, to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(17) The provisions of this section apply to transfers or discharges that are initiated by the nursing home facility, and not by the resident or by the resident's physician or legal guardian or representative.

Section 14. Subsection (3) of section 400.062, Florida Statutes, is amended to read:

400.062 License required; fee; disposition; display; transfer.—

(3) The annual license fee required for each license issued under this part shall be comprised of two parts. Part I of the license fee shall be the basic license fee. The rate per bed for the basic license fee shall be established annually and shall be \$50 per bed. The agency may adjust the per bed licensure fees by the Consumer Price Index based on the 12 months immediately preceding the increase ~~must be reasonably calculated~~ to cover the cost of regulation under this part, ~~but may not exceed \$35 per bed~~. Part II of the license fee shall be the resident protection fee, which shall be at the rate of not less than 25 cents per bed. The rate per bed shall be the minimum rate per bed, and such rate shall remain in effect until the effective date of a rate per bed adopted by rule by the agency pursuant to this part. At such time as the amount on deposit in the Resident Protection Trust Fund is less than \$1 million ~~\$500,000~~, the agency may adopt rules to establish a rate which may not exceed \$10 per bed. The rate per bed shall revert back to the minimum rate per bed when the amount on deposit in the Resident Protection Trust Fund reaches \$1 million ~~\$500,000~~, except that any rate established by rule shall remain in effect until such time as the rate has been equally required for each license issued under this part. Any amount in the fund in excess of \$2 million ~~\$800,000~~ shall revert to the Health Care Trust Fund and may not be expended without prior approval of the Legislature. The agency may prorate the annual license fee for those licenses which it issues under this part for less than 1 year. Funds generated by license fees collected in accordance with this section shall be deposited in the following manner:

(a) The basic license fee collected shall be deposited in the Health Care Trust Fund, established for the sole purpose of carrying out this part. When the balance of the account established in the Health Care Trust Fund for the deposit of fees collected as authorized under this section exceeds one-third of the annual cost of regulation under this

part, the excess shall be used to reduce the licensure fees in the next year.

(b) The resident protection fee collected shall be deposited in the Resident Protection Trust Fund for the sole purpose of paying, in accordance with the provisions of s. 400.063, for the appropriate alternate placement, care, and treatment of a resident removed from a nursing home facility on a temporary, emergency basis or for the maintenance and care of residents in a nursing home facility pending removal and alternate placement.

Section 15. Subsections (2) and (5) of section 400.071, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

400.071 Application for license.—

(2) The application shall be under oath and shall contain the following:

(a) The name, address, and social security number of the applicant if an individual; if the applicant is a firm, partnership, or association, its name, address, and employer identification number (EIN), and the name and address of ~~any controlling interest every member; if the applicant is a corporation, its name, address, and employer identification number (EIN), and the name and address of its director and officers and of each person having at least a 5 percent interest in the corporation;~~ and the name by which the facility is to be known.

(b) The name of any person whose name is required on the application under the provisions of paragraph (a) and who owns at least a 10 percent interest in any professional service, firm, association, partnership, or corporation providing goods, leases, or services to the facility for which the application is made, and the name and address of the professional service, firm, association, partnership, or corporation in which such interest is held.

(c) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

(d) The name of the person or persons under whose management or supervision the facility will be conducted and the name of ~~the its licensed~~ administrator.

(e) *A signed affidavit disclosing any financial or ownership interest that a person or entity described in paragraph (a) or paragraph (d) has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.*

(f)(e) The total number of beds and the total number of Medicare and Medicaid certified beds.

(g)(f) Information relating to the number, experience, and training of the employees of the facility and of the moral character of the applicant and employees which the agency requires by rule, including the name and address of any nursing home with which the applicant or employees have been affiliated through ownership or employment within 5 years of the date of the application for a license and the record of any criminal convictions involving the applicant and any criminal convictions involving an employee if known by the applicant after inquiring of the employee. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

(h)(g) Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.

(5) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the *nursing* home in accordance with the requirements of this part and all rules adopted under this part, and the agency shall establish standards for this purpose, *including information reported under paragraph (2)(e)*. The agency also shall establish documentation requirements, to be completed by each applicant, that show anticipated facility revenues and expenditures, the basis for financing the anticipated cash-flow requirements of the facility, and an applicant's access to contingency financing.

(11) *The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but that is reasonably expected to resume services. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 6 additional months. Any request by a licensee that a nursing home become inactive must be submitted to the agency and approved by the agency prior to initiating any suspension of service or notifying residents. Upon agency approval, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.*

(12) *As a condition of licensure, each facility must establish and submit with its application a plan for quality assurance and for conducting risk management.*

Section 16. Subsection (1) of section 400.102, Florida Statutes, is amended to read:

400.102 Action by agency against licensee; grounds.—

(1) Any of the following conditions shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act materially affecting the health or safety of residents of the facility;

(b) Misappropriation or conversion of the property of a resident of the facility;

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a nursing home resident;

(d) Violation of provisions of this part or rules adopted under this part; ~~or~~

(e) *Fraudulent altering, defacing, or falsifying any medical or nursing home records, or causing or procuring any of these offenses to be committed; or*

(f)(e) Any act constituting a ground upon which application for a license may be denied.

Section 17. Subsections (3) and (4) are added to section 400.111, Florida Statutes, to read:

400.111 Expiration of license; renewal.—

(3) *The agency may not renew a license if the applicant has failed to pay any fines assessed by final order of the agency or final order of the Health Care Financing Administration under requirements for federal certification. The agency may renew the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order.*

(4) *The licensee shall submit a signed affidavit disclosing any financial or ownership interest that a licensee has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.*

Section 18. Subsection (2) of section 400.118, Florida Statutes, is amended to read:

400.118 Quality assurance; early warning system; monitoring; rapid response teams.—

(2)(a) The agency shall establish within each district office one or more quality-of-care monitors, based on the number of nursing facilities in the district, to monitor all nursing facilities in the district on a regular, unannounced, aperiodic basis, including nights, evenings, weekends, and holidays. *Quality-of-care monitors shall visit each nursing facility at least quarterly.* Priority for *additional* monitoring visits shall be given to nursing facilities with a history of *resident patient* care deficiencies. Quality-of-care monitors shall be registered nurses who are trained and experienced in nursing facility regulation, standards of practice in long-term care, and evaluation of patient care. Individuals in these positions shall not be deployed by the agency as a part of the district survey team in the conduct of routine, scheduled surveys, but shall function solely and independently as quality-of-care monitors. Quality-of-care monitors shall assess the overall quality of life in the nursing facility and shall assess specific conditions in the facility directly related to *resident patient* care, *including the operations of internal quality improvement and risk management programs and adverse incident reports.* The quality-of-care monitor shall include in an assessment visit observation of the care and services rendered to residents and formal and informal interviews with residents, family members, facility staff, resident guests, volunteers, other regulatory staff, and representatives of a long-term care ombudsman council or Florida advocacy council.

(b) Findings of a monitoring visit, both positive and negative, shall be provided orally and in writing to the facility administrator or, in the absence of the facility administrator, to the administrator on duty or the director of nursing. The quality-of-care monitor may recommend to the facility administrator procedural and policy changes and staff training, as needed, to improve the care or quality of life of facility residents. Conditions observed by the quality-of-care monitor which threaten the health or safety of a resident shall be reported immediately to the agency area office supervisor for appropriate regulatory action and, as appropriate or as required by law, to law enforcement, adult protective services, or other responsible agencies.

(c) Any record, whether written or oral, or any written or oral communication generated pursuant to paragraph (a) or paragraph (b) shall not be subject to discovery or introduction into evidence in any civil or administrative action against a nursing facility arising out of matters which are the subject of quality-of-care monitoring, and a person who was in attendance at a monitoring visit or evaluation may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the monitoring visits or evaluations. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented during monitoring visits or evaluations, and any person who participates in such activities may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her participation in such activities. The exclusion from the discovery or introduction of evidence in any civil or administrative action provided for herein shall not apply when the quality-of-care monitor makes a report to the appropriate authorities regarding a threat to the health or safety of a resident.

Section 19. Section 400.1183, Florida Statutes, is created to read:

400.1183 Resident grievance procedures.—

(1) *Every nursing home must have a grievance procedure available to its residents and their families. The grievance procedure must include:*

(a) *An explanation of how to pursue redress of a grievance.*

(b) *The names, job titles, and telephone numbers of the employees responsible for implementing the facility's grievance procedure. The list must include the address and the toll-free telephone numbers of the ombudsman and the agency.*

(c) *A simple description of the process through which a resident may, at any time, contact the toll-free telephone hotline of the ombudsman or the agency to report the unresolved grievance.*

(d) *A procedure for providing assistance to residents who cannot prepare a written grievance without help.*

(2) *Each facility shall maintain records of all grievances and shall report annually to the agency the total number of grievances handled, a*

categorization of the cases underlying the grievances, and the final disposition of the grievances.

(3) *Each facility must respond to the grievance within a reasonable time after its submission.*

(4) *The agency may investigate any grievance at any time.*

(5) *The agency may impose an administrative fine, in accordance with s. 400.121, against a nursing home facility for noncompliance with this section.*

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny *an application*, revoke, or suspend a license, or impose an administrative fine, not to exceed \$500 per violation per day, *against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest: for*

(a) A violation of any provision of s. 400.102(1);-

(b) A demonstrated pattern of deficient practice;

(c) *Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;*

(d) *Exclusion from the Medicare or Medicaid program; or*

(e) *An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought. If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.*

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) *Except as provided in s. 400.23(8), a \$500 fine shall be imposed. The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed \$500 for each violation. Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than \$5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid by any nursing home facility licensee under this subsection shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.*

(3) *The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:*

(a) *Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;*

(b) *Is conditionally licensed for 180 or more continuous days;*

(c) *Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or*

(d) *Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.*

The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.

(4)(3) The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)(4)(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

(6)(5) An action taken by the agency to deny, suspend, or revoke a facility's license under this part, ~~in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility,~~ shall be heard by the Division of Administrative Hearings of the Department of Management Services within 60 ~~120~~ days after the assignment of an administrative law judge receipt of the facility's request for a hearing, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. ~~This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

(7)(6) The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of \$500 per day for each day the staffing is below the level required by the agency.

(8) *An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.*

(9) *Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.*

(10) *In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.*

Section 21. Subsection (12) is added to section 400.126, Florida Statutes, to read:

400.126 Receivership proceedings.—

(12) *Concurrently with the appointment of a receiver, the agency and the Department of Elderly Affairs shall coordinate an assessment of each resident in the facility by the Comprehensive Assessment and Review for Long-Term-Care (CARES) Program for the purpose of evaluating each resident's need for the level of care provided in a nursing facility and the potential for providing such care in alternative settings. If the CARES assessment determines that a resident could be cared for in a less restrictive setting or does not meet the criteria for skilled or intermediate care in a nursing home, the department and agency shall refer the resident for such care, as is appropriate for the resident. Residents referred pursuant to this subsection shall be given primary consideration for receiving services under the Community Care for the Elderly program in the same manner as persons classified to receive such services pursuant to s. 430.205.*

Section 22. Subsections (14), (15), (16), (17), (18), (19), and (20) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(14) *Submit to the agency the information specified in s. 400.071(2)(e) for a management company within 30 days after the effective date of the management agreement.*

(15) *Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:*

(a) *Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.*

(b) *Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.*

(c) *The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.*

(d) *A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this paragraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium constitutes a class II deficiency.*

(16) *Report monthly the number of vacant beds in the facility which are available for resident occupancy on the day the information is reported.*

(17) *Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.*

(18) *If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.*

(19) *Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.*

(20) *Maintain liability insurance coverage that is in force at all times.*

(21) *Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.*

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 23. Section 400.1413, Florida Statutes, is created to read:

400.1413 Volunteers in nursing homes.—

(1) *It is the intent of the Legislature to encourage the involvement of volunteers in nursing homes in this state. The Legislature also acknowledges that the licensee is responsible for all the activities that take place in the nursing home and recognizes the licensee's need to be aware of and coordinate volunteer activities in the nursing home. Therefore, a nursing home may require that volunteers:*

(a) *Sign in and out with staff of the nursing home upon entering or leaving the facility.*

(b) *Wear an identification badge while in the building.*

(c) *Participate in a facility orientation and training program.*

(2) *This section does not affect the activities of state or local long-term-care ombudsman councils authorized under part I.*

Section 24. Section 400.147, Florida Statutes, is created to read:

400.147 Internal risk management and quality assurance program.—

(1) *Every facility shall, as part of its administrative functions, establish an internal risk management and quality assurance program, the purpose of which is to assess resident care practices; review facility quality indicators, facility incident reports, deficiencies cited by the agency, and resident grievances; and develop plans of action to correct and respond quickly to identified quality deficiencies. The program must include:*

(a) *A designated person to serve as risk manager, who is responsible for implementation and oversight of the facility's risk management and quality assurance program as required by this section.*

(b) *A risk management and quality assurance committee consisting of the facility risk manager, the administrator, the director of nursing, the medical director, and at least three other members of the facility staff. The risk management and quality assurance committee shall meet at least monthly.*

(c) *Policies and procedures to implement the internal risk management and quality assurance program, which must include the investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to residents.*

(d) *The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.*

(e) *The development of appropriate measures to minimize the risk of adverse incidents to residents, including, but not limited to, education and training in risk management and risk prevention for all nonphysician personnel, as follows:*

1. *Such education and training of all nonphysician personnel must be part of their initial orientation; and*

2. *At least 1 hour of such education and training must be provided annually for all nonphysician personnel of the licensed facility working in clinical areas and providing resident care.*

(f) *The analysis of resident grievances that relate to resident care and the quality of clinical services.*

(2) *The internal risk management and quality assurance program is the responsibility of the facility administrator.*

(3) *In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of ad-*

verse incidents to residents and violations of residents' rights shall be encouraged and their implementation and operation facilitated.

(4) *Each internal risk management and quality assurance program shall include the use of incident reports to be filed with the risk manager and the facility administrator. The risk manager shall have free access to all resident records of the licensed facility. The incident reports are part of the work papers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management and quality assurance program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.*

(5) *For purposes of reporting to the agency under this section, the term "adverse incident" means:*

(a) *An event over which facility personnel could exercise control and which is associated in whole or in part with the facility's intervention, rather than the condition for which such intervention occurred, and which results in one of the following:*

1. *Death;*

2. *Brain or spinal damage;*

3. *Permanent disfigurement;*

4. *Fracture or dislocation of bones or joints;*

5. *A limitation of neurological, physical, or sensory function;*

6. *Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or*

7. *Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident's condition prior to the adverse incident;*

(b) *Abuse, neglect, or exploitation as defined in s. 415.102;*

(c) *Abuse, neglect and harm as defined in s. 39.01;*

(d) *Resident elopement; or*

(e) *An event that is reported to law enforcement.*

(6) *The internal risk manager of each licensed facility shall:*

(a) *Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact when the allegation is that the sexual misconduct occurred at the facility or at the grounds of the facility;*

(b) *Report every allegation of sexual misconduct to the administrator of the licensed facility; and*

(c) *Notify the resident representative or guardian of the victim that an allegation of sexual misconduct has been made and that an investigation is being conducted.*

(7) *The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care profes-*

sional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(9) Each facility subject to this section shall report monthly any liability claim filed against it. The report must include the name of the resident, the date or dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(10) The agency shall review, as part of its licensure inspection process, the internal risk management and quality assurance program at each facility regulated by this section to determine whether the program meets standards established in statutory laws and rules, is being conducted in a manner designed to reduce adverse incidents, and is appropriately reporting incidents as required by this section.

(11) There is no monetary liability on the part of, and a cause of action for damages may not arise against, any risk manager for the implementation and oversight of the internal risk management and quality assurance program in a facility licensed under this part as required by this section, or for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management and quality assurance program if the risk manager acts without intentional fraud.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board.

(13) The agency may adopt rules to administer this section.

(14) The agency shall annually submit to the Legislature a report on nursing home adverse incidents. The report must include the following information arranged by county:

(a) The total number of adverse incidents.

(b) A listing, by category, of the types of adverse incidents, the number of incidents occurring within each category, and the type of staff involved.

(c) A listing, by category, of the types of injury caused and the number of injuries occurring within each category.

(d) Types of liability claims filed based on an adverse incident or reportable injury.

(e) Disciplinary action taken against staff, categorized by type of staff involved.

(15) Information gathered by a credentialing organization under a quality assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use of facility records, including those records from which the credentialing organization gathered its information.

Section 25. Section 400.148, Florida Statutes, is created to read:

400.148 Medicaid "Up-or-Out" Quality of Care Contract Management Program.—

(1) The Legislature finds that the federal Medicare program has implemented successful models of managing the medical and supportive-care needs of long-term nursing home residents. These programs have maintained the highest practicable level of good health and have the potential to reduce the incidence of preventable illnesses among long-stay residents of nursing homes, thereby increasing the quality of care for residents and reducing the number of lawsuits against nursing homes. Such models are operated at no cost to the state. It is the intent of the Legislature that the Agency for Health Care Administration replicate such oversight for Medicaid recipients in poor-performing nursing homes and in assisted living facilities and nursing homes that are experiencing disproportionate numbers of lawsuits, with the goal of improving the quality of care in such homes or facilitating the revocation of licensure.

(2) The Agency for Health Care Administration shall develop a pilot project in selected counties to demonstrate the effect of assigning skilled and trained medical personnel to ensure the quality of care, safety, and continuity of care for long-stay Medicaid recipients in the highest-scoring nursing homes in the Florida Nursing Home Guide on the date the project is implemented. The agency is authorized to begin the pilot project, subject to appropriation, in the highest-scoring homes in counties where such services are immediately available. On January 1 of each year of the pilot project, the agency shall submit to the appropriations and substantive committees of the Legislature and the Governor an assessment of the program and a proposal for expansion of the program to additional facilities. The staff of the pilot project shall assist regulatory staff in imposing regulatory sanctions, including revocation of licensure, pursuant to s. 400.121 against nursing homes that have quality-of-care violations.

(3) The pilot project must ensure:

(a) Oversight and coordination of all aspects of a resident's medical care and stay in a nursing home;

(b) Facilitation of close communication between the resident, the resident's guardian or legal representative, the resident's attending physician, the resident's family, and staff of the nursing facility;

(c) Frequent onsite visits to the resident;

(d) Early detection of medical or quality problems that have the potential to lead to adverse outcomes and unnecessary hospitalization;

(e) Close communication with regulatory staff;

(f) Immediate investigation of resident quality-of-care complaints and communication and cooperation with the appropriate entity to address those complaints, including the ombudsman, state agencies, agencies responsible for Medicaid program integrity, and local law enforcement agencies;

(g) Assistance to the resident or the resident's representative to relocate the resident if quality-of-care issues are not otherwise addressed; and

(h) Use of Medicare and other third-party funds to support activities of the program, to the extent possible.

(4) The agency shall model the pilot project activities after such Medicare-approved demonstration projects.

(5) The agency may contract to provide similar oversight services to Medicaid recipients.

(6) The agency shall, jointly with the Statewide Public Guardianship Office, develop a system in the pilot project areas to identify Medicaid recipients who are residents of a participating nursing home or assisted living facility who have diminished ability to make their own decisions and who do not have relatives or family available to act as guardians in nursing homes listed on the Nursing Home Guide Watch List. The agency and the Statewide Public Guardianship Office shall give such residents priority for publicly funded guardianship services.

Section 26. Section 400.1755, Florida Statutes, is created to read:

400.1755 Care for persons with Alzheimer's disease or related disorders.—

(1) As a condition of licensure, facilities licensed under this part must provide to each of their employees, upon beginning employment, basic written information about interacting with persons with Alzheimer's disease or a related disorder.

(2) All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must, in addition to being provided the information required in subsection (1), also have an initial training of at least 1 hour completed in the first 3 months after beginning employment. This training must include, but is not limited to, an overview of dementias and must provide basic skills in communicating with persons with dementia.

(3) An individual who provides direct care shall be considered a direct caregiver and must complete the required initial training and an additional 3 hours of training within 9 months after beginning employment. This training shall include, but is not limited to, managing problem behaviors, promoting the resident's independence in activities of daily living, and skills in working with families and caregivers.

(a) The required 4 hours of training for certified nursing assistants are part of the total hours of training required annually.

(b) For a health care practitioner as defined in s. 456.001, continuing-education hours taken as required by that practitioner's licensing board shall be counted toward this total of 4 hours.

(4) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is sanctioned by that practitioner's licensing board shall be considered to be approved by the Department of Elderly Affairs.

(5) The Department of Elderly Affairs or its designee must approve the initial and continuing training provided in the facilities. The department must approve training offered in a variety of formats, including, but not limited to, internet-based training, videos, teleconferencing, and classroom instruction. The department shall keep a list of current providers who are approved to provide initial and continuing training. The department shall adopt rules to establish standards for the trainers and the training required in this section.

(6) Upon completing any training listed in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility or to an assisted living facility, home health agency, adult day care center, or adult family-care home. The direct caregiver must comply with other applicable continuing education requirements.

An employee hired on or after July 1, 2001, need not comply with the guidelines created in this section before July 1, 2002.

Section 27. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be \$6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys. The agency shall verify

through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

(4) The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in which a long-term care ombudsman council, pursuant to ss. 400.0071 and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews ~~every 3 months within a 12-month period~~ of each facility while the facility which has a conditional licensure status. Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

Section 28. Subsection (3) and paragraph (a) of subsection (5) of section 400.191, Florida Statutes, are amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(3) Each nursing home facility licensee shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of such reports shall be retained in such records for not less than 5 years from the date the reports are filed or issued.

(a) The agency shall quarterly publish a "Nursing Home Guide Watch List" to assist consumers in evaluating the quality of nursing home care in Florida. The watch list must identify each facility that met the criteria for a conditional licensure status on any day within the quarter covered by the list and each facility that was operating under bankruptcy protection on any day within the quarter. The watch list must include, but is not limited to, the facility's name, address, and ownership; the county in which the facility operates; the license expiration date; the number of licensed beds; a description of the deficiency causing the facility to be placed on the list; any corrective action taken; and the cumulative number of times the facility has been on a watch list. The watch list must include a brief description regarding how to choose a nursing home, the categories of licensure, the agency's inspection process, an explanation of terms used in the watch list, and the addresses and phone numbers of the agency's managed care and health quality area offices.

(b) Upon publication of each quarterly watch list, the agency must transmit a copy of the watch list to each nursing home facility by mail and must make the watch list available on the agency's Internet web site.

(5) Every nursing home facility licensee shall:

(a) Post, in a sufficient number of prominent positions in the nursing home so as to be accessible to all residents and to the general public;

1. A concise summary of the last inspection report pertaining to the nursing home and issued by the agency, with references to the page numbers of the full reports, noting any deficiencies found by the agency and the actions taken by the licensee to rectify such deficiencies and indicating in such summaries where the full reports may be inspected in the nursing home.

2. A copy of the most recent version of the Florida Nursing Home Guide Watch List.

Section 29. Subsection (2) of section 400.211, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(2) The following categories of persons who are not certified as nursing assistants under part II of chapter 464 may be employed by a nursing facility for a period of 4 months:

(a) Persons who are enrolled in, or have completed, a state-approved nursing assistant program; or

(b) Persons who have been positively verified as actively certified and on the registry in another state with no findings of abuse, neglect, or exploitation in that state; or

(c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:

(a) Be sufficient to ensure the continuing competence of nursing assistants, must be at least 18 hours per year, and may include hours accrued under s. 464.203(8);

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;
2. Principles of adequate nutrition and hydration;
3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;
4. Techniques for caring for the resident at the end-of-life; and
5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

Section 30. Subsections (2), (3), (7), and (8) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 1999, are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be self-supporting during and immediately following disasters. The agency shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities. In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, con-

versions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(b) The number and qualifications of all personnel, including management, medical, nursing, and other professional personnel, and nursing assistants, orderlies, and support personnel, having responsibility for any part of the care given residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof, based on rules developed under this chapter and the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) The implementation of the consumer satisfaction survey pursuant to s. 400.0225; the availability, distribution, and posting of reports and records pursuant to s. 400.191; and the Gold Seal Program pursuant to s. 400.235.

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning January 1, 2004. Beginning January 1, 2002 no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents, including evening and night shifts and weekends. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily Agency rules shall specify requirements for documentation of compliance with staffing standards, sanctions for violation of such standards, and requirements for daily posting of the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and

certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(b) The agency shall adopt rules to allow properly trained staff of a nursing facility, in addition to certified nursing assistants and licensed nurses, to assist residents with eating. The rules shall specify the minimum training requirements and shall specify the physiological conditions or disorders of residents which would necessitate that the eating assistance be provided by nursing personnel of the facility. Nonnursing staff providing eating assistance to residents under the provisions of this subsection shall not count towards compliance with minimum staffing standards.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

(7) The agency shall, at least every 15 months, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with the established rules adopted under this part as a basis for assigning a licensure status to that facility. The agency shall base its evaluation on the most recent inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. The agency shall assign a licensure status of standard or conditional to each nursing home.

(a) A standard licensure status means that a facility has no class I or class II deficiencies, has corrected all class III deficiencies within the time established by the agency, and is in substantial compliance at the time of the survey with criteria established under this part, with rules adopted by the agency, and, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(b) A conditional licensure status means that a facility, due to the presence of one or more class I or class II deficiencies, or class III deficiencies not corrected within the time established by the agency, is not in substantial compliance at the time of the survey with criteria established under this part or, with rules adopted by the agency, or, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended. If the facility has no class I, class II, or class III deficiencies comes into substantial compliance at the time of the followup survey, a standard licensure status may be assigned.

(c) In evaluating the overall quality of care and services and determining whether the facility will receive a conditional or standard license, the agency shall consider the needs and limitations of residents in the facility and the results of interviews and surveys of a representative sampling of residents, families of residents, ombudsman council members in the planning and service area in which the facility is located, guardians of residents, and staff of the nursing home facility.

(d) The current licensure status of each facility must be indicated in bold print on the face of the license. A list of the deficiencies of the facility shall be posted in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to that facility. Licensees receiving a conditional licensure status for a facility shall prepare, within 10 working days after receiving notice of deficiencies, a plan for correction of all deficiencies and shall submit the plan to the agency for approval. Correction of all deficiencies, within the period approved by the agency, shall result in termination of the conditional licensure status. Failure to correct the deficiencies within a reasonable period approved by the agency shall be grounds for the imposition of sanctions pursuant to this part.

(e) Each licensee shall post its license in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to the facility.

(f) Not later than January 1, 1994, The agency shall adopt rules that:

1. Establish uniform procedures for the evaluation of facilities.
2. Provide criteria in the areas referenced in paragraph (c).
3. Address other areas necessary for carrying out the intent of this section.

(8) The agency shall adopt rules to provide that, when the criteria established under subsection (2) are not met, such deficiencies shall be classified according to the nature and the scope of the deficiency. *The scope shall be cited as isolated, patterned, or widespread. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency where more than a very limited number of residents are affected, or more than a very limited number of staff are involved, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents.* The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) A class I deficiency is a deficiency that ~~deficiencies are those which~~ the agency determines presents a situation in which immediate corrective action is necessary because the facility's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility ~~present an imminent danger to the residents or guests of the nursing home facility or a substantial probability that death or serious physical harm would result therefrom.~~ The condition or practice constituting a class I violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. ~~Notwithstanding s. 400.121(2),~~ A class I deficiency is subject to a civil penalty of \$10,000 for an isolated deficiency, \$12,500 for a patterned deficiency, and \$15,000 for a widespread in an amount not less than \$5,000 and not exceeding \$25,000 for each and every deficiency. ~~The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection.~~ A fine must ~~may~~ be levied notwithstanding the correction of the deficiency.

(b) A class II deficiency is a deficiency that ~~deficiencies are those which~~ the agency determines has compromised the resident's ability to maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services ~~have a direct or immediate relationship to the health, safety, or security of the nursing home facility residents, other than class I deficiencies.~~ A class II deficiency is subject to a civil penalty of \$2,500 for an isolated deficiency, \$5,000 for a patterned deficiency, and \$7,500 for a widespread in an amount not less than \$1,000 and not exceeding \$10,000 for each and every deficiency. ~~The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection.~~ A fine shall be levied notwithstanding the correction of the deficiency. ~~A citation for a class II deficiency shall specify the time within which the deficiency is required to be corrected. If a class II deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) A class III deficiency is a deficiency that ~~deficiencies are those which~~ the agency determines will result in no more than minimal physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services ~~to have an indirect or potential relationship to the health, safety, or security of the nursing home facility residents, other than class I or class II deficiencies.~~ A class III deficiency is shall be subject to a civil penalty of \$1,000 for an isolated deficiency, \$2,000 for a patterned deficiency, and \$3,000 for a widespread ~~not less than \$500 and not exceeding \$2,500 for each and every deficiency.~~ ~~The fine amount shall be doubled for each deficiency if the facility was previously cited for~~

one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A citation for a class III deficiency must ~~shall~~ specify the time within which the deficiency is required to be corrected. If a class III deficiency is corrected within the time specified, no civil penalty shall be imposed, ~~unless it is a repeated offense.~~

(d) A class IV deficiency is a deficiency that the agency determines has the potential for causing no more than a minor negative impact on the resident. If the class IV deficiency is isolated, no plan of correction is required.

Section 31. Subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(a) Had no class I or class II deficiencies within the 30 months preceding application for the program.

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule.

(c) Participate consistently in the required consumer satisfaction process as prescribed by the agency, and demonstrate that information is elicited from residents, family members, and guardians about satisfaction with the nursing facility, its environment, the services and care provided, the staff's skills and interactions with residents, attention to resident's needs, and the facility's efforts to act on information gathered from the consumer satisfaction measures.

(d) Evidence the involvement of families and members of the community in the facility on a regular basis.

(e) Have a stable workforce, *as described in s. 400.141*, as evidenced by a relatively low rate of turnover among certified nursing assistants and licensed nurses within the 30 months preceding application for the Gold Seal Program, and demonstrate a continuing effort to maintain a stable workforce and to reduce turnover of licensed nurses and certified nursing assistants.

(f) Evidence an outstanding record regarding the number and types of substantiated complaints reported to the State Long-Term Care Ombudsman Council within the 30 months preceding application for the program.

(g) Provide targeted inservice training provided to meet training needs identified by internal or external quality assurance efforts.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

Section 32. Section 400.275, Florida Statutes, is created to read:

400.275 Agency duties.—

(1) The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full-time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility. The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 5 years.

(2) The agency shall semiannually provide for joint training of nursing home surveyors and staff of facilities licensed under this part on at least one of the 10 federal citations that were most frequently issued against nursing facilities in this state during the previous calendar year.

(3) Each member of a nursing home survey team who is a health professional licensed under part I of chapter 464, part X of chapter 468, or chapter 491, shall earn not less than 50 percent of required continuing

education credits in geriatric care. Each member of a nursing home survey team who is a health professional licensed under chapter 465 shall earn not less than 30 percent of required continuing education credits in geriatric care.

(4) The agency must ensure that when a deficiency is related to substandard quality of care, a physician with geriatric experience licensed under chapter 458 or chapter 459 or a registered nurse with geriatric experience licensed under chapter 464 participates in the agency's informal dispute-resolution process.

Section 33. Subsections (3) and (4) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(a) A standard license shall be issued to facilities providing one or more of the *personal* services identified in s. 400.402. Such facilities may also employ or contract with a person licensed under part I of chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

(b) An extended congregate care license shall be issued to facilities providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to part I of chapter 464 by persons licensed thereunder, and supportive services defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietician;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least ~~quarterly~~ ~~two times a year~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with

this part and with rules that relate to extended congregate care. One of these visits may be in conjunction with the regular ~~biennial~~ survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that ~~biennially~~ inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the ~~biennial~~ inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities that are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, either directly or through contract, the services of a person licensed pursuant to part I of chapter 464.

h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.

4. Facilities licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 400.441. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities may not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:

a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.

b. The number and characteristics of residents receiving such services.

c. The types of services rendered that could not be provided through a standard license.

d. An analysis of deficiencies cited during *licensure* ~~biennial~~ inspections.

e. The number of residents who required extended congregate care services at admission and the source of admission.

f. Recommendations for statutory or regulatory changes.

g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.

h. Such other information as the department considers appropriate.

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least ~~twice~~ ~~once~~ a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part and with related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that ~~biennially~~ inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k), unless the facility is licensed to provide extended congregate care services.

(4)(a) The biennial license fee required of a facility is \$300 ~~\$240~~ per license, with an additional fee of \$50 ~~\$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed \$10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$400 per license, *with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility.* No part of *this fee* which shall be returned to the facility. The agency may adjust the *per-bed license fee and the annual license fee* once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be ~~\$250~~ \$200 per license, with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed \$2,000.~~ No part of *this fee* which shall be returned to the facility. The agency may adjust the *per-bed license fee and the \$200 biennial license fee and the maximum total license fee* once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

Section 34. Paragraph (n) is added to subsection (1) of section 400.414, Florida Statutes, and subsection (8) is added to that section, to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, any person subject to level 2 background screening under s. 400.4174, or any facility employee:

(n) *Any act constituting a ground upon which application for a license may be denied.*

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

(8) *The agency may issue a temporary license pending final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.*

Section 35. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(1) Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

(a) Class "I" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. A class I violation is subject to an administrative fine in an amount not less than \$5,000 ~~\$1,000~~ and not exceeding \$10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.

(b) Class "II" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. A class II violation is subject to an administrative fine in an amount not less than ~~\$1,000~~ \$500 and not exceeding \$5,000 for each violation. A citation for a class II violation *must shall* specify the time within which the violation is required to be corrected. ~~If a class II violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.~~

(c) Class "III" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of

residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of facility residents, other than class I or class II violations. A class III violation is subject to an administrative fine of not less than ~~\$500~~ \$100 and not exceeding \$1,000 for each violation. A citation for a class III violation *must shall* specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.

(d) Class "IV" violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. A facility that does not correct a class IV violation within the time specified in the agency-approved corrective action plan is subject to an administrative fine of not less than ~~\$100~~ \$50 nor more than \$200 for each violation. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.

~~(2) The agency may set and levy a fine not to exceed \$1,000 for each violation which cannot be classified according to subsection (1). Such fines in the aggregate may not exceed \$10,000 per survey.~~

~~(2)(3)~~ In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner or administrator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the facility of committing or continuing the violation.

(e) The licensed capacity of the facility.

~~(3)(4)~~ Each day of continuing violation after the date fixed for termination of the violation, as ordered by the agency, constitutes an additional, separate, and distinct violation.

~~(4)(5)~~ Any action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

~~(5)(6)~~ For fines that are upheld following administrative or judicial review, the violator shall pay the fine, plus interest at the rate as specified in s. 55.03, for each day beyond the date set by the agency for payment of the fine.

~~(6)(7)~~ Any unlicensed facility that continues to operate after agency notification is subject to a \$1,000 fine *per day*. ~~Each day beyond 5 working days after agency notification constitutes a separate violation, and the facility is subject to a fine of \$500 per day.~~

~~(7)(8)~~ Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of \$5,000 *per day*. ~~Each day that the unlicensed facility continues to operate beyond 5 working days after agency notification constitutes a separate violation, and the licensed facility shall be subject to a fine of \$500 per day retroactive to the date of agency notification.~~

~~(8)(9)~~ Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine of ~~not to exceed~~ \$5,000.

~~(9)(10)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or \$500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

(10)(11) The agency, as an alternative to or in conjunction with an administrative action against a facility for violations of this part and adopted rules, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner or administrator of the facility, prior to written notification. The agency, instead of fixing a period within which the facility shall enter into compliance with standards, may request a plan of corrective action from the facility which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.

(11)(12) Administrative fines paid by any facility under this section shall be deposited into the Health Care Trust Fund and expended as provided in s. 400.418.

(12)(13) The agency shall develop and disseminate an annual list of all facilities sanctioned or fined \$5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 36. Section 400.423, Florida Statutes, is created to read:

400.423 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

(1) *Every facility licensed under this part may, as part of its administrative functions, voluntarily establish a risk management and quality assurance program, the purpose of which is to assess resident care practices, facility incident reports, deficiencies cited by the agency, adverse incident reports, and resident grievances and develop plans of action to correct and respond quickly to identify quality differences.*

(2) *Every facility licensed under this part is required to maintain adverse incident reports. For purposes of this section, the term, "adverse incident" means:*

(a) *An event over which facility personnel could exercise control rather than as a result of the resident's condition and results in:*

1. *Death;*
2. *Brain or spinal damage;*
3. *Permanent disfigurement;*
4. *Fracture or dislocation of bones or joints;*

5. *Any condition that required medical attention to which the resident has not given his or her consent, including failure to honor advanced directives;*

6. *Any condition that requires the transfer of the resident from the facility to a unit providing more acute care due to the incident rather than the resident's condition before the incident.*

- (b) *Abuse, neglect, or exploitation as defined in s. 415.102;*
- (c) *Events reported to law enforcement; or*
- (d) *Elopement.*

(3) *Licensed facilities shall provide within 1 business day after the occurrence of an adverse incident, by electronic mail, facsimile, or United States mail, a preliminary report to the agency on all adverse incidents specified under this section. The report must include information regarding the identity of the affected resident, the type of adverse incident, and the status of the facility's investigation of the incident.*

(4) *Licensed facilities shall provide within 15 days, by electronic mail, facsimile, or United States mail, a full report to the agency on all adverse incidents specified in this section. The report must include the results of the facility's investigation into the adverse incident.*

(5) *Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.*

(6) *The agency shall annually submit to the Legislature a report on assisted living facility adverse incident reports. The report must include the following information arranged by county:*

- (a) *A total number of adverse incidents;*
- (b) *A listing, by category, of the type of adverse incidents occurring within each category and the type of staff involved;*
- (c) *A listing, by category, of the types of injuries, if any, and the number of injuries occurring within each category;*
- (d) *Types of liability claims filed based on an adverse incident report or reportable injury; and*
- (e) *Disciplinary action taken against staff, categorized by the type of staff involved.*

(7) *The information reported to the agency pursuant to subsection (3) which relates to persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.*

(8) *If the agency, through its receipt of the adverse incident reports prescribed in this part or through any investigation, has reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate board, the agency shall report this fact to such regulatory board.*

(9) *The adverse incident reports and preliminary adverse incident reports required under this section are confidential as provided by law and are not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or appropriate regulatory board.*

(10) *The Department of Elderly Affairs may adopt rules necessary to administer this section.*

Section 37. Present subsections (7), (8), (9), (10), and (11) of section 400.426, Florida Statutes, are redesignated as subsections (8), (9), (10), (11), and (12), respectively, and a new subsection (7) is added to that section, to read:

400.426 Appropriateness of placements; examinations of residents.—

(7) *The facility must notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.*

Section 38. Paragraph (k) of subsection (1) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(1) *No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:*

(k) At least 45 ~~30~~ days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 ~~30~~ days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

Section 39. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.429, Florida Statutes, is amended to read:

400.429 Civil actions to enforce rights.—

(1) Any person or resident whose rights as specified in this part are violated shall have a cause of action ~~against any facility owner, administrator, or staff responsible for the violation.~~ The action may be brought by the resident or his or her guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident ~~regardless of the cause of death when the cause of death resulted from a violation of the decedent's rights, to enforce such rights.~~ *If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.* The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages for violation of the rights of a resident or negligence ~~when malicious, wanton, or willful disregard of the rights of others can be shown.~~ Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.

(2) *In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:*

- (a) *The defendant owed a duty to the resident;*
- (b) *The defendant breached the duty to the resident;*
- (c) *The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and*
- (d) *The resident sustained loss, injury, death, or damage as a result of the breach.*

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.428 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(3) *In any claim brought pursuant to s. 400.429, a licensee, person, or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person, or entity would use under like circumstances.*

(4) *In any claim for resident's rights violation or negligence by a nurse licensed under part 1 of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses. ~~To recover attorney's fees under this section, the following conditions precedent must be met:~~*

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~e. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

~~4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

~~(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

~~(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

~~(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

(5)(3) *Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.*

(6)(4) *In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.*

(7) *The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a*

copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

Section 40. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4293, Florida Statutes, is created to read:

400.4293 Presuit notice; investigation; notification of violation of residents' rights or alleged negligence; claims evaluation procedure; informal discovery; review.—

(1) As used in this section, the term:

(a) "Claim for residents' rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.428 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, joint underwriting association, or uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.428 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;
2. Internal review by counsel for each prospective defendant;
3. A quality assurance committee authorized under any applicable state or federal statutes or regulations; or
4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or
2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things, as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 41. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4294, Florida Statutes, is created to read:

400.4294 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility within 10 days, in accordance with the provisions of s. 400.145, shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall

waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 42. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295, Florida Statutes, is created to read:

400.4295 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 43. Effective May 15, 2001, section 400.4296, Florida Statutes, is created to read:

400.4296 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event not more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event more than 4 years from the effective date of this section.

Section 44. Section 400.4297, Florida Statutes, is created to read:

400.4297 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee

or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 45. Section 400.4298, Florida Statutes, is created to read:

400.4298 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) *The jury may neither be instructed nor informed as to the provisions of this section.*

(4) *Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:*

(a) *The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.*

(b) *A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.*

(c) *The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.*

(d) *If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.*

(5) *This section is remedial in nature and shall take effect upon becoming a law.*

Section 46. Section 400.434, Florida Statutes, is amended to read:

400.434 Right of entry and inspection.—Any duly designated officer or employee of the department, the Department of Children and Family Services, the agency, the state or local fire marshal, or a member of the state or local long-term care ombudsman council shall have the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with the provisions of this part and of rules or standards in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the agency has reason to believe is being operated or maintained as a facility without a license; but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing such entry. The warrant requirement shall extend only to a facility which the agency has reason to believe is being operated or maintained as a facility without a license. Any application for a license or renewal thereof made pursuant to this part shall constitute permission for, and complete acquiescence in, any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. Any current valid license shall constitute unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel. The agency shall retain the right of entry and inspection of facilities that have had a license revoked or suspended within the previous 24 months, to ensure that the facility is not operating unlawfully. However, before entering the facility, a statement of probable cause must be filed with the director of the agency, who must approve or disapprove the action within 48 hours. Probable cause shall include, but is not limited to, evidence that the facility holds itself out to the public as a provider of personal care services or the receipt of a complaint by the long-term care ombudsman council about the facility. *Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards.*

Section 47. Paragraph (h) of subsection (1) and subsection (4) of section 400.441, Florida Statutes, are amended to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be

ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(h) The care and maintenance of residents, which must include, but is not limited to:

1. The supervision of residents;
2. The provision of personal services;
3. The provision of, or arrangement for, social and leisure activities;
4. The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;
5. The management of medication;
6. The nutritional needs of residents; ~~and~~
7. Resident records; ~~and~~
8. Internal risk management and quality assurance.

(4) The agency may use an abbreviated biennial *standard licensure* inspection ~~that which~~ consists of a review of key quality-of-care standards in lieu of a full inspection in facilities which have a good record of past performance. However, a full inspection shall be conducted in facilities which have had a history of class I or class II violations, uncorrected class III violations, confirmed ombudsman council complaints, or confirmed licensure complaints, within the previous licensure period immediately preceding the inspection or when a potentially serious problem is identified during the abbreviated inspection. The agency, in consultation with the department, shall develop the key quality-of-care standards with input from the State Long-Term Care Ombudsman Council and representatives of provider groups for incorporation into its rules. ~~Beginning on or before March 1, 1991,~~ The department, in consultation with the agency, shall report annually to the Legislature concerning its implementation of this subsection. The report shall include, at a minimum, the key quality-of-care standards which have been developed; the number of facilities identified as being eligible for the abbreviated inspection; the number of facilities which have received the abbreviated inspection and, of those, the number that were converted to full inspection; the number and type of subsequent complaints received by the agency or department on facilities which have had abbreviated inspections; any recommendations for modification to this subsection; any plans by the agency to modify its implementation of this subsection; and any other information which the department believes should be reported.

Section 48. Section 400.449, Florida Statutes, is created to read:

400.449 *Resident records; penalties for alteration.*—

(1) *Any person who fraudulently alters, defaces, or falsifies any medical or other record of an assisted living facility, or causes or procures any such offense to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *A conviction under subsection (1) is also grounds for restriction, suspension, or termination of license privileges.*

Section 49. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended and subsection (22) is added to that section, to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorpo-

rated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. *Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.*

2. *The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.*

3. *The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.*

4. *All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.*

5. *On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.*

6. *Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent existing appropriations are available. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to*

~~which these costs are not being compensated by the Medicaid program. Medicaid participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate setting period beginning April 1, 1999, the agency shall establish a case mix reimbursement methodology for the rate of payment for long term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level of care data and other appropriate data. The case mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.~~

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

~~(22) The agency shall request and implement Medicaid waivers from the federal Health Care Financing Administration to advance and treat a portion of the Medicaid nursing home per diem as capital for creating and operating a risk-retention group for self-insurance purposes, consistent with federal and state laws and rules.~~

Section 50. Section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required Level I or Level II screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or
2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The board shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) *Certification as a nursing assistant, in accordance with this part, continues in effect until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.*

(6)(5) A certified nursing assistant shall maintain a current address with the board in accordance with s. 456.035.

(7) *A certified nursing assistant shall complete 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.0285(2)(b), shall propose rules to implement this subsection.*

Section 51. Subsection (2) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

(2) A nursing home facility as defined in s. 400.021 ~~s. 400.021(12)~~.

The exemptions from licensure in this section do not apply to any facility or entity which receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated pursuant to s. 397.406. No provision of this chapter shall be construed to limit the practice of a physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491, providing outpatient or inpatient substance abuse treatment to a voluntary patient, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider under this act. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. *Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006. The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state. This moratorium on certificates of need shall not apply to sheltered nursing home beds in a continuing care retirement community certified by the Department of Insurance pursuant to chapter 651, Florida Statutes.*

Section 53. Subsections (3) and (8) of section 400.0255, Florida Statutes, as amended by section 138 of chapter 2000-349, section 3 of chapter 2000-350, and section 58 of chapter 2000-367, Laws of Florida, are reenacted to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(3) When a discharge or transfer is initiated by the nursing home, the nursing home administrator employed by the nursing home that is discharging or transferring the resident, or an individual employed by the nursing home who is designated by the nursing home administrator to act on behalf of the administration, must sign the notice of discharge or transfer. Any notice indicating a medical reason for transfer or discharge must either be signed by the resident's attending physician or the

medical director of the facility, or include an attached written order for the discharge or transfer. The notice or the order must be signed by the resident's physician, medical director, treating physician, nurse practitioner, or physician assistant.

(8) The notice required by subsection (7) must be in writing and must contain all information required by state and federal law, rules, or regulations applicable to Medicaid or Medicare cases. The agency shall develop a standard document to be used by all facilities licensed under this part for purposes of notifying residents of a discharge or transfer. Such document must include a means for a resident to request the local long-term care ombudsman council to review the notice and request information about or assistance with initiating a fair hearing with the department's Office of Appeals Hearings. In addition to any other pertinent information included, the form shall specify the reason allowed under federal or state law that the resident is being discharged or transferred, with an explanation to support this action. Further, the form shall state the effective date of the discharge or transfer and the location to which the resident is being discharged or transferred. The form shall clearly describe the resident's appeal rights and the procedures for filing an appeal, including the right to request the local ombudsman council to review the notice of discharge or transfer. A copy of the notice must be placed in the resident's clinical record, and a copy must be transmitted to the resident's legal guardian or representative and to the local ombudsman council within 5 business days after signature by the resident or resident designee.

Section 54. Subsection (5) of section 400.23, Florida Statutes, as amended by section 6 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5) The agency, in collaboration with the Division of Children's Medical Services of the Department of Health, must, no later than December 31, 1993, adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age. A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

Section 55. Subsection (2) of section 400.191, Florida Statutes, as amended by section 5 of chapter 2000-350, Laws of Florida, and subsection (6) of that section, as created by section 5 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.191 Availability, distribution, and posting of reports and records.—

(2) The agency shall provide additional information in consumer-friendly printed and electronic formats to assist consumers and their families in comparing and evaluating nursing home facilities.

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A list by name and address of all nursing home facilities in this state.
2. Whether such nursing home facilities are proprietary or nonproprietary.
3. The current owner of the facility's license and the year that that entity became the owner of the license.
4. The name of the owner or owners of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.
5. The total number of beds in each facility.
6. The number of private and semiprivate rooms in each facility.
7. The religious affiliation, if any, of each facility.
8. The languages spoken by the administrator and staff of each facility.

9. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

10. Recreational and other programs available at each facility.

11. Special care units or programs offered at each facility.

12. Whether the facility is a part of a retirement community that offers other services pursuant to part III, part IV, or part V.

13. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

14. Survey and deficiency information contained on the Online Survey Certification and Reporting (OSCAR) system of the federal Health Care Financing Administration, including annual survey, revisit, and complaint survey information, for each facility for the past 45 months. For noncertified nursing homes, state survey and deficiency information, including annual survey, revisit, and complaint survey information for the past 45 months shall be provided.

15. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility of annual, revisit, and complaint surveys; the severity and scope of the citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(b) The agency shall provide the following information in printed form:

1. A list by name and address of all nursing home facilities in this state.

2. Whether such nursing home facilities are proprietary or nonproprietary.

3. The current owner or owners of the facility's license and the year that entity became the owner of the license.

4. The total number of beds, and of private and semiprivate rooms, in each facility.

5. The religious affiliation, if any, of each facility.

6. The name of the owner of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.

7. The languages spoken by the administrator and staff of each facility.

8. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

9. Recreational programs, special care units, and other programs available at each facility.

10. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

11. The Internet address for the site where more detailed information can be seen.

12. A statement advising consumers that each facility will have its own policies and procedures related to protecting resident property.

13. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility on

annual, revisit, and complaint surveys; the severity and scope of the citations; the number of citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(c) For purposes of this subsection, references to the Online Survey Certification and Reporting (OSCAR) system shall refer to any future system that the Health Care Financing Administration develops to replace the current OSCAR system.

(d) The agency may provide the following additional information on an Internet site or in printed form as the information becomes available:

1. The licensure status history of each facility.

2. The rating history of each facility.

3. The regulatory history of each facility, which may include federal sanctions, state sanctions, federal fines, state fines, and other actions.

4. Whether the facility currently possesses the Gold Seal designation awarded pursuant to s. 400.235.

5. Internet links to the Internet sites of the facilities or their affiliates.

(6) The agency may adopt rules as necessary to administer this section.

Section 56. Section 400.0225, Florida Statutes, as amended by section 2 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.0225 Consumer satisfaction surveys.—The agency, or its contractor, in consultation with the nursing home industry and consumer representatives, shall develop an easy-to-use consumer satisfaction survey, shall ensure that every nursing facility licensed pursuant to this part participates in assessing consumer satisfaction, and shall establish procedures to ensure that, at least annually, a representative sample of residents of each facility is selected to participate in the survey. The sample shall be of sufficient size to allow comparisons between and among facilities. Family members, guardians, or other resident designees may assist the resident in completing the survey. Employees and volunteers of the nursing facility or of a corporation or business entity with an ownership interest in the facility are prohibited from assisting a resident with or attempting to influence a resident's responses to the consumer satisfaction survey. The agency, or its contractor, shall survey family members, guardians, or other resident designees. The agency, or its contractor, shall specify the protocol for conducting and reporting the consumer satisfaction surveys. Reports of consumer satisfaction surveys shall protect the identity of individual respondents. The agency shall contract for consumer satisfaction surveys and report the results of those surveys in the consumer information materials prepared and distributed by the agency. The agency may adopt rules as necessary to administer this section.

Section 57. Subsections (4) and (5) of section 400.141, Florida Statutes, as renumbered and amended by section 4 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(4) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. To be eligible for repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under the provisions of this subsection shall not be held liable in

any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided herein. A pharmacist who repackages and relabels prescription medications, as authorized under this subsection, may charge a reasonable fee for costs resulting from the implementation of this provision.

(5) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 58. Paragraph (a) of subsection (3) and subsection (4) of section 400.235, Florida Statutes, as amended by section 12 of chapter 2000-305 and section 7 of chapter 2000-350, Laws of Florida, and subsection (9) of section 400.235, Florida Statutes, as created by section 7 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(3)(a) The Gold Seal Program shall be developed and implemented by the Governor's Panel on Excellence in Long-Term Care which shall operate under the authority of the Executive Office of the Governor. The panel shall be composed of three persons appointed by the Governor, to include a consumer advocate for senior citizens and two persons with expertise in the fields of quality management, service delivery excellence, or public sector accountability; three persons appointed by the Secretary of Elderly Affairs, to include an active member of a nursing facility family and resident care council and a member of the University Consortium on Aging; the State Long-Term Care Ombudsman; one person appointed by the Florida Life Care Residents Association; one person appointed by the Secretary of Health; two persons appointed by the Secretary of Health Care Administration; one person appointed by the Florida Association of Homes for the Aging; and one person appointed by the Florida Health Care Association. Vacancies on the panel shall be filled in the same manner as the original appointments.

(4) The panel shall consider the quality of care provided to residents when evaluating a facility for the Gold Seal Program. The panel shall determine the procedure or procedures for measuring the quality of care.

(9) The agency may adopt rules as necessary to administer this section.

Section 59. Subsection (1) of section 400.962, Florida Statutes, as amended by section 8 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.962 License required; license application.—

(1) It is unlawful to operate an intermediate care facility for the developmentally disabled without a license.

Section 60. Section 10 of chapter 2000-350, Laws of Florida, is reenacted to read:

Section 10. The Board of Pharmacy, in cooperation with the Agency for Health Care Administration, shall undertake a study of the feasibility, efficiency, cost-effectiveness, and safety of using automated medication dispensing machines in nursing facilities. The board and the agency may authorize the establishment of demonstration projects in up to five nursing facilities with a class I institutional pharmacy as part of the study. Demonstration projects may be allowed to continue for up to 12 months. A report summarizing the results of the study shall be submit-

ted by the board and the agency to the Speaker of the House of Representatives and the President of the Senate by January 1, 2001. If the study determines that such dispensing machines would benefit residents of nursing facilities and should be allowed, the report shall identify those specific statutory changes necessary to allow nursing facilities to use automated medication dispensing machines.

Section 61. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) *Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.*

Section 62. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

Section 63. *The Agency for Health Care Administration shall develop by October 31, 2001, a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports. The Auditor General shall approve the standard chart of accounts developed by the Agency for Health Care Administration not later than December 31, 2001. The agency shall amend the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate this standard chart of accounts and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The standard chart of accounts shall include specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.*

Section 64. *The Agency for Health Care Administration shall amend the Medicaid Title XIX Long-Term Care Reimbursement Plan effective December 31, 2001, to include the following provisions:*

(1) *Effective with nursing facility cost reports filed for periods ending on or after December 31, 2002, the cost report shall contain detailed information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants.*

(2) *Effective for cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency.*

Section 65. *The Office of State Long-Term Care Ombudsman shall be responsible for the cost of leasing its own office space, but shall not be colocated with the headquarters office of the Department of Elderly Affairs.*

Section 66. *The Agency for Health Care Administration shall not take any administrative action to enforce the requirement that nursing home facilities and assisted living facilities maintain liability insurance until after January 1, 2002.*

Section 67. *The sum of \$5,602,460 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 79 positions are authorized for the purpose of implementing the provisions of this act during the 2001-2002 fiscal year.*

Section 68. *The sum of \$948,782 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purpose of paying the salaries and other administrative expenses of the Office of State Long-Term Care Ombudsman to carry out the provisions of this act during the 2001-2002 fiscal year.*

Section 69. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 70. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 129, line 15 through page 139, line 28, delete those lines and insert: A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; creating s. 400.1183, F.S.; providing for resident grievance procedures; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126,

F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring inservice training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirement for notice of a resident's relocation or termination from a facility; providing a penalty; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s.

768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; authorizing waivers to treat a portion of the Medicaid nursing home per diem as capital for a risk-retention group; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional community nursing home beds; providing intent for such prohibition; providing an exemption; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2) and (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), and (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. XI of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; requiring the Auditor General to develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; providing for office space for the Office of State Long-Term Care Ombudsman; prohibiting enforcement of provisions relating to a requirements for liability insurance until a specified date; providing appropriations; providing for severability; providing effective dates.

Senator Silver moved the following amendment to the amendment which was adopted:

Senate Amendment 1A (712698) to Senate Amendment 1 to House Amendment 1—On page 128, lines 25-29, delete those lines and insert:

Section 67. (1) *The sum of \$5,035,636 is appropriated from the General Revenue Fund, the sum of \$3,428,975 is appropriated from the Health Care Trust Fund, and the sum of \$6,710,164 is appropriated from the Medical Care Trust Fund to the Agency for Health Care Administration, and 79 positions are authorized, for the purposes of implementing this act during the 2001-2002 fiscal year.*

(2) *The sum of \$100,000 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purposes of implementing this act during the 2001-2002 fiscal year.*

Senate Amendment 1 to House Amendment 1 as amended was adopted.

On motion by Senator Brown-Waite, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for CS for CS for SB 1202 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Laurent	Saunders
Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

CONSIDERATION OF BILLS OUT OF ORDER

On motions by Senator Brown-Waite, by unanimous consent—

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (500422)—On page 1, line 21, delete "400.430" and insert: 400.4298

On motion by Senator Brown-Waite, by two-thirds vote **HB 1861** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

MOTIONS

On motion by Senator Sanderson, the rules were waived and by two-thirds vote **HB 915** was placed on the Local Bill Calendar and taken up instanter.

On motion by Senator Sanderson, by two-thirds vote—

HB 915—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the cities of Fort Lauderdale and Dania Beach; providing for annexation of specified unincorporated areas.

rated land; providing for an election; providing for an effective date of annexation; providing an effective date.

—was read the second time by title. On motion by Senator Sanderson, by two-thirds vote **HB 915** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—None

On motion by Senator Latvala, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 2060.

John B. Phelps, Clerk

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term “claim” for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; amending s. 631.57, F.S.; exempting malpractice premiums from assessments that are due to insolvent property insurers; amending s. 627.351, F.S.; increasing the qualifying statutory surplus amount for the Florida Windstorm Underwriting Association Limited Apportionment Status; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months’ premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer’s nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Latvala, the Senate reconsidered the vote by which **CS for SB 2060** as amended passed April 26.

On motion by Senator Latvala, further consideration of **CS for SB 2060** as amended was deferred.

RECESS

On motion by Senator Lee, the Senate recessed at 5:34 p.m. to reconvene at 6:00 p.m. or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 6:15 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

BILLS ON THIRD READING, continued

SENATOR SILVER PRESIDING

CS for SB 1558—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing-education tracking system; amending ss. 457.107, 483.807, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination-item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee’s current mailing address and place of practice; amending s. 456.073, F.S.; prohibiting a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for publication of information; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising provisions governing and providing for disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of licenses for violations relating to fraudulent practices; amend-

ing s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 456.003, F.S.; providing a limitation on the duties of certain boards; providing effective dates.

—as amended April 30 was read the third time by title.

Senator Saunders moved the following amendment:

Amendment 1 (791604)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the Medical Quality Assurance Trust Fund should be administered in a fiscally responsible manner. It is also the intent of the Legislature that the Department of Health reduce expenses wherever possible to ensure that the cost of regulation is reasonable and fair and does not serve as a barrier to licensure in this state. The Legislature adopts findings 1, 2, 4, 5, and 8 and the recommendations of the Auditor General's Medical Quality Assurance Operational Audit Report Number 01-063. In addition, the Legislature adopts recommendations 1, 2, 4, 5, and 7 of the Florida Senate Committee on Fiscal Policy Interim Project Report 2001-016.*

Section 2. *The Auditor General shall conduct a followup audit to the Medical Quality Assurance Operational Audit Report Number 01-063 to determine if the Department of Health has implemented the recommendations of that report. The Auditor General shall complete the followup audit and issue a report to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2002.*

Section 3. *The contract between the Department of Health and the Agency for Health Care Administration pursuant to section 20.43(3), Florida Statutes, is not subject to the provisions of section 216.346, Florida Statutes. The Department of Health shall reimburse the Agency for Health Care Administration for the agency's actual direct costs and the agency's indirect costs incurred as a result of the contract, subject to appropriated funds. The agency shall provide to the department documentation, explanation, and justification of all direct and indirect costs incurred, by budget entity.*

Section 4. *The Office of Program Policy Analysis and Government Accountability shall study the feasibility of maintaining the entire Medical Quality Assurance function, including enforcement, within a single department. The study shall be completed and a report issued to the President of the Senate and the Speaker of the House of Representatives no later than November 30, 2001.*

Section 5. Subsection (1) of section 456.004, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

456.004 Department; powers and duties.—The department, for the professions under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. *The rules shall specify the expiration dates of licenses and the process for tracking compliance with continuing education requirements, financial responsibility requirements, and any other conditions of renewal set forth in statute or rule.* Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(10) *Set an examination fee that includes all costs to develop, purchase, validate, administer, and defend the examination and is an amount certain to cover all administrative costs plus the actual per-applicant cost of the examination.*

Section 6. Section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(1) *It is the intent of the Legislature that all costs of regulating health care professions and practitioners shall be borne solely by licensees and licensure applicants. It is also the intent of the Legislature that fees should be reasonable and not serve as a barrier to licensure. Moreover, it is the intent of the Legislature that the department operate as efficiently as possible and regularly report to the Legislature additional methods to streamline operational costs. Therefore, the boards in consultation with the department, or the department if there is no board, shall, by rule, set renewal fees which:*

(a) *Shall be based on revenue projections prepared using generally accepted accounting procedures;*

(b) *Shall be adequate to cover all expenses relating to that board identified in the department's long-range policy plan, as required by s. 456.005;*

(c) *Shall be reasonable, fair, and not serve as a barrier to licensure;*

(d) *Shall be based on potential earnings from working under the scope of the license;*

(e) *Shall be similar to fees imposed on similar licensure types;*

(f) *Shall not be more than 10% greater than the fee imposed for the previous biennium;*

(g) *Shall not be more than 10% greater than the actual cost to regulate that profession for the previous biennium; and*

(h) *Shall be subject to challenge pursuant to chapter 120.*

(2) *The chairpersons of the boards and councils listed in s. 20.43(3)(g), shall meet annually at division headquarters to review the long-range policy plan required by s. 456.005 and current and proposed fee schedules. The chairpersons shall make recommendations for any necessary statutory changes relating to fees and fee caps. Such recommendations shall be compiled by the Department of Health and be included in the annual report to the Legislature required by s. 456.026 as well as be included in the long-range policy plan required by s. 456.005.*

(2)(1) Each board within the jurisdiction of the department, or the department when there is no board, shall determine by rule the amount of license fees for the profession it regulates, based upon long-range estimates prepared by the department of the revenue required to implement laws relating to the regulation of professions by the department and the board. Each board, or the department if there is no board, shall ensure that license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the agency, with advice of the applicable board. If sufficient action is not taken by a board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is the legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for advancing sufficient funds to any profession operating with a negative cash balance. The advancement may be for a period not to exceed 2 consecutive years, and the regulated profession must pay interest. Interest shall be calculated at the current rate earned on investments of a trust fund used by the department to implement this chapter. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(3)(2) Each board, or the department if there is no board, may charge a fee not to exceed \$25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.

(4)(3) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active status licensee and each inactive status licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

(5) *If the cash balance of the trust fund at the end of any fiscal year exceeds the total appropriation provided for the regulation of the health care professions in the prior fiscal year, the boards, in consultation with the department, may lower the license renewal fees.*

(6)(4) ~~Each board authorized to approve continuing education providers, or the department if there is no board, shall may establish, by rule, a fee not to exceed \$250 for anyone seeking approval to provide continuing education courses or programs and shall may establish by~~

rule a biennial renewal fee not to exceed \$250 for the renewal of providership of such courses. *The fees collected from continuing education providers shall be used for the purposes of reviewing course provider applications, monitoring the integrity of the courses provided, covering legal expenses incurred as a result of not granting or renewing a providership, and developing and maintaining an electronic continuing education tracking system. The department shall implement an electronic continuing education tracking system for each new biennial renewal cycle for which electronic renewals are implemented after the effective date of this act and shall integrate such system into the licensure and renewal system. All approved continuing education providers shall provide information on course attendance to the department necessary to implement the electronic tracking system. The department shall, by rule, specify the form and procedures by which the information is to be submitted. This subsection does not apply to continuing education courses or providers approved by the board under chapter 465.*

(7)(6) All moneys collected by the department from fees or fines or from costs awarded to the agency by a court shall be paid into a trust fund used by the department to implement this chapter. The Legislature shall appropriate funds from this trust fund sufficient to carry out this chapter and the provisions of law with respect to professions regulated by the Division of Medical Quality Assurance within the department and the boards. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this chapter for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The regulation by the department of professions, as defined in this chapter, shall be financed solely from revenue collected by it from fees and other charges and deposited in the Medical Quality Assurance Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees. The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession, except that the Board of Nursing must pay for any costs incurred in the regulation of certified nursing assistants. The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. *On or before October 1 of each year, the department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 456.026.*

(8)(6) The department shall provide a condensed management report of budgets, finances, performance statistics, and recommendations to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(9)(7) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed \$25 before issuance of the duplicate license.

(10)(8) The department or the appropriate board shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(1)(a) and (b).

Section 7. Subsection (1) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and the *required* fee set by the board by rule, not to exceed \$500.

Section 8. *Section 458.31151, Florida Statutes, is repealed.*

Section 9. Subsection (1) of section 483.807, Florida Statutes, is amended to read:

483.807 Fees; establishment; disposition.—

(1) The board, by rule, shall establish fees to be paid for application, examination, reexamination, licensing and renewal, *registration, laboratory training program application, reinstatement, and recordmaking and recordkeeping.* The board may also establish, by rule, a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department in carrying out its licensure and other related responsibilities under this part. Fees shall be based on departmental estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of clinical laboratory personnel.

Section 10. Subsections (1), (3), and (4) of section 456.011, Florida Statutes, are amended to read:

456.011 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this ~~chapter section~~.

(3) The board shall meet at least once annually and may meet as often as is necessary. *Meetings shall be conducted through teleconferencing or other technological means, unless disciplinary hearings involving standard of care, sexual misconduct, fraud, impairment, or felony convictions; licensure denial hearings; or controversial rule hearings are being conducted; or unless otherwise approved in advance of the meeting by the director of the Division of Medical Quality Assurance.* The chairperson or a quorum of the board shall have the authority to call ~~other~~ meetings, *except as provided above relating to in-person meetings.* A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this chapter or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated \$50 for each day in attendance at an official meeting of the board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not routinely be defined to include telephone conference calls *that last less than 4 hours.* A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

Section 11. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department ~~shall may~~ charge an initial license fee as determined by ~~rule of the~~ applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6½ inches by 5 inches. In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8½ inches by 14 inches. The licensee shall surrender to the department the wallet-size

identification card, the wall card, and the wall certificate, if one has been issued by the department, if the licensee's license is revoked.

Section 12. Section 456.017, Florida Statutes, is amended to read:

456.017 Department of Health; examinations.—

(1)(a) The department shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations, in consultation with the appropriate board. The department shall certify that examinations developed and approved by the department adequately and reliably measure an applicant's ability to practice the profession regulated by the department. After an examination developed or approved by the department has been administered, the board, or the department when there is no board, may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The department may contract for the preparation, administration, scoring, score reporting, and evaluation of examinations, when such services are available and approved by the board.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board, or the department when there is no board, shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade. ~~The department shall assess, and fees, where applicable,~~ to cover the actual cost for any purchase, development, validation, and administration, and defense of required examinations. This subsection does not apply to national examinations approved and administered pursuant to paragraph (c). If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, or the department when there is no board, may conduct such exercise. Therefore, board members, or employees of the department when there is no board, may serve as examiners at a practical examination with the consent of the board or department, as appropriate.

(c)1. The board, or the department when there is no board, ~~shall~~ ~~may~~ approve by rule the use of ~~one or more~~ ~~any~~ national examinations ~~examination~~ which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. *The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001. Neither the board nor the department may administer a state-developed written examination after December 31, 2001, notwithstanding any other provision of law. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.*

3. *The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.*

4. *It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.*

(d) Each board, or the department when there is no board, shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 456.065 to seek fines and injunctive relief against an examinee who violates the provisions of s. 456.018 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules. *The scores of candidates who have taken state-developed examinations shall be provided to the candidates electronically using a candidate identification number, and the department shall post the aggregate scores on the department's website without identifying the names of the candidates.*

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority or a national testing entity an examination or examination item bank developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this chapter.

(f) The department may adopt rules necessary to administer this subsection.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. *Notwithstanding any other provisions, only candidates who fail an examination by less than ten percent shall be entitled to challenge the validity of the examination at hearing.*

(3) For each examination developed or administered by the department or a contracted vendor, an accurate record of each applicant's examination questions, answers, papers, grades, and grading key shall be kept for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 257. This subsection does not apply to national examinations approved and administered pursuant to this section.

(4) Meetings of any member of the department or of any board within the department held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Any public records, such as tape recordings, minutes, or notes, generated during or as a result of such meetings are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, these exemptions shall not affect the right of any person to review an examination as provided in subsection (2).

(5) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native language. *Notwithstanding any other provision of law*, applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the

department's development, preparation, *validation*, administration, grading, and evaluation of any examination in a language other than English prior to the examination being administered. Requests for translated examinations must be on file in the board office at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English, the board shall consider the percentage of the population who speak the applicant's native language. Applicants must apply for translation to the applicable board at least 6 months prior to the scheduled examination.

(6) In addition to meeting any other requirements for licensure by examination or by endorsement, *and notwithstanding the provisions in paragraph (1)(c)*, an applicant may be required by a board, or the department when there is no board, to certify competency in state laws and rules relating to the applicable practice act. *Beginning October 1, 2001, all laws and rules examinations shall be administered electronically unless the laws and rules examination is administered concurrently with another written examination for that profession or unless the electronic administration would be substantially more expensive.*

Section 13. Subsection (1) of section 456.035, Florida Statutes, is amended to read:

456.035 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department if there is no board. *Electronic notification shall be allowed by the department; however, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the department.* A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

Section 14. Subsections (2), (4), and (10) of section 456.073, Florida Statutes, are amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. *The department shall not recommend a letter of guidance in lieu of finding probable cause if the subject has already been issued a letter of guidance for a related offense.* At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule

that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department, *in consultation with the applicable probable cause panel, if there is no board, or each board* must establish a plan to *expedite* ~~reduce~~ or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this chapter. All proceedings of the probable cause panel are exempt from s. 120.525.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. Upon completion of the investigation and a recommendation by the department to find probable cause, and pursuant to a written request by the subject or the subject's attorney, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 456.057, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain

the confidentiality of patient records pursuant to s. 456.057. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days of mailing by the department, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

Section 15. Section 456.081, Florida Statutes, is amended to read:

456.081 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter on the department's website, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in disciplinary action fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

Section 16. Subsection (3) of section 456.079, Florida Statutes, is amended to read:

456.079 Disciplinary guidelines.—

(3) A specific finding in the final order of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department if there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

Section 17. Subsections (1) and (2) of section 457.109, Florida Statutes, are amended to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice acupuncture by bribery, by fraudulent misrepresentations, or through an error of the department.

(b) Having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, employing, or advising any unlicensed person to practice acupuncture contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed acupuncturist.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed acupuncturist.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her acupuncturist.

(k) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep written medical records justifying the course of treatment of the patient.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the licensee or of a third party.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to serve as an acupuncturist due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as an acupuncturist. The licensee against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. An acupuncturist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of acupuncture with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department shall be used against an acupuncturist in any other proceeding.

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

(q) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(r) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(s) Violating any provision of this chapter, a rule of the department, or a lawful order of the board department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a course of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious diseases.

(w) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials.

(x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or

~~licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Restriction of practice.~~
- ~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(e) Issuance of a reprimand.~~
- ~~(f) Placement of the acupuncturist on probation for a period of time and subject to such conditions as the board may specify.~~

Section 18. Subsections (1) and (2) of section 458.315, Florida Statutes, are amended to read:

458.315 Temporary certificate for practice in areas of critical need.— Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of \$300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(1) The board shall determine the areas of critical need, and the physician so certified may practice in any of those areas for a time to be determined by the board. Such areas shall include, but not be limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

(a) A recipient of a temporary certificate for practice in areas of critical need may use the license to work for any approved employer in any area of critical need approved by the board.

(b) The recipient of a temporary certificate for practice in areas of critical need shall, within 30 days after accepting employment, notify the board of all approved institutions in which the licensee practices and of all approved institutions where practice privileges have been denied.

(c) A physician practicing under a temporary certificate is immune from civil liability for any act or omission by such physician which results in personal injury or property damage if:

1. The physician was acting in good faith within the scope of his or her duties and was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances; and

2. The injury or damage was not caused by any wanton or willful misconduct on the part of the physician in the performance of such duties.

(2) The board may administer an abbreviated oral examination to determine the physician's competency, but no written regular examination is necessary. Within 60 days after receipt of an application for a temporary certificate, the board shall review the application and issue the temporary certificate or notify the applicant of denial.

Section 19. Subsection (6) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action under as specified in s. 458.331.

Section 20. Subsections (1) and (2) of section 458.331, Florida Statutes, are amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board. A treatment provider approved pursuant to s. 456.076 shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed physician.

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed physician.

(i) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.

(j) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(k) Making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

(o) Promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the physician to himself or herself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed may not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel,

transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(dd) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

(gg) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(hh) Improperly interfering with an investigation or with any disciplinary proceeding.

(ii) Failing to report to the department any licensee under this chapter or under chapter 459 who the physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician or physician assistant also provides services.

(jj) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(kk) Failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

(mm) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(nn) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:*

(a) ~~Refusal to certify, or certification with restrictions, to the department an application for licensure, certification, or registration.~~

(b) ~~Revocation or suspension of a license.~~

(c) ~~Restriction of practice.~~

(d) ~~Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~

(e) ~~Issuance of a reprimand.~~

(f) ~~Placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physician.~~

(g) ~~Issuance of a letter of concern.~~

(h) ~~Corrective action.~~

(i) ~~Refund of fees billed to and collected from the patient.~~

(j) ~~Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 21. Subsection (2) of section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute grounds the basis for imposing a disciplinary action under penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

Section 22. Subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(g) The Board of Medicine may impose any of the penalties *authorized under specified in* ss. 456.072 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has

been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 456.

Section 23. Subsection (6) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action ~~under as specified in~~ s. 459.015.

Section 24. Subsections (1) and (2) of section 459.015, Florida Statutes, are amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice osteopathic medicine or a certificate issued under this chapter by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of administrative charges against the physician shall be construed as action against the physician's license.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of osteopathic medicine or to the ability to practice osteopathic medicine. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department or the department's impaired professional consultant any person who the licensee or certificateholder knows is in violation of this chapter or of the rules of the department or the board. A treatment provider, approved pursuant to s. 456.076, shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice osteopathic medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed osteopathic physician.

(h) Giving false testimony in the course of any legal or administrative proceedings relating to the practice of medicine or the delivery of health care services.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed osteopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, person, partnership, firm, corporation, or other business entity, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an osteopathic physician from receiving a fee for professional consultation services.

(k) Refusing to provide health care based on a patient's participation in pending or past litigation or participation in any disciplinary action conducted pursuant to this chapter, unless such litigation or disciplinary action directly involves the osteopathic physician requested to provide services.

(l) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of osteopathic medicine or employing a trick or scheme in the practice of osteopathic medicine.

(n) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or forms of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(o) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(p) Fraudulently altering or destroying records relating to patient care or treatment, including, but not limited to, patient histories, examination results, and test results.

(q) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs.

(r) Promoting or advertising on any prescription form of a community pharmacy, unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(s) Performing professional services which have not been duly authorized by the patient or client or his or her legal representative except as provided in s. 743.064, s. 766.103, or s. 768.13.

(t) Prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the osteopathic physician's professional practice, without regard to his or her intent.

(u) Prescribing or dispensing any medicinal drug appearing on any schedule set forth in chapter 893 by the osteopathic physician for himself or herself or administering any such drug by the osteopathic physician to himself or herself unless such drug is prescribed for the osteopathic physician by another practitioner authorized to prescribe medicinal drugs.

(v) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

(w) Being unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, have the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order di-

recting such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificate-holder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

(y) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(z) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(aa) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(bb) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.~~

(cc) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(dd) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(ee) Presigning blank prescription forms.

(ff) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the osteopathic physician for office use.

(gg) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or Sched-

ule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(hh) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, advanced registered nurse practitioners, or other persons acting under the supervision of the osteopathic physician.

(ii) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(jj) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(kk) Improperly interfering with an investigation or with any disciplinary proceeding.

(ll) Failing to report to the department any licensee under chapter 458 or under this chapter who the osteopathic physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician or physician assistant also provides services.

(mm) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

(oo) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(pp) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Refusal to certify, or certify with restrictions, to the department an application for certification, licensure, renewal, or reactivation.~~

~~(b) Revocation or suspension of a license or certificate.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Issuance of a letter of concern.~~

~~(g) Placement of the osteopathic physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the osteopathic physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another osteopathic physician.~~

~~(h) Corrective action.~~

~~(i) Refund of fees billed to and collected from the patient.~~

~~(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 25. Paragraph (f) of subsection (7) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(f) The Board of Osteopathic Medicine may impose any of the penalties *authorized under specified in* ss. 456.072 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 456.

Section 26. Subsections (1) and (2) of section 460.413, Florida Statutes, are amended to read:

460.413 Grounds for disciplinary action; action by board or department.—

(1) The following acts ~~shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic medicine or to the ability to practice chiropractic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Causing to be advertised, by any means whatsoever, any advertisement which does not contain an assertion or statement which would identify herself or himself as a chiropractic physician or identify such chiropractic clinic or related institution in which she or he practices or in which she or he is owner, in whole or in part, as a chiropractic institution.

(f) Advertising, practicing, or attempting to practice under a name other than one's own.

(g) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic medicine contrary to this chapter or to a rule of the department or the board.

(i) Failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician.

(j) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity of a licensed chiropractic physician.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic medicine or employing a trick or scheme in the practice of chiropractic medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic medical community.

(l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(m) Failing to keep legibly written chiropractic medical records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and diagnosis of a disease, condition, or injury. X rays need not be retained for more than 4 years.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods or appliances, or drugs.

(o) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.

(p) Prescribing, dispensing, or administering any medicinal drug except as authorized by s. 460.403(9)(c)2., performing any surgery, or practicing obstetrics.

(q) Being unable to practice chiropractic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of chiropractic medicine with reasonable skill and safety to patients.

(r) Gross or repeated malpractice or the failure to practice chiropractic medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this provision. A recommended order by an administrative law judge, or a final order of the board finding a violation under this section shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice chiropractic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances" or any combination thereof, and any publication by the board shall so specify.

(s) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(t) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the

licensee knows or has reason to know that she or he is not competent to perform.

(u) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(v) ~~Violating any provision of this chapter, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(x) Submitting to any third-party payor a claim for a service or treatment which was not actually provided to a patient.

(y) Failing to preserve identity of funds and property of a patient. As provided by rule of the board, money or other property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment, is to be held in trust and must be applied only to that purpose. Money and other property of patients coming into the hands of a chiropractic physician are not subject to counterclaim or setoff for chiropractic physician's fees, and a refusal to account for and deliver over such money and property upon demand shall be deemed a conversion. This is not to preclude the retention of money or other property upon which the chiropractic physician has a valid lien for services or to preclude the payment of agreed fees from the proceeds of transactions for examinations or treatments. Controversies as to the amount of the fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive or extortionate, or the demand is fraudulent. All funds of patients paid to a chiropractic physician, other than advances for costs and expenses, shall be deposited in one or more identifiable bank accounts maintained in the state in which the chiropractic physician's office is situated, and no funds belonging to the chiropractic physician shall be deposited therein except as follows:

1. Funds reasonably sufficient to pay bank charges may be deposited therein.

2. Funds belonging in part to a patient and in part presently or potentially to the physician must be deposited therein, but the portion belonging to the physician may be withdrawn when due unless the right of the physician to receive it is disputed by the patient, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

Every chiropractic physician shall maintain complete records of all funds, securities, and other properties of a patient coming into the possession of the physician and render appropriate accounts to the patient regarding them. In addition, every chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive.

(z) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured.

(aa) Failing to provide, upon request of the insured, a copy of a claim submitted to any third-party payor for service or treatment of the insured.

(bb) Advertising a fee or charge for a service or treatment which is different from the fee or charge the licensee submits to third-party payors for that service or treatment.

(cc) Advertising any reduced or discounted fees for services or treatments, or advertising any free services or treatments, without prominently stating in the advertisement the usual fee of the licensee for the service or treatment which is the subject of the discount, rebate, or free offering.

(dd) Using acupuncture without being certified pursuant to s. 460.403(9)(f).

(ee) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the chiropractic physician or chiropractic physician's assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician or chiropractic physician's assistant also provides services.

(ff) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

- ~~(a) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Restriction of practice.~~
- ~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~
- ~~(e) Issuance of a reprimand.~~
- ~~(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.~~
- ~~(g) Imposition of costs of the investigation and prosecution.~~
- ~~(h) Requirement that the chiropractic physician undergo remedial education.~~
- ~~(i) Issuance of a letter of concern.~~
- ~~(j) Corrective action.~~
- ~~(k) Refund of fees billed to and collected from the patient or a third party.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the chiropractic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

Section 27. Subsections (1) and (2) of section 461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

- (a) Attempting to obtain, obtaining, or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.
- (b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.
- (c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatric medicine or to the ability to practice podiatric medicine. Any plea of

nolo contendere shall be considered a conviction for purposes of this chapter.

- (d) False, deceptive, or misleading advertising.
- (e) Advertising, practicing, or attempting to practice under a name other than one's own.
- (f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.
- (g) Aiding, assisting, procuring, permitting, or advising any unlicensed person to practice podiatric medicine contrary to this chapter or to rule of the department or the board.
- (h) Failing to perform any statutory or legal obligation placed upon a licensed podiatric physician.
- (i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatric physician.
- (j) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.
- (k) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.
- (l) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.
- (m) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."
- (n) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.
- (o) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatric physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatric physician's professional practice, without regard to her or his intent.
- (p) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatric physician to herself or himself except those prescribed, dispensed, or administered to the podiatric physician by another practitioner authorized to prescribe, dispense, or administer them.
- (q) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.
- (r) Being unable to practice podiatric medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatric physician to submit to a mental or physical examination by physicians

designated by the department. Failure of a podiatric physician to submit to such examination when directed shall constitute an admission of the allegations against her or him, unless the failure was due to circumstances beyond her or his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatric physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of podiatric medicine with reasonable skill and safety to patients.

(s) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this section. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the podiatric physicians. As used in this paragraph, "gross malpractice" or "the failure to practice podiatric medicine with the level of care, skill, and treatment which is recognized by a reasonably prudent similar podiatric physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act.

(t) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(u) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(v) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(w) ~~Violating any provision of this chapter or chapter 456, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.~~

(x) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(y) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for any of the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(z) Fraud, deceit, or misconduct in the practice of podiatric medicine.

(aa) Failing to report to the department any licensee under chapter 458 or chapter 459 who the podiatric physician knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatric physician also provides services.

(bb) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(cc) ~~Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

(2) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or~~

~~licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placing the podiatric physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatric physician to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatric physician.~~

~~(g) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

Section 28. Subsections (1) and (2) of section 462.14, Florida Statutes, are amended to read:

462.14 Grounds for disciplinary action; action by the department.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

(a) Attempting to obtain, obtaining, or renewing a license to practice naturopathic medicine by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice naturopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of naturopathic medicine or to the ability to practice naturopathic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice naturopathic medicine contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed naturopathic physician.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed naturopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a naturopathic physician from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with her or his physician.

(l) Making deceptive, untrue, or fraudulent representations in the practice of naturopathic medicine or employing a trick or scheme in the practice of naturopathic medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and records of the prescribing, dispensing and administering of drugs.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form also states "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the naturopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the naturopathic physician's professional practice, without regard to her or his intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the naturopathic physician to herself or himself, except one prescribed, dispensed, or administered to the naturopathic physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice naturopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a naturopathic physician to submit to a mental or physical examination by physicians designated by the department. The failure of a naturopathic physician to submit to such an examination when so directed shall constitute an admission of the allegations against her or him upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the naturopathic physician's control. A naturopathic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of naturopathic medicine with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department may be used against a naturopathic physician in any other proceeding.

(t) Gross or repeated malpractice or the failure to practice naturopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The department shall give great weight to the provisions of s. 766.102 when enforcing this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, consti-

tutes experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) ~~Violating any provision of this chapter, any rule of the department, or a lawful order of the department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing by the naturopathic physician for office use any medicinal drug appearing on Schedule II in chapter 893.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug, or a compound designated pursuant to chapter 893 as a Schedule II controlled substance to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction.

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities.

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the department before such investigation is begun.

(dd) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ee) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

(a) ~~Refusal to certify to the department an application for licensure.~~

(b) ~~Revocation or suspension of a license.~~

(c) ~~Restriction of practice.~~

(d) ~~Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the naturopathic physician on probation for a period of time and subject to such conditions as the department may specify, including, but not limited to, requiring the naturopathic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another naturopathic physician.~~

Section 29. Subsections (1) and (2) of section 463.016, Florida Statutes, are amended to read:

463.016 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:

(a) Procuring or attempting to procure a license to practice optometry by bribery, by fraudulent misrepresentations, or through an error of the department or board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Having a license to practice optometry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction.

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of optometry or to the ability to practice optometry. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed by the licensee in her or his capacity as a licensed practitioner.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Fraud or deceit, negligence or incompetency, or misconduct in the practice of optometry.

(h) A violation or repeated violations of provisions of this chapter, or of chapter 456, and any rules promulgated pursuant thereto.

(i) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(j) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(k) Failing to keep written optometric records about the examinations, treatments, and prescriptions for patients.

(l) Willfully failing to report any person who the licensee knows is in violation of this chapter or of rules of the department or the board.

(m) Gross or repeated malpractice.

(n) Practicing with a revoked, suspended, inactive, or delinquent license.

(o) Being unable to practice optometry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A licensed practitioner affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of optometry with reasonable skill and safety to patients.

(p) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida laws or rules regulating optometry.

(q) Violating any provision of s. 463.014 or s. 463.015.

(r) Violating any lawful order of the board or department, previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensed practitioner knows or has reason to know she or he is not competent to perform.

~~(t) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The department may enter an order imposing any of the penalties in s. 456.072(2) against any licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensed practitioner on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensed practitioner to submit to treatment, to attend continuing education courses, or to work under the supervision of another licensed practitioner.~~

Section 30. Subsections (1) and (2) of section 464.018, Florida Statutes, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts constitute shall be grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) disciplinary action set forth in this section:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.

2. A violation of chapter 812, relating to theft, robbery, and related crimes.

3. A violation of chapter 817, relating to fraudulent practices.

4. A violation of chapter 800, relating to lewdness and indecent exposure.

5. A violation of chapter 784, relating to assault, battery, and culpable negligence.

6. A violation of chapter 827, relating to child abuse.

7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

(e) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

(f) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse's capacity as a licensed nurse.

(g) False, misleading, or deceptive advertising.

(h) Unprofessional conduct, which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, in which case actual injury need not be established.

(i) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part.

(j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of nursing with reasonable skill and safety to patients.

(k) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this part, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(m) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.

(n) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license with reinstatement subject to the provisions of subsection (3).~~

~~(c) Permanent revocation of a license.~~

~~(d) Restriction of practice.~~

~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(f) Issuance of a reprimand.~~

~~(g) Placement of the nurse on probation for a period of time and subject to such conditions as the board may specify, including requiring the nurse to submit to treatment, to attend continuing education courses, to take an examination, or to work under the supervision of another nurse.~~

Section 31. Subsection (3) of section 465.008, Florida Statutes, is amended to read:

465.008 Renewal of license.—

~~(3) Sixty days prior to the end of the biennium the department shall mail a notice of renewal to the last known address of the licensee.~~

Section 32. Subsections (1) and (2) of section 465.016, Florida Statutes, are amended to read:

465.016 Disciplinary actions.—

(1) The following acts *constitute* ~~shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~disciplinary action set forth in this section:~~

(a) Obtaining a license by misrepresentation or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Permitting any person not licensed as a pharmacist in this state or not registered as an intern in this state, or permitting a registered intern who is not acting under the direct and immediate personal supervision of a licensed pharmacist, to fill, compound, or dispense any prescriptions in a pharmacy owned and operated by such pharmacist or in a pharmacy where such pharmacist is employed or on duty.

(d) Being unfit or incompetent to practice pharmacy by reason of:

1. Habitual intoxication.

2. The misuse or abuse of any medicinal drug appearing in any schedule set forth in chapter 893.

3. Any abnormal physical or mental condition which threatens the safety of persons to whom she or he might sell or dispense prescriptions, drugs, or medical supplies or for whom she or he might manufacture, prepare, or package, or supervise the manufacturing, preparation, or packaging of, prescriptions, drugs, or medical supplies.

(e) ~~Violating any of the requirements of this chapter; or if licensed as a practitioner in this or any other state, violating any of the requirements of their respective practice act or violating chapter 499; 21 U.S.C. ss. 301-392, known as the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse Prevention and Control Act; or chapter 893.~~

(f) Having been convicted or found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy. A plea of nolo contendere constitutes a conviction for purposes of this provision.

(g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in s. 465.019(6) or s. 465.025.

(h) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this chapter.

(i) Compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional

practice of pharmacy. For purposes of this paragraph, it shall be legally presumed that the compounding, dispensing, or distributing of legend drugs in excessive or inappropriate quantities is not in the best interests of the patient and is not in the course of the professional practice of pharmacy.

(j) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records include only those which the licensee is required to make or file in her or his capacity as a licensed pharmacist.

(k) Failing to make prescription fee or price information readily available by failing to provide such information upon request and upon the presentation of a prescription for pricing or dispensing. Nothing in this section shall be construed to prohibit the quotation of price information on a prescription drug to a potential consumer by telephone.

(l) Placing in the stock of any pharmacy any part of any prescription compounded or dispensed which is returned by a patient; however, in a hospital, nursing home, correctional facility, or extended care facility in which unit-dose medication is dispensed to inpatients, each dose being individually sealed and the individual unit dose or unit-dose system labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any, the unused unit dose of medication may be returned to the pharmacy for redispensing. Each pharmacist shall maintain appropriate records for any unused or returned medicinal drugs.

(m) Being unable to practice pharmacy with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A pharmacist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of pharmacy with reasonable skill and safety to her or his customers.

(n) Violating a rule of the board or department or violating an order of the board or department previously entered in a disciplinary hearing.

(o) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides services.

(p) Failing to notify the Board of Pharmacy in writing within 20 days of the commencement or cessation of the practice of the profession of pharmacy in Florida when such commencement or cessation of the practice of the profession of pharmacy in Florida was a result of a pending or completed disciplinary action or investigation in another jurisdiction.

(q) Using or releasing a patient's records except as authorized by this chapter and chapter 456.

(r) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including, but not~~

~~limited to, requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.~~

Section 33. Subsections (1) and (2) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery, fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of dentistry or dental hygiene. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.

(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content contrary to s. 466.019 or rules of the board adopted pursuant thereto.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows, or has reason to believe, is clearly in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene contrary to this chapter or to a rule of the department or the board.

(h) Being employed by any corporation, organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists to practice dentistry.

(i) Failing to perform any statutory or legal obligation placed upon a licensee.

(j) Making or filing a report which the licensee knows to be false, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensee.

(k) Committing any act which would constitute sexual battery, as defined in chapter 794, upon a patient or intentionally touching the sexual organ of a patient.

(l) Making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry.

(m) Failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, test results, and X rays, if taken.

(n) Failing to make available to a patient or client, or to her or his legal representative or to the department if authorized in writing by the patient, copies of documents in the possession or under control of the licensee which relate to the patient or client.

(o) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in ss. 766.103 and 768.13.

(p) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist. For

the purposes of this paragraph, it shall be legally presumed that prescribing, procuring, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to her or his intent.

(q) Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by a dentist to herself or himself, except those prescribed, dispensed, or administered to the dentist by another practitioner authorized to prescribe them.

(r) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or a compound thereof, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(s) Being unable to practice her or his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or her or his designee that probable cause exists to believe that the licensee is unable to practice dentistry or dental hygiene because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of her or his profession with reasonable skill and safety to patients.

(t) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene.

(u) Failure to provide and maintain reasonable sanitary facilities and conditions.

(v) Failure to provide adequate radiation safeguards.

(w) Performing any procedure or prescribing any therapy which, by the prevailing standards of dental practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(x) Being guilty of incompetence or negligence by failing to meet the minimum standards of performance in diagnosis and treatment when measured against generally prevailing peer performance, including, but not limited to, the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience or being guilty of dental malpractice. For purposes of this paragraph, it shall be legally presumed that a dentist is not guilty of incompetence or negligence by declining to treat an individual if, in the dentist's professional judgment, the dentist or a member of her or his clinical staff is not qualified by training and experience, or the dentist's treatment facility is not clinically satisfactory or properly equipped to treat the unique characteristics and health status of the dental patient, provided the dentist refers the patient to a qualified dentist or facility for appropriate treatment. As used in this paragraph, "dental malpractice" includes, but is not limited to, three or more claims within the previous 5-year period which resulted in indemnity being paid, or any single indemnity paid in excess of \$5,000 in a judgment or settlement, as a result of negligent conduct on the part of the dentist.

(y) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(z) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform them.

~~(aa) The violation or the repeated violation of this chapter, chapter 456, or any rule promulgated pursuant to chapter 456 or this chapter; the violation of a lawful order of the board or department previously entered in a disciplinary hearing; or failure to comply with a lawfully issued subpoena of the board or department.~~

(bb) Conspiring with another licensee or with any person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(cc) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication.

(dd) Presigning blank prescription or laboratory work order forms.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Operating or causing to be operated a dental office in such a manner as to result in dental treatment that is below minimum acceptable standards of performance for the community. This includes, but is not limited to, the use of substandard materials or equipment, the imposition of time limitations within which dental procedures are to be performed, or the failure to maintain patient records as required by this chapter.

(gg) Administering anesthesia in a manner which violates rules of the board adopted pursuant to s. 466.017.

(hh) Failing to report to the department any licensee under chapter 458 or chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

(ii) Failing to report to the board, in writing, within 30 days if action has been taken against one's license to practice dentistry in another state, territory, or country.

(jj) Advertising specialty services in violation of this chapter.

(kk) Allowing any person other than another dentist or a professional corporation or limited liability company composed of dentists to direct, control, or interfere with a dentist's clinical judgment; however, this paragraph may not be construed to limit a patient's right of informed consent. To direct, control, or interfere with a dentist's clinical judgment may not be interpreted to mean dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

(ll) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any applicant or licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

~~(a) Denial of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$3,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or demonstrate competency through a written or practical examination or to work under the supervision of another licensee.~~

~~(f) Restricting the authorized scope of practice.~~

Section 34. Section 466.037, Florida Statutes, is amended to read:

466.037 Suspension and revocation; administrative fine.—The department may suspend or revoke the certificate of any dental laboratory registered under s. 466.032, for failing to comply with the provisions of this chapter or rules adopted by the department under this chapter. The department may impose an administrative fine not to exceed \$500 for each count or separate offense.

Section 35. Subsections (1) and (2) of section 467.203, Florida Statutes, are amended to read:

467.203 Disciplinary actions; penalties.—

(1) The following acts ~~constitute shall be~~ grounds for ~~denial of a license or disciplinary action, as specified in s. 456.072(2) disciplinary action as set forth in this section:~~

(a) Procuring, attempting to procure, or renewing a license to practice midwifery by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of midwifery or to the ability to practice midwifery. A plea of nolo contendere shall be considered a conviction for purposes of this provision.

(d) Making or filing a false report or record, which the licensee knows to be false; intentionally or negligently failing to file a report or record required by state or federal law; or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records shall include only those which are signed in the midwife's capacity as a licensed midwife.

(e) Advertising falsely, misleadingly, or deceptively.

(f) Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the department, in which case actual injury need not be established.

(g) Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A midwife affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of midwifery with reasonable skill and safety.

(h) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

~~(i) Willfully or repeatedly Violating any provision of this chapter, any rule of the department, or any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.~~

~~(j) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

(2) ~~The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1)~~

~~of this section or who is found guilty of violating any provision of s. 456.072(1). When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to approve an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the midwife on probation for such period of time and subject to such conditions as the department may specify, including requiring the midwife to submit to treatment; undertake further relevant education or training; take an examination; or work under the supervision of another licensed midwife, a physician, or a nurse midwife licensed under part I of chapter 464.~~

Section 36. Subsections (1) and (2) of section 468.1295, Florida Statutes, are amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for ~~denial of a license or disciplinary action, as specified in s. 456.072(2) both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 456.065:~~

(a) Procuring or attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetence, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, employing, or advising any licensee or business entity to practice speech-language pathology or audiology contrary to this part, chapter 456, or any rule adopted pursuant thereto.

~~(m) Violating any provision of this part or chapter 456 or any rule adopted pursuant thereto.~~

~~(m)(n)~~ Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate.

~~(n)(o)~~ Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

~~(o)(p)~~ Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

~~(p)(q)~~ Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

~~(q)(r)~~ Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

~~(r)(s)~~ Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual, when such is not the case.

~~(s)(t)~~ Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

~~(t)(u)~~ Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change.

~~(u)(v)~~ Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

~~(v)(w)~~ Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

~~(w)(x)~~ Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

~~(x)(y)~~ Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

~~(y)(z)~~ Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

~~(z)(aa)~~ Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

~~(aa)(bb)~~ Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical

worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

~~(bb) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify, or to certify with restrictions, an application for licensure.~~

~~(b) Suspension or permanent revocation of a license.~~

~~(c) Issuance of a reprimand.~~

~~(d) Restriction of the authorized scope of practice.~~

~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(f) Placement of the licensee or certificateholder on probation for a period of time and subject to such conditions as the board may specify. Those conditions may include, but are not limited to, requiring the licensee or certificateholder to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violation found.~~

~~(g) Corrective action.~~

Section 37. Subsections (1) and (2) of section 468.1755, Florida Statutes, are amended to read:

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).

(b) Attempting to procure a license to practice nursing home administration by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(c) Having a license to practice nursing home administration revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which relates to the practice of nursing home administration or the ability to practice nursing home administration. Any plea of nolo contendere shall be considered a conviction for purposes of this part.

(e) Making or filing a report or record which the licensee knows to be false, intentionally failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed nursing home administrator.

(f) Authorizing the discharge or transfer of a resident for a reason other than those provided in ss. 400.022 and 400.0255.

(g) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(h) Fraud or deceit, negligence, incompetence, or misconduct in the practice of nursing home administration.

~~(i) A violation or repeated violations of this part, chapter 456, or any rules promulgated pursuant thereto.~~

(i)(j) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(j)(k) Practicing with a revoked, suspended, inactive, or delinquent license.

(k)(l) Repeatedly acting in a manner inconsistent with the health, safety, or welfare of the patients of the facility in which he or she is the administrator.

~~(l)(m)~~ Being unable to practice nursing home administration with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to serve as a nursing home administrator due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as a nursing home administrator. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall have the opportunity, at reasonable intervals, to demonstrate that he or she can resume the competent practice of nursing home administration with reasonable skill and safety to patients.

~~(m)(n)~~ Willfully or repeatedly violating any of the provisions of the law, code, or rules of the licensing or supervising authority or agency of the state or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes.

(n)(o) Paying, giving, causing to be paid or given, or offering to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home usage.

(o)(p) Willfully permitting unauthorized disclosure of information relating to a patient or his or her records.

(p)(q) Discriminating with respect to patients, employees, or staff on account of race, religion, color, sex, or national origin.

(q) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any nursing home administrator guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Denial of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring~~

~~the licensee to attend continuing education courses or to work under the supervision of another licensee.~~

~~(f) Restriction of the authorized scope of practice.~~

Section 38. Section 468.217, Florida Statutes, is amended to read:

468.217 Denial of or refusal to renew license; suspension and revocation of license and other disciplinary measures.—

(1) *The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) The board may deny or refuse to renew a license, suspend or revoke a license, issue a reprimand, impose a fine, or impose probationary conditions upon a licensee, when the licensee or applicant for license has been guilty of unprofessional conduct which has endangered, or is likely to endanger, the health, welfare, or safety of the public. Such unprofessional conduct includes:*

(a) Attempting to obtain, obtaining, or renewing a license to practice occupational therapy by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license to practice occupational therapy revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of occupational therapy or to the ability to practice occupational therapy. A plea of nolo contendere shall be considered a conviction for the purposes of this part.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own name.

(f) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or of the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice occupational therapy contrary to this part or to a rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed occupational therapist or occupational therapy assistant.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those which are signed in the capacity as a licensed occupational therapist or occupational therapy assistant.

(j) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an occupational therapist or occupational therapy assistant from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-therapist relationship for purposes of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's occupational therapist or occupational therapy assistant.

(l) Making deceptive, untrue, or fraudulent representations in the practice of occupational therapy or employing a trick or scheme in the practice of occupational therapy if such scheme or trick fails to conform to the generally prevailing standards of treatment in the occupational therapy community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication

which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 768.13.

(q) Gross or repeated malpractice or the failure to practice occupational therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar occupational therapist or occupational therapy assistant as being acceptable under similar conditions and circumstances.

(r) Performing any procedure which, by the prevailing standards of occupational therapy practice in the community, would constitute experimentation on a human subject without first obtaining full, informed, and written consent.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t) Being unable to practice occupational therapy with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel an occupational therapist or occupational therapy assistant to submit to a mental or physical examination by physicians designated by the department. The failure of an occupational therapist or occupational therapy assistant to submit to such examination when so directed constitutes an admission of the allegations against him or her, upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his or her control. An occupational therapist or occupational therapy assistant affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of occupational therapy with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against an occupational therapist or occupational therapy assistant in any other proceeding.

(u) Delegating professional responsibilities to a person when the licensee who is delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(v) ~~Violating any provision of this part, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(x) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).*

(3)(2) The board may not reinstate the license of an occupational therapist or occupational therapy assistant, or cause a license to be

issued to a person it has deemed unqualified, until such time as the board is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of safely engaging in the practice of occupational therapy.

Section 39. Subsections (1) and (2) of section 468.365, Florida Statutes, are amended to read:

468.365 Disciplinary grounds and actions.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:*

(a) Procuring, attempting to procure, or renewing a license as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of licensure, certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner or respiratory therapist licensed pursuant to this part.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board in rules adopted pursuant to this part.

(g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

(h) Willfully failing to report any violation of this part.

(i) ~~Willfully or repeatedly~~ Violating a rule of the board or the department or a lawful order of the board or department previously entered in a disciplinary hearing.

~~(j) Violation of any rule adopted pursuant to this part or chapter 456.~~

~~(j)(k)~~ Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive license.

~~(k)(l)~~ Permitting, aiding, assisting, procuring, or advising any person who is not licensed pursuant to this part, contrary to this part or to any rule of the department or the board.

~~(l)(m)~~ Failing to perform any statutory or legal obligation placed upon a respiratory care practitioner or respiratory therapist licensed pursuant to this part.

~~(m)(n)~~ Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

~~(n)(o)~~ Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.

~~(o)(p)~~ Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist with similar professional training as being acceptable under similar conditions and circumstances.

(p)(q) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent the licensee from receiving a fee for professional consultation services.

(q)(r) Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.

(r)(s) Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other licensees within the community.

(s)(t) Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.

(t)(u) Failing to keep written respiratory care records justifying the reason for the action taken by the licensee.

(u)(v) Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(v)(w) Performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other health care provider, or the board, except as provided in ss. 743.064, 766.103, and 768.13.

(w)(x) Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of examination shall be borne by the licensee being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against her or him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent delivery of respiratory care services with reasonable skill and safety to her or his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.

(x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). If the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Denial of an application for licensure.
- (b) Revocation or suspension of licensure.
- (c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Placement of the respiratory care practitioner or respiratory therapist on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the respiratory care practitioner or respiratory therapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another respiratory care practitioner or respiratory therapist.

(e) Issuance of a reprimand.

Section 40. Subsections (1) and (2) of section 468.518, Florida Statutes, are amended to read:

468.518 Grounds for disciplinary action.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:

(a) Violating any provision of this part, any board or agency rule adopted pursuant thereto, or any lawful order of the board or agency previously entered in a disciplinary hearing held pursuant to this part, or failing to comply with a lawfully issued subpoena of the agency. The provisions of this paragraph also apply to any order or subpoena previously issued by the Department of Health during its period of regulatory control over this part.

(b) Being unable to engage in dietetics and nutrition practice or nutrition counseling with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. A licensee whose license is suspended or revoked pursuant to this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that he or she can resume the competent practice of dietetics and nutrition or nutrition counseling with reasonable skill and safety to patients.

2. Neither the record of the proceeding nor the orders entered by the board in any proceeding under this paragraph may be used against a licensee in any other proceeding.

(c) Attempting to procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud or material misrepresentation of material fact.

(d) Having a license to practice dietetics and nutrition or nutrition counseling revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, district, territory, or country.

(e) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dietetics and nutrition or nutrition counseling or the ability to practice dietetics and nutrition or nutrition counseling.

(f) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed dietitian/nutritionist or licensed nutrition counselor.

(g) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(h) Committing an act of fraud or deceit, or of negligence, incompetence, or misconduct in the practice of dietetics and nutrition or nutrition counseling.

(i) Practicing with a revoked, suspended, inactive, or delinquent license.

(j) Treating or undertaking to treat human ailments by means other than by dietetics and nutrition practice or nutrition counseling.

(k) Failing to maintain acceptable standards of practice as set forth by the board and the council in rules adopted pursuant to this part.

(l) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or profiting by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this part prohibits the members of any regularly and properly organized business entity that is composed of licensees under this part and recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(m) Advertising, by or on behalf of a licensee under this part, any method of assessment or treatment which is experimental or without generally accepted scientific validation.

(n) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Denial of an application for licensure;~~
- ~~(b) Revocation or suspension of a license;~~
- ~~(c) Imposition of an administrative fine not to exceed \$1,000 for each violation;~~
- ~~(d) Issuance of a reprimand or letter of guidance;~~
- ~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of a licensed dietitian/nutritionist or licensed nutrition counselor; or~~
- ~~(f) Restriction of the authorized scope of practice of the licensee.~~

Section 41. Section 468.719, Florida Statutes, is amended to read:

468.719 Disciplinary actions.—

(1) The following acts ~~shall be~~ constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~disciplinary actions provided for in subsection (2):~~

~~(a) A violation of any law relating to the practice of athletic training, including, but not limited to, any violation of this part, s. 456.072, or any rule adopted pursuant thereto.~~

~~(a)(b)~~ Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.

~~(b)(e)~~ Committing incompetency or misconduct in the practice of athletic training.

~~(c)(d)~~ Committing fraud or deceit in the practice of athletic training.

~~(d)(e)~~ Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.

~~(e)(f)~~ While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.

~~(f)~~ *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s.*

~~456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), the board may enter an order imposing one or more of the penalties provided in s. 456.072.~~

Section 42. Section 468.811, Florida Statutes, is amended to read:

468.811 Disciplinary proceedings.—

(1) The following acts ~~constitute~~ are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 456.072, against any person who engages in or aids in a violation.~~

(a) Attempting to procure a license by fraudulent misrepresentation.

(b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.

(c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.

(d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

~~(f) Violation of this act or chapter 456, or any rules adopted thereunder.~~

~~(f)(g)~~ Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

~~(g)(h)~~ Practicing with a revoked, suspended, or inactive license.

~~(h)(i)~~ Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

~~(i)(j)~~ Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

~~(j)~~ *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). The board may enter an order imposing one or more of the penalties in s. 456.072(2) against any person who violates any provision of subsection (1).*

Section 43. Subsections (1) and (2) of section 478.52, Florida Statutes, are amended to read:

478.52 Disciplinary proceedings.—

(1) The following acts ~~constitute~~ are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which the disciplinary actions in subsection (2) may be taken:~~

(a) Obtaining or attempting to obtain a license by bribery, fraud, or knowing misrepresentation.

(b) Having a license or other authority to deliver electrolysis services revoked, suspended, or otherwise acted against, including denial of licensure, in another jurisdiction.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime, in any jurisdiction, which directly relates to the practice of electrology.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required for electrologists, or willfully impeding or obstructing the filing of a report or record required by this act or inducing another person to do so.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, including any departure from, or failure to conform to, acceptable standards related to the delivery of electrolysis services.

(g) Engaging or attempting to engage in the illegal possession, sale, or distribution of any illegal or controlled substance.

(h) Willfully failing to report any known violation of this chapter.

(i) Willfully or repeatedly violating a rule adopted under this chapter, or an order of the board or department previously entered in a disciplinary hearing.

(j) Engaging in the delivery of electrolysis services without an active license.

(k) Employing an unlicensed person to practice electrology.

(l) Failing to perform any statutory or legal obligation placed upon an electrologist.

(m) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

(n) Delegating professional responsibilities to a person the licensee knows, or has reason to know, is unqualified by training, experience, or licensure to perform.

(o) Gross or repeated malpractice or the inability to practice electrology with reasonable skill and safety.

(p) Judicially determined mental incompetency.

(q) Practicing or attempting to practice electrology under a name other than her or his own.

(r) Being unable to practice electrology with reasonable skill and safety because of a mental or physical condition or illness, or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

1. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and her or his failure to submit to such an examination constitutes an admission of the allegations against her or him, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control.

2. A licensee who is disciplined under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that she or he can resume the practice of electrology with reasonable skill and safety.

3. In any proceeding under this paragraph, the record of proceedings or the orders entered by the board may not be used against a licensee in any other proceeding.

(s) Disclosing the identity of or information about a patient without written permission, except for information which does not identify a patient and which is used for training purposes in an approved electrolysis training program.

(t) Practicing or attempting to practice any permanent hair removal except as described in s. 478.42(5).

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

(v) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

~~(a) Deny the application for licensure.~~

~~(b) Revoke or suspend the license.~~

~~(c) Impose an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(d) Place the licensee on probation for a specified time and subject the licensee to such conditions as the board determines necessary, including, but not limited to, requiring treatment, continuing education courses, reexamination, or working under the supervision of another licensee.~~

~~(e) Issue a reprimand to the licensee.~~

~~(f) Restriction of a licensee's practice.~~

Section 44. Subsections (1) and (2) of section 480.046, Florida Statutes, are amended to read:

480.046 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which disciplinary actions specified in subsection (2) may be taken against a massage therapist or massage establishment licensed under this act:~~

(a) Attempting to procure a license to practice massage by bribery or fraudulent misrepresentation.

(b) Having a license to practice massage revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of this chapter or to a rule of the department or the board.

(f) Making deceptive, untrue, or fraudulent representations in the practice of massage.

(g) Being unable to practice massage with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a massage therapist to submit to a mental or physical examination by physicians designated by the department. Failure of a massage therapist to submit to such examination when so directed, unless the failure was due to circumstances beyond her or his control, shall constitute an admission of the allegations against her or him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A massage therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of massage with reasonable skill and safety to clients.

(h) Gross or repeated malpractice or the failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.

(i) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(j) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform.

(k) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.~~

(l) Refusing to permit the department to inspect the business premises of the licensee during regular business hours.

(m) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.

(n) Practicing massage at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by rules adopted by the board, may provide massage services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.

(o) ~~Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

(2) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to license an applicant.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Issuance of a reprimand or censure.~~

~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

Section 45. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which disciplinary actions specified in s. 483.827 may be taken against applicants, registrants, and licensees under this part:*

(a)(1) Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b)(2) Engaging in or attempting to engage in, or representing herself or himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to her or his license.

(c)(3) Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.

(d)(4) Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

(e)(5) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of clinical laboratory personnel or involves moral turpitude or fraudulent or dishonest dealing. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

~~(f)(6) Having been adjudged mentally or physically incompetent.~~

~~(g)(7) Violating or Aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.~~

~~(h)(8) Reporting a test result when no laboratory test was performed on a clinical specimen.~~

~~(i)(9) Knowingly advertising false services or credentials.~~

~~(j)(10) Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.~~

~~(k)(11) Failing to report to the board, in writing, within 30 days that an action under subsection (5), subsection (6), or subsection (10) has been taken against the licensee or one's license to practice as clinical laboratory personnel in another state, territory, country, or other jurisdiction.~~

~~(l)(12) Being unable to perform or report clinical laboratory examinations with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection, the department shall have, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this subsection, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.~~

~~(m)(13) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.~~

~~(n)(14) Violating a previous order of the board entered in a disciplinary proceeding.~~

~~(o)(15) Failing to report to the department a person or other licensee who the licensee knows is in violation of this chapter or the rules of the department or board adopted hereunder.~~

~~(p)(16) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so, including, but not limited to, impeding an agent of the state from obtaining a report or record for investigative purposes. Such reports or records shall include only those generated in the capacity as a licensed clinical laboratory personnel.~~

~~(q)(17) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly for patients referred to providers of health care goods and services including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this subsection shall not be construed to prevent a clinical laboratory professional from receiving a fee for professional consultation services.~~

~~(r)(18) Exercising influence on a patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or other third party, which shall include, but not be limited to, the promoting, selling, or withholding of services, goods, appliances, referrals, or drugs.~~

~~(s)(19) Practicing or offering to practice beyond the scope permitted by law or rule, or accepting or performing professional services or re-~~

sponsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t)(20) Misrepresenting or concealing a material fact at any time during any phase of the licensing, investigative, or disciplinary process, procedure, or proceeding.

(u)(21) Improperly interfering with an investigation or any disciplinary proceeding.

(v)(22) Engaging in or attempting to engage in sexual misconduct, causing undue embarrassment or using disparaging language or language of a sexual nature towards a patient, exploiting superior/subordinate, professional/patient, instructor/student relationships for personal gain, sexual gratification, or advantage.

(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

(3) In determining the amount of the fine to be levied for a violation, as provided in subsection (1), the following factors shall be considered:

(a) The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of this part were violated.

(b) Actions taken by the licensee to correct the violation or to remedy complaints.

(c) Any previous violation by the licensee.

(d) The financial benefit to the licensee of committing or continuing the violation.

Section 46. Section 483.827, Florida Statutes, is repealed.

Section 47. Subsection (6) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(a) The department shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. The council shall recommend to the department continuing education requirements that shall be a condition of license renewal. The department shall require a minimum of 24 hours per biennium of continuing education offered by an organization recommended by the council and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.

(b) In order to apply for a medical physicist license in one or more specialties, a person must file an individual application for each specialty with the department. The application must be on a form prescribed by the department and must be accompanied by a nonrefundable application fee for each specialty.

(c) The department may issue a license to an eligible applicant if the applicant meets all license requirements. At any time before the department issues a license, the applicant may request in writing that the application be withdrawn. To reapply, the applicant must submit a new application and an additional nonrefundable application fee and must meet all current licensure requirements.

(d) The department shall review each completed application for a license which the department receives.

(e) On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state on or after October 1, 1997, to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

(f) A licensee shall:

1. Display the license in a place accessible to the public; and
2. Report immediately any change in the licensee's address or name to the department.

(g) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in paragraph (h) may be taken:

1. Obtaining or attempting to obtain a license by bribery, fraud, knowing misrepresentation, or concealment of material fact or through an error of the department.

2. Having a license denied, revoked, suspended, or otherwise acted against in another jurisdiction.

3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of medical physics.

4. Willfully failing to file a report or record required for medical physics or willfully impeding or obstructing the filing of a report or record required by this section or inducing another person to do so.

5. Making misleading, deceptive, or fraudulent representations in or related to the practice of medical physics.

6. Willfully failing to report any known violation of this section or any rule adopted thereunder.

~~7. Willfully or repeatedly violating a rule adopted under this section or an order of the department.~~

7.8. Failing to perform any statutory or legal obligation placed upon a licensee.

8.9. Aiding, assisting, procuring, employing, or advising any unlicensed person to practice medical physics contrary to this section or any rule adopted thereunder.

9.10. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

~~10.11. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.~~

~~11.12. Gross or repeated malpractice or the inability to practice medical physics with reasonable skill and safety.~~

~~12.13. Judicially determined mental incompetency.~~

~~13.14. Being unable to practice medical physics with reasonable skill and safety because of a mental or physical condition or illness or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.~~

a. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and the licensee's failure to submit to such an examination constitutes an admission of the allegations against the licensee, consequent upon which a default and a final order may be entered without the

taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the licensee's control.

b. A licensee who is disciplined under this subparagraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that the licensee can resume the practice of medical physics with reasonable skill and safety.

c. With respect to any proceeding under this subparagraph, the record of proceedings or the orders entered by the department may not be used against a licensee in any other proceeding.

14. *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(h) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the department finds any person guilty of any of the grounds set forth in paragraph (g), including conduct that would constitute a substantial violation of paragraph (g) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:*

1. ~~Deny the application for licensure.~~
2. ~~Revoke or suspend the license.~~
3. ~~Impose an administrative fine for each count or separate offense.~~
4. ~~Place the licensee on probation for a specified time and subject the licensee to such conditions as the department determines necessary, including requiring treatment, continuing education courses, or working under the monitoring or supervision of another licensee.~~
5. ~~Restrict a licensee's practice.~~
6. ~~Issue a reprimand to the licensee.~~

(i) The department may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice medical physics.

(j) Upon receipt of a complete application and the fee set forth by rule, the department may issue a physicist-in-training certificate to a person qualified to practice medical physics under direct supervision. The department may establish by rule requirements for initial certification and renewal of a physicist-in-training certificate.

Section 48. Subsections (1) and (2) of section 484.014, Florida Statutes, are amended to read:

484.014 Disciplinary actions.—

(1) ~~The following acts constitute relating to the practice of opticianry shall be grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) both disciplinary action against an optician as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person operating an optical establishment who engages in, aids, or abets any such violation:~~

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

~~(g) Violation or repeated violation of this part or of chapter 456 or any rules promulgated pursuant thereto.~~

~~(g)(h)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

~~(h)(i)~~ Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

~~(i)(j)~~ Violation of any provision of s. 484.012.

~~(j)(k)~~ Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

~~(k)(l)~~ Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

~~(l)(m)~~ Failing to keep written prescription files.

~~(m)(n)~~ Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

~~(n)(o)~~ Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

~~(o)(p)~~ Gross or repeated malpractice.

~~(p)(q)~~ Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

~~(q)(r)~~ Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which relates to the ability to practice opticianry or to the practice of opticianry.

~~(r)(s)~~ Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

~~(s)(t)~~ Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of opticianry with reasonable skill and safety to her or his customers.

~~(t) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the optician on probation for a period of time and subject to such conditions as the board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.~~

Section 49. Subsections (1) and (2) of section 484.056, Florida Statutes, are amended to read:

484.056 Disciplinary proceedings.—

(1) The following acts ~~constitute relating to the practice of dispensing hearing aids shall be grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:~~

(a) Violation of any provision of s. 456.072(1), s. 484.0512, or s. 484.053.

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

~~(h) Violation or repeated violation of this part or of chapter 456, or any rules promulgated pursuant thereto.~~

(h)(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(i)(j) Practicing with a revoked, suspended, inactive, or delinquent license.

(j)(k) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(k)(l) Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.

(l)(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the terms "doctor," "clinic," "clinical," "medical audiologist," "clinical audiologist," "research audiologist," or "audiologic" or any other term or title which might connote the availability of professional services when such use is not accurate.

(m)(n) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(n)(o) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the

bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

~~(o)(p)~~ Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

~~(p)(q)~~ Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

~~(q)(r)~~ Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

~~(r)(s)~~ Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made" or in any other sense specially fabricated for an individual person when such is not the case.

~~(s)(t)~~ Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

~~(t)(u)~~ Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

~~(u)(v)~~ Failing to provide all information as described in s. 484.051(1).

~~(v)(w)~~ Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

~~(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

(2)(a) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). Except as provided in paragraph (b), when the board finds any hearing aid specialist to be guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~1. Denial of an application for licensure.~~

~~2. Revocation or suspension of a license.~~

~~3. Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~4. Issuance of a reprimand.~~

~~5. Placing the hearing aid specialist on probation for a period of time and subject to such conditions as the board may specify, including requiring the hearing aid specialist to attend continuing education courses or to work under the supervision of another hearing aid specialist.~~

~~6. Restricting the authorized scope of practice.~~

(b) The board shall revoke the license of any hearing aid specialist found guilty of canvassing as described in this section.

Section 50. Subsections (1) and (2) of section 486.125, Florida Statutes, are amended to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(1) The following acts ~~shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Being unable to practice physical therapy with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. In enforcing this paragraph, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the li-

licensee is unable to practice physical therapy due to the reasons stated in this paragraph, the department shall have the authority to compel a physical therapist or physical therapist assistant to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as a physical therapy practitioner. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011.

2. A physical therapist or physical therapist assistant whose license is suspended or revoked pursuant to this subsection shall, at reasonable intervals, be given an opportunity to demonstrate that she or he can resume the competent practice of physical therapy with reasonable skill and safety to patients.

3. Neither the record of proceeding nor the orders entered by the board in any proceeding under this subsection may be used against a physical therapist or physical therapist assistant in any other proceeding.

(b) Having committed fraud in the practice of physical therapy or deceit in obtaining a license as a physical therapist or as a physical therapist assistant.

(c) Being convicted or found guilty regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of physical therapy or to the ability to practice physical therapy. The entry of any plea of *nolo contendere* shall be considered a conviction for purpose of this chapter.

(d) Having treated or undertaken to treat human ailments by means other than by physical therapy, as defined in this chapter.

(e) Failing to maintain acceptable standards of physical therapy practice as set forth by the board in rules adopted pursuant to this chapter.

(f) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or having been found to profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this chapter shall be construed to prohibit the members of any regularly and properly organized business entity which is comprised of physical therapists and which is recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(g) Having a license revoked or suspended; having had other disciplinary action taken against her or him; or having had her or his application for a license refused, revoked, or suspended by the licensing authority of another state, territory, or country.

(h) Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing.

(i) Making or filing a report or record which the licensee knows to be false. Such reports or records shall include only those which are signed in the capacity of a physical therapist.

(j) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform, including, but not limited to, specific spinal manipulation.

(k) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the physical therapist or physical therapist assistant on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physical therapist or physical therapist assistant to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physical therapist.

(g) Recovery of actual costs of investigation and prosecution.

Section 51. Section 490.009, Florida Statutes, is amended to read:

490.009 Discipline.—

(1) When the department or, in the case of psychologists, the board finds that an applicant, provisional licensee, or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure, either temporarily or permanently.

(b) Revocation of an application for licensure, either temporarily or permanently.

(c) Suspension for a period of up to 5 years or revocation of a license, after hearing.

(d) Immediate suspension of a license pursuant to s. 120.60(6).

(e) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(f) Issuance of a public reprimand.

(g) Placement of an applicant or licensee on probation for a period of time and subject to conditions specified by the department or, in the case of psychologists, by the board, including, but not limited to, requiring the applicant or licensee to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee.

(h) Restriction of practice.

(1)(2) The following acts constitute of a licensee, provisional licensee, or applicant are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. A plea of *nolo contendere* creates a rebuttable presumption of guilt of the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceeding to present any evidence relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself or herself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of test results, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by psychologists or physicians designated by the department or board. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in the petition or in any other public court records or documents, and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that he or she can resume the competent practice for which he or she is licensed with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

(q)(~~+~~) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(r)(~~s~~) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(s)(~~t~~) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(t)(~~u~~) Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

(u)(~~v~~) Failing to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 490.0147.

(v)(~~w~~) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(w) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 52. Section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.—

~~(1) When the department or the board finds that an applicant, licensee, provisional licensee, registered intern, or certificateholder whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure, registration, or certificate, either temporarily or permanently.~~

~~(b) Revocation of an application for licensure, registration, or certificate, either temporarily or permanently.~~

~~(c) Suspension for a period of up to 5 years or revocation of a license, registration, or certificate, after hearing.~~

~~(d) Immediate suspension of a license, registration, or certificate pursuant to s. 120.60(6).~~

~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(f) Issuance of a public reprimand.~~

~~(g) Placement of an applicant, licensee, registered intern, or certificateholder on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the applicant, licensee, registered intern, or certificateholder to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee or certificateholder.~~

~~(h) Restriction of practice.~~

(1)(2) The following acts constitute of a licensee, provisional licensee, registered intern, certificateholder, or applicant are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license, registration, or certificate under this chapter by bribery or fraudulent misrepresentation or through an error of the board or the department.

(b) Having a license, registration, or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty of, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. However, in the case of a plea of nolo contendere, the board shall allow the person who is the subject of the disciplinary proceeding to present evidence in mitigation relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant, licensee, registered intern, or certificateholder knows, or has reason to believe, is in violation of this chapter or of a rule of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed, nonregistered, or noncertified person to hold himself or herself out as licensed, registered, or certified under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed, registered, or certified under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed, registered, or certified under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, registered, or certified under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee, registered intern, or certificateholder which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department or the board concerning any investigation by the department or the board, or failing to make available any relevant records with respect to any investigation about the licensee's, registered intern's, or certificateholder's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed, registered, or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee, registered intern, or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee, registered intern, or certificateholder to submit to a mental or physical examination by psychologists, physicians, or other licensees under this chapter, designated by the department or board. If the licensee, registered intern, or certificateholder refuses to comply

with such order, the department's order directing the examination may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee, registered intern, or certificateholder resides or does business. The licensee, registered intern, or certificateholder against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee, registered intern, or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed, registered, or certified with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

~~(q)(t)~~ Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

~~(r)(s)~~ Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificateholder is not qualified by training or experience.

~~(s)(t)~~ Delegating professional responsibilities to a person whom the licensee, registered intern, or certificateholder knows or has reason to know is not qualified by training or experience to perform such responsibilities.

~~(t)(u)~~ Violating a rule relating to the regulation of the profession or a lawful order of the department or the board previously entered in a disciplinary hearing.

~~(u)(v)~~ Failure of the licensee, registered intern, or certificateholder to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 491.0147.

~~(v)(w)~~ Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

~~(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).~~

Section 53. Subsection (3) of section 456.065, Florida Statutes, is amended to read:

456.065 Unlicensed practice of a health care profession; intent; cease and desist notice; penalties; enforcement; citations; fees; allocation and disposition of moneys collected.—

(3) Because all enforcement costs should be covered by professions regulated by the department, the department shall impose, upon initial licensure and each licensure renewal, a special fee of \$5 per licensee to fund efforts to combat unlicensed activity. Such fee shall be in addition to all other fees collected from each licensee. ~~The board, with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance.~~ The department shall make direct charges to the Medical Quality Assurance Trust Fund by profession. The department shall seek board advice regarding enforcement methods and strategies. The department shall directly credit the Medical Quality Assurance Trust Fund, by profession, with the revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 456.025. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred

to the operating fund account of that profession. The department shall also use these funds to inform and educate consumers generally on the importance of using licensed health care practitioners.

Section 54. Paragraphs (e) and (f) of subsection (4) of section 458.347, Florida Statutes, are amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory physician's practice *unless* if such medication is listed on the formulary created pursuant to paragraph (f). A fully licensed physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the department of his or her intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant.

3. The physician assistant must file with the department, before commencing to prescribe, evidence that he or she has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he or she has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the department, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the department a signed affidavit that he or she has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

6. The department shall issue a license and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. *Unless it is a drug sample dispensed by the physician assistant*, the prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

~~(f)1. There is created a five member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed pursuant to this section or s.~~

~~459.022, two physicians licensed pursuant to this chapter, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to chapter 459, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 459. The council committee shall establish a formulary of medicinal drugs that for which a fully licensed physician assistant, licensed under this section or s. 459.022, may not prescribe. The formulary must may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics and or radiographic contrast materials, and all or any parenteral preparations except insulin and epinephrine.~~

~~2. In establishing the formulary, the council shall consult with a pharmacist licensed under chapter 465, but not licensed under this chapter or chapter 459, who shall be selected by the Secretary of Health.~~

~~3.2. Only the council committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.~~

~~4.3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant, licensed under this section or s. 459.022, and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed \$200 to fund the provisions of this paragraph and paragraph (e).~~

Section 55. Subsection (4) and paragraph (c) of subsection (9) of section 459.022, Florida Statutes, are amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by licensed physician assistants.

(c) Licensed physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a licensed physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)(c). Such delegated authority is limited to the supervising physician's practice in connection with a county health department as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county health departments.

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory physician's practice *unless* if such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the department of her or his intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant.

3. The physician assistant must file with the department, before commencing to prescribe, evidence that she or he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that she or he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the department, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the department a signed affidavit that she or he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

6. The department shall issue a license and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. *Unless it is a drug sample dispensed by the physician assistant*, the prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

~~(f)1.—There is created a five member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed pursuant to this section or s. 458.347, two physicians licensed pursuant to chapter 458, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to this chapter, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 458. The committee shall establish a formulary of medicinal drugs for which a fully licensed physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.~~

~~2.—Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.~~

~~3.—The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed \$200 to fund the provisions of this paragraph and paragraph (e).~~

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

Section 56. Subsections (6) is added to section 456.003, Florida Statutes, to read:

456.003 Legislative intent; requirements.—

(6) Unless expressly and specifically granted in statute, the duties conferred on the boards do not include the enlargement, modification, or contravention of the lawful scope of practice of the profession regulated by the boards. This subsection shall not prohibit the boards, or the department when there is no board, from taking disciplinary action or issuing a declaratory statement.

Section 57. (1)(a) *The Agency for Health Care Administration shall create an Organ Transplant Task Force within the Agency for Health Care Administration, which task force must be funded by existing agency funds.*

(b) Task force participants shall be responsible for only the expenses that they generate individually through participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The task force shall consist of up to 15 members. The task force chairperson shall be selected by majority vote of a quorum present. Eight members shall constitute a quorum. The membership shall include, but not be limited to, a balance of members representing the Agency for Health Care Administration, health care facilities that have existing organ transplantation programs, individual organ transplant health care practitioners, pediatric organ transplantation programs, organ procurement agencies, and organ transplant recipients or family members.

(3) The task force shall meet for the purpose of studying and making recommendations regarding current and future supply of organs in relation to the number of existing organ transplantation programs and the future necessity of the issuance of a certificate of need for proposed organ transplantation programs. At a minimum, the task force shall submit a report to the Legislature which includes a summary of the method of allocation and distribution of organs; a list of facilities performing multiple organ transplants and the number being performed; the number of Medicaid and charity care patients who have received organ transplants by existing organ transplant programs; suggested mechanisms for funding organ transplants, which shall include, but need not be limited to, an organ transplant trust fund for the treatment of Medicaid and charity patients; the impact of trends in health care delivery and financing on organ transplantation; and the number of certificates of need applications reviewed by the Agency for Health Care Administration in the last 5 years, including the number approved or denied and the number litigated.

(4) The task force shall meet at the call of the chairperson. The task force shall submit a report to the Governor, the President of the Senate,

and the Speaker of the House of Representatives by January 15, 2002. The task force is abolished effective December 31, 2002.

Section 58. Section 409.9205, Florida Statutes, is amended to read:

409.9205 Medicaid Fraud Control Unit; ~~law enforcement officers.~~—

(1) *Except as provided in s. 110.205, all positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs are hereby transferred to the Career Service System.*

(2) All investigators employed by the Medicaid Fraud Control Unit who have been certified under s. 943.1395 are law enforcement officers of the state. Such investigators have the authority to conduct criminal investigations, bear arms, make arrests, and apply for, serve, and execute search warrants, arrest warrants, capias, and other process throughout the state pertaining to Medicaid fraud as described in this chapter. The Attorney General shall provide reasonable notice of criminal investigations conducted by the Medicaid Fraud Control Unit to, and coordinate those investigations with, the sheriffs of the respective counties. ~~Investigators employed by the Medicaid Fraud Control Unit are not eligible for membership in the Special Risk Class of the Florida Retirement System under s. 121.0515.~~

Section 59. Subsection (1) of section 483.245, Florida Statutes, is amended to read:

483.245 Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any *dialysis facility*, physician, surgeon, organization, agency, or person, either directly or indirectly, for patients referred to a clinical laboratory licensed under this part.

Section 60. Subsection (3) of section 232.435, Florida Statutes, is amended to read:

232.435 Extracurricular athletic activities; athletic trainers.—

(3)(a) To the extent practicable, a school district program should include the following employment classification and advancement scheme:

1. *First responder.*—*To qualify as a first responder, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in cardiopulmonary resuscitation, first aid, and have 15 semester hours in courses such as care and prevention of athletic injuries, anatomy, physiology, nutrition, counseling, and other similar courses approved by the Commissioner of Education. This person may only administer first aid and similar care.* ~~Teacher apprentice trainer I.—To qualify as a teacher apprentice trainer I, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in first aid and cardiopulmonary resuscitation, and have earned a minimum of 6 semester hours or the equivalent number of inservice education points in the basic prevention and care of athletic injuries.~~

2. ~~Teacher apprentice trainer II.—To qualify as a teacher apprentice trainer II, a person must meet the requirements of teacher apprentice trainer I and also have earned a minimum of 15 additional semester hours or the equivalent number of inservice education points in such courses as anatomy, physiology, use of modalities, nutrition, counseling, and other courses approved by the Commissioner of Education.~~

2.3. ~~Teacher athletic trainer.—To qualify as a teacher athletic trainer, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 232.17, and be licensed as required by part XIII of chapter 468 meet the requirements of teacher apprentice trainer II, be certified by the Department of Education or a nationally recognized athletic trainer association, and perform one or more of the following functions: preventing athletic injuries; recognizing, evaluating, managing, treating, and rehabilitating athletic injuries; administering an athletic training program; and educating and counseling athletes.~~

(b) ~~If a school district uses the services of an athletic trainer who is not a teacher athletic trainer or a teacher apprentice trainer within the requirements of this section, such athletic trainer must be licensed as required by part XIII of chapter 468.~~

Section 61. Paragraph (b) of subsection (1) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all infants born in Florida for phenylketonuria and other metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all infants born in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) Postnatal screening.—A risk factor analysis using the department's designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department's Office of Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the *State Public Health Laboratory, in coordination with Children's Medical Services*, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Infant Screening Advisory Council and the State Coordinating Council for School Readiness Programs.

Section 62. Section 395.0197, Florida Statutes, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to patients.

(b) The development of appropriate measures to minimize the risk of adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all nonphysician personnel of the licensed facility working in clinical areas and providing patient care, *except those persons licensed as health care*

practitioners who are required to complete continuing education coursework pursuant to chapter 456 or the respective practice act.

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a licensed facility is exempt from the two-person requirement if it has:

- a. Live visual observation;
- b. Electronic observation; or
- c. Any other reasonable measure taken to ensure patient protection and privacy.

3. A prohibition against an unlicensed person from assisting or participating in any surgical procedure unless the facility has authorized the person to do so following a competency assessment, and such assistance or participation is done under the direct and immediate supervision of a licensed physician and is not otherwise an activity that may only be performed by a licensed health care practitioner.

4. Development, implementation, and ongoing evaluation of procedures, protocols, and systems to accurately identify patients, planned procedures, and the correct site of the planned procedure so as to minimize the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition.

(c) The analysis of patient grievances that relate to patient care and the quality of medical services.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(2) The internal risk management program is the responsibility of the governing board of the health care facility. Each licensed facility shall hire a risk manager, licensed under s. 395.10974 ~~part IX of chapter 626~~, who is responsible for implementation and oversight of such facility's internal risk management program as required by this section. A risk manager must not be made responsible for more than four internal risk management programs in separate licensed facilities, unless the facilities are under one corporate ownership or the risk management programs are in rural hospitals.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Such additional approaches may include extending internal risk management programs to health care providers' offices and the assuming of provider liability by a licensed health care facility for acts or omissions occurring within the licensed facility.

(4) The agency shall, ~~after consulting with the Department of Insurance,~~ adopt rules governing the establishment of internal risk management programs to meet the needs of individual licensed facilities. Each internal risk management program shall include the use of incident reports to be filed with an individual of responsibility who is competent in risk management techniques in the employ of each licensed facility, such as an insurance coordinator, or who is retained by the licensed facility as a consultant. The individual responsible for the risk management program shall have free access to all medical records of the licensed facility. The incident reports are part of the workpapers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency pursuant to this section, the term "adverse incident" means an event over which health care

personnel could exercise control and which is associated in whole or in part with medical intervention, rather than the condition for which such intervention occurred, and which:

- (a) Results in one of the following injuries:
 1. Death;
 2. Brain or spinal damage;
 3. Permanent disfigurement;
 4. Fracture or dislocation of bones or joints;
 5. A resulting limitation of neurological, physical, or sensory function which continues after discharge from the facility;
 6. Any condition that required specialized medical attention or surgical intervention resulting from nonemergency medical intervention, other than an emergency medical condition, to which the patient has not given his or her informed consent; or
 7. Any condition that required the transfer of the patient, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the patient's condition prior to the adverse incident;
- (b) Was the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition;

(c) Required the surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage was not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(d) Was a procedure to remove unplanned foreign objects remaining from a surgical procedure.

(6)(a) Each licensed facility subject to this section shall submit an annual report to the agency summarizing the incident reports that have been filed in the facility for that year. The report shall include:

1. The total number of adverse incidents.
2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.
3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.
4. A code number using the health care professional's licensure number and a separate code number identifying all other individuals directly involved in adverse incidents to patients, the relationship of the individual to the licensed facility, and the number of incidents in which each individual has been directly involved. Each licensed facility shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.
5. A description of all malpractice claims filed against the licensed facility, including the total number of pending and closed claims and the nature of the incident which led to, the persons involved in, and the status and disposition of each claim. Each report shall update status and disposition for all prior reports.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency shall also contain the name and license number of the risk manager of the licensed facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse incidents, and the results of such measures. The annual report is confidential and is not available to the public pursuant to s. 119.07(1) or any

other law providing access to public records. The annual report is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The annual report is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(7) The licensed facility shall notify the agency no later than 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d) and can determine within 1 business day that any of the following adverse incidents has occurred, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility:

- (a) The death of a patient;
- (b) Brain or spinal damage to a patient;
- (c) The performance of a surgical procedure on the wrong patient;
- (d) The performance of a wrong-site surgical procedure; or
- (e) The performance of a wrong surgical procedure.

The notification must be made in writing and be provided by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected patient, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to other patients.

(8) Any of the following adverse incidents, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, shall be reported by the facility to the agency within 15 calendar days after its occurrence:

- (a) The death of a patient;
- (b) Brain or spinal damage to a patient;
- (c) The performance of a surgical procedure on the wrong patient;
- (d) The performance of a wrong-site surgical procedure;
- (e) The performance of a wrong surgical procedure;
- (f) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;
- (g) The surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage is not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or
- (h) The performance of procedures to remove unplanned foreign objects remaining from a surgical procedure.

The agency may grant extensions to this reporting requirement for more than 15 days upon justification submitted in writing by the facility administrator to the agency. The agency may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(9) *The agency shall publish on the agency's website, no less than quarterly, a summary and trend analysis of adverse incident reports received pursuant to this section, which shall not include information that would identify the patient, the reporting facility, or the health care practitioners involved. The agency shall publish on the agency's website an annual summary and trend analysis of all adverse incident reports and malpractice claims information provided by facilities in their annual reports, which shall not include information that would identify the patient, the reporting facility, or the practitioners involved. The purpose of the publication of the summary and trend analysis is to promote the rapid dissemination of information relating to adverse incidents and malpractice claims to assist in avoidance of similar incidents and reduce morbidity and mortality.*

(10)(9) The internal risk manager of each licensed facility shall:

- (a) Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact, when the allegation is that the sexual misconduct occurred at the facility or on the grounds of the facility. ~~;~~ ~~and~~
- (b) Report every allegation of sexual misconduct to the administrator of the licensed facility.
- (c) Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct has been made and that an investigation is being conducted. ~~;~~

(d) *Report to the Department of Health every allegation of sexual misconduct, as defined in chapter 456 and the respective practice act, by a licensed health care practitioner that involves a patient.*

(11)(10) Any witness who witnessed or who possesses actual knowledge of the act that is the basis of an allegation of sexual abuse shall:

- (a) Notify the local police; and
- (b) Notify the hospital risk manager and the administrator.

For purposes of this subsection, "sexual abuse" means acts of a sexual nature committed for the sexual gratification of anyone upon, or in the presence of, a vulnerable adult, without the vulnerable adult's informed consent, or a minor. "Sexual abuse" includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a vulnerable adult's or minor's sexual organs, or the use of the vulnerable adult or minor to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act which may reasonably be construed to be a normal caregiving action.

(12)(11) A person who, with malice or with intent to discredit or harm a licensed facility or any person, makes a false allegation of sexual misconduct against a member of a licensed facility's personnel is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13)(12) In addition to any penalty imposed pursuant to this section, the agency shall require a written plan of correction from the facility. For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section, the agency shall first seek to obtain corrective action by the facility. If the correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section, the agency may impose an administrative fine, not to exceed \$5,000 for any violation of the reporting requirements of this section. The administrative fine for repeated nonwillful violations shall not exceed \$10,000 for any violation. The administrative fine for each intentional and willful violation may not exceed \$25,000 per violation, per day. The fine for an intentional and willful violation of this section may not exceed \$250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 395.1065(2)(b). This subsection does not apply to the notice requirements under subsection (7).

(14)(13) The agency shall have access to all licensed facility records necessary to carry out the provisions of this section. The records obtained by the agency under subsection (6), subsection (8), or subsection (10) (9) are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall records obtained pursuant to s. 456.071 be available

to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

(15)(14) The meetings of the committees and governing board of a licensed facility held solely for the purpose of achieving the objectives of risk management as provided by this section shall not be open to the public under the provisions of chapter 286. The records of such meetings are confidential and exempt from s. 119.07(1), except as provided in subsection (14) (13).

(16)(15) The agency shall review, as part of its licensure inspection process, the internal risk management program at each licensed facility regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under *this section* ~~subsections (5), (6), (7), and (8).~~

(17)(16) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager, licensed under s. 395.10974 ~~part IX of chapter 626,~~ for the implementation and oversight of the internal risk management program in a facility licensed under this chapter or chapter 390 as required by this section, for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management program if the risk manager acts without intentional fraud.

(18) *A privilege against civil liability is hereby granted to any licensed risk manager or licensed facility with regard to information furnished pursuant to this chapter, unless the licensed risk manager or facility acted in bad faith or with malice in providing such information.*

(19)(17) If the agency, through its receipt of *any reports required under this section* ~~the annual reports prescribed in subsection (6) or~~ through any investigation, has a reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to such regulatory board.

~~(18) The agency shall annually publish a report summarizing the information contained in the annual incident reports submitted by licensed facilities pursuant to subsection (6) and disciplinary actions reported to the agency pursuant to s. 395.0193. The report must, at a minimum, summarize:~~

~~(a) Adverse incidents, by category of reported incident, and by type of professional involved.~~

~~(b) Types of malpractice claims filed, by type of professional involved.~~

~~(c) Disciplinary actions taken against professionals, by type of professional involved.~~

(20) *It shall be unlawful for any person to coerce, intimidate, or preclude a risk manager from lawfully executing his or her reporting obligations pursuant to this chapter. Such unlawful action shall be subject to civil monetary penalties not to exceed \$10,000 per violation.*

Section 63. Section 395.10972, Florida Statutes, is amended to read:

395.10972 Health Care Risk Manager Advisory Council.—The Secretary of Health Care Administration may appoint a ~~seven-member five-member~~ advisory council to advise the agency on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the secretary. The council shall designate a chair. The council shall meet at the call of the secretary or at those times as may be required by rule of the agency. The members of the advisory council shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall consist of individuals representing the following areas:

(1) Two shall be active health care risk managers, *including one risk manager who is recommended by and a member of the Florida Society of Healthcare Risk Management.*

(2) One shall be an active hospital administrator.

(3) One shall be an employee of an insurer or self-insurer of medical malpractice coverage.

(4) One shall be a representative of the health-care-consuming public.

(5) *Two shall be licensed health care practitioners, one of whom shall be licensed as a physician under chapter 458 or chapter 459.*

Section 64. Paragraph (b) of subsection (2) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues for inpatient and outpatient services to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.—

(2)

(b) There is imposed upon each hospital an assessment in an amount equal to 1 percent of the annual net operating revenue for outpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. *While prior year report worksheets may be reconciled to the hospital's audited financial statements, no additional audited financial components may be required for the purposes of determining the amount of the assessment imposed pursuant to this section other than those in effect on July 1, 2000.* Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

Section 65. Section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. *Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency.* Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(1) **ADVANCED REGISTERED NURSE PRACTITIONER SERVICES.**—The agency shall pay for services provided to a recipient by a licensed advanced registered nurse practitioner who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act.

(2) **EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES.**—The agency shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and provide treatment to correct or ameliorate these problems and conditions. These services include all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

(3) **FAMILY PLANNING SERVICES.**—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information; education; counseling regarding the availability, benefits, and risks of each method of

pregnancy prevention; drugs and supplies; and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

(4) **HOME HEALTH CARE SERVICES.**—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides services pursuant to this subsection shall be licensed under part IV of chapter 400 or part II of chapter 499, if appropriate. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility. In providing home health care services, the agency may require prior authorization of care based on diagnosis.

(5) **HOSPITAL INPATIENT SERVICES.**—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but are not limited to: prior authorization for inpatient psychiatric days; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as “institutions for mental disease” or “IMD’s.” The waiver proposal shall propose no additional aggregate cost to the state or Federal Government, and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.

(c) Agency for Health Care Administration shall adjust a hospital’s current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995; or

2. The hospital’s Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year.

No later than November 1, 2000, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Budget Committee. Before the agency implements a change in a hospital’s inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency. This paragraph is repealed on July 1, 2001.

(6) **HOSPITAL OUTPATIENT SERVICES.**—The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to \$1,500 per state fiscal year per recipient, unless an exception has been made by the agency, and with the exception of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

(7) **INDEPENDENT LABORATORY SERVICES.**—The agency shall pay for medically necessary diagnostic laboratory procedures ordered by a licensed physician or other licensed practitioner of the healing arts which are provided for a recipient in a laboratory that meets the requirements for Medicare participation and is licensed under chapter 483, if required.

(8) **NURSING FACILITY SERVICES.**—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a hospital, as defined by s. 395.002(11), that is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available.

(9) **PHYSICIAN SERVICES.**—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or osteopathic medicine. These services may be furnished in the physician’s office, the Medicaid recipient’s home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment of an injury, illness, or disease within the scope of the practice of medicine or osteopathic medicine as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

(10) **PORTABLE X-RAY SERVICES.**—The agency shall pay for professional and technical portable radiological services ordered by a licensed physician or other licensed practitioner of the healing arts which are provided by a licensed professional in a setting other than a hospital, clinic, or office of a physician or practitioner of the healing arts, on behalf of a recipient.

(11) **RURAL HEALTH CLINIC SERVICES.**—The agency shall pay for outpatient primary health care services for a recipient provided by a clinic certified by and participating in the Medicare program which is located in a federally designated, rural, medically underserved area and has on its staff one or more licensed primary care nurse practitioners or physician assistants, and a licensed staff supervising physician or a consulting supervising physician.

(12) **TRANSPORTATION SERVICES.**—The agency shall ensure that appropriate transportation services are available for a Medicaid recipient in need of transport to a qualified Medicaid provider for medically necessary and Medicaid-compensable services, provided a client’s ability to choose a specific transportation provider shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act. The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available.

Section 66. Section 409.906, Florida Statutes, is amended to read:

409.906 **Optional Medicaid services.**—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. *Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency.* Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any

other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) **ADULT DENTURE SERVICES.**—The agency may pay for dentures, the procedures required to seat dentures, and the repair and relining of dentures, provided by or under the direction of a licensed dentist, for a recipient who is age 21 or older. *However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:*

(a) *Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.*

(b) *Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.*

(c) *Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.*

(d) *Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.*

(2) **ADULT HEALTH SCREENING SERVICES.**—The agency may pay for an annual routine physical examination, conducted by or under the direction of a licensed physician, for a recipient age 21 or older, without regard to medical necessity, in order to detect and prevent disease, disability, or other health condition or its progression.

(3) **AMBULATORY SURGICAL CENTER SERVICES.**—The agency may pay for services provided to a recipient in an ambulatory surgical center licensed under part I of chapter 395, by or under the direction of a licensed physician or dentist.

(4) **BIRTH CENTER SERVICES.**—The agency may pay for examinations and delivery, recovery, and newborn assessment, and related services, provided in a licensed birth center staffed with licensed physicians, certified nurse midwives, and midwives licensed in accordance with chapter 467, to a recipient expected to experience a low-risk pregnancy and delivery.

(5) **CASE MANAGEMENT SERVICES.**—The agency may pay for primary care case management services rendered to a recipient pursuant to a federally approved waiver, and targeted case management services for specific groups of targeted recipients, for which funding has been provided and which are rendered pursuant to federal guidelines. The agency is authorized to limit reimbursement for targeted case management services in order to comply with any limitations or directions provided for in the General Appropriations Act. Notwithstanding s. 216.292, the Department of Children and Family Services may transfer general funds to the Agency for Health Care Administration to fund state match requirements exceeding the amount specified in the General Appropriations Act for targeted case management services.

(6) **CHILDREN'S DENTAL SERVICES.**—The agency may pay for diagnostic, preventive, or corrective procedures, including orthodontia in severe cases, provided to a recipient under age 21, by or under the supervision of a licensed dentist. Services provided under this program include treatment of the teeth and associated structures of the oral cavity, as well as treatment of disease, injury, or impairment that may affect the oral or general health of the individual. *However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:*

(a) *Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.*

(b) *Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.*

(c) *Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.*

(d) *Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.*

(7) **CHIROPRACTIC SERVICES.**—The agency may pay for manual manipulation of the spine and initial services, screening, and X rays provided to a recipient by a licensed chiropractic physician.

(8) **COMMUNITY MENTAL HEALTH SERVICES.**—The agency may pay for rehabilitative services provided to a recipient by a mental health or substance abuse provider licensed by the agency and under contract with the agency or the Department of Children and Family Services to provide such services. Those services which are psychiatric in nature shall be rendered or recommended by a psychiatrist, and those services which are medical in nature shall be rendered or recommended by a physician or psychiatrist. The agency must develop a provider enrollment process for community mental health providers which bases provider enrollment on an assessment of service need. The provider enrollment process shall be designed to control costs, prevent fraud and abuse, consider provider expertise and capacity, and assess provider success in managing utilization of care and measuring treatment outcomes. Providers will be selected through a competitive procurement or selective contracting process. In addition to other community mental health providers, the agency shall consider for enrollment mental health programs licensed under chapter 395 and group practices licensed under chapter 458, chapter 459, chapter 490, or chapter 491. The agency is also authorized to continue operation of its behavioral health utilization management program and may develop new services if these actions are necessary to ensure savings from the implementation of the utilization management system. The agency shall coordinate the implementation of this enrollment process with the Department of Children and Family Services and the Department of Juvenile Justice. The agency is authorized to utilize diagnostic criteria in setting reimbursement rates, to preauthorize certain high-cost or highly utilized services, to limit or eliminate coverage for certain services, or to make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

(9) **DIALYSIS FACILITY SERVICES.**—Subject to specific appropriations being provided for this purpose, the agency may pay a dialysis facility that is approved as a dialysis facility in accordance with Title XVIII of the Social Security Act, for dialysis services that are provided to a Medicaid recipient under the direction of a physician licensed to practice medicine or osteopathic medicine in this state, including dialysis services provided in the recipient's home by a hospital-based or free-standing dialysis facility.

(10) **DURABLE MEDICAL EQUIPMENT.**—The agency may authorize and pay for certain durable medical equipment and supplies provided to a Medicaid recipient as medically necessary.

(11) **HEALTHY START SERVICES.**—The agency may pay for a continuum of risk-appropriate medical and psychosocial services for the Healthy Start program in accordance with a federal waiver. The agency may not implement the federal waiver unless the waiver permits the state to limit enrollment or the amount, duration, and scope of services to ensure that expenditures will not exceed funds appropriated by the Legislature or available from local sources. If the Health Care Financing Administration does not approve a federal waiver for Healthy Start services, the agency, in consultation with the Department of Health and the Florida Association of Healthy Start Coalitions, is authorized to establish a Medicaid certified-match program for Healthy Start services. Participation in the Healthy Start certified-match program shall be voluntary, and reimbursement shall be limited to the federal Medicaid share to Medicaid-enrolled Healthy Start coalitions for services provided to Medicaid recipients. The agency shall take no action to implement a certified-match program without ensuring that the amendment and review requirements of ss. 216.177 and 216.181 have been met.

(12) **HEARING SERVICES.**—The agency may pay for hearing and related services, including hearing evaluations, hearing aid devices, dispensing of the hearing aid, and related repairs, if provided to a recipient

by a licensed hearing aid specialist, otolaryngologist, otologist, audiologist, or physician.

(13) HOME AND COMMUNITY-BASED SERVICES.—The agency may pay for home-based or community-based services that are rendered to a recipient in accordance with a federally approved waiver program.

(14) HOSPICE CARE SERVICES.—The agency may pay for all reasonable and necessary services for the palliation or management of a recipient's terminal illness, if the services are provided by a hospice that is licensed under part VI of chapter 400 and meets Medicare certification requirements.

(15) INTERMEDIATE CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED SERVICES.—The agency may pay for health-related care and services provided on a 24-hour-a-day basis by a facility licensed and certified as a Medicaid Intermediate Care Facility for the Developmentally Disabled, for a recipient who needs such care because of a developmental disability.

(16) INTERMEDIATE CARE SERVICES.—The agency may pay for 24-hour-a-day intermediate care nursing and rehabilitation services rendered to a recipient in a nursing facility licensed under part II of chapter 400, if the services are ordered by and provided under the direction of a physician.

(17) OPTOMETRIC SERVICES.—The agency may pay for services provided to a recipient, including examination, diagnosis, treatment, and management, related to ocular pathology, if the services are provided by a licensed optometrist or physician.

(18) PHYSICIAN ASSISTANT SERVICES.—The agency may pay for all services provided to a recipient by a physician assistant licensed under s. 458.347 or s. 459.022. Reimbursement for such services must be not less than 80 percent of the reimbursement that would be paid to a physician who provided the same services.

(19) PODIATRIC SERVICES.—The agency may pay for services, including diagnosis and medical, surgical, palliative, and mechanical treatment, related to ailments of the human foot and lower leg, if provided to a recipient by a podiatric physician licensed under state law.

(20) PRESCRIBED DRUG SERVICES.—The agency may pay for medications that are prescribed for a recipient by a physician or other licensed practitioner of the healing arts authorized to prescribe medications and that are dispensed to the recipient by a licensed pharmacist or physician in accordance with applicable state and federal law.

(21) REGISTERED NURSE FIRST ASSISTANT SERVICES.—The agency may pay for all services provided to a recipient by a registered nurse first assistant as described in s. 464.027. Reimbursement for such services may not be less than 80 percent of the reimbursement that would be paid to a physician providing the same services.

(22) STATE HOSPITAL SERVICES.—The agency may pay for all-inclusive psychiatric inpatient hospital care provided to a recipient age 65 or older in a state mental hospital.

(23) VISUAL SERVICES.—The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient, if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist.

(24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for Health Care Administration, in consultation with the Department of Children and Family Services, may establish a targeted case-management pilot project in those counties identified by the Department of Children and Family Services and for the community-based child welfare project in Sarasota and Manatee counties, as authorized under s. 409.1671. These projects shall be established for the purpose of determining the impact of targeted case management on the child welfare program and the earnings from the child welfare program. Results of the pilot projects shall be reported to the Child Welfare Estimating Conference and the Social Services Estimating Conference established under s. 216.136. The number of projects may not be increased until requested by the Department of Children and Family Services, recommended by the Child Welfare Estimating Conference and the Social Services Estimating Conference, and approved by the Legislature. The covered group of individuals who are eligible to receive targeted case

management include children who are eligible for Medicaid; who are between the ages of birth through 21; and who are under protective supervision or postplacement supervision, under foster-care supervision, or in shelter care or foster care. The number of individuals who are eligible to receive targeted case management shall be limited to the number for whom the Department of Children and Family Services has available matching funds to cover the costs. The general revenue funds required to match the funds for services provided by the community-based child welfare projects are limited to funds available for services described under s. 409.1671. The Department of Children and Family Services may transfer the general revenue matching funds as billed by the Agency for Health Care Administration.

Section 67. Present subsections (7) through (11) of section 456.013, Florida Statutes, are renumbered as subsections (8) through (12), respectively, and a new subsection (7) is added to that section to read:

456.013 Department; general licensing provisions.—

(7) *The boards, or the department when there is no board, shall require the completion of a 2-hour course relating to prevention of medical errors as part of the licensure and renewal process. The 2-hour course shall count towards the total number of continuing education hours required for the profession. The course shall be approved by the board or department, as appropriate, and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to chapter 395 for its employees, the board may approve up to 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.*

Section 68. Subsection (19) is added to section 456.057, Florida Statutes, to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(19) *The board, or department when there is no board, may temporarily or permanently appoint a person or entity as a custodian of medical records in the event of the death of a practitioner, the mental or physical incapacitation of the practitioner, or the abandonment of medical records by a practitioner. The custodian appointed shall comply with all provisions of this section, including the release of patient records.*

Section 69. Subsection (3) is added to section 456.063, Florida Statutes, to read:

456.063 Sexual misconduct; disqualification for license, certificate, or registration.—

(3) *Licensed health care practitioners shall report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred.*

Section 70. Paragraphs (c) and (q) of subsection (1) of section 456.072, Florida Statutes, are amended, paragraphs (aa), (bb), and (cc) are added to that subsection, paragraphs (c), (d), and (e) of subsection (2) and subsection (4) are amended, and paragraphs (i) and (j) are added to subsection (2) of that section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(c) Being convicted or found guilty of, or entering a plea of *guilty* or *nolo contendere* to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(q) ~~Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.~~

(aa) *Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the*

purposes of this paragraph, performing or attempting to perform health care services includes the preparation of the patient.

(bb) Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. For the purposes of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, regardless of the intent of the professional.

(cc) Violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(c) Restriction of practice or license, including, but not limited to, restricting the licensee from practicing in certain settings, restricting the licensee to work only under designated conditions or in certain settings, restricting the licensee from performing or providing designated clinical and administrative services, restricting the licensee from practicing more than a designated number of hours, or any other restriction found to be necessary for the protection of the public health, safety, and welfare.

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense. If the violation is for fraud or making a false or fraudulent representation, the board, or the department if there is no board, must impose a fine of \$10,000 per count or offense.

(e) Issuance of a reprimand or letter of concern.

(i) Refund of fees billed and collected from the patient or a third party on behalf of the patient.

(j) Requirement that the practitioner undergo remedial education.

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

(4) In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant to this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is no board, shall may assess costs related to the investigation and prosecution of the case. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

Section 71. Paragraphs (a) and (c) of subsection (9) of section 456.073, Florida Statutes, are amended, and, effective upon this act becoming a law, subsection (13) is added to that section, to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(9)(a) The department shall periodically notify the person who filed the complaint, as well as the patient or the patient's legal representative, of the status of the investigation, indicating whether probable cause has been found and the status of any civil action or administrative proceeding or appeal.

(c) In any disciplinary case for which probable cause is not found, the department shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the department probable cause panel which may be relevant to the decision. To facilitate the provision of additional

information, the person who filed the complaint may receive, upon request, a copy of the department's expert report that supported the recommendation for closure, if such a report was relied upon by the department. In no way does this require the department to procure an expert opinion or report if none was used. Additionally, the identity of the expert shall remain confidential. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(13) Notwithstanding any provision of law to the contrary, an administrative complaint against a licensee shall be filed within 6 years after the time of the incident or occurrence giving rise to the complaint against the licensee. If such incident or occurrence involved criminal actions, diversion of controlled substances, sexual misconduct, or impairment by the licensee, this subsection does not apply to bar initiation of an investigation or filing of an administrative complaint beyond the 6-year time-frame. In those cases covered by this subsection in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the violation of law, the period of limitations is extended forward, but in no event to exceed 12 years after the time of the incident or occurrence.

Section 72. Subsection (1) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

Section 73. Subsections (2) and (6) of section 456.077, Florida Statutes, are amended to read:

456.077 Authority to issue citations.—

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. Violations for which a citation may be issued shall include violations of continuing education requirements, failure to timely pay required fees and fines, failure to comply with the requirements of ss. 381.026 and 381.0261 regarding the dissemination of information regarding patient rights, failure to comply with advertising requirements, failure to timely update practitioner profile and credentialing files, failure to display signs, licenses, and permits, failure to have required reference books available, and all other violations that do not pose a direct and serious threat to the health and safety of the patient.

(6) A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 74. Section 456.081, Florida Statutes, is amended to read:

456.081 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry. The department and the boards shall maintain a website which contains copies of the newsletter; information relating to adverse incident reports without identifying the patient, practitioner, or facility in which the adverse incident occurred until 10 days after probable cause is found, at which time the name of the practitioner and facility shall become public as part of the investigative file; information about error prevention and safety strategies; and information concerning best practices. Unless otherwise prohibited by law, the department and the boards shall publish on the website a summary of final orders entered after July 1, 2001, resulting in disciplinary action fines, suspensions, or revocations, and any other

information the department or the board determines is of interest to the public. *In order to provide useful and timely information at minimal cost, the department and boards may consult with, and include information provided by, professional associations and national organizations.*

Section 75. Section 458.3147, Florida Statutes, is created to read:

458.3147 Medical school eligibility of military academy students or graduates.—Any Florida resident who is a student at or a graduate of any of the United States military academies who qualifies for assignment to the Medical Corps of the United States military shall be admitted to any medical school in the State University System.

Section 76. Subsection (9) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or the physician's attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197(8); a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 458.337, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 458.337(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.

Section 77. Subsection (9) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of an osteopathic physician is undertaken, the department shall promptly furnish to the osteopathic physician or his or her attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197(8); a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 459.016, provided that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 459.016(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The osteopathic physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the osteopathic physician of the complaint or document. The osteopathic physician's written response shall be considered by the probable cause panel.

Section 78. Effective January 1, 2002, subsection (4) of section 641.51, Florida Statutes, is amended to read:

641.51 Quality assurance program; second medical opinion requirement.—

(4) The organization shall ensure that only a physician *with an active, unencumbered license* licensed under chapter 458 or chapter 459; ~~or an allopathic or osteopathic physician with an active, unencumbered~~

~~license in another state with similar licensing requirements~~ may render an adverse determination regarding a service provided by a physician licensed in this state. The organization shall submit to the treating provider and the subscriber written notification regarding the organization's adverse determination within 2 working days after the subscriber or provider is notified of the adverse determination. The written notification must include the utilization review criteria or benefits provisions used in the adverse determination, identify the physician who rendered the adverse determination, and be signed by an authorized representative of the organization or the physician who rendered the adverse determination. The organization must include with the notification of an adverse determination information concerning the appeal process for adverse determinations. *This provision does not create authority for the Board of Medicine or Board of Osteopathic Medicine to regulate the organization; however, the Board of Medicine and the Board of Osteopathic Medicine continue to have jurisdiction over licensees of their respective boards.*

Section 79. Subsection (5) of section 465.019, Florida Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(5) All institutional pharmacies shall be under the professional supervision of a consultant pharmacist, and the compounding and dispensing of medicinal drugs shall be done only by a licensed pharmacist. *Every institutional pharmacy that employs or otherwise utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions which a pharmacy technician is allowed to perform.*

Section 80. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003(11)(a)1., 2., and 3. shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties. *Every permittee that employs or otherwise utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions which a pharmacy technician is allowed to perform.*

Section 81. Effective upon this act becoming a law and operating retroactively to July 1, 2000, section 22 of Chapter 2000-256, Laws of Florida, is amended to read:

Section 22. The amendments to ss. 395.701 and 395.7015, Florida Statutes, by this act shall take effect *July 1, 2000 only upon the Agency for Health Care Administration receiving written confirmation from the federal Health Care Financing Administration that the changes contained in such amendments will not adversely affect the use of the remaining assessments as state match for the state's Medicaid program.*

Section 82. *The Department of Health and the Agency for Health Care Administration shall conduct a review of all statutorily imposed reporting requirements for health care practitioners and health facilities. The department and the agency shall report back to the Legislature on or before November 1, 2001, with recommendations and suggested statutory changes to streamline reporting requirements to avoid duplicative, overlapping, and unnecessary reports or data elements.*

Section 83. Paragraph (r) is added to subsection (1) of section 468.1755, Florida Statutes, and, for the purpose of incorporating the amendment to section 456.072(1), Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of that section is reenacted, to read:

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

- (a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).
- (r) *Failing to implement an ongoing quality assurance program directed by an interdisciplinary team that meets at least every other month.*
- (2) When the board finds any nursing home administrator guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:
 - (a) Denial of an application for licensure.
 - (b) Revocation or suspension of a license.
 - (c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.
 - (d) Issuance of a reprimand.
 - (e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.
 - (f) Restriction of the authorized scope of practice.

Section 84. For the purpose of incorporating the amendment to section 468.1755(1), Florida Statutes, in reference thereto, subsection (3) of section 468.1695, Florida Statutes, and section 468.1735, Florida Statutes, are reenacted to read:

468.1695 Licensure by examination.—

(3) The department shall issue a license to practice nursing home administration to any applicant who successfully completes the examination in accordance with this section and otherwise meets the requirements of this part. The department shall not issue a license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply.

468.1735 Provisional license.—The board may establish by rule requirements for issuance of a provisional license. A provisional license shall be issued only to fill a position of nursing home administrator that unexpectedly becomes vacant due to illness, sudden death of the administrator, or abandonment of position and shall be issued for one single period as provided by rule not to exceed 6 months. The department shall not issue a provisional license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply. The provisional license may be issued to a person who does not meet all of the licensing requirements established by this part, but the board shall by rule establish minimal requirements to ensure protection of the public health, safety, and welfare. The provisional license shall be issued to the person who is designated as the responsible person next in command in the event of the administrator's departure. The board may set an application fee not to exceed \$500 for a provisional license.

Section 85. For the purpose of incorporating the amendment to section 456.072(1), Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 484.056, Florida Statutes, is reenacted to read:

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

- (a) Violation of any provision of s. 456.072(1), s. 484.0512, or s. 484.053.

Section 86. Paragraph (a) of subsection (1), paragraph (a) of subsection (7), and subsection (8) of section 766.101, Florida Statutes, are amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

- (a) The term “medical review committee” or “committee” means:
 - 1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641,
 - b. A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system,
 - c. A committee of a state or local professional society of health care providers,
 - d. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,
 - e. A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,
 - f. A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,
 - g. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,
 - h. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,
 - i. A peer review or utilization review committee organized under chapter 440, ~~or~~
 - j. A committee of the Department of Health, a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records, *or*
 - k. *A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465,*

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

(7)(a) It is the intent of the Legislature to encourage medical review committees to contribute further to the quality of health care in this state by reviewing complaints against physicians in the manner described in this paragraph. Accordingly, the Department of ~~Health Business and Professional Regulation~~ may enter into a letter of agreement with a professional society of physicians licensed under chapter 458 or chapter 459, under which agreement the medical or peer review committees of the professional society will conduct a review of any complaint or case referred to the society by the department which involves a question as to whether a physician's actions represented a breach of the prevailing professional standard of care. The prevailing professional standard of care is that level of care, skill, and treatment which, in light of all

relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers. The letter of agreement must specify that the professional society will submit an advisory report to the department within a reasonable time following the department's written and appropriately supported request to the professional society. The advisory report, which is not binding upon the department, constitutes the professional opinion of the medical review committee and must include:

1. A statement of relevant factual findings.
2. The judgment of the committee as to whether the physician's actions represented a breach of the prevailing professional standard of care.

(8) No cause of action of any nature by a person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, part I of chapter 464, chapter 465, or chapter 466 shall arise against another person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, part I of chapter 464, chapter 465, or chapter 466 for furnishing information to a duly appointed medical review committee, to an internal risk management program established under s. 395.0197, to the Department of Health or the Agency for Health Care Administration ~~Business and Professional Regulation~~, or to the appropriate regulatory board if the information furnished concerns patient care at a facility licensed pursuant to part I of chapter 395 where both persons provide health care services, if the information is not intentionally fraudulent, and if the information is within the scope of the functions of the committee, department, or board. However, if such information is otherwise available from original sources, it is not immune from discovery or use in a civil action merely because it was presented during a proceeding of the committee, department, or board.

Section 87. For the purpose of incorporating the amendment to section 766.101(1)(a), Florida Statutes, in references thereto, paragraph (a) of subsection (1) of section 440.105, Florida Statutes, and subsection (6) of section 626.989, Florida Statutes, are reenacted to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(1)(a) Any insurance carrier, any individual self-insured, any commercial or group self-insurance fund, any professional practitioner licensed or regulated by the Department of Business and Professional Regulation, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the insurance code, or any employee thereof, having knowledge or who believes that a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or misdemeanor under this chapter is being or has been committed shall send to the Division of Insurance Fraud, Bureau of Workers' Compensation Fraud, a report or information pertinent to such knowledge or belief and such additional information relative thereto as the bureau may require. The bureau shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under this chapter is being committed. The bureau shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction with respect to any such violations of this chapter. If prosecution by the state attorney or other prosecuting agency having jurisdiction with respect to such violation is not begun within 60 days of the bureau's report, the state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the bureau of the reasons for the lack of prosecution.

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(6) Any person, other than an insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed may send to the Division of Insurance Fraud a report or information pertinent to such knowledge or belief and such additional information relative

thereto as the department may request. Any professional practitioner licensed or regulated by the Department of Business and Professional Regulation, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed shall send to the Division of Insurance Fraud a report or information pertinent to such knowledge or belief and such additional information relative thereto as the department may require. The Division of Insurance Fraud shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being committed. The Division of Insurance Fraud shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction with respect to any such violation, as provided in s. 624.310. If prosecution by the state attorney or other prosecuting agency having jurisdiction with respect to such violation is not begun within 60 days of the division's report, the state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the division of the reasons for the lack of prosecution.

Section 88. Paragraph (c) of subsection (4) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties pursuant to the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider under contract with the state may not be named as a defendant in any action arising out of the medical care or treatment provided on or after April 17, 1992, pursuant to contracts entered into under this section. The contract must provide that:

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if such incidents and information pertain to a patient treated pursuant to the contract. The health care provider shall *submit the reports required by s. 395.0197 annually submit an adverse incident report that includes all information required by s. 395.0197(6)(a), unless the adverse incident involves a result described by s. 395.0197(8), in which case it shall be reported within 15 days after the occurrence of such incident.* If an incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities pursuant to this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 89. Section 456.047, Florida Statutes, is amended to read:

456.047 Standardized credentialing for health care practitioners.—

(1) INTENT.—The Legislature recognizes that an efficient and effective health care practitioner credentialing program helps to ensure access to quality health care and also recognizes that health care practitioner credentialing activities have increased significantly as a result of health care reform and recent changes in health care delivery and reimbursement systems. Moreover, the resulting duplication of health care practitioner credentialing activities is unnecessarily costly and cumbersome for both the practitioner and the entity granting practice privileges. Therefore, it is the intent of this section that a credentials collection program be established which provides that, once a health care

practitioner's core credentials data are collected, they need not be collected again, except for corrections, updates, and modifications thereto. *Furthermore, it is the intent of the Legislature that the department and all entities and practitioners work cooperatively to ensure the integrity and accuracy of the program.* Participation under this section shall include those individuals licensed under chapter 458, chapter 459, chapter 460, chapter 461, or s. 464.012. However, the department shall, with the approval of the applicable board, include other professions under the jurisdiction of the Division of Medical Quality Assurance in this program, provided they meet the requirements of s. 456.039 or s. 456.0391.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Certified” or “accredited,” as applicable, means approved by a quality assessment program, from the National Committee for Quality Assurance, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, or any such other nationally recognized and accepted organization authorized by the department, used to assess and certify any credentials verification program, entity, or organization that verifies the credentials of any health care practitioner.

(b) “Core credentials data” means *data that is primary source verified and includes the following data: current name, any former name, and any alias, any professional education, professional training, licensure, current Drug Enforcement Administration certification, social security number, specialty board certification, Educational Commission for Foreign Medical Graduates certification, and hospital or other institutional affiliations, evidence of professional liability coverage or evidence of financial responsibility as required by s. 458.320, s. 459.0085, or s. 456.048, history of claims, suits, judgments, or settlements, final disciplinary action reported pursuant to s. 456.039(1)(a)8. or s. 456.0391(1)(a)8. The department may by rule designate additional core credentials data elements, and Medicare or Medicaid sanctions.*

(c) “Credential” or “credentialing” means the process of assessing and verifying the qualifications of a licensed health care practitioner or applicant for licensure as a health care practitioner.

(d) “Credentials verification organization” means any organization certified or accredited as a credentials verification organization.

(e) “Department” means the Department of Health, Division of Medical Quality Assurance.

(f) “Designated credentials verification organization” means the credentials verification organization which is selected by the health care practitioner, if the health care practitioner chooses to make such a designation.

(g) “Drug Enforcement Administration certification” means certification issued by the Drug Enforcement Administration for purposes of administration or prescription of controlled substances. Submission of such certification under this section must include evidence that the certification is current and must also include all current addresses to which the certificate is issued.

(h) “Health care entity” means:

1. Any health care facility or other health care organization licensed or certified to provide approved medical and allied health services in this state;

2. Any entity licensed by the Department of Insurance as a prepaid health care plan or health maintenance organization or as an insurer to provide coverage for health care services through a network of providers or similar organization licensed under chapter 627, chapter 636, chapter 641, or chapter 651; or

3. Any accredited medical school in this state.

(i) “Health care practitioner” means any person licensed, or, for credentialing purposes only, any person applying for licensure, under chapter 458, chapter 459, chapter 460, chapter 461, or s. 464.012 or any person licensed or applying for licensure under a chapter subsequently made subject to this section by the department with the approval of the applicable board, except a person registered or applying for registration pursuant to s. 458.345 or s. 459.021.

~~(j) “Hospital or other institutional affiliations” means each hospital or other institution for which the health care practitioner or applicant has provided medical services. Submission of such information under this section must include, for each hospital or other institution, the name and address of the hospital or institution, the staff status of the health care practitioner or applicant at that hospital or institution, and the dates of affiliation with that hospital or institution.~~

(j)(k) “National accrediting organization” means an organization that awards accreditation or certification to hospitals, managed care organizations, credentials verification organizations, or other health care organizations, including, but not limited to, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, and the National Committee for Quality Assurance.

(k) “Primary source verification” means verification of professional qualifications based on evidence obtained directly from the issuing source of the applicable qualification or from any other source deemed as a primary source for such verification by the department or an accrediting body approved by the department.

(l) “Professional training” means any internship, residency, or fellowship relating to the profession for which the health care practitioner is licensed or seeking licensure.

(m) “Specialty board certification” means certification in a specialty issued by a specialty board recognized by the board in this state that regulates the profession for which the health care practitioner is licensed or seeking licensure.

(3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.—

(a) Every health care practitioner shall:

1. Report all core credentials data to the department which is not already on file with the department, either by designating a credentials verification organization to submit the data or by submitting the data directly.

2. Notify the department within 45 days of any corrections, updates, or modifications to the core credentials data either through his or her designated credentials verification organization or by submitting the data directly. Corrections, updates, and modifications to the core credentials data provided the department under this section shall comply with the updating requirements of s. 456.039(3) or s. 456.0391(3) related to profiling.

(b) The department shall:

1. Maintain a complete, current file of *applicable* core credentials data on each health care practitioner, which shall include *data provided in accordance with subparagraph (a)1. and* all updates provided in accordance with subparagraph (a)2.

2. Release the core credentials data that is otherwise confidential or exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution and any corrections, updates, and modifications thereto, if authorized by the health care practitioner.

3. Charge a fee to access the core credentials data, which may not exceed the actual cost, including prorated setup and operating costs, pursuant to the requirements of chapter 119.

4. Develop standardized forms to be used by the health care practitioner or designated credentials verification organization for the initial reporting of core credentials data, for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto.

(c) A registered credentials verification organization may be designated by a health care practitioner to assist the health care practitioner to comply with the requirements of subparagraph (a)2. A designated credentials verification organization shall:

1. Timely comply with the requirements of subparagraph (a)2., pursuant to rules adopted by the department.

2. Not provide the health care practitioner's core *credentials* data, including all corrections, updates, and modifications, without the authorization of the practitioner.

(d) This section shall not be construed to restrict in any way the authority of the health care entity to credential and to approve or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

(4) **DUPLICATION OF DATA PROHIBITED.**—

(a) A health care entity or credentials verification organization is prohibited from collecting or attempting to collect duplicate core credentials data from any health care practitioner if the information is available from the department. This section shall not be construed to restrict the right of any health care entity or credentials verification organization to collect additional information from the health care practitioner which is not included in the core credentials data file. This section shall not be construed to prohibit a health care entity or credentials verification organization from obtaining all necessary attestation and release form signatures and dates.

(b) Effective July 1, 2002, a state agency in this state which credentials health care practitioners may not collect or attempt to collect duplicate core credentials data from any individual health care practitioner if the information is already available from the department. This section shall not be construed to restrict the right of any such state agency to request additional information not included in the core *credentials* ~~credential~~ data file, but which is deemed necessary for the agency's specific credentialing purposes.

(5) **STANDARDS AND REGISTRATION.**—Any credentials verification organization that does business in this state must be fully accredited or certified as a credentials verification organization by a national accrediting organization as specified in paragraph (2)(a) and must register with the department. The department may charge a reasonable registration fee, not to exceed an amount sufficient to cover its actual expenses in providing and enforcing such registration. The department shall establish by rule for biennial renewal of such registration. Failure by a registered credentials verification organization to maintain full accreditation or certification, to provide data as authorized by the health care practitioner, to report to the department changes, updates, and modifications to a health care practitioner's records within the time period specified in subparagraph (3)(a)2., or to comply with the prohibition against collection of duplicate core credentials data from a practitioner may result in denial of an application for renewal of registration or in revocation or suspension of a registration.

(6) **PRIMARY SOURCE VERIFIED DATA.**—*Health care entities and credentials verification organizations may rely upon any data that has been primary source verified by the department or its designee to meet primary source verification requirements of national accrediting organizations.*

(7)(6) **LIABILITY.**—No civil, criminal, or administrative action may be instituted, and there shall be no liability, against any registered credentials verification organization or health care entity on account of its reliance on any data obtained directly from the department.

(8)(7) **LIABILITY INSURANCE REQUIREMENTS.**—Each credentials verification organization doing business in this state shall maintain liability insurance appropriate to meet the certification or accreditation requirements established in this section.

(9)(8) **RULES.**—The department shall adopt rules necessary to develop and implement the standardized core credentials data collection program established by this section.

Section 90. Section 232.61, Florida Statutes, is amended to read:

232.61 Governing organization for athletics; adoption of bylaws.—

(1) The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws governing residence and transfer shall allow the student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. The student shall

be eligible in that school so long as he or she remains enrolled in that school. Subsequent eligibility shall be determined and enforced through the organization's bylaws.

(2) The organization shall also adopt bylaws that specifically prohibit the recruiting of students for athletic purposes. The bylaws shall prescribe penalties and an appeals process for athletic recruiting violations.

(3) *The organization shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation can only be administered by a practitioner licensed under the provisions of chapter 458, chapter 459, chapter 460, or s. 464.012, and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this subsection, which shall include minimum standards for the physical capabilities necessary for participation in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation form. The evaluation form shall provide place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. Practitioners administering medical evaluations pursuant to this section must know the minimum standards established by the organization and certify that the student meets the standards. If the practitioner determines that there are any abnormal findings in the cardiovascular system, the student may not participate unless a subsequent EKG or other cardiovascular assessment indicates that the abnormality will not place the student at risk during such participation. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation verifying that the student has satisfactorily passed the evaluation have been received and approved by the school.*

(4) *Notwithstanding the provisions of subsection (3), a student may participate in interscholastic athletic competition or be a candidate for an interscholastic athletic team if the parent or guardian of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices, provided that no person or entity shall be held liable for any injury or other damages suffered by such student.*

Section 91. Section 240.4075, Florida Statutes, is amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, *public schools, birth centers, and federally sponsored community health centers and teaching hospitals* by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

(3) Only loans to pay the costs of tuition, books, and living expenses shall be covered, at an amount not to exceed \$4,000 for each year of education towards the degree obtained.

(4) Receipt of funds pursuant to this program shall be contingent upon continued proof of employment in the designated facilities in this state. Loan principal payments shall be made by the Department of ~~Health Education~~ directly to the federal or state programs or commercial lending institutions holding the loan as follows:

- (a) Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of nursing;
- (b) Fifty percent of the loan principal and accrued interest shall be retired after the second year of nursing;
- (c) Seventy-five percent of the loan principal and accrued interest shall be retired after the third year of nursing; and
- (d) The remaining loan principal and accrued interest shall be retired after the fourth year of nursing.

In no case may payment for any nurse exceed \$4,000 in any 12-month period.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of ~~Health Education~~ pursuant to this section and s. 240.4076 and department rules. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of ~~Health Education~~. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 240.4076.

(6) In addition to licensing fees imposed under part I of chapter 464, there is hereby levied and imposed an additional fee of \$5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of ~~Health Education~~ and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship program established pursuant to s. 240.4076.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, *public schools*, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07, *family practice teaching hospitals as defined in s. 395.805*, or *specialty hospitals for children as used in s. 409.9119*. *If in any given fiscal quarter there are insufficient funds in the trust fund to grant all eligible applicant requests, awards shall be based on the following priority of employer: county health departments; federally sponsored community health centers; state-operated medical and health care facilities; public schools; teaching hospitals as defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805; specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes.*

(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.

(8) The Department of ~~Health Education~~ may solicit technical assistance relating to the conduct of this program from the Department of ~~Education Health~~.

(9) The Department of ~~Health Education~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the Nursing Student Loan Forgiveness Program.

(10) The Department of ~~Health Education~~ may adopt rules necessary to administer this program.

(11) This section shall be implemented only as specifically funded.

Section 92. Section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(1) There is established within the Department of ~~Health Education~~ a scholarship program for the purpose of attracting capable and promising students to the nursing profession.

(2) A scholarship applicant shall be enrolled as a full-time or part-time student in the upper division of an approved nursing program leading to the award of a baccalaureate *degree or graduate degree to qualify for a nursing faculty position or as an* ~~or any~~ advanced registered nurse practitioner ~~degree~~ or be enrolled as a full-time or part-time student in an approved program leading to the award of an associate degree in nursing ~~or a diploma in nursing~~.

(3) A scholarship may be awarded for no more than 2 years, in an amount not to exceed \$8,000 per year. However, registered nurses pursuing a *graduate degree for a faculty position or to practice as an advanced registered nurse practitioner degree* may receive up to \$12,000 per year. Beginning July 1, 1998, these amounts shall be adjusted by the amount of increase or decrease in the consumer price index for urban consumers published by the United States Department of Commerce.

(4) Credit for repayment of a scholarship shall be as follows:

(a) For each full year of scholarship assistance, the recipient agrees to work for 12 months *in a faculty position in a college of nursing or community college nursing program in this state or at a health care facility in a medically underserved area as approved by the Department of Health Education*. Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.

(b) Eligible health care facilities include *nursing homes and hospitals in this state*, state-operated medical or health care facilities, *public schools*, county health departments, federally sponsored community health centers, *colleges of nursing in universities in this state, and community college nursing programs in this state* ~~or teaching hospitals as defined in s. 408.07~~. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

(c) Any recipient who does not complete an appropriate program of studies or who does not become licensed shall repay to the Department of ~~Health Education~~, on a schedule to be determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the Nursing Student Loan Forgiveness Trust Fund established in s. 240.4075. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(d) Any recipient who does not accept employment as a nurse at an approved health care facility or who does not complete 12 months of approved employment for each year of scholarship assistance received shall repay to the Department of ~~Health Education~~ an amount equal to two times the entire amount of the scholarship plus interest accruing from the date of the scholarship payment at the maximum allowable interest rate permitted by law. Repayment shall be made within 1 year of notice that the recipient is considered to be in default. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(5) Scholarship payments shall be transmitted to the recipient upon receipt of documentation that the recipient is enrolled in an approved nursing program. The Department of ~~Health Education~~ shall develop a formula to prorate payments to scholarship recipients so as not to exceed the maximum amount per academic year.

(6) The Department of ~~Health Education~~ shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section and may solicit technical assistance relating to the conduct of this program from the Department of Health.

(7) The Department of ~~Health Education~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the nursing scholarship program.

Section 93. *All powers, duties, and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Education relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Health.*

Section 94. Effective July 1, 2003, section 464.005, Florida Statutes, is amended to read:

464.005 Board headquarters.—The board shall maintain its official headquarters in ~~Tallahassee the city in which it has been domiciled for the past 5 years.~~

Section 95. Subsections (1) and (2) of section 464.008, Florida Statutes, are amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed \$150 and has remitted an examination fee set by the board not to exceed \$75 plus the actual per applicant cost to the department for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for graduation from an approved program, *or its equivalent as determined by the board*, for the preparation of registered nurses or licensed practical nurses, whichever is applicable. Courses successfully completed in a professional nursing program which are at least equivalent to a practical nursing program may be used to satisfy the education requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the department.

(2) Each applicant who passes the examination and provides proof of ~~meeting the educational requirements specified in subsection (1) graduation from an approved nursing program~~ shall, unless denied pursuant to s. 464.018, be entitled to licensure as a registered professional nurse or a licensed practical nurse, whichever is applicable.

Section 96. Section 464.009, Florida Statutes, is amended to read:

464.009 Licensure by endorsement.—

(1) The department shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the department and remitting a fee set by the board not to exceed \$100, demonstrates to the board that he or she:

(a) Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his or her original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

(b) Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the department.

(2) Such examinations and requirements from other states shall be presumed to be substantially equivalent to or more stringent than those in this state. Such presumption shall not arise until January 1, 1980. However, the board may, by rule, specify states the examinations and

requirements of which shall not be presumed to be substantially equivalent to those of this state.

(3) *The applicant must submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant. The Department of Health shall submit the fingerprints provided by the applicant to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The Department of Health shall review the results of the criminal history check, issue a license to an applicant who has met all of the other requirements for licensure and has no criminal history, and shall refer all applicants with criminal histories back to the board for determination as to whether a license should be issued and under what conditions.*

(4)(3) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this part *or chapter 456* until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

(5) *The department shall develop an electronic applicant notification process and provide electronic notification when the application has been received and when background screenings have been completed, and shall issue a license within 30 days after completion of all required data collection and verification. This 30-day period to issue a license shall be tolled if the applicant must appear before the board due to information provided on the application or obtained through screening and data collection and verification procedures.*

Section 97. Section 464.0195, Florida Statutes, is created to read:

464.0195 *Florida Center for Nursing; goals.—There is established the Florida Center for Nursing to address issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources. The Legislature finds that the center will repay the state's investment by providing an ongoing strategy for the allocation of the state's resources directed towards nursing. The primary goals for the center shall be to:*

(1) *Develop a strategic statewide plan for nursing manpower in this state by:*

(a) *Establishing and maintaining a database on nursing supply and demand in the state, to include current supply and demand, and future projections; and*

(b) *Selecting from the plan priorities to be addressed.*

(2) *Convene various groups representative of nurses, other health care providers, business and industry, consumers, legislators, and educators to:*

(a) *Review and comment on data analysis prepared for the center;*

(b) *Recommend systemic changes, including strategies for implementation of recommended changes; and*

(c) *Evaluate and report the results of these efforts to the Legislature and others.*

(3) *Enhance and promote recognition, reward, and renewal activities for nurses in the state by:*

(a) *Promoting nursing excellence programs such as magnet recognition by the American Nurses Credentialing Center;*

(b) *Proposing and creating additional reward, recognition, and renewal activities for nurses; and*

(c) *Promoting media and positive image-building efforts for nursing.*

Section 98. Section 464.0196, Florida Statutes, is created to read:

464.0196 *Florida Center for Nursing; board of directors.—*

(1) *The Florida Center for Nursing shall be governed by a policy-setting board of directors. The board shall consist of 16 members, with a simple majority of the board being nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The members of the board shall be appointed by the Governor as follows:*

(a) *Four members recommended by the President of the Senate, at least one of whom shall be a registered nurse recommended by the Florida Organization of Nurse Executives and at least one other representative of the hospital industry recommended by the Florida Hospital Association;*

(b) *Four members recommended by the Speaker of the House of Representatives, at least one of whom shall be a registered nurse recommended by the Florida Nurses Association and at least one other representative of the long-term care industry;*

(c) *Four members recommended by the Governor, two of whom shall be registered nurses; and*

(d) *Four nurse educators recommended by the State Board of Education, one of whom shall be a dean of a College of Nursing at a state university, one other shall be a director of a nursing program in a state community college.*

(2) *The initial terms of the members shall be as follows:*

(a) *Of the members appointed pursuant to paragraph (1)(a), two shall be appointed for terms expiring June 30, 2005, one for a term expiring June 30, 2004, and one for a term expiring June 30, 2003.*

(b) *Of the members appointed pursuant to paragraph (1)(b), one shall be appointed for a term expiring June 30, 2005, two for terms expiring June 30, 2004, and one for a term expiring June 20, 2003.*

(c) *Of the members appointed pursuant to paragraph (1)(c), one shall be appointed for a term expiring June 30, 2005, one for a term expiring June 30, 2004, and two for terms expiring June 30, 2003.*

(d) *Of the members appointed pursuant to paragraph (1)(d), the terms of two members recommended by the State Board of Education shall expire June 30, 2005; the term of the member who is a dean of a College of Nursing at a state university shall expire June 30, 2004; and the term of the member who is a director of a state community college nursing program shall expire June 30, 2003.*

After the initial appointments expire, the terms of all the members shall be for 3 years, with no member serving more than two consecutive terms.

(3) *The board shall have the following powers and duties:*

(a) *To employ an executive director.*

(b) *To determine operational policy.*

(c) *To elect a chair and officers, to serve 2-year terms. The chair and officers may not succeed themselves.*

(d) *To establish committees of the board as needed.*

(e) *To appoint a multidisciplinary advisory council for input and advice on policy matters.*

(f) *To implement the major functions of the center as established in the goals set out in s. 464.0195.*

(g) *To seek and accept nonstate funds for sustaining the center and carrying out center policy.*

(4) *The members of the board are entitled to receive per diem and allowances prescribed by law for state boards and commissions.*

Section 99. Section 464.0197, Florida Statutes, is created to read:

464.0197 *Florida Center for Nursing; state budget support.—The Legislature finds that it is imperative that the state protect its investment and progress made in nursing efforts to date. The Legislature finds that the Florida Center for Nursing is the appropriate means to do so. The center shall have state budget support for its operations so that it may*

have adequate resources for the tasks the Legislature has set out in s. 464.0195.

Section 100. *The Board of Nursing within the Department of Health shall hold in abeyance until July 1, 2002, the development of any rule pursuant to s. 464.019(2), Florida Statutes, which relates to the establishment of faculty/student clinical ratios. The Board of Nursing and the Department of Education shall submit to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001, an implementation plan that details both the impact and the cost of any such proposed rule change.*

Section 101. Subsection (1) of section 464.0205, Florida Statutes, is amended to read:

464.0205 *Retired volunteer nurse certificate.—*

(1) *Any retired practical or registered nurse desiring to serve indigent, underserved, or critical need populations in this state may apply to the department for a retired volunteer nurse certificate by providing:*

(a) *A complete application.*

~~(b) *An application and processing fee of \$25.*~~

~~(b)(e)~~ *Verification that the applicant had been licensed to practice nursing in any jurisdiction in the United States for at least 10 years, had retired or plans to retire, intends to practice nursing only pursuant to the limitations provided by the retired volunteer nurse certificate, and has not committed any act that would constitute a violation under s. 464.018(1).*

~~(c)(d)~~ *Proof that the applicant meets the requirements for licensure under s. 464.008 or s. 464.009.*

Section 102. *The Florida Legislature's Office of Program Policy Analysis and Government Accountability shall study the feasibility of maintaining the entire Medical Quality Assurance function, including enforcement, within one department, as recommended by the Auditor General in Operational Report Number 01-063. The study shall be completed and a report issued to the Legislature on or before November 30, 2001.*

Section 103. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 *Registration of certain clinics; requirements; discipline; exemptions.—*

(1)(a) *As used in this section, the term "clinic" means a business operating in a single structure or facility or group of adjacent structures or facilities operating under the same business name or management at which health care services are provided to individuals and which tenders charges for reimbursement for such services.*

(b) *For purposes of this section, the term "clinic" does not include and the registration requirements in this section do not apply to:*

1. *Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.*

2. *Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3).*

3. *Sole proprietorships, group practices, partnerships, or corporations which provide health care services by licensed health care practitioners pursuant to chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 484, chapter 486, chapter 490, or chapter 491; part I, part III, part X, part XIII, or part XIV of chapter 468; or s. 464.012, which are wholly owned by licensed health care practitioners or wholly owned by licensed health care practitioners and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the practitioner's license.*

(2)(a) *Every clinic, as defined in paragraph (1)(a), must register, and at all times maintain a valid registration, with the department. Each clinic location must be registered separately even though operated under*

the same business name or management, and each clinic must appoint a medical director or clinic director.

(b) The department shall adopt rules necessary to administer the registration program, including rules establishing the specific registration procedures, forms, and fees. Registration may be conducted electronically. Registration fees must be calculated to reasonably cover the cost of registration and must be of such amount that the total fees collected do not exceed the cost of administering and enforcing compliance with this section. The registration program must require:

1. The clinic to file the registration form with the department within 60 days after the effective date of this section or prior to the inception of operation. The registration expires automatically 2 years after its date of issuance and must be renewed biennially thereafter.

2. The registration form to contain the name, residence, and business address, phone number, and license number of the medical director or clinic director for the clinic.

3. The clinic to display the registration certificate in a conspicuous location within the clinic which is readily visible to all patients.

(3)(a) Each clinic must employ or contract with a physician maintaining a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461 to serve as the medical director. However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a health care practitioner licensed under that chapter to serve as the clinic director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinic director if the services provided at the clinic are beyond the scope of that practitioner's license.

(b) The medical director or clinic director must agree in writing to accept responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

1. Have signs identifying the medical director or clinic director posted in a conspicuous location within the clinic which is readily visible to all patients.

2. Ensure that all practitioners providing health care services or supplies to patients maintain a current, active, and unencumbered Florida license.

3. Review any patient-referral contracts or agreements executed by the clinic.

4. Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

5. Serve as the clinic records owner as defined in s. 456.057.

6. Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and the rules adopted thereunder.

7. Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director must take immediate corrective action.

(c) Any contract to serve as a medical director or clinic director entered into or renewed by a physician or licensed health care practitioner in violation of this section is void as contrary to public policy. This section applies to contracts entered into or renewed on or after the effective date of this section.

(d) The department, in consultation with the boards, shall adopt rules specifying limitations on the number of registered clinics and licensees for which a medical director or clinic director may assume responsibility for purposes of this section. In determining the quality of supervision a medical director or clinic director can provide, the department shall consider the number of clinic employees, the clinic location, and the services provided by the clinic.

(4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section but that is not

so registered are unlawful charges and therefore are noncompensable and unenforceable.

(b) Any person establishing, operating, or managing an unregistered clinic otherwise required to be registered under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any licensed health care practitioner who violates this section is subject to discipline in accordance with this chapter and the respective practice act.

(d) The department shall revoke the registration of any clinic registered under this section for operating in violation of the requirements of this section or the rules adopted pursuant to this section.

(e) The department shall investigate allegations of noncompliance with this section and the rules adopted pursuant to this section.

Section 104. The sum of \$100,000 is appropriated from the registration fees collected from clinics pursuant to s. 456.0375, Florida Statutes, and one-half of one full-time equivalent position is authorized, to the Department of Health for the purposes of regulating medical clinics pursuant to s. 456.0375, Florida Statutes. The appropriated funds shall be deposited into the Medical Quality Assurance Trust Fund.

Section 105. Subsection (3) of section 456.031, Florida Statutes, is amended to read:

456.031 Requirement for instruction on domestic violence.—

(3)(a) In lieu of completing a course as required in subsection (1), a licensee or certificateholder may complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved domestic-violence education course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

Section 106. Subsection (9) of section 456.033, Florida Statutes, is amended to read:

456.033 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(9)(a) In lieu of completing a course as required in subsection (1), the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved AIDS/HIV course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved AIDS/HIV course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

Section 107. (1) Subsection (9) is added to section 627.419, Florida Statutes, to read:

627.419 Construction of policies.—

(9) With respect to any group or individual insurer covering dental services, each claimant, or dentist acting for a claimant, who has had a claim denied as not medically or dentally necessary or who has had a claim payment based on an alternate dental service in accordance with accepted dental standards for adequate and appropriate care must be provided an opportunity for an appeal to the insurer's licensed dentist who is responsible for the medical necessity reviews under the plan or is a member of the plan's peer review group. The appeal may be by telephone, and the insurer's dentist must respond within a reasonable time, not to exceed 15 business days.

(2) This section shall apply to policies issued or renewed on or after July 1, 2001.

Section 108. Paragraph (c) of subsection (6) of section 468.302, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(c) A person who is trained and skilled in *invasive cardiovascular cardiopulmonary technology, including the radiologic technology duties associated with these procedures, and who provides invasive cardiovascular cardiopulmonary technology services at the direction, and under the direct supervision, of a licensed practitioner who is trained and skilled in performing invasive cardiovascular procedures. Such persons must have successfully completed a didactic and clinical training program in the following areas before performing radiologic technology duties:*

1. Principles of X-ray production and equipment operation.
2. Biological effects of radiation.
3. Radiation exposure and monitoring.
4. Radiation safety and protection.
5. Evaluation of radiographic equipment and accessories.
6. Radiographic exposure and technique factors.
7. Film processing.
8. Image quality assurance.
9. Patient positioning.
10. Administration and complications of contrast media.
11. Specific fluoroscopic and digital X-ray imaging procedures related to invasive cardiovascular technology.

(d) A person who is a general radiographer certified pursuant to this part who is trained and skilled in radiologic technology procedures appropriate to managing patients in the course of radiation therapy treatment and who provides these services while assisting a person registered with the American Registry of Radiologic Technologists in radiation therapy under the general supervision of a physician licensed under chapter 458 or chapter 459 who is trained and skilled in performing radiation therapy treatments, and who assists in providing radiation therapy procedures. Such persons must successfully complete a training program in the following areas before performing radiologic technology duties:

1. Principles of radiation therapy treatment;
2. Biological effects of radiation;
3. Radiation exposure and monitoring;
4. Radiation safety and protection;
5. Evaluation and handling of radiographic treatment equipment and accessories; and
6. Patient positioning for radiation therapy treatment.

Section 109. Subsections (8) and (9) of section 468.352, Florida Statutes, are amended to read:

468.352 Definitions.—As used in this part, unless the context otherwise requires, the term:

(8) “Registered respiratory therapist” means any person licensed pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board, and who functions in situations of unsupervised patient contact requiring individual judgment.

(9) “Certified respiratory therapist” or “respiratory care practitioner” means any person licensed pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board.

Section 110. Subsections (1) and (2) of section 468.355, Florida Statutes, are amended to read:

468.355 Eligibility for licensure; temporary licensure.—

(1) To be eligible for licensure by the board as a *certified respiratory therapist* ~~respiratory care practitioner~~, an applicant must:

- (a) Be at least 18 years old.
- (b) Possess a high school diploma or a graduate equivalency diploma.
- (c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapy technicians or respiratory therapists approved by the Commission on Accreditation of Allied Health Education Programs, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a “Certified Respiratory Therapist ~~Therapy Technician~~” certified by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

3. The applicant is currently a “Registered Respiratory Therapist” registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 2. and 3. notwithstanding, the board shall periodically review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(2) To be eligible for licensure by the board as a *registered* respiratory therapist, an applicant must:

- (a) Be at least 18 years old.
- (b) Possess a high school diploma or a graduate equivalency diploma.
- (c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for *registered* respiratory therapists approved by the Commission on Accreditation of Allied Health Education Programs, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a “Registered Respiratory Therapist” registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 1. and 2. notwithstanding, the board shall periodically review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

Section 111. Section 468.357, Florida Statutes, is amended to read:

468.357 Licensure by examination.—

(1) A person who desires to be licensed as a *certified respiratory therapist* ~~respiratory care practitioner~~ may submit an application to take the examination, in accordance with board rule.

(a) Each applicant may take the examination who is determined by the board to have:

1. Completed the application form and remitted the applicable fee set by the board;
2. Submitted required documentation as required in s. 468.355; and
3. Remitted an examination fee set by the examination provider.

(b) Examinations for licensure of *certified respiratory therapist* ~~respiratory care practitioners~~ must be conducted no less than two times a year in such geographical locations or by such methods as are deemed advantageous to the majority of the applicants.

(c) The examination given for *certified respiratory therapist* ~~respiratory care practitioners~~ shall be the same as that given by the National Board for Respiratory Care for entry-level certification of respiratory

~~therapists therapy technicians.~~ However, an equivalent examination may be accepted by the board in lieu of that examination.

(2) Each applicant who passes the examination shall be entitled to licensure as a *certified respiratory therapist* ~~respiratory care practitioner~~, and the department shall issue a license pursuant to this part to any applicant who successfully completes the examination in accordance with this section. However, the department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this part. Upon completion of such an investigation, if the applicant is found guilty of such an offense, the applicable provisions of s. 468.365 will apply.

Section 112. Subsections (1) and (2) of section 468.358, Florida Statutes, are amended to read:

468.358 Licensure by endorsement.—

(1) Licensure as a *certified respiratory therapist* ~~respiratory care practitioner~~ shall be granted by endorsement to an individual who holds the “Certified Respiratory Therapist ~~Therapy Technician~~” credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(2) Licensure as a *registered respiratory therapist* shall be granted by endorsement to an individual who holds the “Registered Respiratory Therapist” credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

Section 113. Section 468.359, Florida Statutes, is amended to read:

468.359 Assumption of title and use of abbreviations.—

(1) Only persons who are licensed pursuant to this part as respiratory care practitioners have the right to use the title “Respiratory Care Practitioner” and the abbreviation “RCP.”

(2) Only persons who are licensed pursuant to this part as *registered respiratory therapists* have the right to use the title “Registered Respiratory Therapist” and the abbreviation “RRT,” *when delivering services pursuant to this part provided such persons have passed the Registry Examination for Respiratory Therapists given by the National Board for Respiratory Care.*

(3) Only persons who are *licensed pursuant to this part as certified respiratory therapists have the right to use the title “Certified Respiratory Therapist” and the abbreviation “CRT” when delivering services pursuant to this part.* ~~graduates of board approved programs for respiratory care practitioners may use the term “Graduate Respiratory Therapy Technician” and the abbreviation “GRTT.”~~

~~(4) Only persons who are graduates of board approved programs for respiratory therapists may use the term “Graduate Respiratory Therapist” and the abbreviation “GRT.”~~

(4)(5) No person in this state shall deliver respiratory care services; advertise as, or assume the title of, respiratory care practitioner, *certified respiratory therapist*, or *registered respiratory therapist*; or use the abbreviation “RCP,” “CRT,” or “RRT” *that would lead the public to believe that such person is licensed pursuant to this part unless such person is so licensed*; or take any other action that would lead the public to believe that such person is licensed pursuant to this part unless such person is so licensed.

Section 114. Subsections (2), (3), and (4) of section 468.1155, Florida Statutes, are amended to read:

468.1155 Provisional license; requirements.—

(2) The department shall issue a provisional license to practice speech-language pathology to each applicant who the board certifies has:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Received a master’s degree or *is currently enrolled in a doctoral degree program* with a major emphasis in speech-language pathology from an institution of higher learning which *is, or at the time the applicant was enrolled and graduated,* was, accredited by an accrediting agency recognized by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation* or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from *or is currently enrolled in* a program at a university or college outside the United States or Canada must present documentation of the determination of equivalency to standards established by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation* in order to qualify. The applicant must have completed 60 semester hours that include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; information about training in management of speech, hearing, and language disorders; and information supplementary to these fields.

2. Six semester hours in audiology.

3. Thirty of the required 60 semester hours in courses acceptable toward a graduate degree by the college or university in which these courses were taken, of which 24 semester hours must be in speech-language pathology.

(c) Completed 300 supervised clinical clock hours with 200 clock hours in the area of speech-language pathology *or completed the number of clock hours required by an accredited institution meeting national certification standards.* The supervised clinical clock hours shall be completed within the training institution or one of its cooperating programs.

(3) The department shall issue a provisional license to practice audiology to each applicant who the board certifies has:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Received a master’s degree or *is currently enrolled in a doctoral degree program* with a major emphasis in audiology from an institution of higher learning which *is, or at the time the applicant was enrolled and graduated* was, accredited by an accrediting agency recognized by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation* or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from *or is currently enrolled in* a program at a university or college outside the United States or Canada must present documentation of the determination of equivalency to standards established by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation* in order to qualify. The applicant must have completed 60 semester hours that include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; information about training in management of speech, hearing, and language disorders; and information supplementary to these fields.

2. Six semester hours in speech-language pathology.

3. Thirty of the required 60 semester hours in courses acceptable toward a graduate degree by the college or university in which these courses were taken, of which 24 semester hours must be in audiology.

(c) Completed 300 supervised clinical clock hours with 200 clock hours in the area of audiology *or completed the number of clock hours required by an accredited institution meeting national certification standards.* The supervised clinical clock hours shall be completed within the training institution or one of its cooperating programs.

(4) An applicant ~~for a provisional license~~ who has received a master’s degree or *is currently enrolled in a doctoral degree program* with a major emphasis in speech-language pathology as provided in subsection (2), or audiology as provided in subsection (3), and who seeks licensure in the area in which the applicant is not currently licensed, must have completed 30 semester hours in courses acceptable toward a graduate degree and 200 supervised clinical clock hours in the second discipline from an accredited institution.

Section 115. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 468.1215, Florida Statutes, are amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(1) The department shall issue a certificate as a speech-language pathology assistant to each applicant who the board certifies has:

(b) Earned a bachelor's degree from a college or university accredited by a regional association of colleges and schools recognized by the Department of Education which includes at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation*.

(2) The department shall issue a certificate as an audiology assistant to each applicant who the board certifies has:

(b) Completed at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation*.

Section 116. Subsection (3) of section 480.033, Florida Statutes, is amended to read:

480.033 Definitions.—As used in this act:

(3) "Massage" means the manipulation of the ~~soft~~ superficial tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.

Section 117. Subsection (3) of section 484.002, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

484.002 Definitions.—As used in this part:

(3) "Opticianry" means the preparation and dispensing of lenses, spectacles, eyeglasses, contact lenses, and other optical devices to the intended user or agent thereof, upon the written prescription of a *licensed allopathic or osteopathic physician medical doctor* or optometrist who is duly licensed to practice or upon presentation of a duplicate prescription. The selection of frame designs, the actual sales transaction, and the transfer of physical possession of lenses, spectacles, eyeglasses, contact lenses, and other optical devices subsequent to performance of all services of the optician shall not be considered the practice of opticianry; however, such physical possession shall not be transferred until the optician has completed the fitting of the optical device upon the customer. The practice of opticianry also includes the duplication of lenses accurately as to power, without prescription. A board-certified optician qualified and operating under rules established by the board may fill, fit, adapt, or dispense any soft contact lens prescription. Such optician may fill, fit, adapt, or dispense any extended wear or hard contact lens prescription to the extent authorized to do so by the prescribing *allopathic or osteopathic physician medical doctor* or optometrist.

(8) "Contact lenses" means a prescribed medical device intended to be worn directly against the cornea of the eye to correct vision conditions, act as a therapeutic device, or provide a cosmetic effect.

(9) "Optical Dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer, duplicating lenses, accurately as to power without a prescription and duplicating nonprescription eyewear and parts of eyewear. "Optical Dispensing" does not include selecting frames, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

Section 118. Subsection (2) of section 484.006, Florida Statutes, is amended to read:

484.006 Certain rules prohibited.—

(2) No rule or policy of the board shall prohibit any optician from practicing jointly with optometrists or *allopathic or osteopathic physicians medical doctors* licensed in this state.

Section 119. Subsections (1) and (2) of section 484.012, Florida Statutes, are amended to read:

484.012 Prescriptions; filing; duplication of prescriptions; duplication of lenses.—

(1) Any prescription written by a duly licensed *allopathic or osteopathic physician medical doctor* or optometrist for any lenses, spectacles, eyeglasses, contact lenses, or other optical devices shall be kept on file for a period of 2 years with the optical establishment that fills such prescription. However, the licensed optician may maintain a copy of the prescription.

(2) Upon request by the intended user of the prescribed lenses, spectacles, eyeglasses, contact lenses, or other optical devices, or by an agent of the intended user, the optician who fills the original prescription shall duplicate, on a form prescribed by rule of the board, the original prescription. However, for medical reasons only, the prescribing *allopathic or osteopathic physician medical doctor* or optometrist may, upon the original prescription, prohibit its duplication. Any duplication shall be considered a valid prescription to be filled for a period of 5 years from the date of the original prescription, except that a contact lens prescription shall be considered a valid prescription to be filled for a period of 2 years from the date of the original prescription.

Section 120. Section 484.015, Florida Statutes, is amended to read:

484.015 Authority to inspect.—Duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours ~~an~~ any establishment of *any kind* in the state in which lenses, spectacles, eyeglasses, contact lenses, and any other optical devices are prepared ~~or~~ and dispensed, for the purposes of:

(1) Determining if any provision of this part, or any rule promulgated under its authority, is being violated;

(2) Securing samples or specimens of any lenses, spectacles, eyeglasses, contact lenses, or other optical devices, after paying or offering to pay for such sample or specimen; or

(3) Securing such other evidence as may be needed for prosecution under this part.

Section 121. Subsection (1) of section 484.0445, Florida Statutes, is amended to read:

484.0445 Training program.—

(1) The board shall establish by rule a training program *for a minimum not to exceed 6 months in length, which may include a board-approved home study course. Upon submitting to the department the registration fee, the applicant may register and enter the training program. Upon completion of the training program, the trainee shall take the first available written and practical examinations offered by the department. The department shall administer the written and practical examinations as prescribed by board rule. If the trainee fails either the written or the practical examination, she or he may repeat the training program one time and retake the failed examination, provided she or he takes the next available examination. No person may remain in trainee status or further perform any services authorized for a trainee if she or he fails either the written or the practical examination twice; but, a trainee may continue to function as a trainee until she or he has received the results of the examinations. Any applicant who has failed an examination twice and is no longer functioning as a trainee shall be eligible for reexamination as provided in s. 484.045(2).*

Section 122. Section 484.045, Florida Statutes, is amended to read:

484.045 Licensure by examination.—

(1) Any person desiring to be licensed as a hearing aid specialist shall apply to the department *on a form approved by the department to take the licensure examination, which shall include a clinical practical component.*

(2) The department shall ~~license~~ ~~examine~~ each applicant who the board certifies:

(a) Has completed the application form and remitted the *required fees applicable fee to the board and has paid the examination fee*;

(b) Is of good moral character;

(c) Is 18 years of age or older;

(d) Is a graduate of an accredited high school or its equivalent; ~~and~~

(e)1. Has met the requirements of the training program ~~set forth in s. 484.0445~~; or

2.a. Has a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing in such capacity for at least 12 months; or

b. Is currently certified by the National Board for Certification in Hearing Instrument Sciences and has been actively practicing for at least 12 months. ~~Persons qualifying under this sub-subparagraph need not take the written or practical examination, but must take and pass a test on Florida laws and rules relating to the fitting and dispensing of hearing aids.~~

(f) *Has passed an examination, as prescribed by board rule; and*

(g) *Has demonstrated, in a manner designated by rule of the board, knowledge of state laws and rules relating to the fitting and dispensing of hearing aids.*

(3) *A person who fails the examination may make application for reexamination to the appropriate examining entity, as prescribed by board rule.*

~~(2) On or after October 1, 1990, every applicant who is qualified to take the examination shall be allowed to take the examination three times. If, after October 1, 1990, an applicant fails the examination three times, the applicant shall no longer be eligible to take the examination.~~

~~(3) The department shall issue a license to practice dispensing hearing aids to any applicant who successfully completes the examination in accordance with this section.~~

Section 123. Effective January 1, 2002, subsection (1) of section 490.012, Florida Statutes, is amended to read:

490.012 Violations; penalties; injunction.—

(1)(a) *No person shall hold herself or himself out by any professional title, name, or description incorporating the word “psychologist” unless such person holds a valid, active license as a psychologist under this chapter.*

(b) *No person shall hold herself or himself out by any professional title, name, or description incorporating the words “school psychologist” unless such person holds a valid, active license as a school psychologist under this chapter or is certified as a school psychologist by the Department of Education.*

(c)(1)(a) *No person shall hold herself or himself out by any title or description incorporating the words, or permutations of them, “psychologist,” “psychology,” “psychological,” “psychodiagnostic,” or “school psychologist,” or describe any test or report as psychological, unless such person holds a valid, active license under this chapter or is exempt from the provisions of this chapter.*

(d)(b) *No person shall hold herself or himself out by any title or description incorporating the word, or a permutation of the word, “psychotherapy” unless such person holds a valid, active license under chapter 458, chapter 459, chapter 490, or chapter 491, or such person is certified as an advanced registered nurse practitioner, pursuant to s. 464.012, who has been determined by the Board of Nursing as a specialist in psychiatric mental health.*

(e)(e) *No person licensed or provisionally licensed pursuant to this chapter shall hold herself or himself out by any title or description which indicates licensure other than that which has been granted to her or him.*

Section 124. Effective January 1, 2002, Florida Statutes, is amended to read:

490.014 Exemptions.—

(1)(a) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459 so long as they do not hold themselves out to the public as psychologists or use a professional title protected by this chapter.

(b) No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title or description protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, *so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a)*.

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he or she was trained and hired, *so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a)*.

(c) Is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by this chapter who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided such graduate or student is designated by a title such as “intern” or “trainee” which clearly indicates the in-training status of the student.

(d) Is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice which is not performed as a direct employee of an educational institution.

(e) Is not a resident of the state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his or her licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(f) Is a rabbi, priest, minister, or member of the clergy of any religious denomination or sect when engaging in activities which are within the scope of the performance of his or her regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(3) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as

he or she does not hold himself or herself out to the public as possessing a license issued pursuant to this chapter or use a title or *description* protected by this chapter.

(4) Nothing in this section shall exempt any person from the ~~provisions~~ provision of s. 491.012(1)(a)-(b) ~~(a)-(b)~~.

(5) Except as stipulated by the board, the exemptions contained in this section do not apply to any person licensed under this chapter whose license has been suspended or revoked by the board or another jurisdiction.

Section 125. Effective January 1, 2002, paragraphs (i), (j), and (k) of subsection (1) of section 491.012, Florida Statutes, are amended to read:

491.012 Violations; penalty; injunction.—

(1) It is unlawful and a violation of this chapter for any person to:

(i) Practice clinical social work in this state, ~~as the practice is defined in s. 491.003(7)~~, for compensation, unless the person holds a valid, active license to practice clinical social work issued pursuant to this chapter *or is an intern registered pursuant to s. 491.0045*.

(j) Practice marriage and family therapy in this state, ~~as the practice is defined in s. 491.003(8)~~, for compensation, unless the person holds a valid, active license to practice marriage and family therapy issued pursuant to this chapter *or is an intern registered pursuant to s. 491.0045*.

(k) Practice mental health counseling in this state, ~~as the practice is defined in s. 491.003(9)~~, for compensation, unless the person holds a valid, active license to practice mental health counseling issued pursuant to this chapter *or is an intern registered pursuant to s. 491.0045*.

Section 126. Effective January 1, 2002, paragraphs (a) and (b) of subsection (4) of section 491.014, Florida Statutes, are amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, *so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist*.

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he or she was trained and hired, *so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist*.

Section 127. Subsection (4) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(4) Notwithstanding the provisions of s. 456.033, a physician may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 128. Subsection (5) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(5) Notwithstanding the provisions of s. 456.033, an osteopathic physician may complete continuing education on end-of-life and palliative health care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 129. Subsection (4) of section 765.101, Florida Statutes, is amended to read:

765.101 Definitions.—As used in this chapter:

(4) “End-stage condition” means *an irreversible* a condition that is caused by injury, disease, or illness which has resulted in *progressively* severe and permanent deterioration, ~~indicated by incapacity and complete physical dependency~~ and for which, to a reasonable degree of medical ~~probability certainty~~, treatment of the ~~irreversible~~ condition would be ~~medically~~ ineffective.

Section 130. Subsection (4) of section 765.102, Florida Statutes, is amended to read:

765.102 Legislative findings and intent.—

(4) The Legislature recognizes the need for all health care professionals to rapidly increase their understanding of end-of-life and palliative health care. Therefore, the Legislature encourages the professional regulatory boards to adopt appropriate standards and guidelines regarding end-of-life care and pain management and encourages educational institutions established to train health care professionals and allied health professionals to implement curricula to train such professionals to provide end-of-life care, including pain management and palliative care.

Section 131. Section 765.1025, Florida Statutes, is created to read:

765.1025 Palliative care.—*For purposes of this chapter:*

(1) *Palliative care is the comprehensive management of the physical, psychological, social, spiritual, and existential needs of patients. Palliative care is especially suited to the care of persons who have incurable, progressive illness.*

(2) *Palliative care must include:*

(a) *An opportunity to discuss and plan for end-of-life care.*

(b) *Assurance that physical and mental suffering will be carefully attended to.*

(c) *Assurance that preferences for withholding and withdrawing life-sustaining interventions will be honored.*

(d) *Assurance that the personal goals of the dying person will be addressed.*

(e) *Assurance that the dignity of the dying person will be a priority.*

(f) *Assurance that health care providers will not abandon the dying person.*

(g) *Assurance that the burden to family and others will be addressed.*

(h) *Assurance that advance directives for care will be respected regardless of the location of care.*

(i) *Assurance that organizational mechanisms are in place to evaluate the availability and quality of end-of-life, palliative, and hospice care services, including the evaluation of administrative and regulatory barriers.*

(j) *Assurance that necessary health care services will be provided and that relevant reimbursement policies are available.*

(k) *Assurance that the goals expressed in paragraphs (a)-(j) will be accomplished in a culturally appropriate manner.*

Section 132. Subsection (2) of section 765.1103, Florida Statutes, is amended to read:

765.1103 Pain management and palliative care.—

(2) *Health care providers and practitioners regulated under chapter 458, chapter 459, or chapter 464 must, as appropriate, comply with a request for pain management or palliative care from a patient under their care or, for an incapacitated patient under their care, from a surrogate, proxy, guardian, or other representative permitted to make health care decisions for the incapacitated patient. Facilities regulated under chapter 400 or chapter 395 must comply with the pain management or palliative care measures ordered by the patient's physician. When the patient is receiving care as an admitted patient of a facility or a provider or is a subscriber of a health care facility, health care provider, or health care practitioner regulated under chapter 395, chapter 400, chapter 458, chapter 459, chapter 464, or chapter 641, such facility, provider, or practitioner must, when appropriate, comply with a request for pain management or palliative care from a capacitated patient or an incapacitated patient's health care surrogate or proxy, court-appointed guardian as provided in chapter 744, or attorney in fact as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.*

Section 133. Paragraph (b) of subsection (1) of section 765.205, Florida Statutes, is amended to read:

765.205 Responsibility of the surrogate.—

(1) The surrogate, in accordance with the principal's instructions, unless such authority has been expressly limited by the principal, shall:

(b) Consult expeditiously with appropriate health care providers to provide informed consent, and make only health care decisions for the principal which he or she believes the principal would have made under the circumstances if the principal were capable of making such decisions. *If there is no indication of what the principal would have chosen, the surrogate may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

Section 134. Subsections (2) and (3) of section 765.401, Florida Statutes, are amended to read:

765.401 The proxy.—

(2) Any health care decision made under this part must be based on the proxy's informed consent and on the decision the proxy reasonably believes the patient would have made under the circumstances. *If there is no indication of what the patient would have chosen, the proxy may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

(3) Before exercising the incapacitated patient's rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305, except that a proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent *or, if there is no indication of what the patient would have chosen, that the decision is in the patient's best interest.*

Section 135. *The Legislature finds that the area of specialty training is of great importance to the citizens of this state and that specialty training and certification creates a higher level of proficiency for the practitioner and improves the delivery of health care to Floridians. Because much confusion exists among the patient population and practitioners as to the requirements for board certification, the Legislature directs the Department of Health to conduct a study of the area of specialty certification relating to the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Dentistry. The study should review current statutes and rules to determine if any barriers exist in board recognition of certifying organizations and if restrictions placed on a licensee's speech both target an identifiable harm and mitigate against such harm in a direct and effective manner. A final report shall be provided no later than January 1, 2002, to the President of the Senate and the Speaker of the House of Representatives for distribution to the chairs of the health-care-related committees.*

Section 136. Paragraph (d) of subsection (2) of section 499.012, Florida Statutes, is amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

(2) The following types of wholesaler permits are established:

(d) A retail pharmacy wholesaler's permit. A retail pharmacy wholesaler is a retail pharmacy engaged in wholesale distribution of prescription drugs within this state under the following conditions:

1. The pharmacy must obtain a retail pharmacy wholesaler's permit pursuant to ss. 499.001-499.081 and the rules adopted under those sections.

2. The wholesale distribution activity does not exceed 30 percent of the total annual purchases of prescription drugs. If the wholesale distribution activity exceeds the 30-percent maximum, the pharmacy must obtain a prescription drug wholesaler's permit.

3. The transfer of prescription drugs that appear in any schedule contained in chapter 893 is subject to chapter 893 and the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

4. The transfer is between a retail pharmacy and another retail pharmacy, a *Modified Class II institutional pharmacy*, or a health care practitioner licensed in this state and authorized by law to dispense or prescribe prescription drugs.

5. All records of sales of prescription drugs subject to this section must be maintained separate and distinct from other records and comply with the recordkeeping requirements of ss. 499.001-499.081.

Section 137. *The Legislature finds that personal identifying information, name, age, diagnosis, address, bank account numbers, and debit and credit card numbers contained in the records relating to an individual's personal health or eligibility for health-related services made or received by the individual's physician and public or private health facility should be held confidential. Furthermore, the Legislature finds that every person has an expectation of and a right to privacy in all matters concerning her or his personal health when medical services are provided. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private sectors. For these reasons, it is the express intent of the Legislature to protect confidential information and the individual's expectations of the right to privacy in all matters regarding her or his personal health and not to have such information exploited for purposes of solicitation or marketing the sale of goods and services.*

Section 138. Subsection (5) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(5)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1.(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

2.(b) When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3.(c) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4.(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(b) Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.

Section 139. Subsection (7) of section 395.3025, Florida Statutes is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(7)(a) If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.

Section 140. Subsection (1) of section 400.1415, Florida Statutes, is amended to read:

400.1415 Patient records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical record or releases medical records for the purposes of solicitation or marketing the sale of goods or services absent a specific written release or authorization permitting utilization of patient information, or other nursing home record, or causes or procures any of these offenses to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 141. Section 626.9651, Florida Statutes, is created to read:

626.9651 *Privacy.—The department shall adopt rules consistent with other provisions of the Florida Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules must be based on, consistent with, and not more restrictive than the Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000, by the National Association of Insurance Commissioners; however, the rules must permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research, in accordance with federal law. In addition, these rules must be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102. If the department determines that a health insurer or health maintenance organization is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, that health insurer or health maintenance organization is in compliance with this section.*

Section 142. Effective upon becoming law, subsections (14), (15), and (16) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(14) *Before November 30 of each year, subject to the availability of an adequate supply of the necessary vaccine, provide for immunizations against influenza viruses to all its consenting residents in accordance with the recommendations of the U.S. Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Subject to these exemptions, any consenting person who becomes a resident of the facility after November 30 but before March 31 of the following year must be immunized within 5 working days after becoming a resident. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this subsection. This subsection does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization*

from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this subsection.

(15) *Assess all residents for eligibility for pneumococcal polysaccharide vaccination (PPV) and vaccinate residents when indicated within 60 days after the effective date of this act in accordance with the recommendations of the U.S. Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Residents admitted after the effective date of this act shall be assessed within 5 working days of admission and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contradictions and religious or personal beliefs. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this subsection. This subsection does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this subsection.*

(16) *Annually encourage and promote to its employees the benefits associated with immunizations against influenza viruses in accordance with the recommendations of the U.S. Centers for Disease Control and Prevention. The agency may adopt and enforce any rules necessary to comply with or implement this subsection.*

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 143. *There is established the Office of Community Partners within the Department of Health for the purpose of receiving, coordinating, and dispensing federal funds set aside to expand the delivery of social services through eligible private community organizations and programs. The office shall provide policy direction and promote civic initiatives which seek to preserve and strengthen families and communities. The Department of Health, the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Corrections may request transfer of general revenue funds between agencies, as approved by the Legislative Budget Commission, as necessary to match federal funds received by the Office of Community Partners for these initiatives.*

Section 144. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2 through page 3, line 23, delete all of said lines and insert: An act relating to health care; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and funding administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing education tracking system; repealing s. 458.31151, F.S.; repealing obsolete provisions; amending s. 457.107, F.S.; for clarification of acupuncture fees; amending s. 483.807, F.S.; relating to clinical laboratory personnel fees; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations; providing for electronic access to and

posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; clarifying circumstances under which candidates may bring a challenge; providing for electronic administration of certain laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 458.345, 458.347, 459.0085, 459.015, 459.022, 460.413, 461.013, 462.14, 463.016, 464.018, 465.008, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; revising and conforming provisions relating to disciplinary grounds and penalties; amending s. 458.315, F.S.; providing that a physician practicing under a temporary certificate is immune from civil liability if acting in good faith as a reasonably prudent person and if the injury or damage is not caused by willful misconduct; providing requirements for the Board of Medicine in issuing temporary certificates; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; amending s. 456.003, F.S.; providing a limitation on the duties of certain boards; providing for the Agency for Health Care Administration to create the Organ Transplant Task Force to study organ transplantation programs; requiring the task force to study and make recommendations on the necessity of the issuance of certificates of need for such programs and funding for organ transplantation; providing a date for the task force to report to the Governor and the Legislature; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Services; amending s. 483.245, F.S.; prohibiting rebate or split-fee arrangements with dialysis facilities for patient referrals to clinical laboratories; providing penalties; amending s. 232.435, F.S.; providing training requirements for a first responder and teacher athletic trainer; amending s. 383.14, F.S.; amending screening requirements for postnatal screening; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.057, F.S.; providing for appointment of a records custodian under certain circumstances; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the Department of Health to notify the patient or legal representative of the status of a disciplinary case; requiring the department to provide certain information to the complainant; providing time limitations on the filing of ad-

ministrative complaints against licensees of the department; amending s. 456.074, F.S.; providing for an emergency order suspending the license of a practitioner for fraud; amending s. 456.077, F.S.; specifying violations for which the Department of Health or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the Department of Health and regulatory boards to maintain a website containing specified information; creating s. 458.3147, F.S.; providing automatic admission to any medical school in the State University System for military academy students or graduates who qualify for the Medical Corps of the United States military; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending s. 641.51, F.S.; revising adverse determination provisions; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the Department of Health and the Agency for Health Care Administration to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists; to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; creating s. 464.0195, F.S.; creating the Florida Center for Nursing and providing its goals; creating s. 464.0196, F.S.; providing for a board of directors; providing for appointment of board members; providing for staggered terms; providing powers and duties; authorizing per diem and travel expenses; creating s. 464.0197, F.S.; declaring state budget support for the center; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors or clinic directors for such clinics and providing their duties and responsibilities; providing an appropriation; amend-

ing s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., relating to dentistry, may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; providing applicability; amending s. 468.302, F.S.; revising a provision relating to exemption from certification to use radiation on human beings; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising requirements for licensure to practice speech-language pathology or audiology and for certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of “massage”; amending s. 484.002, F.S.; amending and creating definitions; amending ss. 484.002, 484.006, 484.012, F.S.; replacing references to the term “medical doctor” with the term “allopathic or osteopathic physician”; amending s. 484.015, F.S.; revising inspection authority; amending s. 484.0445, F.S.; removing certain provisions relating to the training program for hearing aid specialists; amending s. 484.045, F.S.; revising requirements for licensure as a hearing aid specialist by examination; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross-reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 491.014, F.S.; revising exemptions from licensure under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to prohibit the use by certain employees of titles, names, or descriptions protected by the chapter; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term “end-stage condition” with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; revising provisions relating to compliance with requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decision-makers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decision-makers; requiring the Department of Health to conduct an interim study on specialty certification and provide a report to the Legislature; amending s. 499.012, F.S.; authorizing transfer of prescription drugs between a retail pharmacy and a Modified Class II institutional pharmacy under a retail pharmacy wholesaler’s permit; providing legislative intent; amending ss. 395.3025, 400.1415, and 456.057, F.S.; prohibiting the use of a patient’s medical records for purposes of solicitation and marketing absent a specific written release or authorization; providing penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer’s nonpublic personal financial and health information; providing standards for the rules; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; establishing the Office of Community Partners within the Department of Health to provide for delivery of social services through eligible private organizations and programs; providing procedure for transfer of general revenue funds to match federal funds received by the office; providing effective dates.

Senator Saunders moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (590086)(with title amendment)—On page 28, line 6 through page 29, line 22, delete those lines and insert:

Section 18. Subsection (2) of section 458.315, Florida Statutes, is amended to read:

458.315 Temporary certificate for practice in areas of critical need.— Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of \$300 may be issued a temporary certificate to practice in communities of Florida

where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(2) The board may administer an abbreviated oral examination to determine the physician’s competency, but no written regular examination is necessary. *Within 60 days after receipt of an application for a temporary certificate, the board shall review the application and issue the temporary certificate or notify the applicant of denial.*

Section 19. Paragraph (d) is added to subsection (1) of section 459.0075, Florida Statutes, to read:

459.0075 Limited licenses.—

(1) Any person desiring to obtain a limited license shall:

(d) *Within 60 days after receipt of an application for a limited license, the board shall review the application and issue the limited license or notify the applicant of denial.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 290, lines 9-14, delete those lines and insert: penalties; amending s. 458.315, F.S.; revising the procedure for obtaining a temporary permit; amending 459.0075, F.S.; revising the procedure for obtaining a limited license;

SENATOR SULLIVAN PRESIDING

Senator Webster moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1B (510348)—On page 38, between lines 5 and 6, insert:

(oo) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 10 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient’s post-operative care.*

The vote was:

Yeas—21

Burt	Dawson	Lee	Sebesta
Carlton	Diaz de la Portilla	Miller	Wasserman Schultz
Clary	Geller	Peaden	Webster
Constantine	Klein	Posey	
Cowin	Latvala	Pruitt	
Crist	Lawson	Saunders	

Nays—13

Bronson	Jones	Mitchell	Silver
Campbell	King	Rossin	Sullivan
Holzendorf	Meek	Sanderson	Villalobos
Horne			

Vote after roll call:

Nay—Smith

Senator Saunders moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1C (530074)—On page 157, delete line 27 and insert:

Section 54. Effective October 1, 2001, paragraphs (e) and (f) of subsection (4)

Amendment 1D (675558)—On page 161, delete line 9 and insert:

Section 55. Effective October 1, 2001, subsection (4) and paragraph (c) of

Amendment 1E (224640)(with title amendment)—On page 209, lines 17-24, delete those lines

And the title is amended as follows:

On page 293, lines 20-25, delete those lines and insert: containing specified information; amending ss.

Amendment 1F (100780)—On page 248, line 15 through page 252, line 22, delete those lines and insert:

Section 103. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 Registration of certain clinics; requirements; discipline; exemptions.—

(1)(a) As used in this section, the term “clinic” means a business operating in a single structure or facility, or in a group of adjacent structures or facilities operating under the same business name or management, at which health care services are provided to individuals and which tender charges for reimbursement for such services.

(b) For purposes of this section, the term “clinic” does not include and the registration requirements herein do not apply to:

1. Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.

2. Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3).

3. Sole proprietorships, group practices, partnerships, or corporations that provide health care services by licensed health care practitioners pursuant to chapters 457, 458, 459, 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or parts I, III, X, XIII, or XIV of chapter 468, or s. 464.012, which are wholly owned by licensed health care practitioners or the licensed health care practitioner and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed therein and is legally responsible for the entity’s compliance with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the practitioner’s license.

(2)(a) Every clinic, as defined in paragraph (1)(a), must register, and must at all times maintain a valid registration, with the Department of Health. Each clinic location shall be registered separately even though operated under the same business name or management, and each clinic shall appoint a medical director or clinical director.

(b) The department shall adopt rules necessary to implement the registration program, including rules establishing the specific registration procedures, forms, and fees. Registration fees must be reasonably calculated to cover the cost of registration and must be of such amount that the total fees collected do not exceed the cost of administering and enforcing compliance with this section. Registration may be conducted electronically. The registration program must require:

1. The clinic to file the registration form with the department within 60 days after the effective date of this section or prior to the inception of operation. The registration expires automatically 2 years after its date of issuance and must be renewed biennially.

2. The registration form to contain the name, residence and business address, phone number, and license number of the medical director or clinical director for the clinic.

3. The clinic to display the registration certificate in a conspicuous location within the clinic readily visible to all patients.

(3)(a) Each clinic must employ or contract with a physician maintaining a full and unencumbered physician license in accordance with

chapter 458, chapter 459, chapter 460, or chapter 461 to serve as the medical director. However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a health care practitioner licensed under that chapter to serve as a clinical director who is responsible for the clinic’s activities. A health care practitioner may not serve as the clinical director if the services provided at the clinic are beyond the scope of that practitioner’s license.

(b) The medical director or clinical director shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinical director shall:

1. Have signs identifying the medical director or clinical director posted in a conspicuous location within the clinic readily visible to all patients.

2. Ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license.

3. Review any patient referral contracts or agreements executed by the clinic.

4. Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

5. Serve as the clinic records holder as defined in s. 456.057.

6. Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and rules adopted thereunder.

7. Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director shall take immediate corrective action.

(c) Any contract to serve as a medical director or a clinical director entered into or renewed by a physician or a licensed health care practitioner in violation of this section is void as contrary to public policy. This section shall apply to contracts entered into or renewed on or after October 1, 2001.

(d) The department, in consultation with the boards, shall adopt rules specifying limitations on the number of registered clinics and licenses for which a medical director or a clinical director may assume responsibility for purposes of this section. In determining the quality of supervision a medical director or a clinical director can provide, the department shall consider the number of clinic employees, clinic location, and services provided by the clinic.

(4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section, but that is not so registered, are unlawful charges and therefore are noncompensable and unenforceable.

(b) Any person establishing, operating, or managing an unregistered clinic otherwise required to be registered under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any licensed health care practitioner who violates this section is subject to discipline in accordance with chapter 456 and the respective practice act.

(d) The department shall revoke the registration of any clinic registered under this section for operating in violation of the requirements of this section or the rules adopted by the department.

(e) The department shall investigate allegations of noncompliance with this section and the rules adopted pursuant to this section.

Amendment 1G (323012)(with title amendment)—On page 254, line 15 through page 256, line 3, delete those lines and insert:

Section 108. Paragraph (d) of subsection (3) of section 468.302, Florida Statutes, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(3)

(d) A person holding a certificate as a general radiographer may not perform nuclear medicine and radiation therapy procedures, *except as provided in this paragraph. A person who is a general radiographer certified pursuant to this part who receives additional training and skills in radiation therapy technology procedures as referenced in this paragraph may assist with managing patients undergoing radiation therapy treatments if that assistance is provided to a person registered with the American Registry of Radiologic Technologists in radiation therapy who is also certified pursuant to this part as a radiation therapy technologist. Both the general radiographer and the radiation therapy technologist must perform these radiation therapy services under the general supervision of a physician licensed under chapter 458 or chapter 459 who is trained and skilled in performing radiation therapy treatments. The radiation therapy technologist identified under this paragraph may not delegate any function to the general radiographer which could reasonably be expected to create an unnecessary danger to a patient's life, health, or safety. The general radiographer identified under this section may not, however, perform the following services while assisting the radiation therapy technologist: radiation treatment planning, calculation of radiation therapy doses, or any of the duties of a medical physicist. The general radiographer identified under this section must successfully complete a training program in the following areas before assisting with radiation therapy technology duties:*

1. Principles of radiation therapy treatment;
2. Biological effects of radiation;
3. Radiation exposure and monitoring;
4. Radiation safety and protection;
5. Evaluation and handling of radiographic treatment equipment and accessories; and
6. Patient positioning for radiation therapy treatment.

In addition, a general radiographer may participate in additional approved programs as provided by rule of the department.

And the title is amended as follows:

On page 297, line 25, after the semicolon (;) insert: providing training requirements;

Senator Silver moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1H (491306)—On page 255, line 15 through page 256, line 3, delete those lines and insert:

(d) A person holding a certificate as a general radiographer may not perform nuclear medicine and radiation therapy procedures, *except as provided herein. A person who is a general radiographer certified pursuant to this part who receives additional training and skills in radiation therapy technology procedures as referenced herein may assist with managing patients undergoing radiation therapy treatments if that assistance is provided to a person registered with the American Registry of Radiologic Technologists in radiation therapy who is also certified pursuant to this part as a radiation therapy technologist. Both the general radiographer and the radiation therapy technologist must perform these radiation therapy services under the general supervision of a physician licensed under chapter 458 or chapter 459 who is trained and skilled in performing radiation therapy treatments. The radiation therapy technologist identified in this paragraph may not delegate any function to the general radiographer that could reasonably be expected to create an unnecessary danger to a patient's life, health or safety. The general radiographer identified under this paragraph may not, however, perform the following services while assisting the radiation therapy technologist: radiation treatment planning, calculation of radiation therapy doses, administration of radiation therapy doses, or any of the duties of a medical physicist. The general radiographer identified under this paragraph must successfully complete a training program in the following areas before assisting with radiation therapy technology duties:*

1. Principles of radiation therapy treatment;
2. Biological effects of radiation;
3. Radiation exposure and monitoring;
4. Radiation safety and protection;
5. Evaluation and handling of radiographic treatment equipment and accessories;
6. Patient positioning for radiation therapy treatment. *In addition, a general radiographer may participate in additional approved programs as provided by rule of the department.*

Senator Wasserman Schultz moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1I (940362)(with title amendment)—On page 267, between lines 16 and 17, insert:

Section 120. Section 484.013, Florida Statutes, is amended to read:

484.013 Violations and penalties.—

- (1) It is unlawful for any person:
 - (a) To make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.
 - (b) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices when such person is not licensed as an optician in this state.
 - (c) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices without first being furnished with a prescription as provided for in s. 484.012.

(2) It is unlawful for any person other than an optician licensed under this part to use the title "optician" or otherwise lead the public to believe that she or he is engaged in the practice of opticianry.

(3) It is unlawful for any optician to engage in the diagnosis of the human eyes, attempt to determine the refractive powers of the human eyes, or, in any manner, attempt to prescribe for or treat diseases or ailments of human beings.

(4) It is unlawful for any person to open or operate, either alone or with any other person or persons, an optical establishment which does not have the permit required by this part.

(5)(a) *Except as otherwise provided in paragraph (b), a person who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(b) *A person who knowingly violates paragraph (1)(c) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 121. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
456.065(2)	3rd	Practicing a health care profession without a license.	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
458.327(1)	3rd	Practicing medicine without a license.	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
459.013(1)	3rd	Practicing osteopathic medicine without a license.	784.081(1)	1st	Aggravated battery on specified official or employee.
460.411(1)	3rd	Practicing chiropractic medicine without a license.	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
461.012(1)	3rd	Practicing podiatric medicine without a license.	784.083(1)	1st	Aggravated battery on code inspector.
462.17	3rd	Practicing naturopathy without a license.	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
463.015(1)	3rd	Practicing optometry without a license.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
464.016(1)	3rd	Practicing nursing without a license.	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
465.015(2)	3rd	Practicing pharmacy without a license.	796.03	2nd	Procuring any person under 16 years for prostitution.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
467.201	3rd	Practicing midwifery without a license.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
468.366	3rd	Delivering respiratory care services without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
483.901(9)	3rd	Practicing medical physics without a license.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
484.013(1)(c)	3rd	<i>Preparing or dispensing optical devices without a prescription.</i>	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
484.053	3rd	Dispensing hearing aids without a license.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	812.131(2)(a)	2nd	Robbery by sudden snatching.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	872.06	2nd	Abuse of a dead human body.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.

Florida Statute	Felony Degree	Description
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 298, line 12, following the semicolon (;) insert: amending s. 484.013, F.S.; increasing the penalty for certain acts involving preparation or dispensing of optical devices; amending s. 921.0022, F.S.; providing for the ranking of such offense on the offense severity ranking chart;

Senator Webster moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1J (175244)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Section 458.3147, Florida Statutes, is created to read:

458.3147 Medical school eligibility of military academy students or graduates.—Any Florida resident who is a student at or a graduate of any of the United States military academies who has command approval to apply to medical school prior to assignment to the medical corps of the United States military shall be admitted to any medical school in the State University System. Each medical school in the State University System shall admit two such applicants each academic year.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: creating s. 458.3147, F.S.; providing automatic admission to any medical school in the State University System for United States Military Academy students or graduates;

Senator Saunders moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1K (263906)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Section 409.91188, Florida Statutes, is amended to read:

409.91188 Specialty prepaid health plans for Medicaid recipients with HIV or AIDS.—The Agency for Health Care Administration is authorized to contract with specialty prepaid health plans and pay them on a prepaid capitated basis to provide Medicaid benefits to Medicaid-eligible recipients who have human immunodeficiency syndrome (HIV) or acquired immunodeficiency syndrome (AIDS). The agency shall apply for and is authorized to implement federal waivers or other necessary federal authorization to implement the prepaid health plans authorized by this section. The agency shall procure the specialty prepaid health plans through a competitive procurement. In awarding a contract to a managed care plan, the agency shall take into account price, quality, accessibility, linkages to community-based organizations, and the comprehensiveness of the benefit package offered by the plan. The agency may bid the HIV/AIDS specialty plans on a county, regional, or state-wide basis. Qualified plans must be licensed under chapter 641. The agency shall monitor and evaluate the implementation of this waiver program if it is approved by the Federal Government and shall report on its status to the President of the Senate and the Speaker of the House of Representatives by February 1, 2001. To improve coordination of medical care delivery and to increase cost-efficiency for the Medicaid program in treating HIV disease, the Agency for Healthcare Administration shall seek all necessary federal waivers to allow participation in the Medipass HIV disease management program for Medicare beneficiaries who test positive for HIV infection and who also qualify for Medicaid benefits such as prescription medications not covered by Medicare.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: amending s. 409.91188, F.S.; requiring the Agency for Health Care Administration to seek certain waivers to allow certain Medicare beneficiaries to participate in the Medipass HIV disease management program;

SENATOR WEBSTER PRESIDING

Amendment 1L (263982)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. *Effective June 1, 2001, subsection (1) of section 71 of chapter 98-171, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration;

Senator Silver moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1M (361050)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. *Effective July 1, 2001, and applicable to births occurring on or after that date, subsection (2) of section 766.302, Florida Statutes, is amended to read:*

766.302 Definitions; ss. 766.301-766.316.—As used in ss. 766.301-766.316, the term:

(2) "Birth-related neurological injury" means injury to the brain or spinal cord of a live infant weighing at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant weighing at least 2,000 grams at birth caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This definition shall apply to live births only and shall not include disability or death caused by genetic or congenital abnormality.

Section 145. Effective July 1, 2001, and applicable to births occurring on or after that date, paragraph (b) of subsection (1) of section 766.31, Florida Statutes, is amended to read:

766.31 Administrative law judge awards for birth-related neurological injuries; notice of award.—

(1) Upon determining that an infant has sustained a birth-related neurological injury and that obstetrical services were delivered by a participating physician at the birth, the administrative law judge shall make an award providing compensation for the following items relative to such injury:

(b)1. Periodic payments of an award to the parents or legal guardians of the infant found to have sustained a birth-related neurological injury, which award shall not exceed \$100,000. However, at the discretion of the administrative law judge, such award may be made in a lump sum.

2. Payment for funeral expenses not to exceed \$1,500.

Section 146. Section 766.308, Florida Statutes, is repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: amending s. 766.302, F.S.; clarifying the definition of the term "birth-related neurological injury"; amending s. 766.31, F.S.; providing for payment of funeral expenses up to a specified amount; repealing s. 766.308, F.S., which provides for review by a medical advisory panel;

Senators Sanderson and Wasserman Schultz offered the following amendment to **Amendment 1** which was moved by Senator Sanderson and failed to receive the required two-thirds vote:

Amendment 1N (471162)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Paragraph (o) of subsection (3) of section 456.053, Florida Statutes, is amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(o) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. The following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

- By a radiologist for diagnostic-imaging services.
- By a physician specializing in the provision of radiation therapy services for such services.
- By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for

the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice; provided, however, that effective July 1, 1999, a physician licensed pursuant to chapter 458, chapter 459, chapter 460, or chapter 461 may refer a patient to a sole provider or group practice for diagnostic imaging services, excluding radiation therapy services, for which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider. The group practice or sole provider may accept no more than 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

~~h. By a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis.~~

~~h.i. By a urologist for lithotripsy services.~~

~~i.j. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.~~

~~j.k. By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.~~

~~k.l. By a nephrologist for renal dialysis services and supplies, except laboratory services.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, following the semicolon (;) insert: amending s. 456.053, F.S.; redefining the term "referral" with respect to financial arrangements between health care providers and service providers;

The vote was:

Yeas—15

Dawson	Horne	Miller	Smith
Diaz de la Portilla	Jones	Pruitt	Villalobos
Dyer	Klein	Sanderson	Wasserman Schultz
Geller	Lawson	Silver	

Nays—20

Bronson	Constantine	Lee	Rossin
Brown-Waite	Holzendorf	Meek	Saunders
Burt	King	Mitchell	Sebesta
Campbell	Latvala	Peaden	Sullivan
Clary	Laurent	Posey	Webster

Vote after roll call:

Nay—Crist

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1O (620382)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Section 468.805, Florida Statutes, is amended to read:

468.805 Grandfathering.—

(1)(a) A person who has practiced orthotics, prosthetics, or pedorthics in this state for the required period ~~since July 1, 1990, and March 1, 1998, who, before March 1, 1998, applied applies to the department for a license to practice orthotics, prosthetics, or pedorthics, and who received certification in orthotics, prosthetics, or pedorthics from a national certifying body and had his or her application fully approved by the board before October 1, 2000,~~ may be licensed as a prosthetist, an orthotist, a prosthetist-orthotist, an orthotic fitter, an orthotic fitter assistant, or a pedorthist, as applicable ~~determined from the person's experience, certification, and educational preparation,~~ without meeting the educational requirements set forth in s. 468.803, ~~upon receipt of the application fee and licensing fee and after the board has completed an investigation into the applicant's background and experience. The board shall require an application fee not to exceed \$500, which shall be nonrefundable. The board shall complete its investigation within 6 months after receipt of the completed application.~~

(b) The period of experience required for licensure under this ~~subsection~~ section is 5 years for a prosthetist or an orthotist and; 2 years for an orthotic fitter, an orthotic fitter assistant, or a pedorthist. ~~Each applicant shall document experience in the; and 5 years for an orthotist whose scope of practice for the profession applied for as is defined under s. 468.80(7).~~

(2)(a) ~~An applicant for licensure as an orthotist, a prosthetist, or a prosthetist-orthotist who cannot demonstrate 5 years of experience as required by subsection (1), but who has practiced as an orthotist, a prosthetist, or a prosthetist-orthotist in this state for at least 2 years between July 1, 1990, and March 1, 1998, and A person who has received certification as an orthotist, a prosthetist, or a prosthetist-orthotist from a national certifying body before July 1, 1998, and who has practiced orthotics or prosthetics in this state for at least 2 years but less than 5 years is eligible for a provisional license.~~

~~(b) An applicant for provisional licensure shall submit proof that he or she has been actively practicing as a nationally certified orthotist, prosthetist, or prosthetist-orthotist, an application fee, and a provisional license fee.~~

(b)(e) A provisional licensee is required to practice under supervision of a fully licensed orthotist, prosthetist, or prosthetist-orthotist for up to 3 years in order to meet the 5-year experience requirement of subsection (1) to be licensed as an orthotist, a prosthetist, or a prosthetist-orthotist. ~~The provisional licensee must demonstrate that the supervised practice includes experience in the scope of practice of the profession as defined under s. 468.80.~~

~~(d) After appropriate investigation, the board shall license as an orthotist, prosthetist, or prosthetist-orthotist the provisional licensee who has successfully completed the period of experience required and otherwise meets the requirements of subsection (1).~~

~~(c) The board shall require an application fee, not to exceed \$500, which is nonrefundable, and a provisional licensure fee, not to exceed \$500.~~

(3) ~~Upon receipt of the nonrefundable application fee and the appropriate licensing fee, the board shall complete an investigation into the applicant's background and experience. The board shall complete its investigation within 6 months after receipt of the completed application. The 90-day period for approval or denial of a license required under s. 120.60 does not apply to applications for licensure or provisional licensure under this section.~~

(4) ~~The board by rule shall establish the following fees not to exceed \$500 each:~~

- (a) ~~Application fee for licensure under subsection (1).~~
- (b) ~~Application fee for provisional licensure under subsection (2).~~
- (c) ~~Application fee for licensure following provisional licensure under subsection (2).~~
- (d) ~~Initial licensure fee.~~

(e) *Provisional licensure fee.*

(5)(3) An applicant who has received certification as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist from a national certifying body which requires the successful completion of an examination, may be licensed under this section without taking an additional examination. An applicant who has not received certification from a national certifying body which requires the successful completion of an examination shall be required to take an examination as determined by the board. This examination shall be designed to determine if the applicant has the minimum qualifications needed to be licensed under this section. The board may charge an examination fee and the actual per applicant cost to the department for purchase or development of the examination.

(6)(4) An applicant who successfully completed prior to March 1, 1998, at least one-half of the examination required for national certification and successfully completed the remaining portion of the examination and became certified prior to ~~October 1, 2000 July 1, 1998,~~ shall be considered as nationally certified by March 1, 1998, for purposes of this section.

(7)(5) This section is repealed July 1, 2002.

Section 145. *Section 1 of chapter 99-158, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; repealing s. 1, ch. 99-158, Laws of Florida, relating to a deadline to apply for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Saunders, **CS for SB 1558** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

THE PRESIDENT PRESIDING

CS for CS for SB 2224—A bill to be entitled An act relating to the Department of Labor and Employment Security; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; providing for certain employees of the division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; transferring various functions, powers, duties, personnel, and assets relating to the Unemployment Appeals Commission to the Agency for Workforce Innovation; transferring various functions, powers, duties, personnel, and assets relating to the Public Employee Relations Commission to the Department of Management Services; transferring the Office of Information Services and related resources of the Department of Labor and Employment Security to the State Technology Office; providing for substitution of a successor agency as a party to judicial and administrative proceedings; transfer-

ring the administration of child labor laws to the Department of Business and Professional Regulation; transferring certain functions of the Office of the Secretary, the Office of Administrative Services, and the Office of General Counsel of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; transferring other workplace regulation functions to the Department of Business and Professional Regulation; providing for the continuation of contracts and agreements; making appropriations; amending s. 20.13, F.S.; creating the Division of Workers' Compensation in the Department of Insurance; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.205, 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.25, 440.271, 440.345, 440.35, 440.381, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.012, 450.191, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.4416, F.S.; transferring the Workers' Compensation Oversight Board from the Department of Labor and Employment Security to the Department of Insurance; revising the membership and appointment of board members; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; repealing s. 20.171, F.S.; abolishing the Department of Labor and Employment Security; providing severability; providing legislative intent; providing effective dates.

—was read the third time by title.

An amendment was considered and adopted by two thirds vote to conform **CS for CS for SB 2224** to **HB 1655**.

Pending further consideration of **CS for CS for SB 2224** as amended, on motion by Senator Clary, by two-thirds vote **HB 1655** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Clary, by two-thirds vote—

HB 1655—A bill to be entitled An act relating to workplace regulation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; transferring certain rules to the Agency for Health Care Administration; amending s. 20.13, F.S.; providing for certain employees of the Division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; creating the Division of Workers' Compensation in the Department of Insurance; repealing s. 20.171, F.S., which creates the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions;

amending ss. 110.025, 440.05, 440.09, 440.10, 440.021, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.386, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.12, 450.197, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing appropriations; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.824, and 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing for the source of funding of the division; specifying firefighter employee rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; specifying applicability to volunteer firefighters and volunteer fire departments; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name and membership of the Firefighters Standards and Training Council; amending ss. 383.3362, 633.30, and 633.32, F.S., to conform; amending s. 633.33, F.S.; revising certain powers of the council; specifying controlling legislation in the event of a conflict; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2224** as amended and read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (435872)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *The Division of Workers' Compensation of the Department of Labor and Employment Security is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Insurance, except as otherwise provided in this section. The*

transfers to the Department of Insurance shall include all resources, data, records, property, and unexpended balances of appropriations, allocations, or other funds. No personnel are transferred to the Department of Insurance. The employees of the Department of Labor and Employment Security's Division of Workers' Compensation, Office of the Secretary, Office of Administrative Services, and Office of General Counsel employed by the Department of Labor and Employment Security as of March 1, 2001 may be given hiring priority by the Department of Insurance, and at least 300 of these employees shall be offered employment by the Department of Insurance, effective October 1, 2001. To the extent feasible, the positions established by the Department of Insurance will be at pay grades comparable to the positions established by the Department of Labor and Employment Security based on the classification code and specifications of the positions for work to be performed at the Department of Insurance. Offers of employment to the 300 employees must be tendered no later than August 15, 2001. The Department of Labor and Employment Security shall offer, and if accepted provide, job placement assistance to those employees not offered employment by the Department of Insurance. After October 1, 2001, such assistance, upon request, shall be provided to these employees by the Agency for Workforce Innovation. The Department of Insurance shall determine the number of positions needed to administer the provisions of chapter 440, Florida Statutes. The number of positions the department determines is needed may not exceed the number of authorized positions and salary and benefits that was authorized for the Division of Workers' Compensation within the Department of Labor and Employment Security prior to the transfer. Upon transfer of the Division of Workers' Compensation, the number of required positions as determined by the department shall be authorized within the agency. The Department of Insurance is further authorized to reassign, reorganize, or otherwise transfer positions to appropriate administrative subdivisions within the department and to establish such regional offices as are necessary to properly enforce and administer its responsibilities under the Florida Insurance Code and chapter 440, Florida Statutes. The department may also enter into contracts with public or private entities to administer its duties and responsibilities associated with the transfer of the Division of Workers' Compensation. All existing contracts related to those functions that are transferred to the Department of Insurance are subject to cancellation or renewal upon review by the Department of Insurance.

(2) Four attorney positions and one administrative assistant III position, and the related property and unexpended balances of appropriations, allocations, and other funds, are transferred from the Office of General Counsel of the Department of Labor and Employment Security to the Department of Insurance by a type two transfer, as defined in section 20.06(2), Florida Statutes.

(3) The Office of the Judges of Compensation Claims is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Division of Administrative Hearings of the Department of Management Services.

(4) Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for coding or entering data contained within final orders issued by the judges of compensation claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.

(5) Ten positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for receiving and preparing docketing orders for the petitions for benefits and for receiving and entering data related to the petitions for benefits are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.

(6) Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for financial management, accounting, and budgeting for the Office of the Judges of Compensation Claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.

(7) Effective July 1, 2001, 29 full-time equivalent positions from the Division of Workers' Compensation of the Department of Labor and Em-

ployment Security and the records, property, and unexpended balances of appropriations, allocations, and other funds related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, and data management are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Health Care Administration. However, the claims review functions and three-member panel shall not be so transferred and shall be retained by the Department of Insurance.

(8) All statutory powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workers' Compensation, Office of Medical Services and Rehabilitation, related to reemployment, training and education, obligations to rehire, and preferred worker requirements, consisting of 98 full-time equivalent positions, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Education.

(9) Except as provided in this section, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions of the Division of Workers' Compensation are transferred by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Department of Insurance. The Department of Insurance, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workers' Compensation as transferred to the Department of Insurance. The number of administrative support positions that the Department of Insurance determines is needed may not exceed the number of administrative support positions that was authorized for the Department of Labor and Employment Security for this purpose prior to the transfer. Upon transfer of the Division of Workers' Compensation, the number of required administrative support positions as determined by the Department of Insurance shall be authorized within the Department of Insurance.

(10) All the personnel, records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (7) and (8) to the Department of Education are transferred by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Department of Education.

(11) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (7) to the Agency for Health Care Administration are transferred by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Agency for Health Care Administration.

(12) Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Unemployment Appeals Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

(13) Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Management Services.

(14) Effective July 1, 2001, the Office of Information Systems is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the State Technology Office. Upon completion of this transfer, the State Technology Office and the Department of Insurance shall enter into discussions to determine whether it would be technologically feasible and cost effective to separate the Workers' Compensation Integrated System from its current mainframe platform and transfer ownership of this system to the

Department of Insurance. If the Department of Insurance ultimately determines that it is technologically feasible and cost effective to transfer ownership of the Workers' Compensation Integrated System from the State Technology Office to the Department of Insurance, the State Technology Office and the Department of Insurance shall jointly develop and implement a plan to transfer this system to the Department of Insurance.

(15)(a) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (12) to the Agency for Workforce Innovation are transferred as provided in s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

(b) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (13) to the Department of Management Services are transferred as provided in s. 20.06(2), Florida Statutes, to the Department of Management Services.

(c) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (14) to the State Technology Office are transferred as provided in s. 20.06(2), Florida Statutes, to the State Technology Office.

(16) This act does not affect the validity of any judicial or administrative proceeding involving the Department of Labor and Employment Security, which is pending as of the effective date of any transfer under this act. The successor department, agency, or entity responsible for the program, activity, or function relative to the proceeding shall be substituted, as of the effective date of the applicable transfer under this act, for the Department of Labor and Employment Security as a party in interest in any such proceedings.

(17) Effective July 1, 2001, eleven full-time equivalent positions from the Division of Workers' Compensation of the Department of Labor and Employment Security, and the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds related to the administration of child labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation.

(18) Effective July 1, 2001, thirty full-time equivalent positions from the Compliance and Enforcement Program in the Office of the Secretary and Administrative Services and one senior attorney and one administrative secretary from the Office of General Counsel in the Office of the Secretary and Administrative Services, and the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of the Secretary and Administrative Services of the Department of Labor and Employment Security related to the regulation of labor organizations under chapter 447, Florida Statutes, and the administration of migrant labor and farm labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation.

(19) Effective July 1, 2001, any other powers, duties, functions, rules, records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Labor and Employment Security not otherwise transferred by this act, relating to workplace regulation and enforcement, including, but not limited to, those under chapter 448, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation.

(20) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and Administrative Services of the Department of Labor and Employment Security which support the activities and

functions transferred under subsections (17), (18), and (19) to the Department of Business and Professional Regulation are transferred as provided in section 20.06(2), Florida Statutes, to the Department of Business and Professional Regulation.

(21) Notwithstanding any other provision of law, any binding contract or interagency agreement existing on or before October 1, 2001, between the Department of Labor and Employment Security, or an entity or agent of the department, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(22) All rules adopted by the Department of Labor and Employment Security and the authority for such rules relating to the regulation of workers' compensation medical services are transferred to the Agency for Health Care Administration.

(23) The sum of \$520,726 is appropriated from the General Revenue Fund to the Department of Business and Professional Regulation for the purpose of administering the regulation of labor organizations under chapter 447, Florida Statutes, and administering migrant labor and farm labor laws under chapter 450, Florida Statutes. This appropriation shall be in addition to the amount of funding appropriated for this purpose in the fiscal year 2001-2002 General Appropriations Act.

Section 2. Paragraph (k) is added to subsection (2) of section 20.13, Florida Statutes, to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(2) The following divisions of the Department of Insurance are established:

(k) Division of Workers' Compensation.

Section 3. Section 20.171, Florida Statutes, is repealed.

Section 4. Paragraph (1) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(1) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 5. Section 440.015, Florida Statutes, is amended to read:

440.015 Legislative intent.—It is the intent of the Legislature that the Workers' Compensation Law be interpreted so as to assure the quick and efficient delivery of disability and medical benefits to an injured

worker and to facilitate the worker's return to gainful reemployment at a reasonable cost to the employer. It is the specific intent of the Legislature that workers' compensation cases shall be decided on their merits. The workers' compensation system in Florida is based on a mutual renunciation of common-law rights and defenses by employers and employees alike. In addition, it is the intent of the Legislature that the facts in a workers' compensation case are not to be interpreted liberally in favor of either the rights of the injured worker or the rights of the employer. Additionally, the Legislature hereby declares that disputes concerning the facts in workers' compensation cases are not to be given a broad liberal construction in favor of the employee on the one hand or of the employer on the other hand, and the laws pertaining to workers' compensation are to be construed in accordance with the basic principles of statutory construction and not liberally in favor of either employee or employer. It is the intent of the Legislature to ensure the prompt delivery of benefits to the injured worker. Therefore, an efficient and self-executing system must be created which is not an economic or administrative burden. The Division of Workers' Compensation of the Department of Insurance, the Department of Education, and the Agency for Health Care Administration shall administer the Workers' Compensation Law in a manner that which facilitates the self-execution of the system and the process of ensuring a prompt and cost-effective delivery of payments.

Section 6. Subsections (11), (13), and (14) of section 440.02, Florida Statutes, are amended, and subsection (40) is added to that section, to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(11) "Department" means the Department of ~~Insurance Labor and Employment Security~~.

(13) "Division" means the Division of Workers' Compensation of the Department of ~~Insurance Labor and Employment Security~~.

(14)(a) "Employee" means any person engaged in any employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the ~~department division~~ as provided in s. 440.05.

2. As to officers of a corporation who are actively engaged in the construction industry, no more than three officers may elect to be exempt from this chapter by filing written notice of the election with the ~~department division~~ as provided in s. 440.05.

3. An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the ~~department division~~ as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes a sole proprietor or a partner who devotes full time to the proprietorship or partnership and, except as provided in this paragraph, elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05. Partners or sole proprietors actively engaged in the construction industry are considered employees unless they elect to be excluded from the definition of employee by filing written notice of the election with the ~~department division~~ as provided in s. 440.05. However, no more than three partners in a partnership that is actively engaged in the construction industry may elect to be excluded. A sole proprietor or partner who is actively engaged in the construction industry and who elects to be exempt from this chapter by filing a written notice of the election with the ~~department division~~ as provided in s. 440.05 is not an employee. For purposes of this chapter, an independent contractor is an employee unless he or she meets all of the conditions set forth in subparagraph (d)1.

(d) "Employee" does not include:

1. An independent contractor, if:

a. The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

b. The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;

c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;

d. The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

e. The independent contractor is responsible for the satisfactory completion of work or services that he or she performs or agrees to perform and is or could be held liable for a failure to complete the work or services;

f. The independent contractor receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis;

g. The independent contractor may realize a profit or suffer a loss in connection with performing work or services;

h. The independent contractor has continuing or recurring business liabilities or obligations; and

i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.

2. A real estate salesperson or agent, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or

equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the *department division*; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Any officer of a corporation who elects to be exempt from this chapter.

8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

(40) "Agency" means the Agency for Health Care Administration.

Section 7. Section 440.021, Florida Statutes, is amended to read:

440.021 Exemption of workers' compensation from chapter 120.—Workers' compensation adjudications by judges of compensation claims are exempt from chapter 120, and no judge of compensation claims shall be considered an agency or a part thereof. Communications of the result of investigations by the *department division* pursuant to s. 440.185(4) are exempt from chapter 120. In all instances in which the *department division* institutes action to collect a penalty or interest which may be due pursuant to this chapter, the penalty or interest shall be assessed without hearing, and the party against which such penalty or interest is assessed shall be given written notice of such assessment and shall have the right to protest within 20 days of such notice. Upon receipt of a timely notice of protest and after such investigation as may be necessary, the *department division* shall, if it agrees with such protest, notify the protesting party that the assessment has been revoked. If the *department division* does not agree with the protest, it shall refer the matter to the judge of compensation claims for determination pursuant to s. 440.25(2)-(5). Such action of the *department division* is exempt from the provisions of chapter 120.

Section 8. Section 440.05, Florida Statutes, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(1) Each corporate officer who elects not to accept the provisions of this chapter or who, after electing such exemption, revokes that exemption shall mail to the *department division* in Tallahassee notice to such effect in accordance with a form to be prescribed by the *department division*.

(2) Each sole proprietor or partner who elects to be included in the definition of "employee" or who, after such election, revokes that election must mail to the *department division* in Tallahassee notice to such effect, in accordance with a form to be prescribed by the *department division*.

(3) Each sole proprietor, partner, or officer of a corporation who is actively engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must mail a written notice to such effect to the *department division* on a form prescribed by the *department division* notice of election to be exempt from the provisions of this chapter must be notarized and under oath. The notice of election to be exempt which is submitted to the *department division* by the sole proprietor, partner, or officer of a corporation must list the name, federal tax identification number, social security number, all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption,

a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the *department division*, a copy of the relevant occupational license in the primary jurisdiction of the business, and, for corporate officers and partners, the registration number of the corporation or partnership filed with the Division of Corporations of the Department of State. The notice of election to be exempt must identify each sole proprietorship, partnership, or corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer and the additional documentation required by this section. In addition, the notice of election to be exempt must provide that the sole proprietor, partner, or officer electing an exemption is not entitled to benefits under this chapter, must provide that the election does not exceed exemption limits for officers and partnerships provided in s. 440.02, and must certify that any employees of the sole proprietor, partner, or officer electing an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, receipt of all application fees, and a determination by the *department division* that the notice meets the requirements of this subsection, the *department division* shall issue a certification of the election to the sole proprietor, partner, or officer, unless the *department division* determines that the information contained in the notice is invalid. The *department division* shall revoke a certificate of election to be exempt from coverage upon a determination by the *department division* that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid. The certificate of election must list the names of the sole proprietorship, partnership, or corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new sole proprietorship, partnership, or corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, a sole proprietor, partner, or officer who is a subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the *department division*, the *department division* shall notify the workers' compensation carriers identified in the request for exemption.

(4) The notice of election to be exempt from the provisions of this chapter must contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive the *department division* or any employer or employee, insurance company, or purposes program, files a notice of election to be exempt containing any false or misleading information is guilty of a felony of the third degree." Each person filing a notice of election to be exempt shall personally sign the notice and attest that he or she has reviewed, understands, and acknowledges the foregoing notice.

(5) A notice given under subsection (1), subsection (2), or subsection (3) shall become effective when issued by the *department division* or 30 days after an application for an exemption is received by the *department division*, whichever occurs first. However, if an accident or occupational disease occurs less than 30 days after the effective date of the insurance policy under which the payment of compensation is secured or the date the employer qualified as a self-insurer, such notice is effective as of 12:01 a.m. of the day following the date it is mailed to the *department division* in Tallahassee.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the *department division*. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. Any person who has received from the *department division* a construction industry certificate of election to be exempt which is in effect on December 31, 1998, shall file a new notice of election to be exempt by the last day in his or her birth month following December 1, 1998. A construction industry certificate of election to be exempt may be revoked before its expiration by the sole proprietor, partner, or officer for whom it was issued or by the *department division* for the reasons stated in this section. At least 60 days prior to the expiration date of a construction industry certificate of exemption issued after December 1, 1998, the *department division* shall send notice of the expiration date and an application for renewal to the certificateholder at the address on the certificate.

(7) Any contractor responsible for compensation under s. 440.10 may register in writing with the workers' compensation carrier for any sub-

contractor and shall thereafter be entitled to receive written notice from the carrier of any cancellation or nonrenewal of the policy.

(8)(a) The ~~department division~~ must assess a fee of \$50 with each request for a construction industry certificate of election to be exempt or renewal of election to be exempt under this section.

(b) The funds collected by the ~~department division~~ shall be used to administer this section, to audit the businesses that pay the fee for compliance with any requirements of this chapter, and to enforce compliance with the provisions of this chapter.

(9) The ~~department division~~ may by rule prescribe forms and procedures for filing an election of exemption, revocation of election to be exempt, and notice of election of coverage for all employers and require specified forms to be submitted by all employers in filing for the election of exemption. The ~~department division~~ may by rule prescribe forms and procedures for issuing a certificate of the election of exemption.

Section 9. Paragraph (d) of subsection (7) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(7)

(d) The ~~department division~~ shall provide by rule for the authorization and regulation of drug-testing policies, procedures, and methods. Testing of injured employees shall not commence until such rules are adopted.

Section 10. Paragraphs (f) and (g) of subsection (1) of section 440.10, Florida Statutes, are amended to read:

440.10 Liability for compensation.—

(1)

(f) If an employer willfully fails to secure compensation as required by this chapter, the ~~department division~~ may assess against the employer a penalty not to exceed \$5,000 for each employee of that employer who is classified by the employer as an independent contractor but who is found by the ~~department division~~ to not meet the criteria for an independent contractor that are set forth in s. 440.02.

(g) For purposes of this section, a person is conclusively presumed to be an independent contractor if:

1. The independent contractor provides the general contractor with an affidavit stating that he or she meets all the requirements of s. 440.02(14)(d); and

2. The independent contractor provides the general contractor with a valid certificate of workers' compensation insurance or a valid certificate of exemption issued by the ~~department division~~.

A sole proprietor, partner, or officer of a corporation who elects exemption from this chapter by filing a certificate of election under s. 440.05 may not recover benefits or compensation under this chapter. An independent contractor who provides the general contractor with both an affidavit stating that he or she meets the requirements of s. 440.02(14)(d) and a certificate of exemption is not an employee under s. 440.02(14)(c) and may not recover benefits under this chapter. For purposes of determining the appropriate premium for workers' compensation coverage, carriers may not consider any person who meets the requirements of this paragraph to be an employee.

Section 11. Subsection (2), paragraph (a) of subsection (3), and paragraph (g) of subsection (7) of section 440.102, Florida Statutes, are amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(2) DRUG TESTING.—An employer may test an employee or job applicant for any drug described in paragraph (1)(c). In order to qualify as having established a drug-free workplace program which affords an employer the ability to qualify for the discounts provided under s.

627.0915 and deny medical and indemnity benefits, under this chapter all drug testing conducted by employers shall be in conformity with the standards and procedures established in this section and all applicable rules adopted pursuant to this section. However, an employer does not have a legal duty under this section to request an employee or job applicant to undergo drug testing. If an employer fails to maintain a drug-free workplace program in accordance with the standards and procedures established in this section and in applicable rules, the employer shall not be eligible for discounts under s. 627.0915. All employers qualifying for and receiving discounts provided under s. 627.0915 must be reported annually by the insurer to the ~~department division~~.

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.

5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the Division of Workers' Compensation of the ~~Department of Labor and Employment Security~~.

6. The consequences of refusing to submit to a drug test.

7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

9. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.

10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

11. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission or applicable court.

12. A statement notifying employees and job applicants of their right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

(7) EMPLOYER PROTECTION.—

(g) This section does not prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by any

statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or testing is limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests. Such screening or testing need not be in compliance with the rules adopted by the Agency for Health Care Administration under this chapter or under s. 112.0455. A public employer may, through the use of an unbiased selection procedure, conduct random drug tests of employees occupying safety-sensitive or special-risk positions if the testing is performed in accordance with drug-testing rules adopted by the Agency for Health Care Administration and the Department of ~~Insurance Labor and Employment Security~~. If applicable, random drug testing must be specified in a collective bargaining agreement as negotiated by the appropriate certified bargaining agent before such testing is implemented.

Section 12. Section 440.103, Florida Statutes, is amended to read:

440.103 Building permits; identification of minimum premium policy.—Except as otherwise provided in this chapter, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the division or the department, or a copy of the employer's authority to self-insure and shall be presented each time the employer applies for a building permit. As provided in s. 627.413(5), each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed by the Department of Insurance. The words "minimum premium policy" or equivalent language shall be typed, printed, stamped, or legibly handwritten.

Section 13. Paragraph (a) of subsection (2) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(2) Whoever violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(a) It shall be unlawful for any employer to knowingly:

1. Coerce or attempt to coerce, as a precondition to employment or otherwise, an employee to obtain a certificate of election of exemption pursuant to s. 440.05.

2. Discharge or refuse to hire an employee or job applicant because the employee or applicant has filed a claim for benefits under this chapter.

3. Discharge, discipline, or take any other adverse personnel action against any employee for disclosing information to the ~~department division~~ or any law enforcement agency relating to any violation or suspected violation of any of the provisions of this chapter or rules promulgated hereunder.

4. Violate a stop-work order issued by the ~~department division~~ pursuant to s. 440.107.

Section 14. Subsections (3) and (4) of section 440.106, Florida Statutes, are amended to read:

440.106 Civil remedies; administrative penalties.—

(3) Whenever any group or individual self-insurer, carrier, rating bureau, or agent or other representative of any carrier or rating bureau is determined to have violated s. 440.105, the department of ~~Insurance~~ may revoke or suspend the authority or certification of any group or individual self-insurer, carrier, agent, or broker.

(4) The ~~department division~~ shall report any contractor determined in violation of requirements of this chapter to the appropriate state licensing board for disciplinary action.

Section 15. Section 440.107, Florida Statutes, is amended to read:

440.107 ~~Department Division~~ powers to enforce employer compliance with coverage requirements.—

(1) The Legislature finds that the failure of an employer to comply with the workers' compensation coverage requirements under this chapter poses an immediate danger to public health, safety, and welfare. The Legislature authorizes the ~~department division~~ to secure employer compliance with the workers' compensation coverage requirements and authorizes the ~~department division~~ to conduct investigations for the purpose of ensuring employer compliance.

(2) The ~~department division~~ and its authorized representatives may enter and inspect any place of business at any reasonable time for the limited purpose of investigating compliance with workers' compensation coverage requirements under this chapter. Each employer shall keep true and accurate business records that contain such information as the ~~department division~~ prescribes by rule. The business records must contain information necessary for the ~~department division~~ to determine compliance with workers' compensation coverage requirements and must be maintained within this state by the business, in such a manner as to be accessible within a reasonable time upon request by the ~~department division~~. The business records must be open to inspection and be available for copying by the ~~department division~~ at any reasonable time and place and as often as necessary. The ~~department division~~ may require from any employer any sworn or unsworn reports, pertaining to persons employed by that employer, deemed necessary for the effective administration of the workers' compensation coverage requirements.

(3) In discharging its duties, the ~~department division~~ may administer oaths and affirmations, certify to official acts, issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary by the ~~department division~~ as evidence in order to ensure proper compliance with the coverage provisions of this chapter.

(4) If a person has refused to obey a subpoena to appear before the ~~department division~~ or its authorized representative and produce evidence requested by the ~~department division~~ or to give testimony about the matter that is under investigation, a court has jurisdiction to issue an order requiring compliance with the subpoena if the court has jurisdiction in the geographical area where the inquiry is being carried on or in the area where the person who has refused the subpoena is found, resides, or transacts business. Failure to obey such a court order may be punished by the court as contempt.

(5) Whenever the ~~department division~~ determines that an employer who is required to secure the payment to his or her employees of the compensation provided for by this chapter has failed to do so, such failure shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by the ~~department division~~ of a stop-work order on the employer, requiring the cessation of all business operations at the place of employment or job site. The order shall take effect upon the date of service upon the employer, unless the employer provides evidence satisfactory to the ~~department division~~ of having secured any necessary insurance or self-insurance and pays a civil penalty to the ~~department division~~, to be deposited by the ~~department division~~ into the Workers' Compensation Administration Trust Fund, in the amount of \$100 per day for each day the employer was not in compliance with this chapter.

(6) The ~~department division~~ may file a complaint in the circuit court in and for Leon County to enjoin any employer, who has failed to secure compensation as required by this chapter, from employing individuals and from conducting business until the employer presents evidence satisfactory to the ~~department division~~ of having secured payment for compensation and pays a civil penalty to the ~~department division~~, to be deposited by the ~~department division~~ into the Workers' Compensation Administration Trust Fund, in the amount of \$100 per day for each day the employer was not in compliance with this chapter.

(7) In addition to any penalty, stop-work order, or injunction, the ~~department division~~ may assess against any employer, who has failed to secure the payment of compensation as required by this chapter, a penalty in the amount of:

(a) Twice the amount the employer would have paid during periods it illegally failed to secure payment of compensation in the preceding 3-year period based on the employer's payroll during the preceding 3-year period; or

- (b) One thousand dollars, whichever is greater.

Any penalty assessed under this subsection is due within 30 days after the date on which the employer is notified, except that, if the ~~department division~~ has posted a stop-work order or obtained injunctive relief against the employer, payment is due, in addition to those conditions set forth in this section, as a condition to relief from a stop-work order or an injunction. Interest shall accrue on amounts not paid when due at the rate of 1 percent per month.

(8) The ~~department division~~ may bring an action in circuit court to recover penalties assessed under this section, including any interest owed to the ~~department division~~ pursuant to this section. In any action brought by the ~~department division~~ pursuant to this section in which it prevails, the circuit court shall award costs, including the reasonable costs of investigation and a reasonable attorney's fee.

(9) Any judgment obtained by the ~~department division~~ and any penalty due pursuant to the service of a stop-work order or otherwise due under this section shall, until collected, constitute a lien upon the entire interest of the employer, legal or equitable, in any property, real or personal, tangible or intangible; however, such lien is subordinate to claims for unpaid wages and any prior recorded liens, and a lien created by this section is not valid against any person who, subsequent to such lien and in good faith and for value, purchases real or personal property from such employer or becomes the mortgagee on real or personal property of such employer, or against a subsequent attaching creditor, unless, with respect to real estate of the employer, a notice of the lien is recorded in the public records of the county where the real estate is located, and with respect to personal property of the employer, the notice is recorded with the Secretary of State.

(10) Any law enforcement agency in the state may, at the request of the ~~department division~~, render any assistance necessary to carry out the provisions of this section, including, but not limited to, preventing any employee or other person from remaining at a place of employment or job site after a stop-work order or injunction has taken effect.

(11) Actions by the ~~department division~~ under this section must be contested as provided in chapter 120. All civil penalties assessed by the ~~department division~~ must be paid into the Workers' Compensation Administration Trust Fund. The ~~department division~~ shall return any sums previously paid, upon conclusion of an action, if the ~~department division~~ fails to prevail and if so directed by an order of court or an administrative hearing officer. The requirements of this subsection may be met by posting a bond in an amount equal to twice the penalty and in a form approved by the ~~department division~~.

Section 16. Subsection (1) of section 440.108, Florida Statutes, is amended to read:

440.108 Investigatory records relating to workers' compensation employer compliance; confidentiality.—

(1) All investigatory records of the ~~department Division of Workers' Compensation~~ made or received pursuant to s. 440.107 and any records necessary to complete an investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation is completed or ceases to be active. For purposes of this section, an investigation is considered "active" while such investigation is being conducted by the ~~department division~~ with a reasonable, ~~good-faith~~ ~~good-faith~~ belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the agency is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the agency or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, records relating to the investigation remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if disclosure would:

- (a) Jeopardize the integrity of another active investigation;
- (b) Reveal a trade secret, as defined in s. 688.002;
- (c) Reveal business or personal financial information;
- (d) Reveal the identity of a confidential source;
- (e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or

- (f) Reveal investigative techniques or procedures.

Section 17. Section 440.125, Florida Statutes, is amended to read:

440.125 Medical records and reports; identifying information in employee medical bills; confidentiality.—

(1) Any medical records and medical reports of an injured employee and any information identifying an injured employee in medical bills which are provided to the ~~department, agency, or Department of Education Division of Workers' Compensation of the Department of Labor and Employment Security~~ pursuant to s. 440.13 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by this chapter.

(2) The Legislature finds that it is a public necessity that an injured employee's medical records and medical reports and information identifying the employee in medical bills held by the ~~department, agency, or Department of Education Division of Workers' Compensation~~ pursuant to s. 440.13 be confidential and exempt from the public records law. Public access to such information is an invasion of the injured employee's right to privacy in that personal, sensitive information would be revealed, and public knowledge of such information could lead to discrimination against the employee by coworkers and others. Additionally, there is little utility in providing public access to such information in that the effectiveness and efficiency of the workers' compensation program can be otherwise adequately monitored and evaluated.

(3) *The department may share any confidential and exempt information received pursuant to s. 440.13 with the Agency for Health Care Administration in furtherance of the agency's official duties under ss. 440.13 and 440.134. The agency shall maintain the confidential and exempt status of the information.*

Section 18. Section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Alternate medical care" means a change in treatment or health care provider.

(b) "Attendant care" means care rendered by trained professional attendants which is beyond the scope of household duties. Family members may provide nonprofessional attendant care, but may not be compensated under this chapter for care that falls within the scope of household duties and other services normally and gratuitously provided by family members. "Family member" means a spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt, or uncle.

(c) "Carrier" means, for purposes of this section, insurance carrier, self-insurance fund or individually self-insured employer, or assessable mutual insurer.

(d) "Catastrophic injury" means an injury as defined in s. 440.02.

(e) "Certified health care provider" means a health care provider who has been certified by the ~~agency division~~ or who has entered an agreement with a licensed managed care organization to provide treatment to injured workers under this section. Certification of such health care provider must include documentation that the health care provider has read and is familiar with the portions of the statute, impairment guides, and rules which govern the provision of remedial treatment, care, and attendance.

(f) "Compensable" means a determination by a carrier or judge of compensation claims that a condition suffered by an employee results from an injury arising out of and in the course of employment.

(g) "Emergency services and care" means emergency services and care as defined in s. 395.002.

(h) "Health care facility" means any hospital licensed under chapter 395 and any health care institution licensed under chapter 400.

(i) "Health care provider" means a physician or any recognized practitioner who provides skilled services pursuant to a prescription or under

the supervision or direction of a physician and who has been certified by the *agency division* as a health care provider. The term "health care provider" includes a health care facility.

(j) "Independent medical examiner" means a physician selected by either an employee or a carrier to render one or more independent medical examinations in connection with a dispute arising under this chapter.

(k) "Independent medical examination" means an objective evaluation of the injured employee's medical condition, including, but not limited to, impairment or work status, performed by a physician or an expert medical advisor at the request of a party, a judge of compensation claims, or the *agency division* to assist in the resolution of a dispute arising under this chapter.

(l) "Instance of overutilization" means a specific inappropriate service or level of service provided to an injured employee.

(m) "Medically necessary" means any medical service or medical supply which is used to identify or treat an illness or injury, is appropriate to the patient's diagnosis and status of recovery, and is consistent with the location of service, the level of care provided, and applicable practice parameters. The service should be widely accepted among practicing health care providers, based on scientific criteria, and determined to be reasonably safe. The service must not be of an experimental, investigative, or research nature, except in those instances in which prior approval of the Agency for Health Care Administration has been obtained. The Agency for Health Care Administration shall adopt rules providing for such approval on a case-by-case basis when the service or supply is shown to have significant benefits to the recovery and well-being of the patient.

(n) "Medicine" means a drug prescribed by an authorized health care provider and includes only generic drugs or single-source patented drugs for which there is no generic equivalent, unless the authorized health care provider writes or states that the brand-name drug as defined in s. 465.025 is medically necessary, or is a drug appearing on the schedule of drugs created pursuant to s. 465.025(6), or is available at a cost lower than its generic equivalent.

(o) "Palliative care" means noncurative medical services that mitigate the conditions, effects, or pain of an injury.

(p) "Pattern or practice of overutilization" means repetition of instances of overutilization within a specific medical case or multiple cases by a single health care provider.

(q) "Peer review" means an evaluation by two or more physicians licensed under the same authority and with the same or similar specialty as the physician under review, of the appropriateness, quality, and cost of health care and health services provided to a patient, based on medically accepted standards.

(r) "Physician" or "doctor" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the *agency division* as a health care provider.

(s) "Reimbursement dispute" means any disagreement between a health care provider or health care facility and carrier concerning payment for medical treatment.

(t) "Utilization control" means a systematic process of implementing measures that assure overall management and cost containment of services delivered.

(u) "Utilization review" means the evaluation of the appropriateness of both the level and the quality of health care and health services provided to a patient, including, but not limited to, evaluation of the appropriateness of treatment, hospitalization, or office visits based on medically accepted standards. Such evaluation must be accomplished by means of a system that identifies the utilization of medical services based on medically accepted standards as established by medical consultants with qualifications similar to those providing the care under review, and that refers patterns and practices of overutilization to the *agency division*.

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(a) Subject to the limitations specified elsewhere in this chapter, the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically necessary apparatus. Remedial treatment, care, and attendance, including work-hardening programs or pain-management programs accredited by the Commission on Accreditation of Rehabilitation Facilities or Joint Commission on the Accreditation of Health Organizations or pain-management programs affiliated with medical schools, shall be considered as covered treatment only when such care is given based on a referral by a physician as defined in this chapter. Each facility shall maintain outcome data, including work status at discharges, total program charges, total number of visits, and length of stay. ~~The department shall utilize such data and report to the President of the Senate and the Speaker of the House of Representatives regarding the efficacy and cost-effectiveness of such program, no later than October 1, 1994.~~ Medically necessary treatment, care, and attendance does not include chiropractic services in excess of 18 treatments or rendered 8 weeks beyond the date of the initial chiropractic treatment, whichever comes first, unless the carrier authorizes additional treatment or the employee is catastrophically injured.

(b) The employer shall provide appropriate professional or nonprofessional attendant care performed only at the direction and control of a physician when such care is medically necessary. The value of nonprofessional attendant care provided by a family member must be determined as follows:

1. If the family member is not employed, the per-hour value equals the federal minimum hourly wage.

2. If the family member is employed and elects to leave that employment to provide attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's former employment, not to exceed the per-hour value of such care available in the community at large. A family member or a combination of family members providing nonprofessional attendant care under this paragraph may not be compensated for more than a total of 12 hours per day.

(c) If the employer fails to provide treatment or care required by this section after request by the injured employee, the employee may obtain such treatment at the expense of the employer, if the treatment is compensable and medically necessary. There must be a specific request for the treatment, and the employer or carrier must be given a reasonable time period within which to provide the treatment or care. However, the employee is not entitled to recover any amount personally expended for the treatment or service unless he or she has requested the employer to furnish that treatment or service and the employer has failed, refused, or neglected to do so within a reasonable time or unless the nature of the injury requires such treatment, nursing, and services and the employer or his or her superintendent or foreman, having knowledge of the injury, has neglected to provide the treatment or service.

(d) The carrier has the right to transfer the care of an injured employee from the attending health care provider if an independent medical examination determines that the employee is not making appropriate progress in recuperation.

(e) Except in emergency situations and for treatment rendered by a managed care arrangement, after any initial examination and diagnosis by a physician providing remedial treatment, care, and attendance, and before a proposed course of medical treatment begins, each insurer shall review, in accordance with the requirements of this chapter, the proposed course of treatment, to determine whether such treatment would be recognized as reasonably prudent. The review must be in accordance with all applicable workers' compensation practice parameters. The insurer must accept any such proposed course of treatment unless the insurer notifies the physician of its specific objections to the proposed course of treatment by the close of the tenth business day after notification by the physician, or a supervised designee of the physician, of the proposed course of treatment.

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The ~~agency division~~ shall adopt rules to implement the certification of health care providers. As a one-time prerequisite to obtaining certification, the ~~agency division~~ shall require each physician to demonstrate proof of completion of a minimum 5-hour course that covers the subject areas of cost containment, utilization control, ergonomics, and the practice parameters adopted by the ~~agency division~~ governing the physician's field of practice. The ~~agency division~~ shall coordinate with the ~~Agency for Health Care Administration~~, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Optometric Association, the Florida Dental Association, and other health professional organizations and their respective boards as deemed necessary by the Agency for Health Care Administration in complying with this subsection. ~~No later than October 1, 1994, the division shall adopt rules regarding the criteria and procedures for approval of courses and the filing of proof of completion by the physicians.~~

(b) A health care provider who renders emergency care must notify the carrier by the close of the third business day after it has rendered such care. If the emergency care results in admission of the employee to a health care facility, the health care provider must notify the carrier by telephone within 24 hours after initial treatment. Emergency care is not compensable under this chapter unless the injury requiring emergency care arose as a result of a work-related accident. Pursuant to chapter 395, all licensed physicians and health care providers in this state shall be required to make their services available for emergency treatment of any employee eligible for workers' compensation benefits. To refuse to make such treatment available is cause for revocation of a license.

(c) A health care provider may not refer the employee to another health care provider, diagnostic facility, therapy center, or other facility without prior authorization from the carrier, except when emergency care is rendered. Any referral must be to a health care provider that has been certified by the ~~agency division~~, unless the referral is for emergency treatment.

(d) A carrier must respond, by telephone or in writing, to a request for authorization by the close of the third business day after receipt of the request. A carrier who fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request consents to the medical necessity for such treatment. All such requests must be made to the carrier. Notice to the carrier does not include notice to the employer.

(e) Carriers shall adopt procedures for receiving, reviewing, documenting, and responding to requests for authorization. Such procedures shall be for a health care provider certified under this section.

(f) By accepting payment under this chapter for treatment rendered to an injured employee, a health care provider consents to the jurisdiction of the ~~agency division~~ as set forth in subsection (11) and to the submission of all records and other information concerning such treatment to the ~~agency division~~ in connection with a reimbursement dispute, audit, or review as provided by this section. The health care provider must further agree to comply with any decision of the ~~agency division~~ rendered under this section.

(g) The employee is not liable for payment for medical treatment or services provided pursuant to this section except as otherwise provided in this section.

(h) The provisions of s. 456.053 are applicable to referrals among health care providers, as defined in subsection (1), treating injured workers.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than \$1,000 and other specialty services that the ~~agency division~~ identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, or unless the carrier has failed to respond within 10 days to a written request for authorization, or unless emergency care is required. The insurer shall not refuse to authorize such consultation or procedure unless the health care provider or facility is not authorized or certified or unless an expert medical

advisor has determined that the consultation or procedure is not medically necessary or otherwise wage compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(j) Notwithstanding anything in this chapter to the contrary, a sick or injured employee shall be entitled, at all times, to free, full, and absolute choice in the selection of the pharmacy or pharmacist dispensing and filling prescriptions for medicines required under this chapter. It is expressly forbidden for the ~~agency division~~, an employer, or a carrier, or any agent or representative of the ~~agency division~~, an employer, or a carrier to select the pharmacy or pharmacist which the sick or injured employee must use; condition coverage or payment on the basis of the pharmacy or pharmacist utilized; or to otherwise interfere in the selection by the sick or injured employee of a pharmacy or pharmacist.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH ~~DEPARTMENT DIVISION~~.—

(a) Any health care provider providing necessary remedial treatment, care, or attendance to any injured worker shall submit treatment reports to the carrier in a format prescribed by the ~~department in consultation with the agency division~~. A claim for medical or surgical treatment is not valid or enforceable against such employer or employee, unless, by the close of the third business day following the first treatment, the physician providing the treatment furnishes to the employer or carrier a preliminary notice of the injury and treatment on forms prescribed by the ~~department in consultation with the agency division~~ and, within 15 days thereafter, furnishes to the employer or carrier a complete report, and subsequent thereto furnishes progress reports, if requested by the employer or insurance carrier, at intervals of not less than 3 weeks apart or at less frequent intervals if requested on forms prescribed by the ~~department division~~.

(b) Each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment or care of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the ~~department Division of Workers' Compensation~~ pursuant to rules adopted by the ~~department in consultation with the agency division~~. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the ~~department division~~ for the copies. Each such health care provider shall provide to the ~~agency or department division~~ any additional information about the remedial treatment, care, and attendance that the ~~agency or department division~~ reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 456.057 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, or the attorney for either of them, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the ~~agency division~~ to one or more of the penalties set forth in paragraph (8)(b).

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters.

(b) Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:

1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;
2. The examiner ceases to practice in the specialty relevant to the employee's condition;
3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or
4. The parties agree to an alternate examiner.

Any party may request, or a judge of compensation claims may require, designation of an *agency division* medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or *agency division*, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims.

(f) Attorney's fees incurred by an injured employee in connection with delay of or opposition to an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(6) UTILIZATION REVIEW.—Carriers shall review all bills, invoices, and other claims for payment submitted by health care providers in order to identify overutilization and billing errors, and may hire peer review consultants or conduct independent medical evaluations. Such consultants, including peer review organizations, are immune from liability in the execution of their functions under this subsection to the extent provided in s. 766.101. If a carrier finds that overutilization of medical services or a billing error has occurred, it must disallow or adjust payment for such services or error without order of a judge of compensation claims or the *agency division*, if the carrier, in making its determination, has complied with this section and rules adopted by the *agency division*.

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider, carrier, or employer who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 30 days after receipt of notice of disallowance or adjustment of payment, petition the *agency division* to resolve the dispute. The petitioner must serve a copy of the petition on the carrier and on all affected parties by certified mail. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the *agency division* results in dismissal of the petition.

(b) The carrier must submit to the *agency division* within 10 days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to submit the

requested documentation to the *agency division* within 10 days constitutes a waiver of all objections to the petition.

(c) Within 60 days after receipt of all documentation, the *agency division* must provide to the petitioner, the carrier, and the affected parties a written determination of whether the carrier properly adjusted or disallowed payment. The *agency division* must be guided by standards and policies set forth in this chapter, including all applicable reimbursement schedules, in rendering its determination.

(d) If the *agency division* finds an improper disallowance or improper adjustment of payment by an insurer, the insurer shall reimburse the health care provider, facility, insurer, or employer within 30 days, subject to the penalties provided in this subsection.

(e) The *agency division* shall adopt rules to carry out this subsection. The rules may include provisions for consolidating petitions filed by a petitioner and expanding the timetable for rendering a determination upon a consolidated petition.

(f) Any carrier that engages in a pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to health care providers may be subject to one or more of the following penalties imposed by the *agency division*:

1. Repayment of the appropriate amount to the health care provider.
2. An administrative fine assessed by the *agency division* in an amount not to exceed \$5,000 per instance of improperly disallowing or reducing payments.
3. Award of the health care provider's costs, including a reasonable attorney's fee, for prosecuting the petition.

(8) PATTERN OR PRACTICE OF OVERUTILIZATION.—

(a) Carriers must report to the *agency division* all instances of overutilization including, but not limited to, all instances in which the carrier disallows or adjusts payment. The *agency division* shall determine whether a pattern or practice of overutilization exists.

(b) If the *agency division* determines that a health care provider has engaged in a pattern or practice of overutilization or a violation of this chapter or rules adopted by the *agency division*, it may impose one or more of the following penalties:

1. An order of the *agency division* barring the provider from payment under this chapter;
2. Deauthorization of care under review;
3. Denial of payment for care rendered in the future;
4. Decertification of a health care provider certified as an expert medical advisor under subsection (9) or of a rehabilitation provider certified under s. 440.49;
5. An administrative fine assessed by the *agency division* in an amount not to exceed \$5,000 per instance of overutilization or violation; and
6. Notification of and review by the appropriate licensing authority pursuant to s. 440.106(3).

(9) EXPERT MEDICAL ADVISORS.—

(a) The *agency division* shall certify expert medical advisors in each specialty to assist the *agency division* and the judges of compensation claims within the advisor's area of expertise as provided in this section. The *agency division* shall, in a manner prescribed by rule, in certifying, recertifying, or decertifying an expert medical advisor, consider the qualifications, training, impartiality, and commitment of the health care provider to the provision of quality medical care at a reasonable cost. As a prerequisite for certification or recertification, the *agency division* shall require, at a minimum, that an expert medical advisor have specialized workers' compensation training or experience under the workers' compensation system of this state and board certification or board eligibility.

(b) The ~~agency division~~ shall contract with or employ expert medical advisors to provide peer review or medical consultation to the ~~agency division~~ or to a judge of compensation claims in connection with resolving disputes relating to reimbursement, differing opinions of health care providers, and health care and physician services rendered under this chapter. Expert medical advisors contracting with the ~~agency division~~ shall, as a term of such contract, agree to provide consultation or services in accordance with the timetables set forth in this chapter and to abide by rules adopted by the ~~agency division~~, including, but not limited to, rules pertaining to procedures for review of the services rendered by health care providers and preparation of reports and recommendations for submission to the ~~agency division~~.

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the ~~agency division~~ may, and the judge of compensation claims shall, upon his or her own motion or within 15 days after receipt of a written request by either the injured employee, the employer, or the carrier, order the injured employee to be evaluated by an expert medical advisor. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

(d) The expert medical advisor must complete his or her evaluation and issue his or her report to the ~~agency division~~ or to the judge of compensation claims within 45 days after receipt of all medical records. The expert medical advisor must furnish a copy of the report to the carrier and to the employee.

(e) An expert medical advisor is not liable under any theory of recovery for evaluations performed under this section without a showing of fraud or malice. The protections of s. 766.101 apply to any officer, employee, or agent of the ~~agency division~~ and to any officer, employee, or agent of any entity with which the ~~agency division~~ has contracted under this subsection.

(f) If the ~~agency division~~ or a judge of compensation claims determines that the services of a certified expert medical advisor are required to resolve a dispute under this section, the carrier must compensate the advisor for his or her time in accordance with a schedule adopted by the ~~agency division~~. The ~~agency division~~ may assess a penalty not to exceed \$500 against any carrier that fails to timely compensate an advisor in accordance with this section.

(10) WITNESS FEES.—Any health care provider who gives a deposition shall be allowed a witness fee. The amount charged by the witness may not exceed \$200 per hour. An expert witness who has never provided direct professional services to a party but has merely reviewed medical records and provided an expert opinion or has provided only direct professional services that were unrelated to the workers' compensation case may not be allowed a witness fee in excess of \$200 per day.

(11) AUDITS BY AGENCY FOR HEALTH CARE ADMINISTRATION DIVISION; JURISDICTION.—

(a) The ~~Agency for Health Care Administration Division of Workers' Compensation of the Department of Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the ~~agency division~~, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the ~~agency division~~ finds that a health care provider has improperly billed, overutilized, or failed to comply with ~~agency division~~ rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The ~~agency division~~ may assess a penalty not to exceed \$500 for each overpayment that is not refunded within 30 days after notification of overpayment by the ~~agency division~~ or carrier.

(b) The ~~department division~~ shall monitor and audit carriers, *as provided in s. 624.3161*, to determine if medical bills are paid in accordance with this section and ~~department division~~ rules. ~~Any employer, if self-insured, or carrier found by the division not to be within 90 percent compliance as to the payment of medical bills after July 1, 1994, must be assessed a fine not to exceed 1 percent of the prior year's assessment levied against such entity under s. 440.51 for every quarter in which the entity fails to attain 90 percent compliance.~~ The ~~department division~~ shall ~~fine or otherwise discipline~~ an employer or carrier, pursuant to ~~this chapter, the insurance code, or rules adopted by the department division,~~ for each late payment of compensation that is below the minimum ~~90 percent performance standard.~~ ~~Any carrier that is found to be not in compliance in subsequent consecutive quarters must implement a medical bill review program approved by the division, and the carrier is subject to disciplinary action by the Department of Insurance.~~

(c) The ~~agency division~~ has exclusive jurisdiction to decide any matters concerning reimbursement, to resolve any overutilization dispute under subsection (7), and to decide any question concerning overutilization under subsection (8), which question or dispute arises after January 1, 1994.

(d) The following ~~agency division~~ actions do not constitute agency action subject to review under ss. 120.569 and 120.57 and do not constitute actions subject to s. 120.56: referral by the entity responsible for utilization review; a decision by the ~~agency division~~ to refer a matter to a peer review committee; establishment by a health care provider or entity of procedures by which a peer review committee reviews the rendering of health care services; and the review proceedings, report, and recommendation of the peer review committee.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the ~~agency division~~. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, the *per diem rate for hospital inpatient stay*, or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus \$4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance pro-

vided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;
2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;
3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.4001, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and
4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE AUTHORIZED TO RENDER MEDICAL CARE.—The *agency division* shall remove from the list of physicians or facilities authorized to provide remedial treatment, care, and attendance under this chapter the name of any physician or facility found after reasonable investigation to have:

- (a) Engaged in professional or other misconduct or incompetency in connection with medical services rendered under this chapter;
- (b) Exceeded the limits of his or her or its professional competence in rendering medical care under this chapter, or to have made materially false statements regarding his or her or its qualifications in his or her application;
- (c) Failed to transmit copies of medical reports to the employer or carrier, or failed to submit full and truthful medical reports of all his or her or its findings to the employer or carrier as required under this chapter;
- (d) Solicited, or employed another to solicit for himself or herself or itself or for another, professional treatment, examination, or care of an injured employee in connection with any claim under this chapter;
- (e) Refused to appear before, or to answer upon request of, the *agency division* or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter;
- (f) Self-referred in violation of this chapter or other laws of this state; or
- (g) Engaged in a pattern of practice of overutilization or a violation of this chapter or rules adopted by the *agency division*.

(14) PAYMENT OF MEDICAL FEES.—

(a) Except for emergency care treatment, fees for medical services are payable only to a health care provider certified and authorized to render remedial treatment, care, or attendance under this chapter. A health care provider may not collect or receive a fee from an injured employee within this state, except as otherwise provided by this chapter. Such providers have recourse against the employer or carrier for payment for services rendered in accordance with this chapter.

(b) Fees charged for remedial treatment, care, and attendance may not exceed the applicable fee schedules adopted under this chapter.

(c) Notwithstanding any other provision of this chapter, following overall maximum medical improvement from an injury compensable under this chapter, the employee is obligated to pay a copayment of \$10 per visit for medical services. The copayment shall not apply to emergency care provided to the employee.

(15) PRACTICE PARAMETERS.—

(a) The Agency for Health Care Administration, in conjunction with the *department division* and appropriate health professional associations and health-related organizations shall develop and may adopt by rule scientifically sound practice parameters for medical procedures relevant to workers' compensation claimants. Practice parameters developed under this section must focus on identifying effective remedial treatments and promoting the appropriate utilization of health care resources. Priority must be given to those procedures that involve the greatest utilization of resources either because they are the most costly or because they are the most frequently performed. Practice parameters for treatment of the 10 top procedures associated with workers' compensation injuries including the remedial treatment of lower-back injuries must be developed by December 31, 1994.

(b) The guidelines may be initially based on guidelines prepared by nationally recognized health care institutions and professional organizations but should be tailored to meet the workers' compensation goal of returning employees to full employment as quickly as medically possible, taking into consideration outcomes data collected from managed care providers and any other inpatient and outpatient facilities serving workers' compensation claimants.

(c) Procedures must be instituted which provide for the periodic review and revision of practice parameters based on the latest outcomes data, research findings, technological advancements, and clinical experiences, at least once every 3 years.

(d) Practice parameters developed under this section must be used by carriers and the *agency division* in evaluating the appropriateness and overutilization of medical services provided to injured employees.

Section 19. Subsection (23) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers' compensation managed care arrangement.—

(23) The agency shall immediately notify the Department of Insurance ~~and the Department of Labor and Employment Security~~ whenever it issues an administrative complaint or an order or otherwise initiates legal proceedings resulting in, or which may result in, suspension or revocation of an insurer's authorization.

Section 20. Subsection (3) of section 440.14, Florida Statutes, is amended to read:

440.14 Determination of pay.—

(3) The *department division* shall establish by rule a form which shall contain a simplified checklist of those items which may be included as "wage" for determining the average weekly wage.

Section 21. Section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(a) In case of total disability adjudged to be permanent, 66% percent of the average weekly wages shall be paid to the employee during the continuance of such total disability.

(b) Only a catastrophic injury as defined in s. 440.02 shall, in the absence of conclusive proof of a substantial earning capacity, constitute permanent total disability. Only claimants with catastrophic injuries are eligible for permanent total benefits. In no other case may permanent total disability be awarded.

(c) In cases of permanent total disability resulting from injuries that occurred prior to July 1, 1955, such payments shall not be made in excess of 700 weeks.

(d) If an employee who is being paid compensation for permanent total disability becomes rehabilitated to the extent that she or he establishes an earning capacity, the employee shall be paid, instead of the compensation provided in paragraph (a), benefits pursuant to subsection (3). The ~~department division~~ shall adopt rules to enable a permanently and totally disabled employee who may have reestablished an earning capacity to undertake a trial period of reemployment without prejudicing her or his return to permanent total status in the case that such employee is unable to sustain an earning capacity.

(e)1. The employer's or carrier's right to conduct vocational evaluations or testing pursuant to s. 440.491 continues even after the employee has been accepted or adjudicated as entitled to compensation under this chapter. This right includes, but is not limited to, instances in which such evaluations or tests are recommended by a treating physician or independent medical-examination physician, instances warranted by a change in the employee's medical condition, or instances in which the employee appears to be making appropriate progress in recuperation. This right may not be exercised more than once every calendar year.

2. The carrier must confirm the scheduling of the vocational evaluation or testing in writing, and must notify employee's counsel, if any, at least 7 days before the date on which vocational evaluation or testing is scheduled to occur.

3. Pursuant to an order of the judge of compensation claims, the employer or carrier may withhold payment of benefits for permanent total disability or supplements for any period during which the employee willfully fails or refuses to appear without good cause for the scheduled vocational evaluation or testing.

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(11), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. ss. 402 and 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The ~~department division~~ shall provide by rule for the periodic reporting to the ~~department division~~ of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the ~~department division~~ nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the ~~department division~~ in the manner prescribed by such rules.

b. The ~~department division~~ shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total dis-

ability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(2) TEMPORARY TOTAL DISABILITY.—

(a) In case of disability total in character but temporary in quality, 66⅔ percent of the average weekly wages shall be paid to the employee during the continuance thereof, not to exceed 104 weeks except as provided in this subsection, s. 440.12(1), and s. 440.14(3). Once the employee reaches the maximum number of weeks allowed, or the employee reaches the date of maximum medical improvement, whichever occurs earlier, temporary disability benefits shall cease and the injured worker's permanent impairment shall be determined.

(b) Notwithstanding the provisions of paragraph (a), an employee who has sustained the loss of an arm, leg, hand, or foot, has been rendered a paraplegic, paraparetic, quadriplegic, or quadriparetic, or has lost the sight of both eyes shall be paid temporary total disability of 80 percent of her or his average weekly wage. The increased temporary total disability compensation provided for in this paragraph must not extend beyond 6 months from the date of the accident. The compensation provided by this paragraph is not subject to the limits provided in s. 440.12(2), but instead is subject to a maximum weekly compensation rate of \$700. If, at the conclusion of this period of increased temporary total disability compensation, the employee is still temporarily totally disabled, the employee shall continue to receive temporary total disability compensation as set forth in paragraphs (a) and (c). The period of time the employee has received this increased compensation will be counted as part of, and not in addition to, the maximum periods of time for which the employee is entitled to compensation under paragraph (a) but not paragraph (c).

(c) Temporary total disability benefits paid pursuant to this subsection shall include such period as may be reasonably necessary for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training and education under a program pursuant to s. 440.49(1). Notwithstanding s. 440.02(9), the date of maximum medical improvement for purposes of paragraph (3)(b) shall be no earlier than the last day for which such temporary disability benefits are paid.

(d) The ~~department division~~ shall, by rule, provide for the periodic reporting to the ~~department division~~, employer, or carrier of all earned income, including income from social security, by the injured employee who is entitled to or claiming benefits for temporary total disability. The employer or carrier is not required to make any payment of benefits for temporary total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by the rules. The rule must require the claimant to personally sign the claim form and attest that she or he has reviewed, understands, and acknowledges the foregoing.

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the ~~department division~~, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the

adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by ~~department division~~ rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the ~~department division~~, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the ~~department by rule division~~. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The ~~department division~~ may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(b) Supplemental benefits.—

1. All supplemental benefits must be paid in accordance with this subsection. An employee is entitled to supplemental benefits as provided in this paragraph as of the expiration of the impairment period, if:

a. The employee has an impairment rating from the compensable injury of 20 percent or more as determined pursuant to this chapter;

b. The employee has not returned to work or has returned to work earning less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment; and

c. The employee has in good faith attempted to obtain employment commensurate with the employee's ability to work.

2. If an employee is not entitled to supplemental benefits at the time of payment of the final weekly impairment income benefit because the

employee is earning at least 80 percent of the employee's average weekly wage, the employee may become entitled to supplemental benefits at any time within 1 year after the impairment income benefit period ends if:

a. The employee earns wages that are less than 80 percent of the employee's average weekly wage for a period of at least 90 days;

b. The employee meets the other requirements of subparagraph 1.; and

c. The employee's decrease in earnings is a direct result of the employee's impairment from the compensable injury.

3. If an employee earns wages that are at least 80 percent of the employee's average weekly wage for a period of at least 90 days during which the employee is receiving supplemental benefits, the employee ceases to be entitled to supplemental benefits for the filing period. Supplemental benefits that have been terminated shall be reinstated when the employee satisfies the conditions enumerated in subparagraph 2. and files the statement required under subparagraph 5. Notwithstanding any other provision, if an employee is not entitled to supplemental benefits for 12 consecutive months, the employee ceases to be entitled to any additional income benefits for the compensable injury. If the employee is discharged within 12 months after losing entitlement under this subsection, benefits may be reinstated if the employee was discharged at that time with the intent to deprive the employee of supplemental benefits.

4.—During the period that impairment income benefits or supplemental income benefits are being paid, the carrier has the affirmative duty to determine at least annually whether any extended unemployment or underemployment is a direct result of the employee's impairment. To accomplish this purpose, the division may require periodic reports from the employee and the carrier, and it may, at the carrier's expense, require any physical or other examinations, vocational assessments, or other tests or diagnoses necessary to verify that the carrier is performing its duty. Not more than once in each 12 calendar months, the employee and the carrier may each request that the division review the status of the employee and determine whether the carrier has performed its duty with respect to whether the employee's unemployment or underemployment is a direct result of impairment from the compensable injury.

4.5. After the initial determination of supplemental benefits, the employee must file a statement with the carrier stating that the employee has earned less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment, stating the amount of wages the employee earned in the filing period, and stating that the employee has in good faith sought employment commensurate with the employee's ability to work. The statement must be filed quarterly on a form and in the manner prescribed by the ~~department division~~. The ~~department division~~ may modify the filing period as appropriate to an individual case. Failure to file a statement relieves the carrier of liability for supplemental benefits for the period during which a statement is not filed.

5.6. The carrier shall begin payment of supplemental benefits not later than the seventh day after the expiration date of the impairment income benefit period and shall continue to timely pay those benefits. The carrier may request a mediation conference for the purpose of contesting the employee's entitlement to or the amount of supplemental income benefits.

6.7. Supplemental benefits are calculated quarterly and paid monthly. For purposes of calculating supplemental benefits, 80 percent of the employee's average weekly wage and the average wages the employee has earned per week are compared quarterly. For purposes of this paragraph, if the employee is offered a bona fide position of employment that the employee is capable of performing, given the physical condition of the employee and the geographic accessibility of the position, the employee's weekly wages are considered equivalent to the weekly wages for the position offered to the employee.

7.8. Supplemental benefits are payable at the rate of 80 percent of the difference between 80 percent of the employee's average weekly wage determined pursuant to s. 440.14 and the weekly wages the employee has earned during the reporting period, not to exceed the maximum weekly income benefit under s. 440.12.

8.9. The *department division* may by rule define terms that are necessary for the administration of this section and forms and procedures governing the method of payment of supplemental benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(c) Duration of temporary impairment and supplemental income benefits.—The employee's eligibility for temporary benefits, impairment income benefits, and supplemental benefits terminates on the expiration of 401 weeks after the date of injury.

(4) TEMPORARY PARTIAL DISABILITY.—

(a) In case of temporary partial disability, compensation shall be equal to 80 percent of the difference between 80 percent of the employee's average weekly wage and the salary, wages, and other remuneration the employee is able to earn, as compared weekly; however, the weekly benefits may not exceed an amount equal to 66% percent of the employee's average weekly wage at the time of injury. In order to simplify the comparison of the preinjury average weekly wage with the salary, wages, and other remuneration the employee is able to earn, the *department division* may by rule provide for the modification of the weekly comparison so as to coincide as closely as possible with the injured worker's pay periods. The amount determined to be the salary, wages, and other remuneration the employee is able to earn shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment.

(b) Such benefits shall be paid during the continuance of such disability, not to exceed a period of 104 weeks, as provided by this subsection and subsection (2). Once the injured employee reaches the maximum number of weeks, temporary disability benefits cease and the injured worker's permanent impairment must be determined. The *department division* may by rule specify forms and procedures governing the method of payment of temporary disability benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(5) SUBSEQUENT INJURY.—

(a) The fact that an employee has suffered previous disability, impairment, anomaly, or disease, or received compensation therefor, shall not preclude her or him from benefits for a subsequent aggravation or acceleration of the preexisting condition nor preclude benefits for death resulting therefrom, except that no benefits shall be payable if the employee, at the time of entering into the employment of the employer by whom the benefits would otherwise be payable, falsely represents herself or himself in writing as not having previously been disabled or compensated because of such previous disability, impairment, anomaly, or disease and the employer detrimentally relies on the misrepresentation. Compensation for temporary disability, medical benefits, and wage-loss benefits shall not be subject to apportionment.

(b) If a compensable permanent impairment, or any portion thereof, is a result of aggravation or acceleration of a preexisting condition, or is the result of merger with a preexisting impairment, an employee eligible to receive impairment benefits under paragraph (3)(a) shall receive such benefits for the total impairment found to result, excluding the degree of impairment existing at the time of the subject accident or injury or which would have existed by the time of the impairment rating without the intervention of the compensable accident or injury. The degree of permanent impairment attributable to the accident or injury shall be compensated in accordance with paragraph (3)(a). As used in this paragraph, "merger" means the combining of a preexisting permanent impairment with a subsequent compensable permanent impairment which, when the effects of both are considered together, result in a permanent impairment rating which is greater than the sum of the two permanent impairment ratings when each impairment is considered individually.

(6) OBLIGATION TO REHIRE.—If the employer has not in good faith made available to the employee, within a 100-mile radius of the employee's residence, work appropriate to the employee's physical limitations within 30 days after the carrier notifies the employer of maximum medical improvement and the employee's physical limitations, the employer shall pay to the *department division* for deposit into the Workers' Compensation Administration Trust Fund a fine of \$250 for every \$5,000 of the employer's workers' compensation premium or payroll, not to exceed \$2,000 per violation, as the *department division* requires by

rule. The employer is not subject to this subsection if the employee is receiving permanent total disability benefits or if the employer has 50 or fewer employees.

(7) EMPLOYEE REFUSES EMPLOYMENT.—If an injured employee refuses employment suitable to the capacity thereof, offered to or procured therefor, such employee shall not be entitled to any compensation at any time during the continuance of such refusal unless at any time in the opinion of the judge of compensation claims such refusal is justifiable.

(8) EMPLOYEE LEAVES EMPLOYMENT.—If an injured employee, when receiving compensation for temporary partial disability, leaves the employment of the employer by whom she or he was employed at the time of the accident for which such compensation is being paid, the employee shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of her or his new employer, the place of employment, and the amount of wages being received at such new employment; and, until she or he gives such affidavit, the compensation for temporary partial disability will cease. The employer by whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee an additional affidavit in writing containing the name of her or his employer, the place of her or his employment, and the amount of wages she or he is receiving; and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, her or his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(9) EMPLOYEE BECOMES INMATE OF INSTITUTION.—In case an employee becomes an inmate of a public institution, then no compensation shall be payable unless she or he has dependent upon her or him for support a person or persons defined as dependents elsewhere in this chapter, whose dependency shall be determined as if the employee were deceased and to whom compensation would be paid in case of death; and such compensation as is due such employee shall be paid such dependents during the time she or he remains such inmate.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(a) Weekly compensation benefits payable under this chapter for disability resulting from injuries to an employee who becomes eligible for benefits under 42 U.S.C. s. 423 shall be reduced to an amount whereby the sum of such compensation benefits payable under this chapter and such total benefits otherwise payable for such period to the employee and her or his dependents, had such employee not been entitled to benefits under this chapter, under 42 U.S.C. ss. 402 and 423, does not exceed 80 percent of the employee's average weekly wage. However, this provision shall not operate to reduce an injured worker's benefits under this chapter to a greater extent than such benefits would have otherwise been reduced under 42 U.S.C. s. 424(a). This reduction of compensation benefits is not applicable to any compensation benefits payable for any week subsequent to the week in which the injured worker reaches the age of 62 years.

(b) If the provisions of 42 U.S.C. s. 424(a) are amended to provide for a reduction or increase of the percentage of average current earnings that the sum of compensation benefits payable under this chapter and the benefits payable under 42 U.S.C. ss. 402 and 423 can equal, the amount of the reduction of benefits provided in this subsection shall be reduced or increased accordingly. The *department division* may by rule specify forms and procedures governing the method for calculating and administering the offset of benefits payable under this chapter and benefits payable under 42 U.S.C. ss. 402 and 423. The *department division* shall have first priority in taking any available social security offsets on dates of accidents occurring before July 1, 1984.

(c) No disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), shall be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the *department division*, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the Division of Unemployment Compensation to release

unemployment compensation information relating to her or him, in accordance with rules to be promulgated by the ~~department division~~ prescribing the procedure and manner for requesting the authorization and for compliance by the employee. Neither the ~~department division~~ nor the employer or carrier shall make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph shall be effective for a period not to exceed 12 months, such authority to be renewable as the ~~department division~~ may prescribe by rule.

(d) If compensation benefits are reduced pursuant to this subsection, the minimum compensation provisions of s. 440.12(2) do not apply.

(11) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED OR IS ENTITLED TO RECEIVE UNEMPLOYMENT COMPENSATION.—

(a) No compensation benefits shall be payable for temporary total disability or permanent total disability under this chapter for any week in which the injured employee has received, or is receiving, unemployment compensation benefits.

(b) If an employee is entitled to temporary partial benefits pursuant to subsection (4) and unemployment compensation benefits, such unemployment compensation benefits shall be primary and the temporary partial benefits shall be supplemental only, the sum of the two benefits not to exceed the amount of temporary partial benefits which would otherwise be payable.

(12) FULL-PAY STATUS FOR CERTAIN LAW ENFORCEMENT OFFICERS.—Any law enforcement officer as defined in s. 943.10(1), (2), or (3) who, while acting within the course of employment as provided by s. 440.091, is maliciously or intentionally injured and who thereby sustains a job-connected disability compensable under this chapter shall be carried in full-pay status rather than being required to use sick, annual, or other leave. Full-pay status shall be granted only after submission to the employing agency's head of a medical report which gives a current diagnosis of the employee's recovery and ability to return to work. In no case shall the employee's salary and workers' compensation benefits exceed the amount of the employee's regular salary requirements.

(13) REPAYMENT.—If an employee has received a sum as an indemnity benefit under any classification or category of benefit under this chapter to which she or he is not entitled, the employee is liable to repay that sum to the employer or the carrier or to have that sum deducted from future benefits, regardless of the classification of benefits, payable to the employee under this chapter; however, a partial payment of the total repayment may not exceed 20 percent of the amount of the bi-weekly payment.

Section 22. Section 440.17, Florida Statutes, is amended to read:

440.17 Guardian for minor or incompetent.—Prior to the filing of a claim, the ~~department division~~, and after the filing of a claim, a judge of compensation claims, may require the appointment by a court of competent jurisdiction, for any person who is mentally incompetent or a minor, of a guardian or other representative to receive compensation payable to such person under this chapter and to exercise the powers granted to or to perform the duties required of such person under this chapter; however, the judge of compensation claims, in the judge of compensation claims' discretion, may designate in the compensation award a person to whom payment of compensation may be paid for a minor or incompetent, in which event payment to such designated person shall discharge all liability for such compensation.

Section 23. Section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(1) An employee who suffers an injury arising out of and in the course of employment shall advise his or her employer of the injury within 30 days after the date of or initial manifestation of the injury. Failure to so advise the employer shall bar a petition under this chapter unless:

(a) The employer or the employer's agent had actual knowledge of the injury;

(b) The cause of the injury could not be identified without a medical opinion and the employee advised the employer within 30 days after obtaining a medical opinion indicating that the injury arose out of and in the course of employment;

(c) The employer did not put its employees on notice of the requirements of this section by posting notice pursuant to s. 440.055; or

(d) Exceptional circumstances, outside the scope of paragraph (a) or paragraph (b) justify such failure.

In the event of death arising out of and in the course of employment, the requirements of this subsection shall be satisfied by the employee's agent or estate. Documents prepared by counsel in connection with litigation, including but not limited to notices of appearance, petitions, motions, or complaints, shall not constitute notice for purposes of this section.

(2) Within 7 days after actual knowledge of injury or death, the employer shall report such injury or death to its carrier, in a format prescribed by the ~~department division~~, and shall provide a copy of such report to the employee or the employee's estate. The report of injury shall contain the following information:

(a) The name, address, and business of the employer;

(b) The name, social security number, street, mailing address, telephone number, and occupation of the employee;

(c) The cause and nature of the injury or death;

(d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; and

(e) Such other information as the ~~department division~~ may require.

The carrier shall, within 14 days after the employer's receipt of the form reporting the injury, file the information required by this subsection with the ~~department division~~ in Tallahassee. However, the ~~department division~~ may by rule provide for a different reporting system for those types of injuries which it determines should be reported in a different manner and for those cases which involve minor injuries requiring professional medical attention in which the employee does not lose more than 7 days of work as a result of the injury and is able to return to the job immediately after treatment and resume regular work.

(3) In addition to the requirements of subsection (2), the employer shall notify the ~~department division~~ within 24 hours by telephone or telegraph of any injury resulting in death. However, this special notice shall not be required when death results subsequent to the submission to the ~~department division~~ of a previous report of the injury pursuant to subsection (2).

(4) Within 3 days after the employer or the employee informs the carrier of an injury the carrier shall mail to the injured worker an informational brochure approved by the ~~department division~~ which sets forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. Annually, the carrier or its third-party administrator shall mail to the employer an informational brochure approved by the ~~department division~~ which sets forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. All such informational brochures shall contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, files a statement of claim containing any false or misleading information commits a felony of the third degree."

(5) Additional reports with respect to such injury and of the condition of such employee, including copies of medical reports, funeral expenses, and wage statements, shall be filed by the employer or carrier to the ~~department division~~ at such times and in such manner as the ~~department division~~ may prescribe by rule. In carrying out its responsibilities under this chapter, the ~~department and agency division~~ may by rule provide for the obtaining of any medical records relating to medical

treatment provided pursuant to this chapter, notwithstanding the provisions of ss. 90.503 and 395.3025(4).

(6) In the absence of a stipulation by the parties, reports provided for in subsection (2), subsection (4), or subsection (5) shall not be evidence of any fact stated in such report in any proceeding relating thereto, except for medical reports which, if otherwise qualified, may be admitted at the discretion of the judge of compensation claims.

(7) Every carrier shall file with the ~~department division~~ within 21 days after the issuance of a policy or contract of insurance such policy information as the ~~department division~~ may require, including notice of whether the policy is a minimum premium policy. Notice of cancellation or expiration of a policy as set out in s. 440.42(3) shall be mailed to the ~~department division~~ in accordance with rules ~~adopted promulgated~~ by the ~~department division~~ under chapter 120.

(8) When a claimant, employer, or carrier has the right, or is required, to mail a report or notice with required copies within the times prescribed in subsection (2), subsection (4), or subsection (5), such mailing will be completed and in compliance with this section if it is post-marked and mailed prepaid to the appropriate recipient prior to the expiration of the time periods prescribed in this section.

(9) Any employer or carrier who fails or refuses to timely send any form, report, or notice required by this section shall be subject to a civil penalty not to exceed \$500 for each such failure or refusal. However, any employer who fails to notify the carrier of the injury on the prescribed form or by letter within the 7 days required in subsection (2) shall be liable for the civil penalty, which shall be paid by the employer and not the carrier. Failure by the employer to meet its obligations under subsection (2) shall not relieve the carrier from liability for the civil penalty if it fails to comply with subsections (4) and (5).

(10) The ~~department division~~ may by rule prescribe forms and procedures governing the submission of the change in claims administration report and the risk class code and standard industry code report for all lost time and denied lost-time cases. The ~~department division~~ may by rule define terms that are necessary for the effective administration of this section.

(11) Any information in a report of injury or illness filed pursuant to this section that would identify an ill or injured employee is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 24. Subsection (1) of section 440.191, Florida Statutes, is amended to read:

440.191 Employee Assistance and Ombudsman Office.—

(1)(a) In order to effect the self-executing features of the Workers' Compensation Law, this chapter shall be construed to permit injured employees and employers or the employer's carrier to resolve disagreements without undue expense, costly litigation, or delay in the provisions of benefits. It is the duty of all who participate in the workers' compensation system, including, but not limited to, carriers, service providers, health care providers, attorneys, employers, and employees, to attempt to resolve disagreements in good faith and to cooperate with the ~~department's division's~~ efforts to resolve disagreements between the parties. The ~~department division~~ may by rule prescribe definitions that are necessary for the effective administration of this section.

(b) An Employee Assistance and Ombudsman Office is created within the ~~department Division of Workers' Compensation~~ to inform and assist injured workers, employers, carriers, and health care providers in fulfilling their responsibilities under this chapter. The ~~department division~~ may by rule specify forms and procedures for administering requests for assistance provided by this section.

(c) The Employee Assistance and Ombudsman Office, ~~Division of Workers' Compensation~~, shall be a resource available to all employees who participate in the workers' compensation system and shall take all steps necessary to educate and disseminate information to employees and employers.

Section 25. Subsections (1) and (8) of section 440.192, Florida Statutes, are amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Subject to s. 440.191, any employee who has not received a benefit to which the employee believes she or he is entitled under this chapter shall serve by certified mail upon the employer, the employer's carrier, and the ~~department division~~ in Tallahassee a petition for benefits that meets the requirements of this section. The ~~department division~~ shall refer the petition to the Office of the Judges of Compensation Claims.

(8) Within 14 days after receipt of a petition for benefits by certified mail, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days from receipt of the petition or file a notice of denial with the ~~department division~~. The carrier must list all benefits requested but not paid and explain its justification for non-payment in the notice of denial. A carrier that does not deny compensability in accordance with s. 440.20(4) is deemed to have accepted the employee's injuries as compensable, unless it can establish material facts relevant to the issue of compensability that could not have been discovered through reasonable investigation within the 120-day period. The carrier shall provide copies of the notice to the filing party, employer, and claimant by certified mail.

Section 26. Subsections (1), (3), and (4) of section 440.1925, Florida Statutes, are amended to read:

440.1925 Procedure for resolving maximum medical improvement or permanent impairment disputes.—

(1) Notwithstanding the limitations on carrier independent medical examinations in s. 440.13, an employee or carrier who wishes to obtain an opinion other than the opinion of the treating physician or ~~an agency a division~~ advisor on the issue of permanent impairment may obtain one independent medical examination, except that the employee or carrier who selects the treating physician is not entitled to obtain an alternate opinion on the issue of permanent impairment, unless the parties otherwise agree. This section and s. 440.13(2) do not permit an employee or a carrier to obtain an additional medical opinion on the issue of permanent impairment by requesting an alternate treating physician pursuant to s. 440.13.

(3) Disputes shall be resolved under this section when:

(a) A carrier that is entitled to obtain a determination of an employee's date of maximum medical improvement or permanent impairment has done so;

(b) The independent medical examiner's opinion on the date of the employee's maximum medical improvement and degree or permanent impairment differs from the opinion of the employee's treating physician on either of those issues, or from the opinion of the expert medical advisor appointed by the ~~agency division~~ on the degree of permanent impairment; or

(c) The carrier denies any portion of an employee's claim petition for benefits due to disputed maximum medical improvement or permanent impairment issues.

(4) Only opinions of the employee's treating physician, ~~an agency a division~~ medical advisor, or an independent medical examiner are admissible in proceedings before a judge of compensation claims to resolve maximum medical improvement or impairment disputes.

Section 27. Subsections (3), (6), (8), (9), (10), (11), (12), (15), (16), and (17) of section 440.20, Florida Statutes, are amended to read:

440.20 Time for payment of compensation; penalties for late payment.—

(3) Upon making payment, or upon suspension or cessation of payment for any reason, the carrier shall immediately notify the ~~department division~~ that it has commenced, suspended, or ceased payment of compensation. The ~~department division~~ may require such notification in any format ~~and manner~~ it deems necessary to obtain accurate and timely reporting.

(6) If any installment of compensation for death or dependency benefits, disability, permanent impairment, or wage loss payable without an

award is not paid within 7 days after it becomes due, as provided in subsection (2), subsection (3), or subsection (4), there shall be added to such unpaid installment a punitive penalty of an amount equal to 20 percent of the unpaid installment or \$5, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4) or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 7 days after it became due and the claimant concludes the prosecution of the claim before a judge of compensation claims without having specifically claimed additional compensation in the nature of a penalty under this section, the claimant will be deemed to have acknowledged that, owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived the right to claim such penalty. However, during the course of a hearing, the judge of compensation claims shall on her or his own motion raise the question of whether such penalty should be awarded or excused. The *department division* may assess without a hearing the punitive penalty against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. The insurance policy cannot provide that this sum will be paid by the carrier if the *department division* or the judge of compensation claims determines that the punitive penalty should be made by the employer rather than the carrier. Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee.

(8) In addition to any other penalties provided by this chapter for late payment, if any installment of compensation is not paid when it becomes due, the employer, carrier, or servicing agent shall pay interest thereon at the rate of 12 percent per year from the date the installment becomes due until it is paid, whether such installment is payable without an order or under the terms of an order. The interest payment shall be the greater of the amount of interest due or \$5.

(a) Within 30 days after final payment of compensation has been made, the employer, carrier, or servicing agent shall send to the *department division* a notice, in accordance with a ~~form~~ *format and manner* prescribed by the *department division*, stating that such final payment has been made and stating the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid.

(b) If the employer, carrier, or servicing agent fails to so notify the *department division* within such time, the *department division* shall assess against such employer, carrier, or servicing agent a civil penalty in an amount not over \$100.

(c) In order to ensure carrier compliance under this chapter *and provisions of the insurance code*, the *department division* shall monitor the performance of carriers *by conducting market conduct examinations, as provided in s. 624.3161, and conducting investigations, as provided in s. 624.317.* The *department division* shall *impose penalties on establish by rule minimum performance standards for carriers to ensure that a minimum of 90 percent of all compensation benefits are timely paid. The division shall fine a carrier as provided in s. 440.13(11)(b) up to \$50 for each late payment of compensation pursuant to s. 624.4211 that is below the minimum 90 percent performance standard.* This paragraph does not affect the imposition of any penalties or interest due to the claimant. If a carrier contracts with a servicing agent to fulfill its administrative responsibilities under this chapter, the payment practices of the servicing agent are deemed the payment practices of the carrier for the purpose of assessing penalties against the carrier.

(9) The *department division* may upon its own initiative at any time in a case in which payments are being made without an award investigate same and shall, in any case in which the right to compensation is controverted, or in which payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation or from the employer that the right to compensation is controverted or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examination to be made, or hold such hearings, and take such further action as it considers will properly protect the rights of all parties.

(10) Whenever the *department division* deems it advisable, it may require any employer to make a deposit with the Treasurer to secure the

prompt and convenient payments of such compensation; and payments therefrom upon any awards shall be made upon order of the *department division* or judge of compensation claims.

(11)(a) Upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the date of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) Upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made by the *Department of Education Rehabilitation Section of the Division of Workers' Compensation.* The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump-sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days after the filing of such joint petition and stipulation without a hearing, unless the judge of compensation claims determines, in her or his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be

disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

(12)(a) Liability of an employer for future payments of compensation may not be discharged by advance payment unless prior approval of a judge of compensation claims or the *department division* has been obtained as hereinafter provided. The approval shall not constitute an adjudication of the claimant's percentage of disability.

(b) When the claimant has reached maximum recovery and returned to her or his former or equivalent employment with no substantial reduction in wages, such approval of a reasonable advance payment of a part of the compensation payable to the claimant may be given informally by letter by a judge of compensation claims *or*; by the *department division* director, *or by the administrator of claims of the division*.

(c) In the event the claimant has not returned to the same or equivalent employment with no substantial reduction in wages or has suffered a substantial loss of earning capacity or a physical impairment, actual or apparent:

1. An advance payment of compensation not in excess of \$2,000 may be approved informally by letter, without hearing, by any judge of compensation claims or the Chief Judge.

2. An advance payment of compensation not in excess of \$2,000 may be ordered by any judge of compensation claims after giving the interested parties an opportunity for a hearing thereon pursuant to not less than 10 days' notice by mail, unless such notice is waived, and after giving due consideration to the interests of the person entitled thereto. When the parties have stipulated to an advance payment of compensation not in excess of \$2,000, such advance may be approved by an order of a judge of compensation claims, with or without hearing, or informally by letter by any such judge of compensation claims, or by the *department division* director, if such advance is found to be for the best interests of the person entitled thereto.

3. When the parties have stipulated to an advance payment in excess of \$2,000, subject to the approval of the *department division*, such payment may be approved by a judge of compensation claims by order if the judge finds that such advance payment is for the best interests of the person entitled thereto and is reasonable under the circumstances of the particular case. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary concerning the stipulation and, in her or his discretion, may have an investigation of the matter made by the *Department of Education Rehabilitation Section of the division*. The stipulation and the report of any investigation shall be deemed a part of the record of the proceedings.

(d) When an application for an advance payment in excess of \$2,000 is opposed by the employer or carrier, it shall be heard by a judge of compensation claims after giving the interested parties not less than 10 days' notice of such hearing by mail, unless such notice is waived. In her or his discretion, the judge of compensation claims may have an investigation of the matter made by the *Department of Education Rehabilitation Section of the division*, in which event the report and recommendation of that section will be deemed a part of the record of the proceedings. If the judge of compensation claims finds that such advance payment is for the best interests of the person entitled to compensation, will not materially prejudice the rights of the employer and carrier, and is reasonable under the circumstances of the case, she or he may order the same paid. However, in no event may any such advance payment under this paragraph be granted in excess of \$7,500 or 26 weeks of benefits in any 48-month period, whichever is greater, from the date of the last advance payment.

(15)(a) The *department division* shall examine on an ongoing basis claims files in accordance with ss. 624.3161 and 624.310(5) in order to identify questionable claims-handling techniques, questionable patterns or practices of claims, or a pattern of repeated unreasonably controverted claims by employers, carriers, and self-insurers, health care pro-

viders, health care facilities, training and education providers, or any others providing services to employees pursuant to this chapter and may certify its findings to the Department of Insurance. *If the department finds* such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier, *in the judgment of the division shall be certified in its findings by the division to the Department of Insurance or such other appropriate licensing agency.* Such certification by the division is exempt from the provisions of chapter 120. Upon receipt of any such certification, the department of insurance shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(3)(a) or may impose penalties pursuant to s. 624.4211. The *department division* may initiate investigations of questionable techniques, patterns, practices, or repeated unreasonably controverted claims. The *department division* may by rule establish penalties for violations and forms and procedures for corrective action plans and for auditing carriers.

(b) As to any examination, investigation, or hearing being conducted under this chapter, the *Treasurer or his or her designee Secretary of Labor and Employment Security or the secretary's designee*:

1. May administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence; and

2. Shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents, or other evidence which is relevant to the inquiry.

(c) If any person refuses to comply with any such subpoena or to testify as to any matter concerning which she or he may be lawfully interrogated, the Circuit Court of Leon County or of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, may, on the application of the department, issue an order requiring such person to comply with the subpoena and to testify.

(d) Subpoenas shall be served, and proof of such service made, in the same manner as if issued by a circuit court. Witness fees, costs, and reasonable travel expenses, if claimed, shall be allowed the same as for testimony in a circuit court.

(e) ~~The division shall publish annually a report which indicates the promptness of first payment of compensation records of each carrier or self-insurer so as to focus attention on those carriers or self-insurers with poor payment records for the preceding year. A copy of such report shall be certified to The department of Insurance which shall take appropriate steps so as to cause such poor carrier payment practices to halt pursuant to s. 440.38(3)(a). In addition, the department division shall take appropriate action so as to halt such poor payment practices of self-insurers. "Poor payment practice" means a practice of late payment sufficient to constitute a general business practice.~~

(f) The *department division* shall promulgate rules providing guidelines to carriers, self-insurers, and employers to indicate behavior that may be construed as questionable claims-handling techniques, questionable patterns of claims, repeated unreasonably controverted claims, or poor payment practices.

(16) No penalty assessed under this section may be recouped by any carrier or self-insurer in the rate base, the premium, or any rate filing. ~~In the case of carriers, The Department of Insurance shall enforce this subsection; and in the case of self-insurers, the division shall enforce this subsection.~~

(17) The *department division* may by rule establish audit procedures and set standards for the Automated Carrier Performance System.

Section 28. Subsections (1) and (2) of section 440.207, Florida Statutes, are amended to read:

440.207 Workers' compensation system guide.—

(1) The *department Division of Workers' Compensation of the Department of Labor and Employment Security* shall educate all persons providing or receiving benefits pursuant to this chapter as to their rights and responsibilities under this chapter.

(2) The *department division* shall publish an understandable guide to the workers' compensation system which shall contain an explanation

of benefits provided; services provided by the Employee Assistance and Ombudsman Office; procedures regarding mediation, the hearing process, and civil and criminal penalties; relevant rules of the *department division*; and such other information as the *department division* believes will inform employees, employers, carriers, and those providing services pursuant to this chapter of their rights and responsibilities under this chapter and the rules of the *department division*. For the purposes of this subsection, a guide is understandable if the text of the guide is written at a level of readability not exceeding the eighth grade level, as determined by a recognized readability test.

Section 29. Subsection (1) of section 440.211, Florida Statutes, is amended to read:

440.211 Authorization of collective bargaining agreement.—

(1) Subject to the limitation stated in subsection (2), a provision that is mutually agreed upon in any collective bargaining agreement filed with the *department division* between an individually self-insured employer or other employer upon consent of the employer's carrier and a recognized or certified exclusive bargaining representative establishing any of the following shall be valid and binding:

(a) An alternative dispute resolution system to supplement, modify, or replace the provisions of this chapter which may include, but is not limited to, conciliation, mediation, and arbitration. Arbitration held pursuant to this section shall be binding on the parties.

(b) The use of an agreed-upon list of certified health care providers of medical treatment which may be the exclusive source of all medical treatment under this chapter.

(c) The use of a limited list of physicians to conduct independent medical examinations which the parties may agree shall be the exclusive source of independent medical examiners pursuant to this chapter.

(d) A light-duty, modified-job, or return-to-work program.

(e) A vocational rehabilitation or retraining program.

Section 30. Subsections (1), (2), and (3) of section 440.24, Florida Statutes, are amended to read:

440.24 Enforcement of compensation orders; penalties.—

(1) In case of default by the employer or carrier in the payment of compensation due under any compensation order of a judge of compensation claims or other failure by the employer or carrier to comply with such order within 10 days after the order becomes final, any circuit court of this state within the jurisdiction of which the employer or carrier resides or transacts business shall, upon application by the *department division* or any beneficiary under such order, have jurisdiction to issue a rule nisi directing such employer or carrier to show cause why a writ of execution, or such other process as may be necessary to enforce the terms of such order, shall not be issued, and, unless such cause is shown, the court shall have jurisdiction to issue a writ of execution or such other process or final order as may be necessary to enforce the terms of such order of the judge of compensation claims.

(2) In any case where the employer is insured and the carrier fails to comply with any compensation order of a judge of compensation claims or court within 10 days after such order becomes final, ~~the division shall notify the department of Insurance of such failure, and the Department of Insurance shall thereupon suspend the license of such carrier to do an insurance business in this state, until such carrier has complied with such order.~~

(3) In any case where the employer is a self-insurer and fails to comply with any compensation order of a judge of compensation claims or court within 10 days after such order becomes final, ~~the department division may suspend or revoke any authorization previously given to the employer to become a self-insurer, and the department division may sell such of the securities deposited by such self-insurer with the department division as may be necessary to satisfy such order.~~

Section 31. Subsections (4), (5), and (7) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(4)(a) If, on the 10th day following commencement of mediation, the questions in dispute have not been resolved, the judge of compensation claims shall hold a pretrial hearing. The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the pretrial hearing by mail. At the pretrial hearing, the judge of compensation claims shall, subject to paragraph (b), set a date for the final hearing that allows the parties at least 30 days to conduct discovery unless the parties consent to an earlier hearing date.

(b) The final hearing must be held and concluded within 45 days after the pretrial hearing. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control.

(c) The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the final hearing, served upon the interested parties by mail.

(d) The hearing shall be held in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. If the injury occurred without the state and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will, in the discretion of the Chief Judge, be the most convenient for a hearing. The hearing shall be conducted by a judge of compensation claims, who shall, within 14 days after final hearing, unless otherwise agreed by the parties, determine the dispute in a summary manner. At such hearing, the claimant and employer may each present evidence in respect of such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of compensation claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the office of the *department division* at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(f) Each judge of compensation claims is required to submit a special report to the Chief Judge in each contested workers' compensation case in which the case is not determined within 14 days of final hearing. Said form shall be provided by the Chief Judge and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. The Chief Judge shall compile these special reports into an annual public report to the Governor, the ~~department Secretary of Labor and Employment Security~~, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

(g) Judges of compensation claims shall adopt and enforce uniform local rules for workers' compensation.

(h) Notwithstanding any other provision of this section, the judge of compensation claims may require the appearance of the parties and counsel before her or him without written notice for an emergency conference where there is a bona fide emergency involving the health, safety, or welfare of an employee. An emergency conference under this section may result in the entry of an order or the rendering of an adjudication by the judge of compensation claims.

(i) To expedite dispute resolution and to enhance the self-executing features of the Workers' Compensation Law, the Chief Judge shall make

provision by rule or order for the resolution of appropriate motions by judges of compensation claims without oral hearing upon submission of brief written statements in support and opposition, and for expedited discovery and docketing.

(j) To further expedite dispute resolution and to enhance the self-executing features of the system, those petitions filed in accordance with s. 440.192 that involve a claim for benefits of \$5,000 or less shall, in the absence of compelling evidence to the contrary, be presumed to be appropriate for expedited resolution under this paragraph; and any other claim filed in accordance with s. 440.192, upon the written agreement of both parties and application by either party, may similarly be resolved under this paragraph. For purposes of expedited resolution pursuant to this paragraph, the Chief Judge shall make provision by rule or order for expedited and limited discovery and expedited docketing in such cases. At least 15 days prior to hearing, the parties shall exchange and file with the judge of compensation claims a pretrial outline of all issues, defenses, and witnesses on a form promulgated by the Chief Judge; provided, in no event shall such hearing be held without 15 days' written notice to all parties. No pretrial hearing shall be held. The judge of compensation claims shall limit all argument and presentation of evidence at the hearing to a maximum of 30 minutes, and such hearings shall not exceed 30 minutes in length. Neither party shall be required to be represented by counsel. The employer or carrier may be represented by an adjuster or other qualified representative. The employer or carrier and any witness may appear at such hearing by telephone. The rules of evidence shall be liberally construed in favor of allowing introduction of evidence.

(5)(a) Procedures with respect to appeals from orders of judges of compensation claims shall be governed by rules adopted by the Supreme Court. Such an order shall become final 30 days after mailing of copies of such order to the parties, unless appealed pursuant to such rules.

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. The ~~department division~~ shall promulgate rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties, including the ~~department division~~ and the Office of the General Counsel, Department of Labor and Employment Security, in Tallahassee. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the ~~department division~~, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the ~~department division~~ to pay record costs and filing fees from the Workers' Compensation Administrative Trust Fund pending final disposition of the costs of appeal. The ~~department division~~ may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record. In the event the insolvency petition is denied, the judge of compensation claims may enter an order requiring the petitioner to reimburse the ~~department division~~ for costs incurred in opposing the petition, including investigation and travel expenses.

(c) As a condition of filing a notice of appeal to the District Court of Appeal, First District, an employer who has not secured the payment of compensation under this chapter in compliance with s. 440.38 shall file with the notice of appeal a good and sufficient bond, as provided in s. 59.13, conditioned to pay the amount of the demand and any interest and costs payable under the terms of the order if the appeal is dismissed, or if the District Court of Appeal, First District, affirms the award in any amount. Upon the failure of such employer to file such bond with the judge of compensation claims or the District Court of Appeal, First District, along with the notice of appeal, the District Court of Appeal, First District, shall dismiss the notice of appeal.

(7) An injured employee claiming or entitled to compensation shall submit to such physical examination by a certified expert medical advisor approved by the ~~agency division~~ or the judge of compensation claims as the ~~agency division~~ or the judge of compensation claims may require. The place or places shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer, or carrier may select and pay for may participate in an examination if the employee, employer, or carrier so requests. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee may refuse to submit to examination. Any interested party shall have the right in any case of death to require an autopsy, the cost thereof to be borne by the party requesting it; and the judge of compensation claims shall have authority to order and require an autopsy and may, in her or his discretion, withhold her or his findings and award until an autopsy is held.

Section 32. Section 440.271, Florida Statutes, is amended to read:

440.271 Appeal of order of judge of compensation claims.—Review of any order of a judge of compensation claims entered pursuant to this chapter shall be by appeal to the District Court of Appeal, First District. Appeals shall be filed in accordance with rules of procedure prescribed by the Supreme Court for review of such orders. The ~~department division~~ shall be given notice of any proceedings pertaining to s. 440.25, regarding indigency, or s. 440.49, regarding the Special Disability Trust Fund, and shall have the right to intervene in any proceedings.

Section 33. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of attorney's fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the ~~department division~~ as the ~~department division~~ requires by rule. The ~~department division~~ shall annually summarize such data in a report to the Workers' Compensation Oversight Board.

Section 34. Section 440.35, Florida Statutes, is amended to read:

440.35 Record of injury or death.—Every employer shall keep a record in respect of any injury to an employee. Such record shall contain such information of disability or death in respect of such injury as the ~~department division~~ may by regulation require, and shall be available to inspection by the ~~department division~~ or by any state authority at such time and under such conditions as the ~~department division~~ may by regulation prescribe.

Section 35. Subsections (1), (2), and (3) of section 440.38, Florida Statutes, are amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(1) Every employer shall secure the payment of compensation under this chapter:

(a) By insuring and keeping insured the payment of such compensation with any stock company or mutual company or association or exchange, authorized to do business in the state;

(b) By furnishing satisfactory proof to the *Florida Self-Insurers Guaranty Association, Incorporated*, created in s. 440.385, that it has the financial strength necessary to assure timely payment of all current and future claims ~~division of its financial ability to pay such compensation~~ individually and on behalf of its subsidiary and affiliated companies with employees in this state and receiving an authorization from the *Department of Insurance*, ~~division~~ to pay such compensation directly. *The association shall review the financial strength of applicants for membership, current members, and former members and make recommendations to the department regarding their qualifications to self-insure in*

accordance with *this act and ss. 440.385 and 440.386*. *The department shall consult with the association on any recommendation before taking action. the following provisions:*

1. ~~The association division may recommend that the Department of Insurance, as a condition to such authorization, require an such employer to deposit with in a depository designated by the association a qualifying deposit. The association shall recommend the type and amount of the qualifying security deposit and shall division either an indemnity bond or securities, at the option of the employer, of a kind and in an amount determined by the division and subject to such conditions as the division may prescribe conditions for the qualifying security deposit, which shall include authorization for to the association to call the qualifying security deposit division in the case of default to sell any such securities sufficient to pay compensation awards and related expenses of the association or to bring suit upon such bonds, to procure prompt payment of compensation under this chapter. In addition, the division shall require, As a condition to authorization to self-insure, the employer shall provide proof that the employer has provided for competent personnel with whom to deliver benefits and to provide a safe working environment. Further, The employer division shall also provide evidence of require such employer to carry reinsurance at levels that will ensure the financial strength and actuarial soundness of such employer in accordance with rules adopted promulgated by the Department of Insurance division. The Department of Insurance division may by rule require that, in the event of an individual self-insurer's insolvency, such qualifying security deposits indemnity bonds, securities, and reinsurance policies are shall be payable to the association Florida Self Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer and shall be classed as a carrier of her or his own insurance. All such employers shall, if requested, provide the association an actuarial report signed by a member of the American Academy of Actuaries providing an opinion of the appropriate present value of the reserves for current and future compensation claims. If any member or former member of the association refuses to timely provide such a report, the association may obtain an order from a circuit court requiring the member to produce such a report and ordering such other relief as the court determines appropriate. The association shall be entitled to recover all reasonable costs and attorney's fees in such proceedings.~~

2. ~~If the employer fails to maintain the foregoing requirements, the association division shall recommend to the Department of Insurance that it revoke the employer's authority to self-insure, unless the employer provides to the association division the certified opinion of an independent actuary who is a member of the American Academy Society of Actuaries as to the actuarial present value of the employer's determined and estimated future compensation payments based on cash reserves, using a 4-percent discount rate, and a qualifying security deposit equal to 1.5 times the value so certified. The employer shall thereafter annually provide such a certified opinion until such time as the employer meets the requirements of subparagraph 1. The qualifying security deposit shall be adjusted at the time of each such annual report. Upon the failure of the employer to timely provide such opinion or to timely provide a security deposit in an amount equal to 1.5 times the value certified in the latest opinion, the association shall provide such information to the department along with a recommendation, and the Department of Insurance division shall then revoke an such employer's authorization to self-insure, and such Failure to comply with this provision shall be deemed to constitute an immediate serious danger to the public health, safety, or welfare sufficient to justify the summary suspension of the employer's authorization to self-insure pursuant to s. 120.68.~~

3. ~~Upon the suspension or revocation of the employer's authorization to self-insure, the employer shall provide to the division and to the Florida Self Insurers Guaranty association, Incorporated, created pursuant to s. 440.385 the certified opinion of an independent actuary who is a member of the American Academy Society of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the member exercised the privilege of self-insurance, using a discount rate of 4 percent. The employer shall provide such an opinion at 6-month intervals thereafter until such time as the latest opinion shows no remaining value of claims. With each such opinion, the employer shall deposit with the association division a qualifying security deposit in an amount equal to the value certified by the actuary. The association has a cause of action against an employer, and against any successor of the employer, who~~

fails to timely provide such opinion or who fails to timely maintain the required security deposit with the *association division*. The association shall recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the employer exercised the privilege of self-insurance, together with attorney's fees. For purposes of this section, the successor of an employer means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the employer.

4. A qualifying security deposit shall consist, at the option of the employer, of:

a. Surety bonds, in a form and containing such terms as prescribed by the *association division*, issued by a corporation surety authorized to transact surety business by the Department of Insurance, and whose policyholders' and financial ratings, as reported in A.M. Best's Insurance Reports, Property-Liability, are not less than "A" and "V", respectively.

b. ~~Certificates of deposit with financial institutions, the deposits of which are insured through the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.~~

b.e. Irrevocable letters of credit in favor of the *association division* issued by financial institutions located within this state, the deposits of which are insured through the Federal Deposit Insurance Corporation described in sub-subparagraph b.

d. ~~Direct obligations of the United States Treasury backed by the full faith and credit of the United States.~~

e. ~~Securities issued by this state and backed by the full faith and credit of this state.~~

5. ~~The qualifying security deposit shall be held by the association division, or by a depository authorized by the division, exclusively for the benefit of workers' compensation claimants. The security shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of compensation under this chapter. No surety bond may be terminated, and no letter of credit other qualifying security may be allowed to expire lapse, without 90 days' prior written notice to the association division and the deposit by the self-insuring employer of some other qualifying security deposit of equal value within 10 business days after such notice. Failure to provide such written notice or failure to timely provide qualifying replacement security after such notice shall constitute grounds for the association division to call or sue upon the surety bond, or to act with respect to other pledged security in any manner necessary to preserve its value for the purposes intended by this section, including the exercise its of rights under a letter of credit. Current self-insured employers must comply with this section on or before December 31, 2001, or upon maturity of existing security deposits, whichever occurs later the sale of any security at then prevailing market rates, or the withdrawal of any funds represented by any certificate of deposit forming part of the qualifying security deposit. The Department of Insurance division may specify by rule the amount of the qualifying security deposit required prior to authorizing an employer to self-insure and the amount of net worth required for an employer to qualify for authorization to self-insure;~~

(c) ~~By entering into a contract with a public utility under an approved utility-provided self-insurance program as set forth in s. 624.46225 440.571 in effect as of July 1, 1983. The Department of Insurance division shall adopt rules to implement this paragraph;~~

(d) ~~By entering into an interlocal agreement with other local governmental entities to create a local government pool pursuant to s. 624.4622;~~

(e) ~~In accordance with s. 440.135, an employer, other than a local government unit, may elect coverage under the Workers' Compensation Law and retain the benefit of the exclusiveness of liability provided in s. 440.11 by obtaining a 24-hour health insurance policy from an authorized property and casualty insurance carrier or an authorized life and health insurance carrier, or by participating in a fully or partially self-insured 24-hour health plan that is established or maintained by or for two or more employers, so long as the law of this state is not preempted by the Employee Retirement Income Security Act of 1974, Pub. L. No.~~

93-406, or any amendment to that law, which policy or plan must provide, for at least occupational injuries and illnesses, medical benefits that are comparable to those required by this chapter. A local government unit, as a single employer, in accordance with s. 440.135, may participate in the 24-hour health insurance coverage plan referenced in this paragraph. Disputes and remedies arising under policies issued under this section are governed by the terms and conditions of the policies and under the applicable provisions of the Florida Insurance Code and rules adopted under the insurance code and other applicable laws of this state. The 24-hour health insurance policy may provide for health care by a health maintenance organization or a preferred provider organization. The premium for such 24-hour health insurance policy shall be paid entirely by the employer. The 24-hour health insurance policy may use deductibles and coinsurance provisions that require the employee to pay a portion of the actual medical care received by the employee. If an employer obtains a 24-hour health insurance policy or self-insured plan to secure payment of compensation as to medical benefits, the employer must also obtain an insurance policy or policies that provide indemnity benefits as follows:

1. If indemnity benefits are provided only for occupational-related disability, such benefits must be comparable to those required by this chapter.

2. If indemnity benefits are provided for both occupational-related and nonoccupational-related disability, such benefits must be comparable to those required by this chapter, except that they must be based on 60 percent of the average weekly wages.

3. The employer shall provide for each of its employees life insurance with a death benefit of \$100,000.

4. Policies providing coverage under this subsection must use prescribed and acceptable underwriting standards, forms, and policies approved by the Department of Insurance. If any insurance policy that provides coverage under this section is canceled, terminated, or nonrenewed for any reason, the cancellation, termination, or nonrenewal is ineffective until the self-insured employer or insurance carrier or carriers notify the ~~division and the~~ Department of Insurance of the cancellation, termination, or nonrenewal, and until the *Department of Insurance* ~~division~~ has actually received the notification. The *Department of Insurance* ~~division~~ must be notified of replacement coverage under a workers' compensation and employer's liability insurance policy or plan by the employer prior to the effective date of the cancellation, termination, or nonrenewal; or

(f) By entering into a contract with an individual self-insurer under an approved individual self-insurer-provided self-insurance program as set forth in s. 624.46225. The *Department of Insurance* ~~division~~ may adopt rules to implement this subsection.

(2)(a) The *Department of Insurance* ~~division~~ shall adopt rules by which businesses may become qualified to provide underwriting claims-adjusting, loss control, and safety engineering services to self-insurers.

(b) The *Department of Insurance* ~~division~~ shall adopt rules requiring self-insurers to file any reports necessary to fulfill the requirements of this chapter. Any self-insurer who fails to file any report as prescribed by the rules adopted by the *department* ~~division~~ shall be subject to a civil penalty ~~not to exceed \$100 for each such failure~~.

(3)(a) ~~The license of any stock company or mutual company or association or exchange authorized to do insurance business in the state shall for good cause, upon recommendation of the division, be suspended or revoked by the Department of Insurance. No suspension or revocation shall affect the liability of any carrier already incurred.~~

(a)(b) The *Department of Insurance* ~~division~~ shall suspend or revoke any authorization to a self-insurer for *failure to comply with this act or for good cause*, as defined by rule of the *department* ~~division~~. No suspension or revocation shall affect the liability of any self-insurer already incurred.

(b)(e) Violation of s. 440.381 by a self-insurance fund shall result in the imposition of a fine not to exceed \$1,000 per audit if the self-insurance fund fails to act on said audits by correcting errors in employee classification or accepted applications for coverage where it knew employee classifications were incorrect. Such fines shall be levied by the

Department of Insurance ~~division~~ and deposited into the Workers' Compensation Administration Trust Fund.

Section 36. Subsections (3) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(3) The ~~department of Insurance and the Department of Labor and Employment Security~~ shall establish by rule minimum requirements for audits of payroll and classifications in order to ensure that the appropriate premium is charged for workers' compensation coverage. The rules shall ensure that audits performed by both carriers and employers are adequate to provide that all sources of payments to employees, subcontractors, and independent contractors have been reviewed and that the accuracy of classification of employees has been verified. The rules shall provide that employers in all classes other than the construction class be audited not less frequently than biennially and may provide for more frequent audits of employers in specified classifications based on factors such as amount of premium, type of business, loss ratios, or other relevant factors. In no event shall employers in the construction class, generating more than the amount of premium required to be experience rated, be audited less than annually. The annual audits required for construction classes shall consist of physical onsite audits. Payroll verification audit rules must include, but need not be limited to, the use of state and federal reports of employee income, payroll and other accounting records, certificates of insurance maintained by subcontractors, and duties of employees.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the Division of Unemployment Compensation before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. ~~It shall be the responsibility of the Division of Workers' Compensation to collect all necessary data so as to enable it to notify the carrier of the name of an injured worker who was not reported as earning wages on the last quarterly earnings report. The division is hereby authorized to release such records to the carrier which will enable the carrier to seek reimbursement as provided under this subsection.~~ Failure of the employer to indemnify the insurer within 21 days after demand by the insurer shall constitute grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier shall be cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer shall be entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in such action.

Section 37. Section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(1) CREATION OF ASSOCIATION.—

(a) There is created a nonprofit corporation to be known as the "Florida Self-Insurers Guaranty Association, Incorporated," hereinafter referred to as "the association." Upon incorporation of the association, all individual self-insurers as defined in ss. 440.02(23)(a) and 440.38(1)(b), other than individual self-insurers which are public utilities or governmental entities, shall be members of the association as a condition of their authority to individually self-insure in this state. The ~~association corporation~~ shall perform its functions under a plan of operation as established and approved under subsection (5) and shall exercise its powers and duties through a board of directors as established under subsection (2). The ~~association corporation~~ shall have those powers granted or permitted ~~associations corporations~~ not for profit, as provided in chapter 617. *The activities of the association shall be subject to review by the Department of Insurance. The Department of Insurance shall have oversight responsibility as set forth in this act. The association is specifically authorized to enter into agreements with the State of Florida to perform specified services.*

(b) A member may voluntarily withdraw from the association when the member voluntarily terminates the self-insurance privilege and pays

all assessments due to the date of such termination. However, the withdrawing member shall continue to be bound by the provisions of this section relating to the period of his or her membership and any claims charged pursuant thereto. The withdrawing member who is a member on or after January 1, 1991, shall also be required to provide to the association ~~division~~ upon withdrawal, and at 12-month intervals thereafter, satisfactory proof, including, if requested by the association, a report of known and potential claims certified by a member of the American Academy of Actuaries, that it continues to meet the standards of s. 440.38(1)(b)1. in relation to claims incurred while the withdrawing member exercised the privilege of self-insurance. Such reporting shall continue until the withdrawing member *demonstrates to satisfy* the ~~association division~~ that there is no remaining value to claims incurred while the withdrawing member was self-insured. *If a withdrawing member fails or refuses to timely provide an actuarial report to the association, the association may obtain an order from a circuit court requiring the member to produce such a report and ordering such other relief as the court determines appropriate. The association shall be entitled to recover all reasonable costs and attorney's fees expended in such proceedings.* If during this reporting period the withdrawing member fails to meet the standards of s. 440.38(1)(b)1., the withdrawing member who is a member on or after January 1, 1991, shall thereupon, and at 6-month intervals thereafter, provide to the ~~division and~~ the association the certified opinion of an independent actuary who is a member of the American Academy ~~Society~~ of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the member for claims incurred while the member was a self-insurer, using a discount rate of 4 percent. With each such opinion, the withdrawing member shall deposit with the ~~association division~~ security in an amount equal to the value certified by the actuary and of a type that is acceptable for qualifying security deposits under s. 440.38(1)(b). The withdrawing member shall continue to provide such opinions and to provide such security until such time as the latest opinion shows no remaining value of claims. The association has a cause of action against a withdrawing member, and against any successor of a withdrawing member, who fails to timely provide the required opinion or who fails to maintain the required deposit with the division. The association shall be entitled to recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the withdrawing member for claims incurred during the time that the withdrawing member exercised the privilege of self-insurance, together with reasonable attorney's fees. *The association is also entitled to recover reasonable attorney's fees in any action to compel production of any actuarial report required by this statute.* For purposes of this section, the successor of a withdrawing member means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the withdrawing member.

(2) BOARD OF DIRECTORS.—The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. *All board members shall be experienced in self-insurance in this state. As of December 31, 2003, six members of the board shall be individual self-insurers in this state. The board members who are individual self-insurers shall be officers or full-time employees of the self-insured company they represent. If the individual self-insurer board member's company voluntarily withdraws such member's privilege to self-insure, the board member may complete the remaining term of his or her appointment. With respect to initial appointments, the Secretary of Labor and Employment Security shall, by July 15, 1982, approve and appoint to the board persons who are experienced with self-insurance in this state and who are recommended by the individual self-insurers in this state required to become members of the association pursuant to the provisions of paragraph (1)(a). In the event the secretary finds that any person so recommended does not have the necessary qualifications for service on the board and a majority of the board has been appointed, the secretary shall request the directors thus far approved and appointed to recommend another person for appointment to the board. Each director shall serve for a 4-year term and may be reappointed. Appointments after March 21, 2001, other than initial appointments shall be made by the Insurance Commissioner Secretary of Labor and Employment Security upon recommendation of members of the association. Any vacancy on the board shall be filled for the remaining period of the term in the same manner as appointments other than initial appointments are made. Each director shall be reimbursed for expenses incurred in carrying out the duties of the board on behalf of the association.*

(3) POWERS AND DUTIES.—

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association is obligated for payment of compensation under this chapter to insolvent members' employees resulting from incidents and injuries existing prior to the member becoming an insolvent member and from incidents and injuries occurring within 30 days after the member has become an insolvent member, provided the incidents giving rise to claims for compensation under this chapter occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation, and provided the employee makes timely claim for such payments according to procedures set forth by a court of competent jurisdiction over the delinquency or bankruptcy proceedings of the insolvent member. Such obligation includes only that amount due the injured worker or workers of the insolvent member under this chapter. In no event is the association obligated to a claimant in an amount in excess of the obligation of the insolvent member. The association shall be deemed the insolvent employer for purposes of this chapter to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

(b) The association may:

1. Employ or retain such persons as are necessary to handle claims and perform other duties of the association.
2. Borrow funds necessary to effect the purposes of this section in accord with the plan of operation.
3. Sue or be sued.
4. Negotiate and become a party to such contracts as are necessary to carry out the purposes of this section.
5. Purchase such reinsurance as is determined necessary pursuant to the plan of operation.
6. Review all applicants for membership in the association *to determine whether the applicant is qualified for membership under the law. The association shall recommend to the Department of Insurance that the application be accepted or rejected based on the criteria set forth in s. 440.38(1)(b). The department shall approve or disapprove the application. Prior to a final determination by the Division of Workers' Compensation as to whether or not to approve any applicant for membership in the association, the association may issue opinions to the division concerning any applicant, which opinions shall be considered by the division prior to any final determination.*
7. *Collect and review financial information from employers and make recommendations to the Department of Insurance regarding the appropriate security deposit and reinsurance amounts necessary for an employer to demonstrate that it has the financial strength necessary to assure the timely payment of all current and future claims. The association may audit and examine an employer to verify the financial strength of its current and former members. If the association determines that a current or former self-insured employer does not have the financial strength necessary to assure the timely payment of all current and estimated future claims, the association may recommend to the department that the department:*
 - a. *Revoke the employer's self-insurance privilege.*
 - b. *Require the employer to provide a certified opinion of an independent actuary who is a member of the American Academy of Actuaries as to the actuarial present value of the employer's estimated current and future compensation payments, using a 4-percent discount rate.*
 - c. *Require an increase in the employer's security deposit in an amount determined by the association to be necessary to assure payment of compensation claims. The department shall act on such recommendations. The association has a cause of action against an employer, and against any successor of an employer, who fails to provide an additional security deposit required by the department. The association shall recover a judgment in the amount of the requested additional security deposit together with reasonable attorney's fees. For the purposes of this section, the successor of an employer is any person, business entity, or group of persons*

or business entities that holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the employer.

8.7. Charge fees to any member of the association to cover the actual costs of examining the financial and safety conditions of that member.

9.8. Charge an applicant for membership in the association a fee sufficient to cover the actual costs of examining the financial condition of the applicant.

10. Implement any and all procedures necessary to ensure compliance with regulatory actions taken by the department.

(c)1. To the extent necessary to secure funds for the payment of covered claims and also to pay the reasonable costs to administer them, the association, subject to approval by the Department of Insurance Labor and Employment Security, upon certification of the board of directors, shall levy assessments based on the annual written normal premium each employer would have paid had the employer not been self-insured. Every assessment shall be made as a uniform percentage of the figure applicable to all individual self-insurers, provided that the assessment levied against any self-insurer in any one year shall not exceed 1 percent of the annual written normal premium during the calendar year preceding the date of the assessment. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan. Each employer so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. The association shall levy assessments against any newly admitted member of the association so that the basis of contribution of any newly admitted member is the same as previously admitted members, provision for which shall be contained in the plan of operation.

2. If, in any one year, funds available from such assessments, together with funds previously raised, are not sufficient to make all the payments or reimbursements then owing, the funds available shall be prorated, and the unpaid portion shall be paid as soon thereafter as sufficient additional funds become available.

3. Funds may be allocated or paid from the Workers' Compensation Administration Trust Fund to contract with the association to perform services required by law. However, no state funds of any kind shall be allocated or paid to the association or any of its accounts for payment of covered claims or related expenses except those state funds accruing to the association by and through the assignment of rights of an insolvent employer. The department shall not levy any assessment on the Florida Self-Insurance Guaranty Association.

(4) **INSOLVENCY FUND.**—Upon the adoption of a plan of operation or the adoption of rules by the Department of Labor and Employment Security pursuant to subsection (5), there shall be created an Insolvency Fund to be managed by the association.

(a) The Insolvency Fund is created for purposes of meeting the obligations of insolvent members incurred while members of the association and after the exhaustion of any security deposit bond, as required under this chapter. However, if such security deposit bond, surety, or reinsurance policy is payable to the Florida Self-Insurers Guaranty Association, the association shall commence to provide benefits out of the Insolvency Fund and be reimbursed from the security deposit bond, surety, or reinsurance policy. The method of operation of the Insolvency Fund shall be defined in the plan of operation as provided in subsection (5).

(b) The department shall have the authority to audit the financial soundness of the Insolvency Fund annually.

(c) The department may offer certain amendments to the plan of operation to the board of directors of the association for purposes of assuring the ongoing financial soundness of the Insolvency Fund and its ability to meet the obligations of this section.

(d) ~~The department actuary may make certain recommendations to improve the orderly payment of claims.~~

(5) **PLAN OF OPERATION.**—*The association shall operate pursuant to a plan of operation approved by the board of directors. The plan of operation in effect on March 1, 2001, and approved by the Department of Labor and Employment Security shall remain in effect. However, any amendments to the plan shall not become effective until approved by the Department of Insurance. By September 15, 1982, the board of directors*

~~shall submit to the Department of Labor and Employment Security a proposed plan of operation for the administration of the association and the Insolvency Fund.~~

(a) The purpose of the plan of operation shall be to provide the association and the board of directors with the authority and responsibility to establish the necessary programs and to take the necessary actions to protect against the insolvency of a member of the association. In addition, the plan shall provide that the members of the association shall be responsible for maintaining an adequate Insolvency Fund to meet the obligations of insolvent members provided for under this act and shall authorize the board of directors to contract and employ those persons with the necessary expertise to carry out this stated purpose. *By January 1, 2002, the board of directors shall submit to the Department of Insurance a proposed plan of operation for the administration of the association. The Department of Insurance shall approve the plan by order, consistent with this act. The Department of Insurance shall approve any amendments to the plan, by order consistent with this act, and determined appropriate to carry out the duties and responsibilities of the association.*

(b) ~~The plan of operation, and any amendments thereto, shall take effect upon approval in writing by the department. If the board of directors fails to submit a plan by September 15, 1982, or fails to make required amendments to the plan within 30 days thereafter, the department shall promulgate such rules as are necessary to effectuate the provisions of this subsection. Such rules shall continue in force until modified by the department or superseded by a plan submitted by the board of directors and approved by the department.~~

(b)(e) All member employers shall comply with the plan of operation.

(c)(d) The plan of operation shall:

1. Establish the procedures whereby all the powers and duties of the association under subsection (3) will be performed.
2. Establish procedures for handling assets of the association.
3. Establish the amount and method of reimbursing members of the board of directors under subsection (2).
4. Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.
5. Establish regular places and times for meetings of the board of directors.
6. Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.
7. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.
8. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.
9. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(d)(e) The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subparagraphs (c)(d)1. and 2., be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

(6) POWERS AND DUTIES OF DEPARTMENT OF INSURANCE LABOR AND EMPLOYMENT SECURITY.—

(a) The department shall:

~~1. review recommendations of the association concerning whether current or former self-insured employers or members of the association have the financial strength necessary to ensure the timely payment of all current and estimated future claims. If the association determines an employer does not have the financial strength necessary to ensure the timely payment of all current and future claims and recommends action pursuant to paragraph (3)(b), the Department of Insurance may take such action as necessary to order the employer to comply with the recommendation. Notify the association of the existence of an insolvent employer not later than 3 days after it receives notice of the determination of insolvency.~~

(b) The department may:

1. Contract with the association for services, which may include, but not be limited to, the following:

- a. Process applications for self-insurance.
- b. Collect and review financial statements and loss reserve information from individual self-insurers.
- c. Collect and maintain files for original security deposit documents and reinsurance policies from individual self-insurers and, if necessary, perfect security interests in security deposits.
- d. Process compliance documentation for individual self-insurers and provide same to the Department of Insurance.
- e. Collect all data necessary to calculate annual premium for all individual self-insurers, including individual self-insurers that are public utilities or governmental entities, and provide such calculated annual premium to the Department of Insurance for assessment purposes.
- f. Inspect and audit annually, if necessary, the payroll and other records of each individual self-insurer, including individual self-insurers that are public utilities or governmental entities, in order to determine the wages paid by each individual self-insurer, the premium such individual self-insurer would have to pay if insured, and all payments of compensation made by such individual self-insurer during each prior period with the results of such audit provided to the Department of Insurance. For the purposes of this section, the payroll records of each individual self-insurer shall be open to inspection and audit by the association, the department, or their authorized representative, during regular business hours.

g. Provide legal representation to implement the administration and audit of individual self-insurers and make recommendations regarding prosecution of any administrative or legal proceedings necessitated by the department's regulation of the individual self-insurers.

2. Contract with an attorney or attorneys recommended by the association for representation of the department in any administrative or legal proceedings necessitated by the recommended regulation of the individual self-insurers. ~~Upon request of the board of directors, provide the association with a statement of the annual normal premiums of each member employer.~~

~~(b) The department may:~~

~~3.1. Direct the association to require from each individual self-insurer, at such time and in accordance with such regulations as the department prescribes, reports in respect to wages paid, the amount of premiums such individual self-insurer would have to pay if insured, and all payments of compensation made by such individual self-insurer during each prior period and determine the amounts paid by each individual self-insurer and the amounts paid by all individual self-insurers during such period. For the purposes of this section, the payroll records of each individual self-insurer shall be open to annual inspection and audit by the association, the department, or their authorized representative, during regular business hours, and if any audit of such records of an individual self-insurer discloses a deficiency in the amount reported to the association or in the amounts paid to the Department of Insurance by an individual self-insurer for its assessment for the Workers' Compensation~~

Administration Trust Fund, the Department of Insurance or the association may assess the cost of such audit against the individual self-insurer.

4. Require that the association notify the member employers and any other interested parties of the determination of insolvency and of their rights under this section. Such notification shall be by mail at the last known address thereof when available; but, if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

~~5.2. Suspend or revoke the authority of any member employer failing to pay an assessment when due or failing to comply with the plan of operation to self-insure in this state. As an alternative, the department may levy a fine on any member employer failing to pay an assessment when due. Such fine shall not exceed 5 percent of the unpaid assessment per month, except that no fine shall be less than \$100 per month.~~

~~3. Revoke the designation of any servicing facility if the department finds that claims are being handled unsatisfactorily.~~

(7) EFFECT OF PAID CLAIMS.—

(a) Any person who recovers from the association under this section shall be deemed to have assigned his or her rights to the association to the extent of such recovery. Every claimant seeking the protection of this section shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent member. The association shall have no cause of action against the employee of the insolvent member for any sums the association has paid out, except such causes of action as the insolvent member would have had if such sums had been paid by the insolvent member. In the case of an insolvent member operating on a plan with assessment liability, payments of claims by the association shall not operate to reduce the liability of the insolvent member to the receiver, liquidator, or statutory successor for unpaid assessments.

(b) The receiver, liquidator, or statutory successor of an insolvent member shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority against the assets of the insolvent member equal to that to which the claimant would have been entitled in the absence of this section. The expense of the association or similar organization in handling claims shall be accorded the same priority as the expenses of the liquidator.

(c) The association shall file periodically with the receiver or liquidator of the insolvent member statements of the covered claims paid by the association and estimates of anticipated claims on the association, which shall preserve the rights of the association against the assets of the insolvent member.

(8) NOTIFICATION PREVENTION OF INSOLVENCIES.—To aid in the detection and prevention of employer insolvencies:

(a) upon determination by majority vote that any member employer may be insolvent or in a financial condition hazardous to the employees thereof or to the public, it shall be the duty of the board of directors to notify the Department of Insurance Labor and Employment Security of any information indicating such condition.

~~(b) The board of directors may, upon majority vote, request that the department determine the condition of any member employer which the board in good faith believes may no longer be qualified to be a member of the association. Within 30 days of the receipt of such request or, for good cause shown, within a reasonable time thereafter, the department shall make such determination and shall forthwith advise the board of its findings. Each request for a determination shall be kept on file by the department, but the request shall not be open to public inspection prior to the release of the determination to the public.~~

~~(c) It shall also be the duty of the department to report to the board of directors when it has reasonable cause to believe that a member employer may be in such a financial condition as to be no longer qualified to be a member of the association.~~

~~(d) The board of directors may, upon majority vote, make reports and recommendations to the department upon any matter which is germane to the solvency, liquidation, rehabilitation, or conservation of any member employer. Such reports and recommendations shall not be considered public documents.~~

(e) ~~The board of directors may, upon majority vote, make recommendations to the department for the detection and prevention of employer insolvencies.~~

(f) ~~The board of directors shall, at the conclusion of any member's insolvency in which the association was obligated to pay covered claims, prepare a report on the history and cause of such insolvency, based on the information available to the association, and shall submit such report to the department.~~

(9) EXAMINATION OF THE ASSOCIATION.—The association shall be subject to examination and regulation by the Department of ~~Insurance Labor and Employment Security~~. No later than March 30 of each year, the board of directors shall submit an *audited* financial ~~statement report~~ for the preceding calendar year in a form approved by the department.

(10) IMMUNITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member employer, the association or its agents or employees, the board of directors, or the Department of ~~Insurance Labor and Employment Security~~ or its representatives for any action taken by them in the performance of their powers and duties under this section.

(11) STAY OF PROCEEDINGS; REOPENING OF DEFAULT JUDGMENTS.—All proceedings in which an insolvent employer is a party, or is obligated to defend a party, in any court or before any quasi-judicial body or administrative board in this state shall be stayed for up to 6 months, or for such additional period from the date the employer becomes an insolvent member, as is deemed necessary by a court of competent jurisdiction to permit proper defense by the association of all pending causes of action as to any covered claims arising from a judgment under any decision, verdict, or finding based on the default of the insolvent member. The association, either on its own behalf or on behalf of the insolvent member, may apply to have such judgment, order, decision, verdict, or finding set aside by the same court or administrator that made such judgment, order, decision, verdict, or finding and shall be permitted to defend against such claim on the merits. If requested by the association, the stay of proceedings may be shortened or waived.

(12) LIMITATION ON CERTAIN ACTIONS.—Notwithstanding any other provision of this chapter, a covered claim, as defined herein, with respect to which settlement is not effected and pursuant to which suit is not instituted against the insured of an insolvent member or the association within 1 year after the deadline for filing claims with the receiver of the insolvent member, or any extension of the deadline, shall thenceforth be barred as a claim against the association.

(13) CORPORATE INCOME TAX CREDIT.—Any sums acquired by a member by refund, dividend, or otherwise from the association shall be payable within 30 days of receipt to the Department of Insurance for deposit with the Treasurer to the credit of the General Revenue Fund. All provisions of chapter 220 relating to penalties and interest on delinquent corporate income tax payments apply to payments due under this subsection.

Section 38. Subsections (2), (3), and (4) of section 440.386, Florida Statutes, are amended to read:

440.386 Individual self-insurers' insolvency; conservation; liquidation.—

(2) COMMENCEMENT OF DELINQUENCY PROCEEDING.—The Department of *Insurance or the Florida Self-Insurers Guaranty Association, Incorporated*, may commence a *delinquency* ~~any such~~ proceeding by application to the court for an order directing the individual self-insurer to show cause why the department or *association* should not have the relief prayed for. ~~The Florida Self-Insurers Guaranty Association, Incorporated, may petition the department to commence such proceedings, and upon receipt of such petition, the department shall commence such proceeding.~~ On the return of such order to show cause, and after a full hearing, the court shall either deny the application or grant the application, together with such other relief as the nature of the case and the interests of the claimants, creditors, stockholders, members, subscribers, or public may require. ~~The Department of Insurance and the association shall give Florida Self-Insurers Guaranty Association, Incorporated, shall be given~~ reasonable written notice to each other by the ~~department~~ of all hearings which pertain to an adjudication of insolvency of a member individual self-insurer.

(3) GROUNDS FOR LIQUIDATION.—The Department of Insurance or *the association* may apply to the court for an order appointing a receiver and directing the receiver to liquidate the business of a domestic individual self-insurer if such individual self-insurer is insolvent. ~~Florida Self-Insurers Guaranty Association, Incorporated, may petition the department to apply to the court for such order. Upon receipt of such petition, the department shall apply to the court for such order.~~

(4) GROUNDS FOR CONSERVATION; FOREIGN INDIVIDUAL SELF-INSURERS.—

(a) The Department of *Insurance or the association* may apply to the court for an order appointing a receiver or ancillary receiver, and directing the receiver to conserve the assets within this state, of a foreign individual self-insurer if such individual self-insurer is insolvent. ~~Florida Self-Insurers Guaranty Association, Incorporated, may petition the department to apply for such order, and, upon receipt of such petition, the department shall apply to the court for such order.~~

(b) An order to conserve the assets of an individual self-insurer shall require the receiver forthwith to take possession of the property of the receiver within the state and to conserve it, subject to the further direction of the court.

Section 39. Section 440.40, Florida Statutes, is amended to read:

440.40 Compensation notice.—Every employer who has secured compensation under the provisions of this chapter shall keep posted in a conspicuous place or places in and about her or his place or places of business typewritten or printed notices, in accordance with a form prescribed by the ~~department division~~, stating that such employer has secured the payment of compensation in accordance with the provisions of this chapter. Such notices shall contain the name and address of the carrier, if any, with whom the employer has secured payment of compensation and the date of the expiration of the policy. The ~~department division~~ may by rule prescribe the form of the notices and require carriers to provide the notices to policyholders.

Section 40. Section 440.41, Florida Statutes, is amended to read:

440.41 Substitution of carrier for employer.—In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this chapter may be most effectively discharged by the employer, and in order that the administration of this chapter in respect of such liability may be facilitated, ~~the department division~~ shall by regulation provide for the discharge, by the carrier for such employer, of such obligations and duties of the employer in respect of such liability, imposed by this chapter upon the employer, as it considers proper in order to effectuate the provisions of this chapter. For such purposes:

(1) Notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier.

(2) Jurisdiction of the employer by the judges of compensation claims, ~~the department division~~, or any court under this chapter shall be jurisdiction of the carrier.

(3) Any requirement by the judges of compensation claims, ~~the department division~~, or any court under any compensation order, finding, or decision shall be binding upon the carrier in the same manner and to the same extent as upon the employer.

Section 41. Subsection (3) of section 440.42, Florida Statutes, is amended to read:

440.42 Insurance policies; liability.—

(3) No contract or policy of insurance issued by a carrier under this chapter shall expire or be canceled until at least 30 days have elapsed after a notice of cancellation has been sent to the ~~department division~~ and to the employer in accordance with the provisions of s. 440.185(7). However, when duplicate or dual coverage exists by reason of two different carriers having issued policies of insurance to the same employer securing the same liability, it shall be presumed that only that policy with the later effective date shall be in force and that the earlier policy terminated upon the effective date of the latter. In the event that both policies carry the same effective date, one of the policies may be canceled *instanter* upon filing a notice of cancellation with the ~~department division~~ and serving a copy thereof upon the employer in such manner as the

~~department division~~ prescribes by rule. The ~~department division~~ may by rule prescribe the content of the notice of retroactive cancellation and specify the time, place, and manner in which the notice of cancellation is to be served.

Section 42. Section 440.44, Florida Statutes, is amended to read:

440.44 Workers' compensation; staff organization.—

(1) INTERPRETATION OF LAW.—As a guide to the interpretation of this chapter, the Legislature takes due notice of federal social and labor acts and hereby creates an agency to administer such acts passed for the benefit of employees and employers in Florida industry, and desires to meet the requirements of such federal acts wherever not inconsistent with the Constitution and laws of Florida.

(2) INTENT.—It is the intent of the Legislature that the ~~department, the agency, and the Department of Education division~~ assume an active and forceful role in ~~their its~~ administration of this act, so as to ensure that the system operates efficiently and with maximum benefit to both employers and employees.

(3) EXPENDITURES.—The ~~department, the agency, the Department of Education, division~~ and the Chief Judge shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books; for telephone services and WATS lines; for books of reference, periodicals, equipment, and supplies; and for printing and binding as may be necessary in the administration of this chapter. All expenditures in the administration of this chapter shall be allowed and paid as provided in s. 440.50 upon the presentation of itemized vouchers therefor approved by the ~~department, the agency, the Department of Education, division~~ or the Chief Judge.

(4) MERIT SYSTEM PRINCIPLE OF PERSONNEL ADMINISTRATION.—Subject to the other provisions of this chapter, the ~~department, the agency, and the Department of Education are division~~ is authorized to appoint, and prescribe the duties and powers of, bureau chiefs, attorneys, accountants, medical advisers, technical assistants, inspectors, claims examiners, and such other employees as may be necessary in the performance of its duties under this chapter.

(5) OFFICE.—The ~~department, the agency, the Department of Education, division~~ and the Chief Judge shall maintain and keep open during reasonable business hours an office, which shall be provided in the Capitol or some other suitable building in the City of Tallahassee, for the transaction of business under this chapter, at which office the official records and papers shall be kept. The office shall be furnished and equipped. The ~~department, the agency division~~, any judge of compensation claims, or the Chief Judge may hold sessions and conduct hearings at any place within the state.

(6) SEAL.—The ~~division and; the Office of the Judges of Compensation Claims judges of compensation claims, and the Chief Judge~~ shall have seals a seal upon which shall be inscribed the words "State of Florida Department of Insurance Seal" and the "Division of Administrative Hearings Seal." respectively. ~~of Labor and Employment Security—Seal."~~

(7) DESTRUCTION OF OBSOLETE RECORDS.—The ~~department division~~ is expressly authorized to provide by regulation for and to destroy obsolete records of the ~~department division and commission~~.

(8) PROCEDURE.—In the exercise of ~~their its~~ duties and functions requiring administrative hearings, the ~~department and the agency division~~ shall proceed in accordance with the Administrative Procedure Act. The authority of the ~~department and the agency division~~ to issue orders resulting from administrative hearings as provided for in this chapter shall not infringe upon the jurisdiction of the judges of compensation claims.

Section 43. Section 440.4416, Florida Statutes, is repealed.

Section 44. Subsection (1) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1) There is hereby created the Office of the Judges of Compensation Claims within the ~~Division of Administrative Hearing of the Department of Management Services Department of Labor and Employment Security~~. The Office of the Judges of Compensation Claims shall be headed by

a Chief Judge. The Chief Judge shall be appointed by the Governor for a term of 4 years from a list of three names submitted by the statewide nominating commission created under subsection (2). The Chief Judge must possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the Chief Judge will be the same as for reappointment of a judge of compensation claims. The office shall be a separate budget entity and the Chief Judge shall be its agency head for all purposes. The ~~Division of Administrative Hearings Department of Labor and Employment Security~~ shall provide administrative support and service to the office to the extent requested by the Chief Judge but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including, but not limited to, personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.

Section 45. Subsections (1), (2), (7), (8), (9), (10), and (11) of section 440.49, Florida Statutes, are amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(1) LEGISLATIVE INTENT.—Whereas it is often difficult for workers with disabilities to achieve employment or to become reemployed following an injury, and it is the desire of the Legislature to facilitate the return of these workers to the workplace, it is the purpose of this section to encourage the employment, reemployment, and accommodation of the physically disabled by reducing an employer's insurance premium for reemploying an injured worker, to decrease litigation between carriers on apportionment issues, and to protect employers from excess liability for compensation and medical expense when an injury to a physically disabled worker merges with, aggravates, or accelerates her or his pre-existing permanent physical impairment to cause either a greater disability or permanent impairment, or an increase in expenditures for temporary compensation or medical benefits than would have resulted from the injury alone. The ~~department division~~ or the administrator shall inform all employers of the existence and function of the fund and shall interpret eligibility requirements liberally. However, this subsection shall not be construed to create or provide any benefits for injured employees or their dependents not otherwise provided by this chapter. The entitlement of an injured employee or her or his dependents to compensation under this chapter shall be determined without regard to this subsection, the provisions of which shall be considered only in determining whether an employer or carrier who has paid compensation under this chapter is entitled to reimbursement from the Special Disability Trust Fund.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Permanent physical impairment" means and is limited to the conditions listed in paragraph (6)(a).

(b) "Preferred worker" means a worker who, because of a permanent impairment resulting from a compensable injury or occupational disease, is unable to return to the worker's regular employment.

(c) "Merger" describes or means that:

1. If the permanent physical impairment had not existed, the subsequent accident or occupational disease would not have occurred;

2. The permanent disability or permanent impairment resulting from the subsequent accident or occupational disease is materially and substantially greater than that which would have resulted had the permanent physical impairment not existed, and the employer has been required to pay, and has paid, permanent total disability or permanent impairment benefits for that materially and substantially greater disability;

3. The preexisting permanent physical impairment is aggravated or accelerated as a result of the subsequent injury or occupational disease, or the preexisting impairment has contributed, medically and circumstantially, to the need for temporary compensation, medical, or attendant care and the employer has been required to pay, and has paid, temporary compensation, medical, or attendant care benefits for the aggravated preexisting permanent impairment; or

4. Death would not have been accelerated if the permanent physical impairment had not existed.

(d) "Excess permanent compensation" means that compensation for permanent impairment, or permanent total disability or death benefits, for which the employer or carrier is otherwise entitled to reimbursement from the Special Disability Trust Fund.

(e) "Administrator" means the entity selected by the commission to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund.

(f) "Corporation" means the Special Disability Trust Fund Financing Corporation, as created under subsection (14).

(g) "Commission" means the Special Disability Trust Fund Privatization Commission, as created under subsection (13).

In addition to the definitions contained in this subsection, the ~~department division~~ may by rule prescribe definitions that are necessary for the effective administration of this section.

(7) REIMBURSEMENT OF EMPLOYER.—

(a) The right to reimbursement as provided in this section is barred unless written notice of claim of the right to such reimbursement is filed by the employer or carrier entitled to such reimbursement with the ~~department division~~ or administrator at Tallahassee within 2 years after the date the employee last reached maximum medical improvement, or within 2 years after the date of the first payment of compensation for permanent total disability, wage loss, or death, whichever is later. The notice of claim must contain such information as the ~~department division~~ by rule requires or as established by the administrator; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the ~~department division~~ or administrator reasonably may require.

(b) For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978, the Special Disability Trust Fund shall, within 120 days after receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement.

(c) A proof of claim must be filed on each notice of claim on file as of June 30, 1997, within 1 year after July 1, 1997, or the right to reimbursement of the claim shall be barred. A notice of claim on file on or before June 30, 1997, may be withdrawn and refiled if, at the time refiled, the notice of claim remains within the limitation period specified in paragraph (a). Such refiled shall not toll, extend, or otherwise alter in any way the limitation period applicable to the withdrawn and subsequently refiled notice of claim. Each proof of claim filed shall be accompanied by a proof-of-claim fee as provided in paragraph (9)(d). The Special Disability Trust Fund shall, within 120 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(d) Each notice of claim filed or refiled on or after July 1, 1997, must be accompanied by a notification fee as provided in paragraph (9)(d). A proof of claim must be filed within 1 year after the date the notice of claim is filed or refiled, accompanied by a proof-of-claim fee as provided in paragraph (9)(d), or the claim shall be barred. The notification fee shall be waived if both the notice of claim and proof of claim are submitted together as a single filing. The Special Disability Trust Fund shall, within 180 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(e) For dates of accident on or after January 1, 1994, the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has been required to pay, and has paid over \$10,000 in benefits, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve notice of acceptance shall give rise to the right to request a hearing on the claim for reimbursement. If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the ~~department division~~ or administrator at Tallahassee within 60 days after notice to the employer or carrier of such denial or controversion.

When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the workers' compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(11), shall be res judicata. The Special Disability Trust Fund may not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund.

(f) When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed annually from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier for which the employer or carrier is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the ~~department division~~, which rules may include parameters for annual audits. The Special Disability Trust Fund shall pay the approved reimbursement requests on a first-in, first-out basis reflecting the order in which the reimbursement requests were received.

(g) The ~~department division~~ may by rule require specific forms and procedures for the administration and processing of claims made through the Special Disability Trust Fund.

(8) PREFERRED WORKER PROGRAM.—The ~~The Department of Education division~~ or administrator shall issue identity cards to preferred workers upon request by qualified employees and ~~the department~~ shall reimburse an employer, from the Special Disability Trust Fund, for the cost of workers' compensation premium related to the preferred workers payroll for up to 3 years of continuous employment upon satisfactory evidence of placement and issuance of payroll and classification records and upon the employee's certification of employment. The ~~department and the Department of Education division~~ may by rule prescribe definitions, forms, and procedures for the administration of the preferred worker program. The ~~Department of Education division~~ may by rule prescribe the schedule for submission of forms for participation in the program.

(9) SPECIAL DISABILITY TRUST FUND.—

(a) There is established in the State Treasury a special fund to be known as the "Special Disability Trust Fund," which shall be available only for the purposes stated in this section; and the assets thereof may not at any time be appropriated or diverted to any other use or purpose. The Treasurer shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The Treasurer is authorized to disburse moneys from such fund only when approved by the ~~department division~~ or corporation and upon the order of the Comptroller. The Treasurer shall deposit any moneys paid into such fund into such depository banks as the ~~department division~~ or corporation may designate and is authorized to invest any portion of the fund which, in the opinion of the division, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposits of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by her or him and placed to the credit of such fund.

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals under s. 628.601, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The ~~department division~~ shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of \$100,000, is equal to the average of:

- a. The sum of disbursements from the fund during the immediate past 3 calendar years, and
- b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers. Provided however, for those carriers that have excluded ceded reinsurance premiums from their assessments on or before January 1, 2000, no assessments on ceded reinsurance premiums shall be paid by those carriers until such time as the Division of *Workers' Compensation of the Department of Labor and Employment Security* or the *department* advises each of those carriers of the impact that the inclusion of ceded reinsurance premiums has on their assessment. The *department division* may not recover any past underpayments of assessments levied against any carrier that on or before January 1, 2000, excluded ceded reinsurance premiums from their assessment prior to the point that the Division of *Workers' Compensation of the Department of Labor and Employment Security* or the *department* advises of the appropriate assessment that should have been paid.

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-insurer to the *department division* for the Special Disability Trust Fund in accordance with such regulations as the *department division* prescribes.

4. The Treasurer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

(c) Notwithstanding the Special Disability Trust Fund assessment rate calculated pursuant to this section, the rate assessed shall not exceed 4.52 percent.

(d) The Special Disability Trust Fund shall be supplemented by a \$250 notification fee on each notice of claim filed or refiled after July 1, 1997, and a \$500 fee on each proof of claim filed in accordance with subsection (7). Revenues from the fee shall be deposited into the Special Disability Trust Fund and are exempt from the deduction required by s. 215.20. The fees provided in this paragraph shall not be imposed upon any insurer which is in receivership with the Department of Insurance.

(e) The Department of *Insurance Labor and Employment Security* or administrator shall report annually on the status of the Special Disability Trust Fund. The report shall update the estimated undiscounted and discounted fund liability, as determined by an independent actuary, change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, the fee revenues refunded and revenues applied to pay down the liability of the fund, the average time required to reimburse accepted claims, and the average administrative costs per claim. The department or administrator shall submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

(10) *DEPARTMENT DIVISION ADMINISTRATION OF FUND; CLAIMS; ADVISORY COMMITTEE; EXPENSES.*—The *department division* or administrator shall administer the Special Disability Trust Fund with authority to allow, deny, compromise, controvert, and litigate claims made against it and to designate an attorney to represent it in proceedings involving claims against the fund, including negotiation and consummation of settlements, hearings before judges of compensation claims, and judicial review. The *department division* or administrator or the attorney designated by it shall be given notice of all hearings and proceedings involving the rights or obligations of such fund and shall have authority to make expenditures for such medical examinations, expert witness fees, depositions, transcripts of testimony, and the like as may be necessary to the proper defense of any claim. The *department division* shall appoint an advisory committee composed of representatives of management, compensation insurance carriers, and self-insurers to aid it in formulating policies with respect to conservation of the fund, who shall serve without compensation for such terms as specified by it, but be reimbursed for travel expenses as provided in s. 112.061. All expenditures made in connection with conservation of the

fund, including the salary of the attorney designated to represent it and necessary travel expenses, shall be allowed and paid from the Special Disability Trust Fund as provided in this section upon the presentation of itemized vouchers therefor approved by the *department division*.

(11) *EFFECTIVE DATES.*—This section does not apply to any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred prior to July 1, 1955, or on or after January 1, 1998. In no event shall the Special Disability Trust Fund be liable for, or reimburse employers or carriers for, any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred on or after January 1, 1998. The Special Disability Trust Fund shall continue to reimburse employers or carriers for subsequent injuries occurring prior to January 1, 1998, and the *department division* shall continue to assess for and the *department division* or administrator shall fund reimbursements as provided in subsection (9) for this purpose.

Section 46. Section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(1) *DEFINITIONS.*—As used in this section, the term:

(a) “Carrier” means group self-insurance funds or individual self-insureds authorized under this chapter and commercial funds or insurance entities authorized to write workers' compensation insurance under chapter 624.

(b) “Medical care coordination” includes, but is not limited to, coordinating physical rehabilitation services such as medical, psychiatric, or therapeutic treatment for the injured employee, providing health training to the employee and family, and monitoring the employee's recovery. The purposes of medical care coordination are to minimize the disability and recovery period without jeopardizing medical stability, to assure that proper medical treatment and other restorative services are timely provided in a logical sequence, and to contain medical costs.

(c) “Qualified rehabilitation provider” means a rehabilitation nurse, rehabilitation counselor, vocational evaluator, rehabilitation facility, or agency approved by the *Department of Education division* as qualified to provide reemployment assessments, medical care coordination, reemployment services, or vocational evaluations under this chapter.

(d) “Reemployment assessment” means a written assessment performed by a qualified rehabilitation provider which provides a comprehensive review of the medical diagnosis, treatment, and prognosis; includes conferences with the employer, physician, and claimant; and recommends a cost-effective physical and vocational rehabilitation plan to assist the employee in returning to suitable gainful employment.

(e) “Reemployment services” means services that include, but are not limited to, vocational counseling, job-seeking skills training, ergonomic job analysis, transferable skills analysis, selective job placement, labor market surveys, and arranging other services such as education or training, vocational and on-the-job, which may be needed by the employee to secure suitable gainful employment.

(f) “Reemployment status review” means a review to determine whether an injured employee is at risk of not returning to work.

(g) “Suitable gainful employment” means employment or self-employment that is reasonably attainable in light of the employee's age, education, work history, transferable skills, previous occupation, and injury, and which offers an opportunity to restore the individual as soon as practicable and as nearly as possible to his or her average weekly earnings at the time of injury.

(h) “Vocational evaluation” means a review of the employee's physical and intellectual capabilities, his or her aptitudes and achievements, and his or her work-related behaviors to identify the most cost-effective means toward the employee's return to suitable gainful employment.

(2) *INTENT.*—It is the intent of this section to implement a systematic review by carriers of the factors that are predictive of longer-term disability and to encourage the provision of medical care coordination and reemployment services that are necessary to assist the employee in returning to work as soon as is medically feasible.

(3) REEMPLOYMENT STATUS REVIEWS AND REPORTS.—

(a) When an employee who has suffered an injury compensable under this chapter is unemployed 60 days after the date of injury and is receiving benefits for temporary total disability, temporary partial disability, or wage loss, and has not yet been provided medical care coordination and reemployment services voluntarily by the carrier, the carrier must determine whether the employee is likely to return to work and must report its determination to the *Department of Education division*. The carrier must thereafter determine the reemployment status of the employee at 90-day intervals as long as the employee remains unemployed, is not receiving medical care coordination or reemployment services, and is receiving the benefits specified in this subsection.

(b) If medical care coordination or reemployment services are voluntarily undertaken within 60 days of the date of injury, such services may continue to be provided as agreed by the employee and the carrier.

(4) REEMPLOYMENT ASSESSMENTS.—

(a) The carrier may require the employee to receive a reemployment assessment as it considers appropriate. However, the carrier is encouraged to obtain a reemployment assessment if:

1. The carrier determines that the employee is at risk of remaining unemployed.
2. The case involves catastrophic or serious injury.

(b) The carrier shall authorize only a qualified rehabilitation provider to provide the reemployment assessment. The rehabilitation provider shall conduct its assessment and issue a report to the carrier, the employee, and the *Department of Education division* within 30 days after the time such assessment is complete.

(c) If the rehabilitation provider recommends that the employee receive medical care coordination or reemployment services, the carrier shall advise the employee of the recommendation and determine whether the employee wishes to receive such services. The employee shall have 15 days after the date of receipt of the recommendation in which to agree to accept such services. If the employee elects to receive services, the carrier may refer the employee to a rehabilitation provider for such coordination or services within 15 days of receipt of the assessment report or notice of the employee's election, whichever is later.

(5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

(a) Once the carrier has assigned a case to a qualified rehabilitation provider for medical care coordination or reemployment services, the provider shall develop a reemployment plan and submit the plan to the carrier and the employee for approval.

(b) If the rehabilitation provider concludes that training and education are necessary to return the employee to suitable gainful employment, or if the employee has not returned to suitable gainful employment within 180 days after referral for reemployment services or receives \$2,500 in reemployment services, whichever comes first, the carrier must discontinue reemployment services and refer the employee to the *Department of Education division* for a vocational evaluation. Notwithstanding any provision of chapter 289 or chapter 627, the cost of a reemployment assessment and the first \$2,500 in reemployment services to an injured employee must not be treated as loss adjustment expense for workers' compensation ratemaking purposes.

(c) A carrier may voluntarily provide medical care coordination or reemployment services to the employee at intervals more frequent than those required in this section. For the purpose of monitoring reemployment, the carrier or the rehabilitation provider shall report to the *Department of Education division*, in the manner prescribed by the *Department of Education division*, the date of reemployment and wages of the employee. The carrier shall report its voluntary service activity to the *Department of Education division* as required by rule. Voluntary services offered by the carrier for any of the following injuries must be considered benefits for purposes of ratemaking: traumatic brain injury; spinal cord injury; amputation, including loss of an eye or eyes; burns of 5 percent or greater of the total body surface.

(d) If medical care coordination or reemployment services have not been undertaken as prescribed in paragraph (3)(b), a qualified rehabili-

tation service provider, facility, or agency that performs a reemployment assessment shall not provide medical care coordination or reemployment services for the employees it assesses.

(6) TRAINING AND EDUCATION.—

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the *Department of Education division* shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. The *Department of Education division* may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, pertinent reemployment status reviews or reports, and such other relevant factors as it prescribes by rule, that the reemployment plan is likely to result in return to suitable gainful employment. The *Department of Education division* is authorized to expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education or other vocational services when necessary to satisfy the recommendation of a vocational evaluator. The *Department of Education division* shall establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs.

(b) When it appears that an employee who has attained maximum medical improvement requires training and education to obtain suitable gainful employment, the employer shall pay the employee additional temporary total compensation while the employee receives such training and education for a period not to exceed 26 weeks, which period may be extended for an additional 26 weeks or less, if such extended period is determined to be necessary and proper by a judge of compensation claims. However, a carrier or employer is not precluded from voluntarily paying additional temporary total disability compensation beyond that period. If an employee requires temporary residence at or near a facility or an institution providing training and education which is located more than 50 miles away from the employee's customary residence, the reasonable cost of board, lodging, or travel must be borne by the *Department of Insurance division* from the Workers' Compensation Administration Trust Fund established by s. 440.50. An employee who refuses to accept training and education that is recommended by the vocational evaluator and considered necessary by the *Department of Education division* is subject to a 50-percent reduction in weekly compensation benefits, including wage-loss benefits, as determined under s. 440.15(3)(b).

(7) PROVIDER QUALIFICATIONS.—

(a) The *Department of Education division* shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.

(b) The *Department of Education division* shall impose a biennial application fee of \$25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.

(c) The *Department of Education division* shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the *Department of Education division*. The failure of a qualified rehabilitation service provider, facility, or agency to provide the *Department of Education division* with information requested or access necessary for the *Department of Education division* to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.

(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the *Department of Education division* to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.

(e) The *Department of Education division*, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.

(8) CARRIER PRACTICES.—The *department division* shall monitor the selection of providers and the provision of services by carriers under this section for consistency with legislative intent set forth in subsection (2).

(9) PERMANENT DISABILITY.—The judge of compensation claims may not adjudicate an injured employee as permanently and totally disabled until or unless the carrier is given the opportunity to provide a reemployment assessment.

Section 47. Section 440.50, Florida Statutes, is amended to read:

440.50 Workers' Compensation Administration Trust Fund.—

(1)(a) There is established in the State Treasury a special fund to be known as the "Workers' Compensation Administration Trust Fund" for the purpose of providing for the payment of all expenses in respect to the administration of this chapter, including the vocational rehabilitation of injured employees as provided in s. 440.49 and the payments due under s. 440.15(1)(f), the funding of the fixed administrative expenses of the plan, and the funding of the Bureau of Workers' Compensation Fraud within the Department of Insurance. Such fund shall be administered by the *department division*.

(b) The *department division* is authorized to transfer as a loan an amount not in excess of \$250,000 from such special fund to the Special Disability Trust Fund established by s. 440.49(9), which amount shall be repaid to said special fund in annual payments equal to not less than 10 percent of moneys received for such Special Disability Trust Fund.

(2) The Treasurer is authorized to disburse moneys from such fund only when approved by the *department division* and upon the order of the Comptroller.

(3) The Treasurer shall deposit any moneys paid into such fund into such depository banks as the *department division* may designate and is authorized to invest any portion of the fund which, in the opinion of the *department division*, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposit of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by him or her and placed to the credit of such fund.

(4) All civil penalties provided in this chapter, if not voluntarily paid, may be collected by civil suit brought by the *department division* and shall be paid into such fund.

Section 48. Section 440.51, Florida Statutes, is amended to read:

440.51 Expenses of administration.—

(1) The *department division* shall estimate annually in advance the amounts necessary for the administration of this chapter, in the following manner.

(a) The *department division* shall, by July 1 of each year, notify carriers and self-insurers of the assessment rate, which shall be based on the anticipated expenses of the administration of this chapter for the next calendar year. Such assessment rate shall take effect January 1 of the next calendar year and shall be included in workers' compensation rate filings approved by the Department of Insurance which become effective on or after January 1 of the next calendar year. Assessments shall become due and be paid quarterly.

(b) The total expenses of administration shall be prorated among the carriers writing compensation insurance in the state and self-insurers. The net premiums collected by carriers and the amount of premiums calculated by the *department division* for self-insured employers are the basis for computing the amount to be assessed. When reporting deductible policy premium for purposes of computing assessments levied after July 1, 2001, full policy premium value must be reported prior to application of deductible discounts or credits. This amount may be assessed as a specific amount or as a percentage of net premiums payable as the *department division* may direct, provided such amount so assessed shall

not exceed 2.75 percent, beginning January 1, 2001, except during the interim period from July 1, 2000, through December 31, 2000, such assessments shall not exceed 4 percent of such net premiums. The carriers may elect to make the payments required under s. 440.15(1)(f) rather than having these payments made by the *department division*. In that event, such payments will be credited to the carriers, and the amount due by the carrier under this section will be reduced accordingly.

(2) The *department division* shall provide by regulation for the collection of the amounts assessed against each carrier. Such amounts shall be paid within 30 days from the date that notice is served upon such carrier. If such amounts are not paid within such period, there may be assessed for each 30 days the amount so assessed remains unpaid, a civil penalty equal to 10 percent of the amount so unpaid, which shall be collected at the same time and a part of the amount assessed. For those carriers who excluded ceded reinsurance premiums from their assessments prior to January 1, 2000, the *department division* shall not recover any past underpayments of assessments related to ceded reinsurance premiums prior to January 1, 2001, against such carriers.

(3) If any carrier fails to pay the amounts assessed against him or her under the provisions of this section within 60 days from the time such notice is served upon him or her, the Department of Insurance ~~upon being advised by the division~~ may suspend or revoke the authorization to insure compensation in accordance with the procedure in s. 440.38(3)(a). The *department division* may permit a carrier to remit any underpayment of assessments for assessments levied after January 1, 2001.

(4) All amounts collected under the provisions of this section shall be paid into the fund established in s. 440.50.

(5) Any amount so assessed against and paid by an insurance carrier, self-insurer authorized pursuant to s. 624.4621, or commercial self-insurance fund authorized under ss. 624.460-624.488 shall be allowed as a deduction against the amount of any other tax levied by the state upon the premiums, assessments, or deposits for workers' compensation insurance on contracts or policies of said insurance carrier, self-insurer, or commercial self-insurance fund. Any insurance carrier claiming such a deduction against the amount of any such tax shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such deduction. Because deductions under this subsection are available to insurance carriers, s. 624.5091 does not limit such deductions in any manner.

(6)(a) The *department division* may require from each carrier, at such time and in accordance with such regulations as the *department division* may prescribe, reports in respect to all gross earned premiums and of all payments of compensation made by such carrier during each prior period, and may determine the amounts paid by each carrier and the amounts paid by all carriers during such period.

(b) The Department of Insurance may require from each self-insurer, at such time and in accordance with such regulations as the Department of Insurance prescribes, reports in respect to wages paid, the amount of premiums such self-insurer would have to pay if insured, and all payments of compensation made by such self-insurer during each prior period, and may determine the amounts paid by each self-insurer and the amounts paid by all self-insurers during such period. For the purposes of this section, the payroll records of each self-insurer shall be open to annual inspection and audit by the Department of Insurance or its authorized representative, during regular business hours; and if any audit of such records of a self-insurer discloses a deficiency in the amounts reported to the Department of Insurance or in the amounts paid to the Department of Insurance by a self-insurer pursuant to this section, the Department of Insurance may assess the cost of such audit against the self-insurer.

(7) The *department division* shall keep accumulated cost records of all injuries occurring within the state coming within the purview of this chapter on a policy and calendar-year basis. For the purpose of this chapter, a "calendar year" is defined as the year in which the injury is reported to the *department division*; "policy year" is defined as that calendar year in which the policy becomes effective, and the losses under such policy shall be chargeable against the policy year so defined.

(8) The *department division* shall assign an account number to each employer under this chapter and an account number to each insurance carrier authorized to write workers' compensation insurance in the

state; and it shall be the duty of the ~~department division~~ under the account number so assigned to keep the cost experience of each carrier and the cost experience of each employer under the account number so assigned by calendar and policy year, as above defined.

(9) In addition to the above, it shall be the duty of the ~~department division~~ to keep the accident experience, as classified by the ~~department division~~, by industry as follows:

- (a) Cause of the injury;
- (b) Nature of the injury; and
- (c) Type of disability.

(10) In every case where the duration of disability exceeds 30 days, the carrier shall establish a sufficient reserve to pay all benefits to which the injured employee, or in case of death, his or her dependents, may be entitled to under the law. In establishing the reserve, consideration shall be given to the nature of the injury, the probable period of disability, and the estimated cost of medical benefits.

(11) The ~~department division~~ shall furnish to any employer or carrier, upon request, its individual experience. ~~The division shall furnish to the Department of Insurance, upon request, the Florida experience as developed under accident year or calendar year.~~

(12) In addition to any other penalties provided by this law, the failure to submit any report or other information required by this law shall be just cause to suspend the right of a self-insurer to operate as such, or, ~~upon certification by the division to the Department of Insurance that a carrier has failed or refused to furnish such reports,~~ shall be just cause for the Department of Insurance to suspend or revoke the license of such carrier.

(13) As used in s. 440.50 and this section, the term:

- (a) "Plan" means the workers' compensation joint underwriting plan provided for in s. 627.311(4).
- (b) "Fixed administrative expenses" means the expenses of the plan, not to exceed \$750,000, which are directly related to the plan's administration but which do not vary in direct relationship to the amount of premium written by the plan and which do not include loss adjustment premiums.

(14) Before July 1 in each year, the plan shall notify the ~~department division~~ of the amount of the plan's gross written premiums for the preceding calendar year. Whenever the plan's gross written premiums reported to the ~~department division~~ are less than \$30 million, the ~~department division~~ shall transfer to the plan, subject to appropriation by the Legislature, an amount not to exceed the plan's fixed administrative expenses for the preceding calendar year.

Section 49. Section 440.52, Florida Statutes, is amended to read:

440.52 Registration of insurance carriers; notice of cancellation or expiration of policy; suspension or revocation of authority.—

~~(1) Each insurance carrier who desires to write such compensation insurance in compliance with this chapter shall be required, before writing such insurance, to register with the division and pay a registration fee of \$100. This shall be deposited by the division in the fund created by s. 440.50.~~

~~(1)(2)~~ A carrier or self-insurance fund that receives notice pursuant to s. 440.05 shall notify the contractor of the cancellation or expiration of the insurance.

~~(2)(3)~~ If the ~~department division~~ finds, after due notice and a hearing at which the insurance carrier is entitled to be heard in person or by counsel and present evidence, that the insurance carrier has repeatedly failed to comply with its obligations under this chapter, the ~~department division~~ may request the Department of Insurance to suspend or revoke the authorization of such insurance carrier to write workers' compensation insurance under this chapter. Such suspension or revocation shall not affect the liability of any such insurance carrier under policies in force prior to the suspension or revocation.

~~(3)(4)~~ In addition to the penalties prescribed in subsection (3), violation of s. 440.381 by an insurance carrier shall result in the imposition of a fine not to exceed \$1,000 per audit, if the insurance carrier fails to act on said audits by correcting errors in employee classification or accepted applications for coverage where it knew employee classifications were incorrect. Such fines shall be levied by the Department of Insurance and deposited into the Insurance Commissioner's Regulatory Trust Fund.

Section 50. Section 440.525, Florida Statutes, is amended to read:

~~440.525 Examination of carriers.—Beginning July 1, 1994, The Division of Workers' Compensation of the department of Labor and Employment Security may examine each carrier as often as is warranted to ensure that carriers are fulfilling their obligations under the law, and shall examine each carrier not less frequently than once every 3 years. The examination must cover the preceding 3 fiscal years of the carrier's operations and must commence within 12 months after the end of the most recent fiscal year being covered by the examination. The examination may cover any period of the carrier's operations since the last previous examination.~~

Section 51. Section 440.572, Florida Statutes, is amended to read:

~~440.572 Authorization for individual self-insurer to provide coverage.—An individual self-insurer having a net worth of not less than \$250 million as authorized by s. 440.38(1)(f) may assume by contract the liabilities under this chapter of contractors and subcontractors, or each of them, employed by or on behalf of such individual self-insurer when performing work on or adjacent to property owned or used by the individual self-insurer by the department division. The net worth of the individual self-insurer shall include the assets of the self-insurer's parent company and its subsidiaries, sister companies, affiliated companies, and other related entities, located within the geographic boundaries of the state.~~

Section 52. Section 440.59, Florida Statutes, is amended to read:

440.59 Reporting requirements.—

~~(1) The department of Labor and Employment Security shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.~~

~~(2) The Division of Workers' Compensation of the department of Labor and Employment Security shall periodically complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in workers' compensation claims as deemed necessary by the department. The analysis shall include the information, data, and statistics deemed relevant by the department be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The department division shall make available distribute to each employer and self-insurer in the state covered by the Workers' Compensation Law the data relevant to its workforce. The report shall also be distributed to the insurers authorized to write workers' compensation insurance in the state.~~

~~(3) The department division shall annually prepare a closed claim report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation on or before September 15 of each year. The closed claim report shall include information, data, and statistics deemed relevant by the department, but not be limited to, an analysis of all claims closed during the preceding year as to the date of accident, age of the injured employee, occupation of the injured employee, type of injury, body part affected, type and duration of indemnity benefits paid,~~

permanent impairment rating, medical benefits identified by type of health care provider, and type and cost of any rehabilitation benefits provided.

(4) The ~~department division~~ shall prepare an annual report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year. The annual report shall include *information, data, and statistics deemed relevant by the department* ~~a status report on all cases involving work-related injuries in the previous 10 years. The annual report shall include, but not be limited to, the number of open and closed cases, the number of cases receiving various types of benefits, the cash and medical benefits paid between the date of injury and the evaluation date, the number of litigated cases, and the amount of attorney's fees paid in each case.~~

(5) The Chief Judge must prepare an annual report summarizing the disposition of mediation conferences and must submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year.

Section 53. Section 440.591, Florida Statutes, is amended to read:

440.591 Administrative procedure; rulemaking authority.—The ~~department, the agency, and the Department of Education have division~~ ~~has~~ authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

Section 54. Section 440.593, Florida Statutes, is amended to read:

440.593 Electronic reporting.—The ~~department division~~ may establish by rule an electronic reporting system whereby an employer or carrier is required to submit information electronically rather than by filing otherwise required forms or reports. The ~~department division~~ may by rule establish different deadlines for reporting information to the ~~department division~~ via the electronic reporting system than are otherwise required.

Section 55. Effective July 1, 2001, section 633.801, Florida Statutes, is created to read:

633.801 Short title.—Sections 633.801 through 633.825 may be cited as the "Florida Firefighter Occupational Safety and Health Act."

Section 56. Effective July 1, 2001, section 633.802, Florida Statutes, is created to read:

633.802 Definitions.—As used in ss. 633.801-633.825, unless the context clearly indicates otherwise, the term:

- (1) "Department" means the Department of Insurance.
- (2) "Division" means the Division of State Fire Marshal of the Department of Insurance.
- (3) "Firefighter employee" means any person engaged in any employment, public or private, as a firefighter under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and responding to or assisting with fire and medical emergencies whether or not the firefighter is on duty, except those appointed under s. 590.02(1)(d).

(4) "Firefighter employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, and any person carrying on any employment thereof, which employs firefighters or which uses volunteer firefighters, except those appointed under s. 590.02(1)(d).

(5) "Firefighter employment" or "employment" means any service performed by a firefighter employee for the firefighter employer.

(6) "Place of firefighter employment" or "place of employment" means the physical location at which the firefighter is employed.

Section 57. Effective July 1, 2001, section 633.803, Florida Statutes, is created to read:

633.803 Legislative intent.—It is the intent of the Legislature to enhance firefighter occupational safety and health in this state through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of firefighter employee accidents, firefighter occupational diseases, and firefighter fatalities compensable under chapter 440 or otherwise. The Legislature further intends that the division develop a means by which it can identify individual firefighter employers with a high frequency or severity of work-related injuries, conduct safety inspections of those firefighter employers, and assist those firefighter employers in the development and implementation of firefighter employee safety and health programs. In addition, it is the intent of the Legislature that the division administer the provisions of ss. 633.801-633.825; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards set forth in ss. 633.801-633.825.

Section 58. Effective July 1, 2001, section 633.804, Florida Statutes, is created to read:

633.804 Safety inspections, consultations; rules.—The division shall adopt rules governing the manner, means, and frequency of firefighter employer and firefighter employee safety inspections and consultations by all insurers and self-insurers.

Section 59. Effective July 1, 2001, section 633.805, Florida Statutes, is created to read:

633.805 Division to make study of firefighter occupational diseases, etc.—The division shall make a continuous study of firefighter occupational diseases and the ways and means for their control and prevention and shall make and enforce necessary regulations for such control. For this purpose, the division is authorized to cooperate with firefighter employers, firefighter employees, and insurers and with the Department of Health.

Section 60. Effective July 1, 2001, section 633.806, Florida Statutes, is created to read:

633.806 Investigations by the division; refusal to admit; penalty.—

(1) The division shall make studies and investigations with respect to safety provisions and the causes of firefighter injuries in places of firefighter employment, and shall make to the Legislature and firefighter employers and insurers such recommendations as it considers proper as to the best means of preventing firefighter injuries. In making such studies and investigations, the division may:

(a) Cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any place of firefighter employment covered by ss. 633.801-633.825, or any agency or department of the state engaged in enforcing any law to assure safety for firefighter employees.

(b) Allow any such agency or department to have access to the records of the division.

(2) The division by rule may adopt procedures for conducting investigations of firefighter employers under ss. 633.801-633.825.

Section 61. Effective July 1, 2001, section 633.807, Florida Statutes, is created to read:

633.807 Safety; firefighter employer responsibilities.—Every firefighter employer shall furnish to firefighters employment that is safe for the firefighter employees, furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms "safe" and "safety" as applied to any employment or place of firefighter employment mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section shall not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

Section 62. Effective July 1, 2001, section 633.808, Florida Statutes, is created to read:

633.808 *Division authority.*—*The division shall:*

(1) *Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents in every place of firefighter employment or at any fire scene; determine what suitable devices, safeguards, or other means of protection for the prevention of occupational diseases must be adopted or followed in any or all such places of firefighter employment or at any fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighters engaged in interior firefighting, and the prevention of occupational diseases.*

(2) *Ascertain, fix, and order such reasonable standards and rules for the construction, repair, and maintenance of places of firefighter employment as shall render them safe. Such rules and standards must be adopted in accordance with chapter 120.*

(3) *Assist firefighter employers in the development and implementation of firefighter employee safety training programs by contracting with professional safety organizations.*

(4) *Adopt rules prescribing recordkeeping responsibilities for firefighter employers, which may include rules for maintaining a log and summary of occupational injuries, diseases, and illnesses and for producing on request a notice of injury and firefighter employee accident investigation records, and rules prescribing a retention schedule for such records.*

Section 63. Effective July 1, 2001, section 633.810, Florida Statutes, is created to read:

633.810 *Firefighter employers whose firefighter employees have a high frequency or severity of work-related injuries.*—*The division shall develop a means by which it can identify individual firefighter employers whose firefighter employees have a high frequency or severity of work-related injuries. The division shall carry out safety inspections of the facilities and operations of these firefighter employers in order to assist them in reducing the frequency and severity of work-related injuries. The division shall develop safety and health programs for those firefighter employers. Insurers shall distribute these safety and health programs to the firefighter employers so identified by the division. Those firefighter employers identified by the division as having a high frequency or severity of work-related injuries shall implement a division-developed safety and health program. The division shall carry out safety inspections of those firefighter employers so identified to ensure compliance with the safety and health program and to assist such firefighter employers in reducing the number of work-related injuries. The division may not assess penalties as the result of such inspections, except as provided by s. 633.813. Copies of any report made as the result of such an inspection must be provided to the firefighter employer and its insurer. Firefighter employers may submit their own safety and health programs to the division for approval in lieu of using the division-developed safety and health program. The division must promptly review the program submitted and approve or disapprove it. Upon approval by the division, the program must be implemented by the firefighter employer. If the program is not approved or if a program is not submitted, the firefighter employer must implement the division-developed program. The division shall adopt rules setting forth the criteria for safety and health programs, as such rules relate to this section.*

Section 64. Effective July 1, 2001, section 633.812, Florida Statutes, is created to read:

633.812 *Workplace safety committees and safety coordinators.*—

(1) *In order to promote health and safety in places of firefighter employment in this state:*

(a) *Each firefighter employer of 20 or more firefighter employees shall establish and administer a workplace safety committee in accordance with rules adopted under this section.*

(b) *Each firefighter employer of fewer than 20 firefighter employees that is identified by the division as having a high frequency or severity of work-related injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator who shall*

establish and administer workplace safety activities in accordance with rules adopted under this section.

(2) *The division shall adopt rules:*

(a) *Prescribing the membership of the workplace safety committees so as to ensure an equal number of firefighter employee representatives, who are volunteers or are elected by their peers, and of firefighter employer representatives and specifying the frequency of meetings.*

(b) *Requiring firefighter employers to make adequate records of each meeting and to file and maintain the records subject to inspection by the division.*

(c) *Prescribing the duties and functions of the workplace safety committee and workplace safety coordinator, which include, but are not limited to:*

1. *Establishing procedures for workplace safety inspections by the committee.*

2. *Establishing procedures investigating all workplace accidents, safety-related incidents, illnesses, and deaths.*

3. *Evaluating accident prevention and illness prevention programs.*

4. *Prescribing guidelines for the training of workplace safety committee members.*

(3) *The composition, selection, and function of workplace safety committees shall be a mandatory topic of negotiations with any certified collective bargaining agent for firefighter employers that operate under a collective bargaining agreement. Firefighter employers that operate under a collective bargaining agreement that contains provisions regulating the formation and operation of workplace safety committees that meet or exceed the minimum requirements contained in this section, or that otherwise have existing workplace safety committees that meet or exceed the minimum requirements established by this section, are in compliance with this section.*

(4) *Firefighter employees must be compensated at their regular hourly wages while engaged in workplace safety committee or workplace safety coordinator training, meetings, or other duties prescribed under this section.*

Section 65. Effective July 1, 2001, section 633.813, Florida Statutes, is created to read:

633.813 *Firefighter employer penalties.*—*If any firefighter employer violates or fails or refuses to comply with ss. 633.801-633.825, any rule adopted by the division in accordance with chapter 120 for the prevention of injuries, accidents, or occupational diseases, or any lawful order of the division in connection with ss. 633.801-633.825, or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by the division under ss. 633.801-633.825 for the prevention of accidents or occupational diseases, the division may assess against the firefighter employer a civil penalty of not less than \$100 nor more than \$5,000 for each day the violation, failure, or refusal continues after the firefighter employer has been given notice thereof in writing. The total penalty for each violation may not exceed \$50,000. The division shall adopt rules requiring penalties commensurate with the frequency or severity, or both, of safety violations. A hearing must be held in the county where the violation, failure, or refusal is alleged to have occurred unless otherwise agreed to by the firefighter employer and authorized by the division. All penalties assessed and collected under this section shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.*

Section 66. Effective July 1, 2001, section 633.814, Florida Statutes, is created to read:

633.814 *Division cooperation with Federal Government; exemption from division requirements.*—

(1) *The division shall cooperate with the Federal Government so that duplicate inspections will be avoided yet assure safe places of firefighter employment for the citizens of this state.*

(2) *Except as provided in this section, a private firefighter employer is not subject to the requirements of the division if:*

(a) *The private firefighter employer is subject to the federal regulations in 29 C.F.R. ss. 1910 and 1926;*

(b) *The private firefighter employer has adopted and implemented a written safety program that conforms to the requirements of 29 C.F.R. ss. 1910 and 1926;*

(c) *A private firefighter employer with 20 or more full-time firefighter employees includes provisions for a workplace safety committee in its safety program. The workplace safety committee must include firefighter employee representation and must meet at least once each calendar quarter. The private firefighter employer must make adequate records of each meeting and maintain the records subject to inspections under subsection (3). The workplace safety committee shall, if appropriate, make recommendations regarding improvements to the safety program and corrections of hazards affecting workplace safety; and*

(d) *The private firefighter employer provides the division with a written statement that certifies compliance with this subsection.*

(3) *The division may enter at any reasonable time any place of firefighter employment for the purpose of verifying the accuracy of the written certification required pursuant to paragraph (2)(d). If the division determines that the firefighter employer has not complied with the requirements of subsection (2), the firefighter employer shall be subject to the rules of the division until the firefighter employer complies with subsection (2) and recertifies that fact to the division.*

(4) *This section shall not restrict the division from performing any duties pursuant to a written contract between the division and the federal Occupational Safety and Health Administration (OSHA).*

Section 67. Effective July 1, 2001, section 633.815, Florida Statutes, is created to read:

633.815 Failure to implement a safety and health program; cancellations.—*If a firefighter employer that is found by the division to have a high frequency or severity of work-related injuries fails to implement a safety and health program, the insurer or self-insurer's fund that is providing coverage for the firefighter employer may cancel the contract for insurance with the firefighter employer. In the alternative, the insurer or fund may terminate any discount or deviation granted to the firefighter employer for the remainder of the term of the policy. If the contract is canceled or the discount or deviation is terminated, the insurer must make such reports as are required by law.*

Section 68. Effective July 1, 2001, section 633.816, Florida Statutes, is created to read:

633.816 Expenses of administration.—*The amounts that are needed to administer ss. 633.801-633.825 shall be disbursed from the Insurance Commissioner's Regulatory Trust Fund.*

Section 69. Effective July 1, 2001, section 633.817, Florida Statutes, is created to read:

633.817 Refusal to admit; penalty.—*The division and its authorized representatives may enter and inspect any place of firefighter employment at any reasonable time for the purpose of investigating compliance with ss. 633.801-633.825 and conducting inspections for the proper enforcement of ss. 633.801-633.825. A firefighter employer who refuses to admit any member of the division or its authorized representative to any place of employment or to allow investigation and inspection pursuant to this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 70. Effective July 1, 2001, section 633.818, Florida Statutes, is created to read:

633.818 Firefighter employee rights and responsibilities.—

(1) *Each firefighter employee of a firefighter employer covered under ss. 633.801-633.825 shall comply with rules adopted by the division and with reasonable workplace safety and health standards, rules, policies, procedures, and work practices established by the firefighter employer and the workplace safety committee. A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.*

(2) *A firefighter employer may not discharge, threaten to discharge, cause to be discharged, intimidate, coerce, otherwise discipline, or in any manner discriminate against a firefighter employee for any of the following reasons:*

(a) *The firefighter employee has testified or is about to testify, on her or his own behalf or on behalf of others, in any proceeding instituted under ss. 633.801-633.825;*

(b) *The firefighter employee has exercised any other right afforded under ss. 633.801-633.825; or*

(c) *The firefighter employee is engaged in activities relating to the workplace safety committee.*

(3) *Neither pay, position, seniority, nor other benefit may be lost for exercising any right under, or for seeking compliance with any requirement of, ss. 633.801-633.825.*

Section 71. Effective July 1, 2001, section 633.819, Florida Statutes, is created to read:

633.819 Compliance.—*Failure of a firefighter employer or an insurer to comply with ss. 633.801-633.825 or with any rules adopted thereunder constitutes grounds for the division to seek remedies, including injunctive relief, for noncompliance by making appropriate filings with the circuit court.*

Section 72. Effective July 1, 2001, section 633.820, Florida Statutes, is created to read:

633.820 False statements to insurers.—*A firefighter employer who knowingly and willfully falsifies or conceals a material fact, makes a false, fictitious, or fraudulent statement or representation, or makes or uses any false document knowing the document to contain any false, fictitious, or fraudulent entry or statement to an insurer of workers' compensation insurance under ss. 633.801-633.825 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 73. Effective July 1, 2001, section 633.823, Florida Statutes, is created to read:

633.823 Matters within jurisdiction of the division; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.—*A person may not, in any matter within the jurisdiction of the division, knowingly and willfully falsify or conceal a material fact; make any false, fictitious, or fraudulent statement or representation; or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The statute of limitations for prosecution of an act committed in violation of this section is 5 years after the date the act was committed or, if not discovered within 30 days after the act was committed, 5 years after the date the act was discovered.*

Section 74. Effective July 1, 2001, section 633.824, Florida Statutes, is created to read:

633.824 Volunteer firefighters; volunteer fire departments.—*Sections 633.803-633.825 apply to volunteer firefighters and volunteer fire departments.*

Section 75. Effective July 1, 2001, section 633.825, Florida Statutes, is created to read:

633.825 Workplace safety.—

(1) *The division shall assist in making places of firefighter employment safer places to work and decreasing the frequency and severity of work-related injuries.*

(2) *The division shall have the authority to adopt rules for the purpose of assuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards, assisting and encouraging firefighter employers to maintain safe working conditions, and providing for education and training in the field of safety. Specifically, the division may by rule adopt all or any part of subparts C through T and subpart Z of 29 C.F.R. part 1910 as revised April 8, 1998; the National Fire Protection Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert Safety System) (1992 edition); and ANSI A 10.4-1990.*

(3) *With respect to 29 C.F.R. s. 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional rule, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. s. 1910.134(g)(4):*

(a) *Each county, municipality, or special district shall implement such provision by April 1, 2002, except as provided in paragraph (b).*

(b) *If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional 6 months within which to implement such provision. Such county, municipality, or special district shall notify the division that the 6-month extension to implement such provision is in effect in such county, municipality, or special district within 30 days after its decision to extend the time for an additional 6 months. The decision to extend the time for implementation shall be made prior to April 1, 2002.*

(c) *If, after the extension granted in paragraph (b), the county, municipality, or special district, after having worked with and cooperated fully with the division and the Firefighters Employment, Standards, and Training Council, is still unable to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall be exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4). Nevertheless, each year thereafter the division shall review each such county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds. If the division determines that any county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds, the division shall require such county, municipality, or special district to implement such provision. Such requirement by the division under this paragraph constitutes final agency action subject to chapter 120.*

(4) *The provisions of chapter 440 which pertain to workplace safety shall be applicable to the division.*

(5) *The division shall have the authority to adopt any rule necessary to implement, interpret, and make specific the provisions of this section; however, the division may not adopt by rule any other standard or standards of the Occupational Safety and Health Administration or the National Fire Protection Association without specific legislative authority.*

Section 76. Paragraph (c) of subsection (3) of section 383.3362, Florida Statutes, is amended to read:

383.3362 Sudden Infant Death Syndrome.—

(3) TRAINING.—

(c) The Department of Health, in consultation with the Emergency Medical Services Advisory Council, the Firefighters Employment, Standards, and Training Council, and the Criminal Justice Standards and Training Commission, shall develop and adopt, by rule, curriculum that, at a minimum, includes training in the nature of SIDS, standard procedures to be followed by law enforcement agencies in investigating cases involving sudden deaths of infants, and training in responding appropriately to the parents or caretakers who have requested assistance.

Section 77. Subsection (4) of section 633.30, Florida Statutes, is amended to read:

633.30 Standards for firefighting; definitions.—As used in this chapter:

(4) “Council” means the Firefighters Employment, Standards, and Training Council.

Section 78. Effective July 1, 2001, subsections (1) and (2) of section 633.31, Florida Statutes, are amended to read:

633.31 Firefighters Employment, Standards, and Training Council.—

(1) There is created within the Department of Insurance a Firefighters Employment, Standards, and Training Council of ~~thirteen~~ ~~nine~~ members appointed by the State Fire Marshal. Two members shall be fire chiefs who shall be appointed by the Florida Fire Chiefs Association, two members shall be firefighters who are not officers who shall be appointed by the Florida Professional Firefighters Association, two members shall be firefighter officers who are not fire chiefs who shall be appointed by the State Fire Marshal, one member shall be appointed by the Florida League of Cities, one member shall be appointed by the Florida Association of Counties, one member shall be appointed by the Florida Association of Special Districts, one member shall be appointed by the Florida Fire Marshal's Association, one member shall be appointed by the State Fire Marshal, and one member shall be a director or instructor of a state-certified firefighting training facility who shall be appointed by the State Fire Marshal. To be eligible for appointment as a fire chief member, firefighter officer member, firefighter member, or a director or instructor of a state-certified firefighting facility, a person shall have had at least 4 years' experience in the firefighting profession. The remaining member, who shall be appointed by the State Fire Marshal, ~~two~~ ~~members~~ shall not be a member or representative members of the firefighting profession or of any local government. Members shall serve only as long as they continue to meet the criteria under which they were appointed, or unless a member has failed to appear at three consecutive and properly noticed meetings unless excused by the chair.

(2) ~~Initially, the State Fire Marshal shall appoint three members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and two members for terms of 1 year. Thereafter, Members shall be appointed for 4-year terms and in no event shall a member serve more than two consecutive terms. Any vacancy shall be filled in the manner of the original appointment for the remaining time of the term.~~

Section 79. Subsection (4) of section 633.32, Florida Statutes, is amended to read:

633.32 Organization; meetings; quorum; compensation; seal.—

(4) The council may adopt a seal for its use containing the words “Firefighters Employment, Standards, and Training Council.”

Section 80. Subsections (4) and (5) of section 633.33, Florida Statutes, are amended to read:

633.33 Special powers; firefighter training.—The council shall have special powers in connection with the employment and training of firefighters to:

(4) Consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the employment and safety of firefighters, including, but not limited to, the safety of firefighters while at the scene of a fire and at the scene of any incident related to emergency services to which a firefighter responds, development of firefighter training schools and programs of courses of instruction, including, but not limited to, education and training in the areas of fire science, fire technology, fire administration, and all allied and supporting fields.

(5) Make or support studies on any aspect of firefighting employment, education, and training or recruitment.

Section 81. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the ~~Agency for Workforce Innovation Department of Labor and Employment Security~~ an Unemployment Appeals Commission, hereinafter referred to as the “commission.” The commission shall consist of a chair and two other members to be appointed by the Governor, subject to confirmation by the Senate. Not more than one appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employers; and not more than one such appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employees.

(a) The chair shall devote his or her entire time to commission duties and shall be responsible for the administrative functions of the commission.

(b) The chair shall have the authority to appoint a general counsel and such other personnel as may be necessary to carry out the duties and responsibilities of the commission.

(c) The chair shall have the qualifications required by law for a judge of the circuit court and shall not engage in any other business vocation or employment. Notwithstanding any other provisions of existing law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of \$100 for each day they are engaged in the work of the commission. The chair and other members shall also be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~.

(5) The commission shall not be subject to control, supervision, or direction by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ in the performance of its powers and duties under this chapter.

Section 82. Subsection (12) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(12) COMMISSION.—“Commission” means the Unemployment Appeals Commission of the ~~Department of Labor and Employment Security~~.

Section 83. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(3) The term “department” means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 84. Subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) There is hereby created within the Department of *Management Services* ~~Labor and Employment Security~~ the Public Employees Relations Commission, hereinafter referred to as the “commission.” The commission shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. ~~Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, Every~~ term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel

as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission’s specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of *Management Services* ~~Labor and Employment Security~~.

Section 85. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 86. Subsection (4) of section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(4) “Department” means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 87. Subsection (2) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.—

(2) “Department” means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 88. Subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(a) Advise and consult with employers of migrant workers as to the ways and means of improving living conditions of seasonal workers;

(b) Cooperate with the Department of Health in establishing minimum standards of preventive and curative health and of housing and sanitation in migrant labor camps and in making surveys to determine the adequacy of preventive and curative health services available to occupants of migrant labor camps;

(c) Provide coordination for the enforcement of ss. 381.008-381.0088;

(d) Cooperate with the other departments of government in coordinating all applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments, wage claims, and crew leaders;

(e) Cooperate with the Department of Education to provide educational facilities for the children of migrant laborers;

(f) Cooperate with the Department of Highway Safety and Motor Vehicles to establish minimum standards for the transporting of migrant laborers;

(g) Cooperate with the Department of Agriculture and Consumer Services to conduct an education program for employers of migrant laborers pertaining to the standards, methods, and objectives of the office;

(h) Cooperate with the Department of Children and Family Services in coordinating all public assistance programs as they may apply to migrant laborers;

(i) Coordinate all federal, state, and local programs pertaining to migrant laborers; *and*

(j) Cooperate with the farm labor office of the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 89. Subsection (3) of section 468.529, Florida Statutes, is amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(3) A licensed employee leasing company shall within 30 days of initiation or termination notify its workers' compensation insurance carrier, the *Department of Insurance* ~~Division of Workers' Compensation~~, and the Division of Unemployment Compensation of the Department of *Revenue* ~~Labor and Employment Security~~ of both the initiation or the termination of the company's relationship with any client company.

Section 90. Subsections (1) and (5) of section 624.3161, Florida Statutes, are amended to read:

624.3161 Market conduct examinations.—

(1) As often as it deems necessary, the department shall examine each licensed rating organization, each advisory organization, each group, association *carrier as defined in s. 440.02*, or other organization of insurers which engages in joint underwriting or joint reinsurance, and each authorized insurer transacting in this state any class of insurance to which the provisions of chapter 627 are applicable. The examination shall be for the purpose of ascertaining compliance by the person examined with the applicable provisions of chapters 440, 624, 626, 627, and 635.

(5) Such examinations shall also be subject to the applicable provisions of ss. 624.318, 624.319, 624.321, and 624.322 *and chapter 440*.

Section 91. Paragraph (m) of subsection (1) of section 626.88, Florida Statutes, is amended to read:

626.88 Definitions of "administrator" and "insurer".—

(1) For the purposes of this part, an "administrator" is any person who directly or indirectly solicits or effects coverage of, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with authorized commercial self-insurance funds or with insured or self-insured programs which provide life or health insurance coverage or coverage of any other expenses described in s. 624.33(1), other than any of the following persons:

(m) A person approved by the *Department of Insurance* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ who administers only self-insured workers' compensation plans.

Section 92. Subsection (9) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(9) In recognition of the complementary roles of investigating instances of workers' compensation fraud and enforcing compliance with the workers' compensation coverage requirements under chapter 440, the Division of Insurance Fraud of the Department of Insurance *is and the Division of Workers' Compensation of the Department of Labor and Employment Security are* directed to prepare and submit a joint performance report to the President of the Senate and the Speaker of the House of Representatives by November 1 of each year for each of the next 2 years, and then every 3 years thereafter, describing the results obtained in achieving compliance with the workers' compensation coverage requirements and reducing the incidence of workers' compensation fraud.

Section 93. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating

plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ or implement a safety program pursuant to provisions of the rating plan approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security or implement both a drug-free workplace program and a safety program. ~~The Division of Safety may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound, and must state the savings anticipated to result from such drug-testing and safety programs.~~

Section 94. Subsection (5) of section 627.914, Florida Statutes, is amended to read:

627.914 Reports of information by workers' compensation insurers required.—

(5) Self-insurers authorized to transact workers' compensation insurance as provided in s. 440.02 shall report only Florida data as prescribed in paragraphs (a)-(e) of subsection (4) to the *department* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~.

(a) The *department* ~~Division of Workers' Compensation~~ shall publish the dates and forms necessary to enable self-insurers to comply with this section.

~~(b) The Division of Workers' Compensation shall report the information collected under this section to the Department of Insurance in a manner prescribed by the department.~~

~~(b)(e)~~ A statistical or rating organization may be used by self-insurers for the purposes of reporting the data required by this section and calculating experience ratings.

Section 95. *All powers, duties, responsibilities, obligations, liabilities, assets and definitions currently under part V of chapter 631, Florida Statutes, consisting of sections 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, 631.927, 631.928, 631.929, 631.931, and 631.932, Florida Statutes, are transferred to the Florida Insurance Guaranty Association established in part II of chapter 531, Florida Statutes. For purposes of administration and assessment, a separate account shall be established.*

Section 96. *Part V of chapter 631, Florida Statutes, consisting of sections 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, 631.927, 631.928, 631.929, 631.931, and 631.932, Florida Statutes, is repealed.*

Section 97. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 98. *To the extent that any conflict exists between this act and the provisions of SB 1926, or similar legislation, which transfers the Office of Judges of Compensation Claims to the Division of Administration Hearings, the provisions of SB 1926 or the similar legislation shall control.*

Section 99. Unless otherwise expressly provided for in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to workplace regulation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, the Department of Management Services, and the Department of Insurance; transferring certain

rules to the Agency for Health Care Administration; amending s. 20.13, F.S.; providing for certain employees of the Division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; creating the Division of Workers' Compensation in the Department of Insurance; repealing s. 20.171, F.S., which creates the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; providing an appropriation; amending s. 440.02, F.S.; providing definitions; amending ss. 110.025, 440.05, 440.09, 440.10, 440.021, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.386, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.12, 450.197, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing appropriations; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.824, and 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing for the source of funding of the division; specifying firefighter employee rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; specifying applicability to volunteer firefighters and volunteer fire departments; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name and membership of the Firefighters Standards and Training Council; amending ss. 383.3362, 633.30, and 633.32, F.S., to conform; amending s. 633.33, F.S.; revising certain powers of the council; transferring all powers, duties, liabilities, assets, and definitions under part V of chapter 631, F.S., related to the Florida Workers' Compensation Insurance Guaranty Association, to the Florida Insurance Guaranty Association established in part II of chapter 631, F.S.; repealing ss. 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917,

631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, 631.927, 631.928, 631.929, 631.931, and 631.932, F.S.; related to the Florida Workers' Compensation Insurance Guaranty Association; specifying controlling legislation in the event of a conflict; providing effective dates.

On motion by Senator Clary, by two-thirds vote **HB 1655** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crist	Latvala	Sanderson
Bronson	Dawson	Laurent	Saunders
Brown-Waite	Diaz de la Portilla	Lawson	Silver
Burt	Dyer	Lee	Smith
Campbell	Geller	Meek	Villalobos
Carlton	Horne	Mitchell	Wasserman Schultz
Clary	Jones	Peaden	Webster
Constantine	King	Posey	
Cowin	Klein	Pruitt	

Nays—2

Holzendorf	Miller
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CONFERENCE COMMITTEE REPORT ON CS FOR SB 466

The Honorable John M. McKay
President of the Senate

May 3, 2001

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 466, same being:

An act relating to Public employment

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1 to CS for SB 466.
2. That the Senate and the House of Representatives adopt Conference Committee Amendment 1 to CS for SB 466, attached hereto and by reference, made a part of this report.
3. That the Senate and the House of Representatives pass CS for SB 466 as amended by said Conference Committee Amendment.

s/Rudy Garcia
Chairman
s/Lisa Carlton
s/Alfred "Al" Lawson, Jr.
s/Bill Posey
s/Rod Smith
Managers on the part
of the Senate

s/Mario Diaz-Balart
Vice Chairman
s/Frederick C. Brummer
s/Gaston I. Cantens
s/Bruce Kyle
s/John P. Seiler
Managers on the part
of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION

The Conference Committee Amendment for CS for SB 466 accepts the Senate position on retention of the current law standard of just cause as a disciplinary standard, and maintenance of the burden or proof on the public employer. It modifies the employee grievance process to reduce time frames for completion but limits the ability of a hearing tribunal to mitigate the actions of the agency head.

The Conference Committee Amendment eliminates the special master in labor impasse proceedings and changes the legislative disposition of labor and management disagreements.

The House recedes from its positions on changes to affirmative action and decertification of a police labor union. It further accedes to two Senate positions on developing federally approved tax shelters for accrued leave payments and alternative retirement plans for casual labor employees.

The Senate recedes from its position on management pay tied to performance and accedes to the House positions on the transfer of PERC to the Department of Management Services and on limitations in the use of casual labor (OPS).

The Senate accepts a House position on a smaller and less formalized advisory body for private sector management review of career service changes.

The Conference Committee Amendment coordinates the payment of employee incentives with policies established in the Appropriations Bill and permits year-end redemption of annual leave.

Alternative language is incorporated in the Conference Committee Amendment to specify the conditions under which the public employer will pay for work-related training in public universities and community colleges.

The Conference Committee Amendment provides for the transfer of some 16,000 management, supervisory, and confidential employees from the Career Service System to the Selected Exempt Service System and raises the formula from .5 percent to 1 percent of career service positions which may be placed in this Senior Management Service Class.

Conference Committee Amendment 1 (172259)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (h) of subsection (3) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. ~~To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110.~~ The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

Section 2. *Sections 110.108 and 110.109, Florida Statutes, are repealed.*

Section 3. Section 110.1091, Florida Statutes, is amended to read:

110.1091 Program for assisting state employees; confidentiality.—~~An Each~~ employing state agency may provide a program to assist any of its state employees ~~employee~~ who have a behavioral or medical disorder, substance abuse problem, or emotional difficulty ~~that which~~ affects ~~their~~ the employee's job performance, through referral for counseling, therapy, or other professional treatment. Each employing state agency may designate community diagnostic and referral resources as necessary to implement the provisions of this section. Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. *Section 110.1095, Florida Statutes, is repealed.*

Section 5. Effective July 1, 2001, section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice ~~demands demand~~ continuous educational and training opportunities, a state employee ~~employees~~ may be authorized to receive a voucher or grant, for matriculation fees, fundable tuition waivers on a space-available basis or vouchers to attend work-related courses at public community colleges, public technical centers, or public universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours. ~~The department may implement the provisions of this section from funds appropriated to the department for this purpose. In the event insufficient funds are appropriated to the department, each state agency may supplement these funds to support the training and education needs of its employees from funds appropriated to the agency.~~

(2) The department, in conjunction with the agencies, shall request that ~~public universities such institutions~~ provide evening and weekend programs for state employees. When evening and weekend training and educational programs are not available, an employee ~~employees~~ may be authorized to take paid time off during ~~his or her~~ their regular working hours for training and career development, as provided in s. 110.105(1), if such training benefits the employer ~~as determined by that employee's agency head.~~

(3) ~~An employee~~ Employees who exhibits ~~exhibit~~ superior aptitude and performance may be authorized by that employee's agency head to

take a paid educational ~~leave~~ leaves of absence for up to 1 academic year at a time, for specific approved work-related education and training. *That employee*

(4) ~~Such employees must enter into a contract~~ ~~contracts~~ to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during *his or her* ~~their~~ educational ~~leave~~ leaves of absence.

(5) ~~The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public postsecondary educational institutions, shall adopt rules to implement and administer this section.~~

(4)(6) As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not to ~~exceed~~ ~~exceeding~~ 4 years after the conclusion of the training. This subsection does not apply to any training program that an agency or the judicial branch requires *an* the employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

(5) *The Department of Management Services, in consultation with the agencies and, to the extent applicable, with Florida's public community colleges, public technical centers, and public universities, shall adopt rules to administer this section.*

Section 6. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency shall designate ~~those employee~~ ~~such of its~~ positions ~~that of state employment which~~, because of the special trust or responsibility or sensitive location of ~~those such~~ positions, require that persons occupying ~~those such~~ positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 7. Effective January 1, 2002, subsection (2) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(2) As a condition of employment, a person appointed to a position in state government ~~on or after July 1, 1996~~, is required to participate in the direct deposit program pursuant to s. 17.076. ~~This subsection does not apply to persons who are in the employment of the state on July 1, 1996, and subsequently receive promotion appointments, transfers, or other changes in positions within the same personnel system after July 1, 1996.~~ An employee may request an exemption from the provisions of this subsection when such employee can demonstrate a hardship or when such employee is in an other-personal-services position.

Section 8. Section 110.1245, Florida Statutes, is amended to read:

110.1245 *Savings sharing program; bonus payments; other awards Meritorious service awards program.*—

(1)(a) The Department of Management Services shall ~~adopt rules that prescribe set policy, develop~~ procedures, and promote a *savings sharing program for an individual or group of employees who propose procedures or ideas that are adopted and that result in eliminating or reducing state expenditures, if such proposals are placed in effect and may be implemented under current statutory authority.* ~~of meritorious service awards, incentives, and recognition to employees who:~~

(a) ~~Propose procedures or ideas which are adopted and which will result in increasing productivity, in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or~~

(b) *Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative Budgeting Commission. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.*

(c) ~~Each~~ ~~Every~~ state agency, unless otherwise provided by law, *may* shall participate in the program. The Chief Justice shall have the authority to establish a *savings sharing meritorious service awards* program for employees of the judicial branch within the parameters established in this section. ~~The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System, the Selected Exempt Service System, and comparable employees within the judicial branch. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed 10 percent of the first year's actual savings or actual revenue increase, up to \$25,000, plus applicable taxes, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the judicial branch or state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000 plus applicable taxes per individual employee. The judicial branch or an agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, the judicial branch or a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award may not cost in excess of \$100 each plus applicable taxes.~~

(d)(2) The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that outlines each agency's level of participation in the *savings sharing meritorious service awards* program. The information ~~shall~~ ~~must~~ include, but is not limited to:

1.(a) The number of proposals made.

2.(b) The number of *dollars and* awards made to employees *or groups* for adopted proposals.

3.(c) The actual cost savings realized as a result of implementing employee *or group* proposals.

4. *The number of employees or groups recognized for superior accomplishments.*

(d) ~~Total expenditures incurred by the agency for providing awards to employees for adopted proposals.~~

(e) ~~The number of employees recognized for superior accomplishments.~~

(f) ~~The number of employees recognized for satisfactory service to the state.~~

(2) *In June of each year, bonuses shall be paid to employees from funds authorized by the Legislature in an appropriation specifically for bonuses. Each agency shall develop a plan for awarding lump-sum bonuses, which plan shall be submitted no later than September 15 of each year and approved by the Office of Policy and Budget in the Executive Office of the Governor. Such plan shall include, at a minimum, but is not limited to:*

(a) *A statement that bonuses are subject to specific appropriation by the Legislature.*

(b) *Eligibility criteria as follows:*

1. *The employee must have been employed prior to July 1 of that fiscal year and have been continuously employed through the date of distribution.*

2. *The employee must not have been on leave without pay consecutively for more than 6 months during the fiscal year.*

3. *The employee must have had no sustained disciplinary action during the period beginning July 1 through the date the bonus checks are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action.*

4. *The employee must have demonstrated a commitment to the agency mission by reducing the burden on those served, continually improving the way business is conducted, producing results in the form of increased outputs, and working to improve processes.*

5. *The employee must have demonstrated initiative in work and have exceeded normal job expectations.*

6. *The employee must have modeled the way for others by displaying agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork.*

(c) *A periodic evaluation process of the employee's performance.*

(d) *Peer input to account for at least 40 percent of the bonus award determination.*

(e) *A division of the agency by work unit for purposes of peer input and bonus distribution.*

(f) *A limitation on bonus distributions equal to 35 percent of the agency's total authorized positions. This requirement may be waived by the Office of Policy and Budget in the Executive Office of the Governor upon a showing of exceptional circumstances.*

(3) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(4) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 \$50 each plus applicable taxes.

(5) Each department head is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

Section 9. *Section 110.1246, Florida Statutes, is repealed.*

Section 10. Subsections (1) and (2) of section 110.129, Florida Statutes, are amended to read:

110.129 Services to political subdivisions.—

(1) Upon request, the department may enter into a formal agreement ~~agreements~~ with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration ~~of that such~~ municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds, and other resources. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

(2) Technical assistance ~~includes may include~~, but ~~is shall~~ not be limited to, *providing* technical advice, written reports, ~~or and~~ other information or materials ~~that and~~ may cover such subjects as management and personnel systems, central administrative and support services, employee training, and employee productivity.

Section 11. Effective July 1, 2001, subsection (2) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(2) An agency may employ any *qualified* individual in other-personal-services temporary employment for 1,040 hours within any 12-month period. An extension beyond a total of 1,040 hours within an

agency for any individual requires a recommendation by ~~the approval of~~ the agency head ~~and approval by the Executive Office of the Governor or a designee~~. Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other-personal-services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, seasonal employees, institutional clients employed as part of their rehabilitation, ~~or~~ bona fide, degree-seeking students in accredited secondary or postsecondary educational programs, *employees hired to deal with an emergency situation that affects the public health, safety, or welfare, or employees hired for a project that is identified by a specific appropriation or time-limited grant.*

Section 12. Subsections (11), (18), and (19) of section 110.203, Florida Statutes, are amended to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(11) "Pay plan" means a formal description of the philosophy, methods, procedures, and salary ~~schedules~~ ~~schedule~~ for competitively compensating employees at market-based rates for work performed.

(18) "Promotion" means ~~the~~ changing of the classification of an employee to a class having a higher maximum salary; or the changing of the classification of an employee to a class having the same or a lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.

(19) "Demotion" means ~~the~~ changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.

Section 13. Effective July 1, 2001, subsections (22), (23), and (24) of section 110.203, Florida Statutes, are amended, and subsections (28), (29), and (30) are added to said section, to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(22) "Dismissal" means a disciplinary action taken by an agency *pursuant to s. 110.227* against an employee resulting in termination of his or her employment ~~for a violation of agency standards or for cause pursuant to s. 110.227~~.

(23) "Suspension" means a disciplinary action taken by an agency *pursuant to s. 110.227* against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay ~~for violation of agency standards or for cause pursuant to s. 110.227~~.

(24) "Layoff" means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency, *including the outsourcing or privatization of an activity or function previously performed by career service employees.*

(28) "Firefighter" means a firefighter certified under chapter 633.

(29) "Law enforcement or correctional officer" means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist required to be certified under chapter 943.

(30) "Professional health care provider" means registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468.

Section 14. Section 110.2035, Florida Statutes, is created to read:

110.2035 Classification and compensation program.—

(1) *The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall develop a*

classification and compensation program. This program shall be developed for use by all state agencies and shall address Career Service, Select Exempt Service, and Senior Management Service classes.

(2) The program shall consist of the following:

(a) A position classification system using no more than 50 occupational groups and up to a 6-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.

(b) A pay plan that shall provide broad-based salary ranges for each occupational group.

(3) The following goals shall be considered in designing and implementing the program:

(a) The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.

(b) The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.

(c) The classification system and pay plan must emphasize pay administration and job-performance evaluation by management rather than emphasize use of the classification system to award salary increases.

(d) The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses.

(4) The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.

(5) The Department of Management Services shall submit the proposed design of the classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.

(6) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies, where appropriate, the authority to administer the following:

- (a) Shift differentials.
- (b) On-call fees.
- (c) Hazardous-duty pay.
- (d) Advanced appointment rates.
- (e) Salary increase and decrease corrections.
- (f) Lead-worker pay.
- (g) Temporary special duties pay.
- (h) Trainer-additive pay.
- (i) Competitive area differentials.
- (j) Coordinator pay.
- (k) Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.

Section 15. Subsection (2) of section 110.205, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions ~~that which~~ are not covered by this part include the following, ~~provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:~~

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

(f) Judges, referees, and receivers.

(g) Patients or inmates in state institutions.

(h) All positions ~~that which~~ are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(j) The personal secretary to the incumbent of each position exempted in paragraph (a), and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i). Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each

separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (q), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(m)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However,

the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(n) The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(o)1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(p) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions ~~except for such positions in the Department of Transportation~~; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(r) The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(s) The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(t) All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

(u) Positions ~~that which~~ are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(v) *Effective July 1, 2001, managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and*

directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support, attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

(7) **CARRYING LEAVE FORWARD.**—If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service, all of the employee's unused annual leave, unused sick leave, and unused compensatory leave shall carry forward with the employee.

Section 16. Effective June 30, 2002, sections 110.207 and 110.209, Florida Statutes, are repealed.

Section 17. Section 110.211, Florida Statutes, is amended to read:

110.211 Recruitment.—

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be carried out in the sound discretion of the agency head the responsibility of the employing agency.

(3) ~~Recruiting shall seek efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data. The department shall provide for executive-level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.~~

(4) ~~An application for a publicly announced vacancy must be made directly to the employing agency.~~

(4)(5) All recruitment literature printed after July 1, 1979, involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."

(6) ~~The department shall develop model recruitment rules which may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt recruitment rules that are inconsistent with the model rules must consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 18. Section 110.213, Florida Statutes, is amended to read:

110.213 Selection.—

(1) ~~The department shall have the responsibility for determining guidelines for selection procedures to be utilized by the employing agencies.~~

(2) ~~Any selection procedure utilized in state employment shall be designed to provide maximum validity, reliability, and objectivity; shall be based on adequate job analysis to ensure job-relatedness; and shall measure the relative ability, knowledge, and skill needed for entry to a job.~~

(1)(3) Selection for appointment from among the most qualified candidates available eligible shall be the sole responsibility of the employing agency. Effective July 1, 2001, all new employees must successfully

complete at least a 1-year probationary period before attainment of permanent status.

(2) Selection shall reflect efficiency and simplicity in hiring procedures. The agency head or his or her designee shall be required to document the qualifications of the selected candidate to ensure that the candidate meets the minimum qualifications and possesses the requisite knowledge, skills, and abilities for the position. No other documentation or justification shall be required prior to selecting a candidate for a position.

(4) ~~The department shall develop model selection rules that may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt selection rules that are inconsistent with the model rules shall consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 19. Effective July 1, 2001, subsection (6) is added to section 110.219, Florida Statutes, and, effective January 1, 2002, subsection (7) is added to said section, to read:

110.219 Attendance and leave; general policies.—

(6) The leave benefits provided to Senior Management Service employees shall not exceed those provided to employees in the Select Exempt Service.

(7) Each December, a permanent career service employee shall be entitled, subject to available funds, to a payout of up to 24 hours of unused annual leave as follows:

(a) A permanent career service employee must have an annual leave balance of no less than 24 hours, after the payout, in order to qualify for this benefit.

(b) No permanent career service employee shall receive a payout of greater than 240 hours over the course of the employee's career with the state, including any leave received at the time of separation.

Section 20. Section 110.224, Florida Statutes, is amended to read:

110.224 ~~Public employee Review and performance evaluation planning system.~~—A public employee review and performance evaluation planning system shall be established as a basis for evaluating and improving the performance of the state's workforce, to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; to inform employees of strong and weak points in the employee's performance, to identify improvements expected, and current and future training needs, and to award lump-sum bonuses in accordance with s. 110.1245(2); and to assist in determining the order of layoff and reemployment.

(1) Upon original appointment, promotion, demotion, or reassignment, a job description of the position assigned each career service employee must be made available to the career service employee given a statement of the work expectations and performance standards applicable to the position. The job description may be made available in an electronic format. statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.

(2) Each employee must have a employee's performance evaluation must be reviewed at least annually, and the employee must receive an oral and written assessment of his or her performance evaluation. The performance evaluation assessment may include a plan of corrective action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position as determined by the agency head.

(3) The department may adopt rules to administer the public employee review and performance evaluation planning system which establish procedures for performance evaluation, procedures to be followed in case of failure to meet performance standards, review periods, and forms.

Section 21. Subsections (2) and (3) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers, firefighters, or professional health care providers, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but either vacant or already occupied by an employee of less seniority, and taking that position, commonly referred to as "bumping." For the implementation of layoffs as defined in s. 110.203, the department shall develop rules requiring that consideration be given to comparative merit, demonstrated skills, and the employee's experience.* Such rules shall be approved by the Administration Commission prior to their adoption by the department.

(3)(a) *With regard to law enforcement or correctional officers, firefighters, or professional health care providers,* when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.

(b) *With regard to law enforcement or correctional officers, firefighters, or professional health care providers,* layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among all employees in the competitive area, taking into consideration the type of appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.

Section 22. Effective July 1, 2001, subsections (1), (4), (5), (6), and (7) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(1) Any employee who has permanent status in the career service may ~~only~~ be suspended or dismissed ~~only~~ for cause. Cause shall include, but is not be limited to, *poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime involving moral turpitude.* The ~~Each~~ agency head shall ensure that all employees of the agency have reasonable access to the agency's personnel manual ~~are completely familiar with the agency's established procedures on disciplinary actions and grievances.~~

(4) *A grievance process shall be available to permanent career service employees. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation. Claims of discrimination and sexual harassment or claims related to suspensions, reductions in pay, demotions, and dismissals are not subject to the career service grievance process. The following procedures shall apply to any grievance filed pursuant to this subsection:*

(a) *Step One.—The employee may submit a signed, written grievance on a form provided by the agency to his or her supervisor within 7 calendar days following the occurrence of the event giving rise to the grievance. The supervisor must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance.*

(b) *Step Two.—If the employee is dissatisfied with the response of his or her supervisor, the employee may submit the written grievance to the agency head or his or her designee within 2 business days following the meeting with his or her supervisor. The agency head or his or her designee must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance. The agency head or his or her designee must respond in writing to the employee within 5 business days following the meeting. The written decision of the agency head shall be the final authority for all grievances filed pursuant to this subsection. Such grievances may not be appealed beyond Step Two. ~~Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior~~*

~~to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission.~~

(5)(a) ~~A~~ *Any permanent career service employee who is subject to a suspension, reduction in pay, demotion, or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed by the employee with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee. ~~An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.~~*

(b) *In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days' prior notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. Any employee who is suspended or dismissed pursuant to the provisions of this paragraph may appeal to ~~shall be entitled to a hearing before the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed with the commission by the employee within 14 days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee.~~*

(6) *The following procedures shall apply to appeals filed pursuant to subsection (5), with the Public Employees Relations Commission, herein-after referred to as the commission:*

(a) *The commission must conduct a hearing within 30 calendar days following the filing of a notice of appeal. No extension of time for the hearing may exceed 30 calendar days, absent exceptional circumstances, and no extension of time may be granted without the consent of all parties. Discovery may be granted only upon the showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. Except where inconsistent with the requirements of this subsection, the provisions of s. 447.503(4) and (5) and chapter 120 apply to proceedings held pursuant to this subsection.*

(b) *A person may represent himself or herself in proceedings before the commission or may be represented by legal counsel or by any individual who qualifies as a representative pursuant to rules adopted by the commission.*

(c) *If the commission finds that cause did not exist for the agency action, the commission shall reverse the decision of the agency head and the employee shall be reinstated with or without back pay. If the commission finds that cause existed for the agency action, the commission shall affirm the decision of the agency head. The commission may not reduce the penalty imposed by the agency head, except in the case of law enforcement or correctional officers, firefighters, and professional health care providers, if the commission makes specific written findings of mitigation.*

(d) *A recommended order shall be issued by the hearing officer within 30 days following the hearing. Exceptions to the recommended order shall be filed within 5 business days after the recommended order is*

issued. The final order shall be filed by the commission no later than 30 calendar days after the hearing or after the filing of exceptions or oral arguments if granted.

(e) Final orders issued by the commission pursuant to paragraph (d) shall be reviewable as provided in s. 447.504. A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless it is alleged that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.

(7) Other than for law enforcement or correctional officers, firefighters, and professional health care providers, each suspension, dismissal, demotion, or reduction in pay must be reviewed without consideration of any other case or set of facts. The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.

Section 23. Paragraph (a) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department of Management Services as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department of Management Services shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 24. Subsection (1) of section 110.235, Florida Statutes, is amended to read:

110.235 Training.—

(1) It is the intent of the Legislature that State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

Section 25. Section 110.401, Florida Statutes, is amended to read:

110.401 Declaration of policy.—It is the intent of This part creates to create a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. Accordingly To this end, training and management-development programs are regarded as a major administrative function within agencies.

Section 26. Subsections (3), (4), and (5) of section 110.403, Florida Statutes, are amended to read:

110.403 Powers and duties of the department of Management Services.—

(3) The department of Management Services shall have the following additional responsibilities:

(a) To establish and administer a professional development program that which shall provide for the systematic development of managerial, executive, or administrative skills. Such a program shall include the following topics:

1. Improving the performance of individual employees. This topic provides skills in understanding and motivating individual performance, providing effective and timely evaluations of employees, and making recommendations on performance incentives and disincentives.

2. Improving the performance of groups of employees. This topic provides skills in creating and maintaining productive workgroups and making recommendations on performance incentives and disincentives.

3. Relating the efforts of employees to the goals of the organization. This topic provides skills in linking the work of individual employees to the goals of the agency program, service, or activity.

4. Strategic planning. This topic provides the skills for defining agency business processes, measuring performance of such processes, and reengineering such processes for improved efficiency and effectiveness.

5. Team leadership. This topic provides skills in effective group processes for organizational motivation and productivity based on proven business and military applications that emphasize respect for and courtesy to the public.

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department of Management Services sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department of Management Services shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. These Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. These The Department of Management Services shall make the rules shall also required pursuant to this paragraph in such a manner as to comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department of Management Services regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department of Management Services shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 27. Effective July 1, 2001, paragraph (a) of subsection (1) of section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 1.0 0.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the

limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 28. Section 110.601, Florida Statutes, is amended to read:

110.601 Declaration of policy.—~~It is the purpose of This part creates to create a system of personnel management the purpose of which is to deliver which ensures to the state the delivery of high-quality performance by those employees in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.~~

Section 29. Effective July 1, 2001, section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 30. Subsection (1) of section 110.605, Florida Statutes, is amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

(b)(e) The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

~~(c)(d)~~ *The employing agency must maintain, on a current basis, all records and reports required by applicable rules.* The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

(d)(e) The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.

Section 31. Paragraph (c) of subsection (2) of section 110.606, Florida Statutes, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

~~(c) In addition, as needed, the data shall include:~~

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 32. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part ~~III~~ ~~IV~~ of chapter 110.

Section 33. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers' Compensation Oversight Board.—

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part ~~V~~ ~~IV~~ of chapter 110. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter 110.

Section 34. Notwithstanding section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. A state agency may be eligible to retain salary dollars for authorized positions eliminated after July 1, 2001. The agency must certify the eliminated positions to the Legislative Budgeting Commission.

b. The Legislative Budgeting Commission shall authorize the agency to retain 20 percent of the salary dollars associated with the eliminated positions and may authorize retention of a greater percentage. All such salary dollars shall be used for permanent salary increases.

Section 35. Section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—~~It is declared that~~ The public policy of this the state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. *This state's public policy is* ~~These policies are~~ best effectuated by:

- (1) Granting to public employees the right of organization and representation;
- (2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;
- (3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and
- (4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 36. Effective July 1, 2001, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) ~~There is hereby created within the Department of Labor and Employment Security~~ The Public Employees Relations Commission, hereinafter referred to as the "commission," ~~The commission shall be~~ composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of Management Services ~~Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall

be provided to the commission by the Department of Management Services ~~Labor and Employment Security~~.

Section 37. Subsection (8) of section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(8) ~~Pursuant to s. 447.208,~~ The commission or its designated agent shall hear appeals arising out of any suspension, reduction in pay, ~~transfer, layoff,~~ demotion, or dismissal of any permanent employee in the State Career Service System *in the manner provided in s. 110.227.* ~~Written notice of any such appeal shall be filed with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, transfer, layoff, demotion, or dismissal is received by the employee.~~

Section 38. Section 447.208, Florida Statutes, is amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to ~~subsection (8) or subsection (9)~~ of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(2) This section does not prohibit any person from representing himself or herself in proceedings before the commission or from being represented by legal counsel or by any individual who qualifies as a representative pursuant to rules promulgated and adopted by the commission.

(3) ~~With respect to hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:~~

(a) ~~Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.~~

(b) ~~Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.~~

(c) ~~Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.~~

(d) ~~The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:~~

1. ~~The seriousness of the conduct as it relates to the employee's duties and responsibilities.~~

2. ~~Action taken with respect to similar conduct by other employees.~~

3. ~~The previous employment record and disciplinary record of the employee.~~

4. ~~Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.~~

~~The agency may present evidence to refute the existence of these circumstances.~~

(3)(e) Any order of the commission issued *under this section* ~~pursuant to this subsection~~ may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee. In determining the amount of an attorney's fee, the commission shall consider only the

number of hours reasonably spent on the appeal, comparing the number of hours spent on similar ~~cases Career Service System appeals~~ and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. This paragraph applies to future and pending cases.

Section 39. Paragraph (a) of subsection (5) of section 447.507, Florida Statutes, is amended to read:

447.507 Violation of strike prohibition; penalties.—

(5) If the commission, after a hearing on notice conducted according to rules promulgated by the commission, determines that an employee has violated s. 447.505, it may order the termination of his or her employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation, be appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of 18 ~~6~~ months following his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without *permanent status and at the pleasure of the agency head tenure*. ~~During this period, the person may be discharged only upon a showing of just cause.~~

Section 40. Subsection (13) is added to section 112.215, Florida Statutes, to read:

112.215 Government employees; deferred compensation program.—

(13) *When permitted by federal law, the plan administrator may provide for a pretax trustee-to-trustee transfer of amounts in a participant's deferred compensation account for the purchase of prior service credit in a public sector retirement system.*

Section 41. *Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, to the Department of Management Services. The independence of the commission in matters relating to the disposition of all cases, including Career Service appeals, shall be preserved.*

Section 42. *The Department of Management Services shall adopt rules as necessary to effectuate the provisions of chapter 110, Florida Statutes, as amended by this act, and in accordance with the authority granted to the department in chapter 110, Florida Statutes. All existing rules relating to chapter 110, Florida Statutes, are statutorily repealed January 1, 2002, unless otherwise readopted.*

Section 43. Section 110.1315, Florida Statutes, is created to read:

110.1315 *Alternative benefits; other-personal-services employees.— Upon review and recommendation of the department and approval of the Governor, the department may contract for the implementation of an alternative retirement income security program for eligible temporary and seasonal employees of the state who are compensated from appropriations for other personal services. The contract may provide for a private vendor or vendors to administer the program under a defined-contribution plan under ss. 401(a) and 403(b) or 457 of the Internal Revenue Code, and the program must provide retirement benefits as required under s. 3121(b)(7)(F) of the Internal Revenue Code. The department may develop a request for proposals and solicit qualified vendors to compete for the award of the contract. A vendor shall be selected on the basis of the plan that best serves the interest of the participating employees and the state. The proposal must comply with all necessary federal and state laws and rules.*

Section 44. Subsections (1) and (2) of section 447.403, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

447.403 Resolution of impasses.—

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one

of the parties so declares in writing to the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint, or secure the appointment of, a mediator to assist in the resolution of the impasse. *If the Governor is the public employer no mediator shall be appointed.*

(2)(a) If no mediator is appointed, or upon the request of either party, the commission shall appoint, and submit all unresolved issues to, a special master acceptable to both parties. If the parties are unable to agree on the appointment of a special master, the commission shall appoint, in its discretion, a qualified special master. However, if the parties agree in writing to waive the appointment of a special master, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) *If the Governor is the public employer, no special master shall be appointed. The parties may proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d).*

(5)(a) *Within 5 days after the beginning of the impasse period in accordance with s. 216.163(6), each party shall notify the President of the Senate and the Speaker of the House of Representatives as to all unresolved issues. Upon receipt of the notification, the presiding officers shall appoint a joint select committee to review the position of the parties and render a recommended resolution of all issues remaining at impasse. The recommended resolution shall be returned by the joint select committee to the presiding officers not later than 10 days prior to the date upon which the legislative session is scheduled to commence. During the legislative session, the Legislature shall take action in accordance with this section.*

(b) *Any actions taken by the Legislature shall bind the parties in accordance with paragraph (4)(c).*

Section 45. Notwithstanding section 216.351, Florida Statutes, subsection (6) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(6) At the time the Governor is required to furnish copies of his or her recommended budget to each senator and representative under s. 216.162(1), the Governor shall declare an impasse in all collective bargaining negotiations for which he or she is deemed to be the public employer and for which a collective bargaining agreement has not been executed. ~~Within 14 days thereafter, the Governor shall furnish the legislative appropriations committees with documentation relating to the last offer he or she made during such collective bargaining negotiations or recommended to a mediator or special master appointed to resolve the impasse.~~

Section 46. *Alternative benefits; tax-sheltered annual leave and sick leave payments and special compensation payments.—*

(1) *The Department of Management Services has authority to adopt tax-sheltered plans under section 401(a) of the Internal Revenue Code for state employees who are eligible for payment for accumulated leave. The department, upon adoption of the plans, shall contract for a private vendor or vendors to administer the plans. These plans shall be limited to state employees who are over age 55 and who are: eligible for accumulated leave and special compensation payments and separating from employment with 10 years of service in accordance with the Internal Revenue Code, or who are participating in the Deferred Retirement Option Program on or after July 1, 2001. The plans must provide benefits in a manner that minimizes the tax liability of the state and participants. The plans must be funded by employer contributions of payments for accumulated leave or special compensation payments, or both, as specified by the department. The plans must have received all necessary federal and state approval as required by law, must not adversely impact the qualified status of the Florida Retirement System defined benefit or defined contribution plans or the pretax benefits program, and must comply with the provisions of section 112.65, Florida Statutes. Adoption of any plan is contingent on: the department receiving appropriate favorable rulings from the Internal Revenue Service; the department negotiating under the provisions of chapter 447, Florida Statutes, where applicable; and the Comptroller making appropriate changes to the state payroll system. The department's request for proposals by vendors for such plans*

may require that the vendors provide market-risk or volatility ratings from recognized rating agencies for each of their investment products. The department shall provide for a system of continuous quality assurance oversight to ensure that the program objectives are achieved and that the program is prudently managed.

(2) Within 30 days after termination of employment, an employee may elect to withdraw the moneys without penalty by the plan administrator. If any employee is adversely affected by payment of an excise tax or any Internal Revenue Service penalty by electing to withdraw funds within 30 days, the plan shall include a provision which will provide the employee with no less cash than if the employee had not participated in the plan.

(3) These contracts may be used by any other pay plans or personnel systems in the executive, legislative, or judicial branches of government upon approval of the appropriate administrative authority.

(4) Notwithstanding the terminal pay provisions of s. 110.122, Florida Statutes, the department may contract for a tax-sheltered plan for leave and special compensation pay for employees terminating over age 55 with 10 years of service and for employees participating in the Deferred Retirement Option Program on or after July 1, 2001, and who are over age 55. The frequency of payments into the plan shall be determined by the department or as provided in the General Appropriations Act. This plan or plans shall provide the greatest tax benefits to the employees and maximize the savings to the state.

(5) The department shall determine by rule the design of the plans and the eligibility of participants.

(6) Nothing in this section shall be construed to remove plan participants from the scope of section 110.122(5), Florida Statutes.

Section 47. Career Service Advisory Group.—

(1) There is created the Career Service Advisory Group. The advisory group shall be composed of the following members, each of whom shall have knowledge of, or experience with, human resource management operations:

- (a) Two members selected by the Governor.
- (b) One member selected by the President of the Senate.
- (c) One member selected by the Speaker of the House of Representatives.

The selections provided for by this subsection shall be made on or before July 1, 2001. The group shall expire on January 1, 2002.

(2) The advisory group members shall be human resource officials of Florida-domiciled corporations with a salaried workforce of at least 25,000 companywide.

(3) The group shall be considered advisory and shall provide advice to the Department of Management Services and the Executive Office of the Governor on issues presented to it related to the implementation of this act. The Department of Management Services shall provide to the board copies of any rules proposed to implement this act.

Section 48. There is hereby appropriated for fiscal year 2001-2002 to Administered Funds the lump sum of \$7.4 million from the General Revenue Fund and \$14 million from trust funds to fund the benefits to employees transferred from Career Service to Selected Exempt Service pursuant to the provisions of this act. This appropriation to Administered Funds shall be processed in the same manner as if it had been made in the General Appropriations Act.

Section 49. If any provision of this act or its application to any particular person or circumstance is held invalid, that provision or its application shall be deemed severable and shall not affect the validity of other provisions or applications of this act.

Section 50. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating

provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108 and 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; revising provisions relating to programs to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; revising provisions relating to education and training opportunities for state employees; including courses at public community colleges and technical centers; providing for funding; amending s. 110.1127, F.S., relating to security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; revising the amount of certain awards; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S., relating to technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of "layoff"; defining "firefighter," "law enforcement or correctional officer," and "professional health care provider"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules establishing guidelines relating to specified pay additives and providing duties of agencies with respect thereto; amending s. 110.205, F.S.; revising the positions that are exempt from the Career Service System and providing additional exempt positions; providing for carrying leave forward; repealing ss. 110.207 and 110.209, F.S., which provide for establishment of uniform classification and pay plans; amending s. 110.211, F.S.; revising requirements relating to recruitment and responsibility therefor and authorizing assistance by contracted vendors; removing a requirement for model recruitment rules; amending s. 110.213, F.S.; revising requirements relating to selection and responsibility therefor; requiring a probationary period for new employees; removing a requirement for model selection rules; amending s. 110.219, F.S.; providing requirements for leave benefits for Senior Management Service employees; providing for a year-end payout of annual leave to specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; providing requirements relating to implementation of layoffs and revising application of existing provisions prescribing layoff procedures; revising the definition of cause, for which a career service employee may be suspended or dismissed; revising certain agency head duties; providing procedures for the grievance process and specifying actions subject to such process; revising notice requirements; providing procedures for appeals to the Public Employees Relations Commission and specifying actions subject to such appeal; providing requirements with respect to certain review of suspensions, dismissals, demotions, or reductions in pay; amending s. 110.233, F.S.; conforming language; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S., relating to a declaration of policy; amending s. 110.403, F.S.; providing requirements for the professional development program for the Senior Management Service; increasing the number of authorized positions within the Senior Management Service; amending s. 110.601, F.S., relating to a declaration of policy; amending s. 110.602, F.S.; eliminating a limitation on the number of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S., relating to maintenance of records and reports; amending s. 110.606, F.S.; correcting language; amending ss. 288.708 and 440.4416, F.S.; correcting references and conforming language; amending s. 216.262, F.S.; providing that the Legislative Budgeting Commission may authorize a state agency to retain moneys associated with eliminated positions under certain circumstances and providing for use of such moneys; amending s. 447.201, F.S., relating to public policy with respect to public employees; amending s. 447.205, F.S.; conforming language; amending s. 447.207, F.S.; revising authority of the Public Employees Relations Commission to hear certain appeals;

amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees who have violated the strike prohibition; amending s. 112.215, F.S.; authorizing certain pretax trustee-to-trustee transfer of deferred compensation accounts; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the department to adopt rules and providing for repeal of certain rules; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement income security program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; requiring notice to the Legislature when an impasse exists; providing for appointment of a joint select committee to recommend resolution; providing for legislative action; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; removing a requirement that the Governor furnish certain documentation to legislative appropriations committees; authorizing the department to develop tax-sheltered plans for state employees eligible for payment for accumulated leave; providing requirements with respect thereto; authorizing the department to contract for a tax-sheltered plan for leave and special compensation pay for certain employees; creating a Career Service Advisory Group; providing for appointment and qualifications of members; providing its duties; providing for expiration; providing an appropriation; providing for severability; providing effective dates.

POINT OF ORDER

Senator Lawson raised a point of order that pursuant to Rule 2.19 the Conference Committee Report on **CS for SB 466** contains language foreign to the bill reported favorably by the Senate conferees and was therefore out of order.

The President referred the point of order to Senator Lee, Chairman of the Committee on Rules and Calendar.

RULING ON POINT OF ORDER

On recommendation of Senator Lee, Chairman of the Committee on Rules and Calendar, the President ruled the point not well taken.

MOTIONS

On motion by Senator King, by two-thirds vote debate on the Conference Committee Report on **CS for SB 466** was limited to 8 minutes per side with the bill sponsor given time to close.

The Conference Committee Report was read and on motion by Senator Garcia was adopted. **CS for SB 466** passed as recommended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

Mr. President	Constantine	King	Sanderson
Bronson	Cowin	Latvala	Sebesta
Brown-Waite	Crist	Laurent	Sullivan
Burt	Diaz de la Portilla	Lee	Villalobos
Carlton	Garcia	Peaden	Webster
Clary	Horne	Posey	
Nays—15			
Campbell	Holzendorf	Meek	Silver
Dawson	Jones	Miller	Smith
Dyer	Klein	Mitchell	Wasserman Schultz
Geller	Lawson	Rossin	

Vote after roll call:

Yea—Pruitt, Saunders

SENATOR CARLTON PRESIDING

THE PRESIDENT PRESIDING

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1956, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1956—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; amending s. 320.699, revising provisions relating to administrative hearings; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement that prohibits disclosure of its terms is void; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

House Amendment 1 (582367)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Effective July 1, 2001, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer, *compliance examiner*, or license inspector, or supervisor of the department, ~~as authorized in s. 320.58(1)(a)~~, may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection (1). Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer, *compliance examiner*, or license inspector, or supervisor of the department. Any vehicle found in violation of subsection (1) within 10 days after a previous violation and written notice shall be subject to immediate removal without an additional waiting period.

Section 2. Subsection (4) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 or the fine amount designated by county ordinance, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

Section 3. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any commercial motor vehicle or trailer, ~~except as stated in s. 316.515(7)~~, transporting a load of unprocessed logs, or long pulpwood, poles, or posts which load extends extend more than 4 feet beyond the rear of the body or bed of such vehicle, must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. *If the mounting of one*

strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights must be used to meet the visibility requirements of this subsection. The strobe lamp must flash at a rate of at least 60 flashes per minute and must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. *The projecting load must also be marked with a red flag as described in subsection (1).*

Section 4. Subsection (6) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars or the fine amount designated by county ordinance, plus court costs for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a \$5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

Section 5. Subsection (5) of section 319.23, Florida Statutes, is amended, and a new subsection (11) is added to that section to read:

319.23 Application for, and issuance of, certificate of title.—

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. ~~The department shall retain the evidence of title presented by the applicant and based on which the certificate of title is issued.~~ The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

(11) *The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title is issued.*

Section 6. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contributions if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or ~~attestation report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) ~~The Auditor General and the department has have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) *All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.*

Section 7. Paragraphs (a), (b) and (c) of subsection (8) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(8)(a) The department must discontinue the issuance of an approved specialty license plate if:

1. Less than 8,000 plates, *including annual renewals*, are issued for that specialty license plate by the end of the 5th year of sales.

2. Less than 8,000 plates, *including annual renewals*, are issued for that specialty license plate during any subsequent 5-year period.

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and must meet the requirements of s. 320.08062 for any period of operation during a fiscal year.*

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3), ~~and (13), (21), and (26).~~

Section 8. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits and attestation required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$25,000 in annual use fee proceeds directly from the department, or from another state agency, may annually attest report, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(2) Within 90 days after receiving an organization's audit or ~~attestation report~~, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

~~(3) The Auditor General and the department has have the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.~~

Section 9. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any license plate or fuel-use tax decal if the owner pays for the license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 10. Subsection (4) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of ss. 322.09, and 322.16(2) and (3), and 322.05(2)(a) and (b). ~~Any person who applies for a Class D driver's license who is age 16 or 17~~

~~years must have had a learner's driver's license or a driver's license for at least 90 days before he or she is eligible to receive a Class D driver's license. The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.~~

Section 11. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

322.081 Requests to establish voluntary ~~check-off~~ ~~echeckoff~~ on driver's license application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contribution, if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report must be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or ~~attestation report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

~~(7) The Auditor General and the department has have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.~~

~~(8) All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solici-~~

tation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 12. Section 322.161, Florida Statutes, is amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated ~~six four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated ~~six four~~ or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee's 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated ~~six four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of ~~six four~~ or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 13. Section 322.222, Florida Statutes, is created to read:

322.222 Right to review.—A driver may request an administrative hearing to review a revocation under s. 322.221(3). The hearing must be held in accordance with the department's administrative rules adopted under chapter 120.

Section 14. Subsections (1), (3), and (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a *10-day 30-day* temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the *10th 30th* day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the license of the person arrested should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10 30* days after the date of issuance if the driver is otherwise eligible.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day 30-day* permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day 30-day* permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 15. Subsection (3) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(3) DUI programs must be operated by either governmental entities or not-for-profit corporations.

Section 16. Subsections (8), (9), and (10) are added to section 322.61, Florida Statutes, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) Not less than 1 year nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) Not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(9) A driver who is convicted of or otherwise found to have committed an offense of operating a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

(c) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(d) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(e) For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.

(f) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for not less than 120 days if, during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 17. Subsections (1) and (3) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by

s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 10-day ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the 10th ~~30th~~ day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires 10 ~~30~~ days after the date of issuance if the driver is otherwise eligible.

Section 18. Effective July 1, 2001, subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less \$1.4 million for any administrative costs which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated for the use of the counties pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to \$1.50 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4).

(b) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(c) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(d) Forty percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 19. Paragraph (a) of subsection (11) of section 320.60, Florida Statutes, is amended and a new subsection (15) is added to read:

320.60 Definitions for ss. 320.61-320.70.—Whenever used in ss. 320.61-320.70, unless the context otherwise requires, the following words and terms have the following meanings:

(11)(a) “Motor vehicle dealer” means any person, firm, *company*, or corporation, or *other entity*, who,

1. *Is licensed pursuant to s. 320.27 as a “franchised motor vehicle dealer” and, for commission, money or other things of value, repairs or services motor vehicles or used motor vehicles pursuant to an agreement as defined in subsection (1), or*

2. *Who sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles, or*

3. *Who is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation.*

(15) “*Sell,*” “*selling,*” “*sold,*” “*exchange,*” “*retail sales,*” and “*leases*” *includes any transaction where the title of motor vehicle or used motor vehicle is transferred to a retail consumer, and also any retail lease transaction where a retail customer leases a vehicle for a period of at least 12 months. Establishing a price for sale pursuant to s. 320.64(24) does not constitute a sale or lease.*

Section 20. Subsection (4) of section 320.61, Florida Statutes, is amended to read:

320.61 Licenses required of motor vehicle manufacturers, distributors, importers, etc.—

(4) When a complaint of unfair or *prohibited* cancellation or *non-renewal* of a dealer agreement is made by a motor vehicle dealer against a licensee and *such complaint is pending is in the process of being heard* pursuant to ss. 320.60-320.70 ~~by the department~~, no replacement application for such agreement shall be granted and *no license shall be issued by the department under s. 320.27 to any replacement dealer until a final decision is rendered by the department on the complaint of unfair cancellation, so long as the dealer agreement of the complaining dealer is in effect as provided under s. 320.641(7).*

Section 21. Subsections (13) and (16) are repealed, subsections (14), (15), and (17)-(23) are renumbered, subsection (20) is amended and renumbered as (18), and subsections (22)-(33) are added to section 320.64, Florida Statutes, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, *upon a proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing and a licensee or applicant shall be liable for claims and remedies provided in s. 320.695 and s. 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts: upon proof that an applicant or licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the applicant:*

(13) ~~The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement specifically publicly advertised by~~

~~such applicant or licensee to be available for immediate delivery. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. The failure to deliver parts or components for the current and 5 preceding years’ models within 60 days from date of order shall be deemed prima facie unreasonable.~~

(16) ~~Notwithstanding the terms of any franchise agreement, and unless it can be shown that the licensee’s franchised dealer is actively negligent, the applicant or licensee has failed to indemnify and hold harmless its franchised motor vehicle dealer against any judgment for damages or settlement agreed to in writing by the applicant or licensee, including, but not limited to, court costs and reasonable attorney’s fees of the motor vehicle dealer, which judgment or settlement arose out of complaints, claims, or lawsuits based upon such grounds as strict liability; negligence; misrepresentation; warranty, express or implied; or rescission of the sale as described in s. 672.608, less any offset for use recovered by the licensee’s franchised motor vehicle dealer, and only to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts, or accessories or other functions of the manufacturer.~~

(18)(20) The applicant or licensee has established a system of motor vehicle allocation or distribution or has implemented a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which is unfair, inequitable, unreasonably discriminatory, or not supportable by reason and good cause after considering the equities of the affected motor vehicles dealer or dealers. *An applicant or licensee shall maintain for 3 years records that describe its methods or formula of allocation and distribution of its motor vehicles and records of its actual allocation and distribution of motor vehicles to its motor vehicle dealers in this state.*

(22) *The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement. Such refusal includes the failure to offer to its same line-make franchised motor vehicle dealers all models manufactured for that line-make, or requiring a dealer to pay any extra fee, require a dealer to execute a separate franchise agreement, purchase unreasonable advertising displays or other materials, or remodel, renovate, or recondition the dealer’s existing facilities, or provide exclusive facilities as a prerequisite to receiving a model or series of vehicles. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. An applicant or licensee may impose reasonable requirements on the motor vehicle dealer, other than the items listed above, including, but not limited to, the purchase of special tools required to properly service a motor vehicle, the undertaking of sales person or service person training related to the motor vehicle.*

(23) *The applicant or licensee has competed or is competing with respect to any activity covered by the franchise agreement with a motor vehicle dealer of the same line-make located in this state with whom the applicant or licensee has entered into a franchise agreement, except as permitted in s. 320.645.*

(24) *The applicant or licensee has sold a motor vehicle to any retail consumer in the state except through a motor vehicle dealer holding a franchise agreement for the line-make that includes the motor vehicle. This section does not apply to sales by the applicant or licensee of motor vehicles to its current employees, employees of companies affiliated by common ownership, charitable not-for-profit organizations, and the federal government.*

(25) *The applicant or licensee has undertaken an audit of warranty payments or incentive payment previously paid to a motor vehicle dealer in violation of this section or has failed to comply with s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims. Audit of warranty payments shall only be for the 1-year period immediately following the date the claim was paid. Audit of incentive payments shall only be for an*

18-month period immediately following the date the incentive was paid. An applicant or licensee shall not deny a claim or charge a motor vehicle dealer back subsequent to the payment of the claim unless the applicant or licensee can show that the claim was false or fraudulent or that the motor vehicle dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives.

(26) Notwithstanding the terms of any franchise agreement, the applicant or licensee has refused to allocate, sell, or deliver motor vehicles, charged back or withheld payments or other things of value for which the dealer is otherwise eligible under a sales promotion, program, or contest, or prevented the motor vehicle dealer from participating in any promotion, program, or contest for selling a motor vehicle to a customer who was present at the dealership and the motor vehicle dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country. There will be a rebuttable presumption that the dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country if the vehicle is titled in one of the fifty United States.

(27) Notwithstanding the terms of any franchise agreement, the applicant or licensee has failed or refused to indemnify and hold harmless any motor vehicle dealer against any judgment for damages, or settlements agreed to by the applicant or licensee, including, without limitation, court costs and reasonable attorneys fees, arising out of complaints, claims, or lawsuits, including, without limitation, strict liability, negligence, misrepresentation, express or implied warranty, or revocation or rescission of acceptance of the sale of a motor vehicle, to the extent the judgment or settlement relates to the alleged negligent manufacture, design, or assembly of motor vehicles, parts, or accessories. Nothing herein shall obviate the licensee's obligations pursuant to chapter 681.

(28) The applicant or licensee has published, disclosed, or otherwise made available in any form information provided by a motor vehicle dealer with respect to sales prices of motor vehicles or profit per motor vehicle sold. Other confidential financial information provided by motor vehicle dealers shall not be published, disclosed, or otherwise made publicly available except in composite form. However, this information may be disclosed with the written consent of the dealer or in response to a subpoena or order of the Department, a court or a lawful tribunal, or introduced into evidence in such a proceeding, after timely notice to an affected dealer.

(29) The applicant or licensee has failed to reimburse a motor vehicle dealer in full for the reasonable cost of providing a loaner vehicle to any customer who is having a vehicle serviced at the motor vehicle dealer, if a loaner is required by the applicant or licensee, or a loaner is expressly part of an applicant or licensee's customer satisfaction index or computation.

(30) The applicant or licensee has conducted or threatened to conduct any audit of a motor vehicle dealer in order to coerce or attempt to coerce the dealer to forego any rights granted to the dealer under ss. 320.60-320.70 or under the agreement between the licensee and the motor vehicle dealer. Nothing in this section shall prohibit an applicant or licensee from reasonably and periodically auditing a dealer to determine the validity of paid claims.

(31) From and after the effective date of enactment of this provision, the applicant or licensee has offered to any motor vehicle dealer a franchise agreement that:

(a) Requires that a motor vehicle dealer bring an administrative or legal action in a venue outside of this state;

(b) Requires that any arbitration, mediation, or other legal proceeding be conducted outside of this state; or

(c) Requires that a law of a state other than Florida be applied to any legal proceeding between a motor vehicle dealer and a licensee.

(32) Notwithstanding the terms of any franchise agreement, the applicant or licensee has rejected or withheld approval of any proposed transfer in violation of s. 320.643 or a proposed change of executive management in violation of s. 320.644.

Section 22. Section 320.641, Florida Statutes, is amended and a new subsection (8) is added to read:

320.641 *Discontinuations, cancellations, nonrenewals, modifications, and replacement* ~~Unfair cancellation~~ of franchise agreements.—

(1)(a) An applicant or licensee shall give written notice to the motor vehicle dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew a franchise agreement or of the licensee's intention to modify a franchise or replace a franchise with a succeeding franchise, which modification or replacement will adversely alter the rights or obligations of a motor vehicle dealer under an existing franchise agreement or will substantially impair the sales, service obligations, or investment of the motor vehicle dealer, at least 90 days before the effective date thereof, together with the specific grounds for such action.

(b) The failure by the licensee to comply with the 90-day notice period and procedure prescribed herein shall render voidable, at the option of the motor vehicle dealer, any discontinuation, cancellation, nonrenewal, modification, or replacement of any franchise agreement. Designation of a franchise agreement at a specific location as a "non-designated point" shall be deemed an evasion of this section and constitutes an unfair cancellation.

(2) Franchise agreements are deemed to be continuing unless the applicant or licensee has notified the department of the discontinuation of, cancellation of, failure to renew, modification of, or replacement of the agreement of any of its motor vehicle dealers; and annual renewal of the license provided for under ss. 320.60-320.70 is not necessary for any cause of action against the licensee.

(3) Any motor vehicle dealer who receives a notice of intent to discontinue, cancel, not renew, modify, or replace ~~whose franchise agreement is discontinued, canceled, not renewed, modified, or replaced~~ may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is based on an alleged breach of the franchise agreement which is not in fact a material and substantial breach; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause. The applicant or licensee shall have burden of proof that such action is fair and not prohibited.

(4) Notwithstanding any other provision of this section, the failure of a motor vehicle dealer to be engaged in business with the public for 10 consecutive business days constitutes abandonment by the dealer of his or her franchise agreement. If any motor vehicle dealer abandons his or her franchise agreement, he or she has no cause of action under this section. For the purpose of this section, a dealer shall be considered to be engaged in business with the public if a sales and service facility is open and is performing such services 8 hours a day, 5 days a week, excluding holidays. However, it will not be considered abandonment if such failure to engage in business is due to an act of God, a work stoppage, or a delay due to a strike or labor difficulty, a freight embargo, or other cause over which the motor vehicle dealer has no control, including any violation of ss. 320.60-320.70.

(5) Notwithstanding any other provision of this section, if a motor vehicle dealer has abandoned his or her franchise agreement as provided in subsection (4), the licensee may give written notice to the dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew the franchise agreement with the dealer at least 15 days before the effective date thereof, specifying the grounds for such action. A motor vehicle dealer receiving such notice may file a petition or complaint for determination of whether in fact there has been an abandonment of the franchise.

(6) If the complainant motor vehicle dealer prevails, he or she shall have a cause of action against the licensee for reasonable attorneys' fees and costs incurred by him or her in such proceeding, and he or she shall have a cause of action under s. 320.697.

(7) Except as provided in s. 320.643, no replacement motor vehicle dealer shall be named for this point or location to engage in business and the franchise agreement shall remain in effect until a final judgment is entered after all appeals are exhausted, provided that, when a motor vehicle dealer appeals a decision upholding a discontinuation, cancellation, or nonrenewal based upon abandonment or revocation of the dealer's license pursuant to s. 320.27, as lawful reasons for such discontinuation, cancellation, or nonrenewal, the franchise agreement shall remain in effect pending exhaustion of all appeals only if the motor vehicle dealer establishes a likelihood of success on appeal and that the public interest will not be harmed by keeping the franchise agreement in effect pending entry of final judgment after such appeal. ~~prior to the final adjudication by the department on the petition or complaint and the exhaustion of all appellate remedies by the canceled or discontinued dealer, if a stay is issued by either the department or an appellate court.~~

(8) If a transfer is proposed pursuant to s. 320.643(1) or (2) after a notice of intent to discontinue, cancel, or not renew a franchise agreement is received but, prior to the final determination, including exhaustion of all appellate remedies of a motor vehicle dealer's complaint or petition contesting such action, the termination proceedings shall be stayed, without bond, during the period that the transfer is being reviewed by the licensee pursuant to s. 320.643.; During the period that the transfer is being reviewed by the licensee, pursuant to s. 320.643, the franchise agreement shall remain in full force and effect, and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer until such time as the licensee has accepted or rejected the proposed transfer. If the proposed transfer is rejected, the motor vehicle dealer shall retain all of its rights pursuant to s. 320.643 to an administrative determination as to whether the licensee's rejection is in compliance with the provisions of s. 320.643, and during the pendency of any such administrative proceeding, and any related appellate proceedings, the termination proceedings shall remain stayed without bond, the franchise agreement shall remain in full force and effect and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer. If a transfer is approved by the licensee or mandated by law, the termination proceedings shall be dismissed with prejudice as moot. The subsection (8) applies only to the first two proposed transfers pursuant to s. 320.643(1) or (2) after notice of intent to discontinue, cancel, or not renew is received.

Section 23. Section 320.643, Florida Statutes, is amended to read:

320.643 Transfer, assignment, or sale of franchise agreements.—

(1) A motor vehicle dealer shall not transfer, assign, or sell a franchise agreement to another person unless the dealer first notifies the licensee of the dealer's decision to make such transfer, by written notice setting forth the prospective transferee's name, address, financial qualification, and business experience during the previous 5 years. The licensee shall, in writing, within 60 days after receipt of such notice, inform the dealer either of the licensee's approval of the transfer, assignment, or sale or of the unacceptability of the proposed transferee, setting forth the material reasons for the rejection. If the licensee does not so inform the dealer within the 60-day period, its approval of the proposed transfer is deemed granted. No such transfer, assignment, or sale will be valid unless the transferee agrees in writing to comply with all requirements of the franchise then in effect. ~~Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld.~~ For the purposes of this section, the refusal by the licensee to accept a proposed transferee who is of good moral character and who otherwise meets the written, reasonable, and uniformly applied standards or qualifications, if any, of the licensee relating to financial qualifications of the transferee and the business experience of the transferee or the transferee's executive management required by the licensee of its motor vehicle dealers is presumed to be unreasonable. A motor vehicle dealer whose proposed sale is rejected licensee who receives such notice may, within 60 days following such receipt of such rejection, file with the department a ~~verified~~ complaint for a determination that the proposed transferee has been rejected in violation of ~~is not a person qualified to be a transferee under~~ this section. The licensee has the burden of proof with respect to all issues raised by such ~~verified~~ complaint. The department shall determine, and enter an order providing, that the proposed transferee is either qualified or is not and cannot be qualified for specified reasons, or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file such a response to the

~~motor vehicle dealer's verified~~ complaint within 30 ~~such 60~~ days after receipt of the complaint, unless the parties agree in writing to an extension, period or if the department, after a hearing, ~~dismisses the complaint or~~ renders a decision other than one disqualifying the proposed transferee, the franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(2)(a) Notwithstanding the terms of any franchise agreement, a licensee shall not, by contract or otherwise, fail or refuse to give effect to, prevent, prohibit, or penalize, or attempt to refuse to give effect to, prevent, prohibit, or penalize, any motor vehicle dealer or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest therein from selling, assigning, transferring, alienating, or otherwise disposing of, in whole or in part, the equity interest of any of them in such motor vehicle dealer to any other person or persons, including a corporation established or existing for the purpose of owning or holding the stock or ownership interests of other entities, unless the licensee proves at a hearing pursuant to this section that such sale, transfer, alienation, or other disposition is to a person who is not, or whose controlling executive management is not, of good moral character. A motor vehicle dealer, or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest in the motor vehicle dealer, who desires to sell, assign, transfer, alienate, or otherwise dispose of any interest in such motor vehicle dealer shall notify, or cause the proposed transferee to so notify, the licensee, in writing, of the identity and address of the proposed transferee. A licensee who receives such notice may, within 60 days following such receipt, ~~notify the motor vehicle dealer in writing file with the department a verified complaint for a determination~~ that the proposed transferee is not a person qualified to be a transferee under this section and setting forth the material reasons for such rejection. Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. Any person whose proposed sale of stock is rejected may file within 60 days of receipt of such rejection a complaint with the department alleging that the rejection was in violation of the law or the franchise agreement. The licensee has the burden of proof with respect to all issues raised by such ~~verified~~ complaint. The department shall determine, and enter an order providing, that the proposed transferee either is qualified or is not and cannot be qualified for specified reasons; or the order may provide the conditions under which a proposed transferee would be qualified. ~~If the licensee fails to file a response to the motor vehicle dealer's complaint within 30 days of receipt of the complaint, unless the parties agree in writing to an extension, or if the licensee fails to file such verified complaint within such 60-day period or if the department, after a hearing, dismisses the complaint or renders a decision on the complaint other than one disqualifying the proposed transferee, the transfer shall be deemed approved franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.~~

(b) During the pendency of any such hearing, the franchise agreement of the motor vehicle dealer shall continue in effect in accordance with its terms. The department shall expedite any determination requested under this section.

(3) ~~Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld. For the purposes of this section, the refusal by the licensee to accept a proposed transferee who satisfies the criteria set forth in subsection (1) or (2) is presumed to be unreasonable.~~

Section 24. Section 320.645, Florida Statutes, is amended to read:

320.645 Restriction upon ownership of dealership by licensee.—

(1) No licensee, ~~including a distributor~~, manufacturer, or agent of a manufacturer or distributor, or any parent, subsidiary, common entity, or officer or representative of the licensee shall own or operate, either directly or indirectly, a motor vehicle dealership in this state for the sale or service of motor vehicles which have been or are offered for sale under a franchise agreement with a motor vehicle dealer in this state. A licensee may not be issued a motor vehicle dealer license pursuant to s.

320.27. However, no such licensee will be deemed to be in violation of this section:

(a) When operating a motor vehicle dealership for a temporary period, not to exceed 1 year, during the transition from one owner of the motor vehicle dealership to another;

(b) When operating a motor vehicle dealership temporarily for a reasonable period for the exclusive purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group that has historically been underrepresented in its dealer body, or for other qualified persons who the licensee deems lack the resources to purchase or capitalize the dealership outright, ~~not to exceed 1 year, or~~ in a bona fide relationship with an independent person, other than a licensee or its agent or affiliate, who has made a significant investment that is subject to loss in the dealership within the dealership's first year of operation and who can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or

(c) If the department determines, after a hearing on the matter, pursuant to chapter 120, at the request of any person, that there is no independent person available in the community or territory to own and operate the motor vehicle dealership in a manner consistent with the public interest.

In any such case, the licensee must continue to make the motor vehicle dealership available for sale to an independent person at a fair and reasonable price. Approval of the sale of such a motor vehicle dealership to a proposed motor vehicle dealer shall not be unreasonably withheld.

(2) As used in this section, the term:

(a) "Independent person" is a person who is not an officer, director, or employee of the licensee.

(b) "Reasonable terms and conditions" requires that profits from the dealership are reasonably expected to be sufficient to allow full ownership of the dealership by the independent person within a reasonable time period not to exceed 10 years, which time period may be extended if there is a reasonable basis to do so and is not being sought to evade the purpose of this section; that the independent person has sufficient control to permit acquisition of ownership; and that the relationship cannot be terminated solely to avoid full ownership. The terms and conditions are not reasonable if they preclude the independent person from an expedited purchase of the dealership using a monetary source other than profits from the dealership's operation; provided, however, that the independent person must pay or make an agreement to pay to the licensee any and all reasonable prepayment charges and costs, including all unrecouped restored losses, associated with the expedited purchase of the dealership. For the purpose of this section, unrecouped restored losses are monies that the manufacturer has provided to the dealership to restore losses of the dealership that the manufacturer has not been paid back through profits of the dealership.

(c) "Significant investment" means a reasonable amount, considering the reasonable capital requirements of the dealership, acquired and obtained from sources other than the licensee or any of its affiliates and not encumbered by the person's interest in the dealership.

(3) Nothing in this section shall prohibit, limit, restrict, or impose conditions on:

(a) The business activities, including, without limitation, the dealings with motor vehicle manufacturers and their representatives and affiliates, of any person that is primarily engaged in the business of short term not to exceed 12 months rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:

1. Any motor vehicles sold by such person are limited to used motor vehicles that have been previously used exclusively and regularly by such person in the conduct of its rental business and used motor vehicles traded in on motor vehicles sold by such person;

2. Warranty repairs performed under any manufacturer's new vehicle warranty by such person on motor vehicles are limited to those motor vehicles that it owns. As to previously owned vehicles, warranty repairs can be performed only if pursuant to a motor vehicle service agreement as defined in chapter 634, part I, issued by such person or an express

warranty issued by such person on the retail sale of those vehicles previously owned; and

3. Motor vehicle financing provided by such person to retail consumers for motor vehicles is limited to used motor vehicles sold by such person in the conduct of its business; or

(b) The direct or indirect ownership, affiliation or control of a person described in paragraph (a) of this subsection.

(4) Nothing in this section shall prohibit a licensee-distributor as defined in s. 320.60(5) that is not a manufacturer, a division of a manufacturer, an entity that is controlled by a manufacturer, or a common entity of a manufacturer, and that is not owned, in whole or in part, directly or indirectly, by a manufacturer, as defined in section 320.60(9), and that has owned and operated a motor vehicle dealer in this state on or before July 1, 1996, other than a motor vehicle dealer permitted by s. 320.645(1)(b), from receiving a license as defined in s. 320.27 while owning and operating a motor vehicle dealership that sells or services motor vehicles other than any line-make of motor vehicles distributed by the licensee-distributor.

~~(2) This section shall not be construed to prohibit any licensee from owning or operating a motor vehicle dealership in this state if such dealership was owned or operated by the licensee on May 31, 1984.~~

Section 25. Subsection (2) of section 320.699, Florida Statutes, is amended to read:

320.699 Administrative hearings and adjudications; procedure.—

(2) If a written objection or notice of protest is filed with the department under paragraph (1)(b), a hearing shall be held not sooner than 180 days nor later than 240 days from within 180 days of the date of filing of the first objection or notice of protest, unless the time is extended by the Administrative Law Judge for good cause shown. This subsection shall govern the schedule of hearings in lieu of any other provision of law with respect to administrative hearings conducted by the Department of Highway Safety and Motor Vehicles or the Division of Administrative Hearings, including performance standards of state agencies, which may be included in current and future appropriations acts. ~~hearing officer for good cause shown. If a hearing is not scheduled within said time, any party may request such hearing which shall be held forthwith by the hearing officer.~~

Section 26. Section 320.6991, Florida Statutes, is created to read:

320.6991 Severability.—If a provision of ss. 320.60-320.70 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ss. 320.60-320.70 that can be given effect without the invalid provision or application, and to this end the provisions of ss. 320.60-320.70 are severable.

Section 27. Section 320.275, Florida Statutes, is created to read:

320.275 Automobile Dealers Industry Advisory Board.—

(1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The Automobile Dealers Industry Advisory Board is created within the Department of Highway Safety and Motor Vehicles. The board shall make recommendations on proposed legislation, make recommendations on proposed rules and procedures, present licensed motor vehicle dealer industry issues to the department for its consideration, consider any matters relating to the motor vehicle dealer industry presented to it by the department, and submit an annual report to the Executive Director of the department and file copies with the Governor, President of the Senate, and the Speaker of the House of Representatives.

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The Executive Director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The Executive Director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended

by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida Tax Collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The Executive Director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida Tax Collector, and one representative from the Better Business Bureau.

2. The Executive Director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the Division of Motor Vehicles.

3. As the initial terms expire, the Executive Director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

(c) The board shall meet at least two times per year. Meetings may be called by the chair of the board or by the Executive Director of the department. One meeting shall be held in the fall of the year to review legislative proposals. The board shall conduct all meetings in accordance with applicable Florida Statutes and shall keep minutes of all meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations.

(3) **PER DIEM, TRAVEL, AND STAFFING.**—Members of the board from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members of the board from the public sector are entitled to reimbursement, if any, from their respective agency. Members of the board may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.

Section 28. **Definitions.**—As used in section 29, the following terms shall have the following meaning:

- (1) “Customer” includes a customer’s designated agent.
- (2) “Dealer” means a motor vehicle dealer as defined in section 320.27, Florida Statutes, but does not include a motor vehicle auction as defined in section 320.27(1)(c)4., Florida Statutes.
- (3) “Replacement item” means a tire, bumper, bumper fascia, glass, in-dashboard equipment, seat or upholstery cover or trim, exterior illumination unit, grill, sunroof, external mirror and external body cladding. The replacement of up to three of these items does not constitute repair of damage if each item is replaced because of a product defect or damaged due to vandalism while the new motor vehicle is under the control of the dealer and the items are replaced with original manufacturer equipment, unless an item is replaced due to a crash, collision, or accident.
- (4) “Threshold amount” means 3 percent of the manufacturer’s suggested retail price of a motor vehicle or \$650, whichever is less.
- (5) “Vehicle” means any automobile, truck, bus, recreational vehicle or motorcycle required to be licensed under chapter 320, Florida Statutes, for operation over the roads of Florida, but does not include trailers, mobile homes, travel trailers or trailer coaches without independent motive power.

Section 29. It is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a dealer to:

(1) Represent directly or indirectly that a motor vehicle is a factory executive vehicle or executive vehicle unless such vehicle was purchased directly from the manufacturer or a subsidiary of the manufacturer and the vehicle was used exclusively by the manufacturer, its subsidiary, or a dealer for the commercial or personal use of the manufacturer’s, subsidiary’s, or dealer’s employees.

(2) Represent directly or indirectly that a vehicle is a demonstrator unless the vehicle was driven by prospective customers of a dealership selling the vehicle and such vehicle complies with the definition of a demonstrator in section 320.60(3), Florida Statutes.

(3) Represent the previous usage or status of a vehicle to be something that it was not, or make usage or status representations unless the dealer has correct information regarding the history of the vehicle to support the representations.

(4) Represent the quality of care, regularity of servicing, or general condition of a vehicle unless known by the dealer to be true and supportable by material fact.

(5) Represent orally or in writing that a particular vehicle has not sustained structural or substantial skin damage unless the statement is made in good faith and the vehicle has been inspected by the dealer or his agent to determine whether the vehicle has incurred such damage.

(6) Sell a vehicle without fully and conspicuously disclosing in writing at or before the consummation of sale any warranty or guarantee terms, obligations, or conditions that the dealer or manufacturer has given to the buyer. If the warranty obligations are to be shared by the dealer and the buyer, the method of determining the percentage of repair costs to be assumed by each party must be disclosed. If the dealer intends to disclaim or limit any expressed or implied warranty, the disclaimer must be in writing in a conspicuous manner and in layman’s terms in accordance with chapter 672, Florida Statutes, and the Magnuson-Moss Warranty - Federal Trade Commission Improvement Act.

(7) Provide an express or implied warranty and fail to honor such warranty unless properly disclaimed pursuant to subsection (6).

(8) Misrepresent warranty coverage, application period, or any warranty transfer cost or conditions to a customer.

(9) Obtain signatures from a customer on contracts that are not fully completed at the time the customer signs or which do not reflect accurately the negotiations and agreement between the customer and the dealer.

(10) Require or accept a deposit from a prospective customer prior to entering into a binding contract for the purchase and sale of a vehicle unless the customer is given a written receipt that states how long the dealer will hold the vehicle from other sale and the amount of the deposit, and clearly and conspicuously states whether and upon what conditions the deposit is refundable or nonrefundable.

(11) Add to the cash price of a vehicle as defined in section 520.02(2), Florida Statutes, any fee or charge other than those provided in that section and in Rule 3D-50.001, Florida Administrative Code. All fees or charges permitted to be added to the cash price by Rule 3D-50.001, Florida Administrative Code, must be fully disclosed to customers in all binding contracts concerning the vehicle’s selling price.

(12) Alter or change the odometer mileage of a vehicle.

(13) Sell a vehicle without disclosing to the customer the actual year and model of the vehicle.

(14) File a lien against a new vehicle purchased with a check unless the dealer fully discloses to the purchaser that a lien will be filed if purchase is made by check and fully discloses to the buyer the procedures and cost to the buyer for gaining title to the vehicle after the lien is filed.

(15) Increase the price of the vehicle after having accepted an order of purchase or a contract from a buyer, notwithstanding subsequent receipt of an official price change notification. The price of a vehicle may be increased after a dealer accepts an order of purchase or a contract from a buyer if:

(a) A trade-in vehicle is reappraised because it subsequently is damaged, or parts or accessories are removed;

(b) *The price increase is caused by the addition of new equipment, as required by state or federal law;*

(c) *The price increase is caused by the revaluation of the U.S. dollar by the Federal Government, in the case of a foreign-made vehicle;*

(d) *The price increase is caused by state or federal tax rate changes; or*

(e) *Price protection is not provided by the manufacturer, importer, or distributor.*

(16) *Advertise the price of a vehicle unless the vehicle is identified by year, make, model, and a commonly accepted trade, brand, or style name. The advertised price must include all fees or charges that the customer must pay, including freight or destination charge, dealer preparation charge, and charges for undercoating or rustproofing. State and local taxes, tags, registration fees, and title fees, unless otherwise required by local law or standard, need not be disclosed in the advertisement. When two or more dealers advertise jointly, with or without participation of the franchiser, the advertised price need not include fees and charges that are variable among the individual dealers cooperating in the advertisement, but the nature of all charges that are not included in the advertised price must be disclosed in the advertisement.*

(17) *Charge a customer for any pre-delivery service required by the manufacturer, distributor, or importer for which the dealer is reimbursed by the manufacturer, distributor, or importer.*

(18) *Charge a customer for any pre-delivery service without having printed on all documents that include a line item for pre-delivery service the following disclosure: "This charge represents costs and profit to the dealer for items such as inspecting, cleaning, and adjusting vehicles, and preparing documents related to the sale."*

(19) *Add an additional charge for pre-delivery service other than those shown on a conspicuous label attached to the window of the vehicle specifying any charges for pre-delivery services and describing the charges as pre-delivery services, delivery and handling, dealer preparation, or in similar terms the dealer's charge for each dealer-installed option, and a total price line.*

(20) *Fail to disclose damage to a new motor vehicle, as defined in subsection 319.001(4), Florida Statutes, of which the dealer had actual knowledge, if the dealer's actual cost of repairs exceeds the threshold amount, excluding replacement items.*

In any civil litigation resulting from a violation of this section, when evaluating the reasonableness of an award of attorney's fees to a private person, the trial court shall consider the amount of actual damages in relation to the time spent.

Section 30. *Sections 28 and 29 shall be codified as part VI of chapter 501, and applies to any vehicle sold after October 1, 2001.*

Section 31. *Paragraph (n) of subsection (9) of section 320.27, Florida Statutes, is repealed.*

Section 32. A new subsection (3) is added to section 520.12, Florida Statutes, to read:

520.12 Penalites.—

(3) *Section 520.12(2) does not apply to any violation of the requirement in s. 520.07(1)(c) that the seller deliver or mail to the buyer a copy of the contract signed by the seller, if the seller delivered to the buyer at the time the buyer signed the contract an exact copy of the contract that the buyer signed.*

Section 33. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, 2002 ~~2001~~, at which time recreational vehicle disputes shall be subject to the provisions of ss. 681.109 and 681.1095. The Attorney General

shall report ~~annually~~ to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, and appropriate legislative committees regarding the ~~effectiveness efficiency and cost effectiveness~~ of the pilot program.

Section 34. Subsections (5) and (7) of section 681.1097, Florida Statutes, are amended to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(5) If the mediation ends in an impasse, or if a manufacturer fails to comply with the settlement entered into between the parties, the program administrator shall schedule the dispute for an arbitration hearing. Arbitration proceedings shall be open to the public on reasonable and nondiscriminatory terms.

(a) The arbitration hearing shall be conducted by a single arbitrator assigned by the program administrator. The arbitrator shall not be the same person as the mediator who conducted the prior mediation conference in the dispute. The parties may factually object to an arbitrator based on the arbitrator's past or present relationship with a party or a party's attorney, direct or indirect, whether financial, professional, social, or of any other kind. The program administrator shall consider any such objection, determine its validity, and notify the parties of any determination. If the objection is determined valid, the program administrator shall assign another arbitrator to the case.

(b) The arbitrator may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence. Subpoenas so issued shall be served and, upon application to the court by a party to the arbitration, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions. Fees for attendance as a witness shall be the same as for a witness in the circuit court.

(c) At all program arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths. The arbitrator may inspect the vehicle if requested by a party or if the arbitrator considers such inspection appropriate.

(d) The program arbitrator may continue a hearing on his or her own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes a waiver of the time period set forth in s. 681.1096(3)(k) for completion of all proceedings under the program.

(e) Where the arbitration is the result of a manufacturer's failure to perform in accordance with a ~~settlement mediation~~ agreement, any relief to the consumer granted by the arbitration will be no less than the relief agreed to by the manufacturer in the settlement agreement.

(f) The arbitrator shall grant relief if a reasonable number of attempts have been undertaken to correct a nonconformity or nonconformities.

(g) The program arbitrator shall render a decision within 10 days of the closing of the hearing. The decision shall be in writing on a form prescribed or approved by the department. The program administrator shall send a copy of the decision to the consumer and each involved manufacturer by registered mail. The program administrator shall also send a copy of the decision to the department within 5 days of mailing to the parties.

(h) A manufacturer shall comply with an arbitration decision within 40 days of the date the manufacturer receives the written decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. If a manufacturer fails to comply within the time required, the consumer must notify the program administrator in writing within 10 days. The program administrator shall notify the department of a manufacturer's failure to comply. The department shall have the authority to enforce compliance with arbitration decisions under this section in the same manner as is provided for enforcement of compliance with board decisions under s. 681.1095(10). In any civil action arising

under this chapter and relating to a dispute arbitrated pursuant to this section, the decision of the arbitrator is admissible in evidence.

(i) *Either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the program administrator within 10 days after receipt of the written decision. Technical corrections shall be limited to computational errors, correction of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical correction of a decision shall not toll the time for filing an appeal or for manufacturer compliance.*

~~(7) A decision of the arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by s. 681.1095(10) and (12). Section 681.1095(13) and (14) apply to appeals filed under this section. Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business or, if neither party resides or has a place of business in this state, the county where the arbitration hearing was held, for an order confirming, vacating, modifying, or correcting any award, in accordance with the provisions of this section and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such application must be filed within 30 days of the moving party's receipt of the written decision or the decision becomes final. Upon filing such application, the moving party shall mail a copy to the department and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the department. A review of such application by the circuit court shall be confined to the record of the proceedings before the program arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in ss. 682.13 and 682.14, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the stated award, or the findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. The court shall expedite consideration of any application filed under this section on the calendar.~~

(a) If a decision of a program arbitrator in favor of a consumer is confirmed by the court, recovery by the consumer shall include the pecuniary value of the award, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of \$25 per day for each day beyond the 40-day period following a manufacturer's receipt of the arbitrator's decision. If a court determines the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment, or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.

~~(b) An appeal of a judgment or order by the court confirming, denying confirmation, modifying or correcting, or vacating the award may be taken in the manner and to the same extent as from orders or judgments in a civil action.~~

Section 35. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter, or that requires a consumer not to disclose the terms of such agreement as a condition thereof, is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

Section 36. Subsections (4) and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and ~~documented~~ vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) *Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.*

(c)(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold after 35 days free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less.

(d)(e) If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and subsection (9), and s. 715.05, "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.
2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.
3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.
4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.
5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.
6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.
7. Check of vehicle for vehicle identification number.
8. Check of vessel for vessel registration number.
9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.
- (6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a

judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age and after 50 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 37. *Section 715.05, Florida Statutes, is repealed.*

Section 38. Subsection (10) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale. *Nothing herein shall require the payment of tax to the State of Florida for assessments made prior to July 1, 2001, if the tax imposed by this section has been paid to the state in which the vehicle was licensed and the department has assessed a like amount of tax on the same transactions. This provision shall apply retroactively to assessments that have been protested prior to August 1, 1999, and have not been paid on the date this act takes effect.*

Section 39. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include

traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The "motor home," which is a vehicular unit which does not exceed ~~the 40 feet in length, and the height, and the width limitations provided in s. 316.515,~~ is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Section 40. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (f) is added to said subsection, and subsections (7) and (9) of said section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where both sellers and buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance,

or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(f) "Bona fide employee" means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.

(7) CERTIFICATE OF TITLE REQUIRED.—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession or control a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer's certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer ("floor plan"); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

Section 41. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-17 remove from the title of the bill: and insert in lieu thereof: An act relating to motor vehicles; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1967, F.S.; authorizing counties to establish fine amounts for parking violations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag; amending s. 318.18, F.S.; authorizing counties to establish fine amounts for parking violations; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 320.023, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.08056, F.S.; including two more colleges to the discontinuance exemptions provided for collegiate speciality license plates; providing for annual renewals in the discontinuance threshold amount; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.161, F.S.; requiring restricted driving privileges after the accumulation of 6 points within a 12-month period; creating s. 322.222, F.S.; authorizing the Department

of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.64, F.S.; providing penalties and remedies for violations; deleting subsections (13) and (16); amending subsection (18); creating subsections (22) through (32) and renumbering sections; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for "dealer development arrangements"; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.6991; providing for severability; creating 320.275, F.S.; creating the Automobile Dealers Industry Advisory Board; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; providing for codification in part VI of chapter 501 and application of new act to vehicles sold after October 1, 2001; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; amending s. 520.12, F.S.; clarifying penalties application to particular circumstances; amending ss. 681.1096, and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that an agreement that prohibits disclosure of its terms is void; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 212.08, F.S.; providing additional requirements on vehicle tax assessments; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in chapter 316, F.S.; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a license to have the certificate of title or ownership indicia in his or her possession at an auction; providing for an effective date.

On motion by Senator Latvala, the Senate concurred in the House amendment.

CS for SB 1956 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Webster

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school

district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 2 (740952)** by Senator Constantine was adopted by two-thirds vote.

Senator Constantine moved the following amendments which were adopted by two-thirds vote:

Amendment 3 (752902)—On page 46, lines 18 and 19, delete those lines and insert:

Section 14. Subsection (6) of section 212.055, Florida Statutes, is

Amendment 4 (943216)—On page 25, lines 9-21, delete those lines and insert:

(d) *One of the following revenue sources is levied or committed for the purpose of funding public educational facilities consistent with the public educational facilities plan and interlocal agreement adopted pursuant to s. 163.31776, and the district educational facilities plan pursuant to s. 235.185:*

1. *The half-cent school capital outlay surtax authorized by s. 212.055(6); or*

2. *An amount of broad-based revenue from state or local sources is committed to the implementation of the financially feasible work program adopted by the school board pursuant to s. 235.185.*

On motion by Senator Carlton, **CS for CS for CS for SB's 310 and 380** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Webster

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining “clothing” and “school supplies” for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Cowin, **HB 251** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Crist	Latvala	Saunders
Bronson	Dawson	Laurent	Silver
Brown-Waite	Dyer	Lawson	Smith
Burt	Garcia	Lee	Villalobos
Clary	Holzendorf	Peaden	Webster
Constantine	Horne	Posey	
Cowin	King	Pruitt	

Nays—8

Campbell	Jones	Miller	Rossin
Geller	Klein	Mitchell	Wasserman Schultz

Vote after roll call:

Yea—Carlton

Yea to Nay—Dyer, Holzendorf, Smith

SENATOR CARLTON PRESIDING

RECONSIDERATION OF BILL

On motion by Senator Horne, the Senate reconsidered the vote by which—

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 110.227, F.S.; providing that “bumping” or certain special protection may not be prohibited in a collective bargaining agreement; amending s. 216.011, F.S.; modifying the definition of the term “operating capital outlay”; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority

of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt; providing an effective date.

—as amended passed this day.

Senator Garcia moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (683224)(with title amendment)—On page 4, lines 14-26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: budgeting; amending s. 216.011,

On motion by Senator Horne, **CS for SB 1784** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Burt, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2—A bill to be entitled An act relating to retirement; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between Septem-

ber 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

House Amendment 1 (101723)(with title amendment)—On page 1, line 13, insert:

Section 1. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. Any elected officer who is a participating member of DROP may terminate participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month.

Section 2. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

- a. A written election to participate in the DROP;
- b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;
- c. A properly completed DROP application for service retirement as provided in this section; and
- d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

- a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.
- b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as

provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.

And the title is amended as follows:

On page 1, line 2, after "disabilities;" insert: amending s. 121.053, F.S.; authorizing elected officers participating in DROP to terminate participation in DROP and enroll in a subclass of the Elected Officers' Class; amending s. 121.091, F.S.; increasing the time for participation in the Deferred Retirement Option Program for members of the Elected Officers' Class of the Florida Retirement System; providing that elected officers are not subject to termination limitations;

House Amendment 2 (511277)(with title amendment)—On page 1, line 13, of the bill insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of said section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program, including a "bundled provider" that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; direct advice and guidance on its investments options; a broad array of distribution options; and asset allocation and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, that is, a second election, at the employee's discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move from the *Public Employee Optional Retirement Program* to the defined benefit program, the employee

must transfer from his or her *optional program* ~~Public Employee Optional Retirement Program~~ account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services, *where those services do not duplicate services provided by the Division of Retirement within the Department of Management Services.* With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall *also* select one or more

bundled providers, each of whom who offer nine multiple investment options and related services products when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, U.S. fixed income, U.S. equities, and foreign stock. The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum, *and may include a guaranteed account as well as investment products such as individually allocated guaranteed and variable annuities, that meet the requirements of this subsection and that combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime income benefit provided by the Florida Retirement System.*

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, *and shall include products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity.*

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

4. *Fees or charges for insurance features, such as mortality and expense risk charges, shall be reasonable relative to the benefits provided.*

(f)1. An approved provider shall comply with all applicable federal and state securities and insurance laws and regulations, as well as the applicable rules and guidelines of the National Association of Securities Dealers (NASD) governing the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with National Association of Security Dealers rules.

2. *Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.*

3. *The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate regulatory agency.*

4. *Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.*

Section 2. *The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and*

the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.

And the title is amended as follows:

On page 1, line 2, after the semicolon insert: amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration;

THE PRESIDENT PRESIDING

Senators Pruitt and Garcia offered the following amendment which was moved by Senator Burt and adopted:

Senate Amendment 1 (772078)(with title amendment) to House Amendment 2—On page 1, line 17 through page 8, line 22, delete those lines and insert:

Section 1. Effective October 1, 2001, subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government the employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; or direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care or direct supervision of emergency medical technicians or paramedics, or the member must be

the supervisor or command officer of one or more members who have such responsibility. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).
10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).
21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251).

Section 2. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees and service offices of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, at the discretion of the President of the Senate and the Speaker of the House of Representatives, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(d) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System in a position that has been designated eligible for

inclusion in the Executive Service of the State University System or who holds a position as president of a state university, unless such member elects, pursuant to s. 121.35, to participate in the optional retirement program.

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, Treasurer, and Comptroller acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(f) Effective July 1, 1997:

1. Any elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Any elected county officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected county officers, elect to participate in a lifetime monthly annuity program, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

- (I) Heads an organizational unit; or
- (II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general*, and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security.

2. In lieu of participating in the Senior Management Service Class, a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 3. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of that section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Approved provider” or “provider” means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program. *The term includes a bundled provider that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping;*

asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, at the employee's discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move to the defined benefit program, the employee must transfer from his or her Public Employee Optional Retirement Program account and from other employee moneys as necessary, a sum representing *the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program. Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.*

3. *Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee's actuarial accrued liability.*

4. *Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this*

paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services *if those services cannot be competitively and contractually provided by the Division of Retirement within the Department of Management Services*. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; or periodic reporting to participants, at least quarterly, on account balances and transactions, if these services are authorized by the board as part of the contract.*

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall *also* select one or more *bundled providers each of whom may offer multiple* ~~who offer multiple~~ investment options and related services ~~products~~ when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. *Each approved bundled provider may offer investment options that provide participants*

with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, United States fixed income, United States equities, and foreign stock. The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum *and may include a guaranteed account as well as investment products, such as individually allocated guaranteed and variable annuities, which meet the requirements of this subsection and combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime-income benefit provided by the Florida Retirement System.*

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, *and may include products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity.*

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition does not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

4. *Fees or charges for insurance features, such as mortality and expense-risk charges, must be reasonable relative to the benefits provided.*

(f)1. *An approved provider shall comply with all federal and state securities and insurance laws and regulations applicable to the provider, as well as the applicable rules and guidelines of the National Association of Securities Dealers which govern the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with rules of the National Association of Securities Dealers.*

2. *Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.*

3. *The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate agency.*

4. *Approved providers may not sell or in any way distribute any customer list or participant identification information generated through their offering of products or services through the optional retirement program.*

Section 4. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—*Any member of the Special Risk Class who has earned creditable service in another membership*

class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 5. It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.

Section 6. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) Effective July 1, 2001 ~~1997~~, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class. Such election shall be made between July 1, 2001 ~~1997~~, and December 31, 2001 ~~1997~~, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

And the title is amended as follows:

On page 9, lines 6-12, delete those lines and insert: amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider" for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member's optional program account to the defined benefit plan; providing for amortization of any unfunded liability; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding; amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class; providing

On motion by Senator Burt, the Senate concurred in **House Amendment 1**; and concurred in **House Amendment 2** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 2 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Dawson	Holzendorf
Bronson	Clary	Diaz de la Portilla	Horne
Brown-Waite	Constantine	Dyer	Jones
Burt	Cowin	Garcia	King
Campbell	Crist	Geller	Klein

Latvala	Miller	Rossin	Smith
Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1162, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

House Amendment 1 (464641)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (2) of section 231.621, Florida Statutes, is amended to read:

231.621 Critical Teacher Shortage Student Loan Forgiveness Program.—

(2) From the funds available, the Department of Education may make loan principal repayments as follows:

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan *or, in case of a loan being paid in full, directly to the teacher*. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

Section 2. Effective July 1, 2002, paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action

to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. *These funds may not be used for direct or indirect administrative purposes or salaries.* The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 75 ~~50~~ percent of funds from the student financial aid fee *for new financial aid awards* shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed \$30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed \$200.

c. An orientation fee in an amount not to exceed \$35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed \$10 per item.

Section 3. Effective July 1, 2002, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than

\$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 75 ~~50~~ percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 4. Subsections (1), (2), and (7) of section 240.40201, Florida Statutes, are amended to read:

240.40201 Florida Bright Futures Scholarship Program.—

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a degree program, certificate program, or applied technology diploma program at an eligible Florida public or private postsecondary education institution within 7 ~~3~~ years of graduation from high school. *No award shall be provided to a student beyond 7 years after high school graduation, regardless of the year in which a student first receives scholarship funding.*

(2) The Bright Futures Scholarship Program consists of three types of awards, the Florida Academic Scholarship, the Florida *Medallion Merit* Scholarship, and the Florida ~~Vocational~~ Gold Seal *Vocational* Scholarship.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida *Medallion Merit* Scholarship or a Florida ~~Vocational~~ Gold Seal *Vocational* Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

Section 5. Section 240.40202, Florida Statutes, is amended to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 240.404 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida. *“Public service assignment,” as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.*

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or *have pled* ~~plead~~ nolo contendere to or guilty to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. *Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation.*

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by April 1 and who meets all other eligibility requirements, but who does not accept his or her award during the first year of eligibility after high school graduation, may apply for reinstatement of the award for use within 7 reapply during subsequent application periods up to 3 years after high school graduation. Reinstatement applications must be received by the deadline established by the Department of Education.~~

(3) For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.

(b) Courses designated as academic dual enrollment courses in the statewide course numbering system.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Articulation Coordinating Committee as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

(4) *Each school district shall provide each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key annually. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and*

the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as the award or awards for which the student has met the academic requirements.

(5)(4) A student who wishes to qualify for a particular award within the Florida Bright Futures Scholarship Program, but who does not meet all of the requirements for that level of award, may, nevertheless, receive the award if the principal of the student's school or the district superintendent verifies that the deficiency is caused by the fact that school district personnel provided inaccurate or incomplete information to the student. The school district must provide a means for the student to correct the deficiencies and the student must correct them, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program developed and administered by the school district. If the student does not complete the requirements by December 31 immediately following high school graduation, the student is ineligible to participate in the program.

Section 6. Section 240.40203, Florida Statutes, is amended to read:

240.40203 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal, reinstatement, and restoration awards.—

(1) To be eligible to ~~receive~~ renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program after the first year of eligibility, a student must meet the following requirements for renewal, reinstatement, or restoration:

(a) *Renewal applies to students who receive an award for at least one term during the immediately preceding academic year. For renewal, a student must complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship and.*

~~(b)~~ maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Merit Scholarship or a Florida Vocational Gold Seal Scholarship, the Department of Education may grant a renewal to the Florida Medallion Scholarship. ~~from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or~~

2. *If, upon renewal evaluation, a student fails to meet the renewal criteria pursuant to this section, credit hours and grades earned during the following summer term may be used to satisfy the renewal requirements. If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average and earns the required number of hours. If, during the summer term, a student does not earn is not sufficient hours or to raise the grade point average to the required renewal level, the student shall not be eligible for an award student's next opportunity for renewal is the fall semester of the following academic year.*

(b) *Reinstatement applies to students who were eligible but did not receive an award during the previous academic year or years, and who may apply to reestablish use of the scholarship. For reinstatement, a student must have been eligible at the time of the student's most recent Florida Bright Futures Scholarship eligibility determination. The student must apply for reinstatement by submitting a reinstatement application by the deadline established by the Department of Education.*

(c) *Restoration applies to students who lost scholarship eligibility as a result of not meeting the renewal grade point average or number of hours, or both, at a prior evaluation period. A student may restore eligibility by meeting the renewal grade point average during a subsequent renewal evaluation period. A student is eligible to receive such restoration*

only once. The student must submit an application for restoration by the deadline established by the Department of Education.

(2) ~~A Florida Academic Scholar or a Florida Medallion Scholar student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree~~ may receive an award for a maximum of 110 percent of the number of credit hours required to complete the undergraduate program.

(3) *A Florida Academic Scholar or a Florida Medallion Scholar who is enrolled in a combined undergraduate/graduate program that terminates in the award of a postbaccalaureate degree, or the simultaneous award of baccalaureate and postbaccalaureate degrees, may receive an award for a maximum of 110 percent of the number of credit hours required to complete a standard undergraduate program at the institution attended, at the undergraduate rate.*

~~(4) A Florida Gold Seal Vocational Scholar student who is enrolled in a program that terminates in a technical certificate may receive an award for up to 90 semester a maximum of 110 percent of the credit hours or the equivalent clock hours required to complete the program up to 90 credit hours. A student who transfers from the Florida Gold Seal Vocational Scholars award to the Florida Medallion Scholars award one of these program levels to another becomes eligible for the higher of the two credit hour limits.~~

Section 7. Section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal, reinstatement, or restoration of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, community college, or technical center.

(2) An independent Florida college or university that is accredited by an accrediting agency recognized by the United States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation and which has operated in the state for at least 3 years.

(3) An independent Florida postsecondary education institution that is licensed by the State Board of Independent Colleges and Universities and which:

(a) Shows evidence of sound financial condition; and

(b) Has operated in the state for at least 3 years without having its approval, accreditation, or license placed on probation.

(4) A Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing.

(5) A Florida independent postsecondary education institution that is licensed by the State Board of Nonpublic Career Education and which:

(a) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(b) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 8. Section 240.40205, Florida Statutes, is amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient; or-

(g) *Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.*

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay matriculation and fees, as defined by the department, and \$600 for college-related expenses annually. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average matriculation and fees of a public postsecondary education institution at the comparable level, plus the annual \$600.

(3) To be eligible for a renewal or restoration award as a Florida Academic Scholar, a student must meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 3.0 on a 4.0 scale, or the equivalent, for all postsecondary education work attempted. A student may have, with an opportunity for one restoration reinstatement as provided in this act.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall be designated as an Academic Top Scholar and shall receive an additional award of \$1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 9. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida Medallion Merit Scholars award.—

(1) A student is eligible for a Florida Medallion Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or-

(d) *Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist, but has not completed a program of community service as provided in s. 240.40205; or*

(e) *Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.*

(2) A Florida Medallion Merit Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, as defined by the department, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the average matriculation and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal or restoration award as a Florida Medallion Merit Scholar, a student must meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 2.75 on a 4.0 scale, or the equivalent, for all postsecondary education work attempted. A student may have, with an opportunity for reinstatement one restoration time as provided in this act.

Section 10. Section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) ~~Successfully completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits in one program of study, as identified by the Department of Education, taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Workforce Estimating Conference or Workforce Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. By July 1, 2002, the Articulation Coordinating Committee shall identify the programs at each 4-year institution that qualify as planned, related postsecondary education programs. On-the-job training may not be substituted for any of the three required vocational credits.~~

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

(e) ~~Completes the requirements of a vocational-ready diploma program, as defined by rules of the State Board of Education.~~

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, as defined by the department, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a non-public postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal or restoration award as a Florida Gold Seal Vocational Scholar, a student must meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 2.75 on a 4.0 scale, or the equivalent, for all postsecondary education work attempted. A student may have, with an opportunity for reinstatement one restoration time as provided in this act.

(4) Beginning with the fall term of 2003, a Florida Gold Seal Vocational Scholars award may only be used by students who enroll in programs of 2 years or less at a vocational-technical institution, a community college, or a junior college unless the award is a renewal of an initial award issued prior to the fall term of 2003 or as otherwise provided for in this section. A student may use an award for a program at a 4-year institution if the program has been identified by the Articulation Coordinating Committee pursuant to subsection (1), the student meets the minimum State University System admissions requirements, and the institution certifies annually the student's continued enrollment in such program.

(5) Upon successful completion of an associate degree program or 60 hours, an award recipient who meets the renewal criteria in subsection (3) and enrolls in a baccalaureate degree program at an eligible postsecondary education institution is eligible to transfer to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s. 240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

(6) If a Florida Gold Seal Vocational Scholar received an initial award prior to the fall term of 2003, and has a cumulative grade point average of 2.75 in all postsecondary education work attempted, the Department of Education may transfer the student to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program at any renewal period. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s. 240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Merit Scholars award at any renewal period. All other provisions of that program apply, and the credit hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.

Section 11. Section 240.40242, Florida Statutes, is repealed.

Section 12. Florida Bright Futures Scholarship Testing Program.—

(1) By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating

Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(3) Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.

(4) Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.

(5) Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than \$46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.

(6) The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to s. 240.115(6).

(7) The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.

(8) Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.

Section 13. Subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by an accrediting agency recognized by the United States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by an accrediting agency recognized by the United

~~States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation.~~

2.a. Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education.

b. *A person who has been properly classified as a resident by a postsecondary institution for initial receipt of state-funded student financial assistance and has been determined eligible to participate in a financial assistance program may continue to qualify as a resident for state-funded financial aid programs if he or she maintains continuous enrollment at the postsecondary institution, with no break in enrollment greater than 12 consecutive months.*

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his or her probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his or her probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he or she has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

Section 14. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, sections 240.2985 and 240.6054, Florida Statutes, shall not stand repealed on January 7, 2003, and are reenacted, renumbered as section 240.4084, Florida Statutes, and amended to read:

(Substantial rewording of sections. See ss. 240.2985 and 240.6054, F.S., for present text.)

240.4084 *Ethics in Business Scholarship Program.—The Ethics in Business Scholarship Program is created to provide scholarships to students who are enrolled in postsecondary education institutions and who meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404. Moneys appropriated and allocated for such scholarships shall be matched by private donations for the purpose of providing ethics in business scholarships. The Ethics in Business Scholarship Program shall consist of the following components:*

(1) *Moneys appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Trust Fund for Major Gifts, pursuant to section 2 of chapter 97-381, Laws of Florida, shall be allocated to each university foundation on a matching basis equal to the amount of private funds received by such foundation for program purposes. Moneys appropriated and allocated to university foundations for purposes of the program shall be used to create endowments to provide scholarships to undergraduate students enrolled in state institutions of higher learning who register for one or more credit hours in business ethics courses and who have demonstrated a commitment to serve the interests of their community. First priority for award of scholarships shall be given to students who demonstrate financial need. The Board of Regents shall administer the provisions of this subsection.*

(2) *Moneys transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund, pursuant to section 3 of chapter 97-381, Laws of Florida, shall be allocated to provide ethics in business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 240.605. The funds shall be allocated to institutions for scholarships in the following ratio: two-thirds for community colleges and one-third for eligible independent institutions. These funds shall be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing ethics in business scholarships. The Department of Education shall administer the provisions of this subsection and may adopt rules for such administration. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this subsection.*

Each institution that receives an allocation of funds shall submit to the Legislature an annual report of the matching funds collected and a profile of scholarship award recipients.

Section 15. Section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) *The department is directed to establish an initial application deadline for funds administered pursuant to this section.*

(3) *Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.*

(4)(2)(a) State student assistance grants through the program may be made only to full-time degree-seeking students who enroll in at least 6 semester hours, or the equivalent, per semester and who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been

accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida public student assistance grant must be between \$200 and the weighted average of the cost of matriculation and other registration fees for 30 credit hours at state universities per academic year or the amount specified in the General Appropriations Act.

(6)(4)(a) The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Community Colleges, and the Board of Regents. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline*, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or community college, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student, *shall indicate whether or not the student met the application deadline established pursuant to subsection (2)*, and shall remit to the department any undisbursed advances by June 1 of each year.

(7)(5) Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(8)(6) The State Board of Education shall establish rules necessary to implement this section.

Section 16. Section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Private Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) *The department is directed to establish an initial application deadline for funds administered pursuant to this section.*

(3) *Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who met the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.*

(4)(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who* meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida private student assistance grant must be between \$200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year or the amount specified in the General Appropriations Act.

(6)(4)(a) The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Independent Colleges and Universities of Florida. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline*, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida private student assistance grants shall be transmitted to the president of the college or university, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student, *shall indicate whether or not the student met the application deadline established pursuant to subsection (2)*, and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)(5) Funds appropriated by the Legislature for Florida private student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(8)(6) The State Board of Education shall adopt rules necessary to implement this section.

Section 17. Section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) *The department is directed to establish an initial application deadline for funds administered pursuant to this section.*

(3) *Using the priorities established in this section and s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.*

(4)(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to ~~full-time~~ degree-seeking students who enroll in at least 6 semester hours, or the equivalent, per semester and who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average prior academic year cost of matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

~~(c) Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida postsecondary student assistance grant must be between \$200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year or the amount specified in the General Appropriations Act.

(6)(4)(a) The funds appropriated for the Florida Postsecondary Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Florida Association of Postsecondary Schools and Colleges. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline*, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida postsecondary student assistance grants shall be transmitted to the president of the eligible institution, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student, *shall indicate whether or not the student met the application deadline established pursuant to subsection (2)*, and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)(5) Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive

grants pursuant to s. 240.4095 is eligible to receive grants pursuant to this section.

(8)(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(9)(7) The State Board of Education shall adopt rules necessary to implement this section.

Section 18. Section 240.40975, Florida Statutes, is created to read:

240.40975 Florida student assistance grant programs; priority for receiving grants.—Priority in the distribution of grants provided pursuant to s. 240.409, s. 240.4095, or s. 240.4097 shall be given to eligible applicants in the following order:

(1) *To full-time students with the greatest financial need as determined by the department.*

(2) *To full-time students with financial need who graduate from public Florida high schools, who have completed the high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses, and who rank in the top 20 percent of their high school graduating class. Class rank shall be determined by the Department of Education.*

(3) *To other full-time students with financial need.*

(4) *To part-time students with financial need, if funds are remaining.*

Section 19. Subsection (3) of section 240.4128, Florida Statutes, is amended to read:

240.4128 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.

(3) The total amount appropriated annually for new scholarships in the program must be divided by \$4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. *Each participating institution shall report to the department, by the established date, the eligible students to whom scholarships are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.*

Section 20. Subsection (6) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(6) ~~Any Effective July 1, 1992, all new and existing~~ financial assistance programs authorized by state law that are administered by the Bureau of Student Financial Assistance of the Department of Education and that ~~under this part which~~ are not funded for 3 consecutive years after enactment shall stand repealed. Financial aid programs provided under this part on July 1, 1992, which lose funding for 3 consecutive years shall stand repealed. The Bureau Office of Student Financial Assistance of the Department of Education shall annually review the legislative appropriation of financial aid to identify such programs.

Section 21. Section 240.465, Florida Statutes, is amended to read:

240.465 Delinquent accounts.—

(1) The Department of Education is directed to exert every lawful and reasonable effort to collect all delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

(2) The department is authorized to establish a recovery account into which unpaid and uncanceled scholarship loan note, student loan note, and defaulted guaranteed loan note accounts may be transferred.

(3) The department is authorized to settle any delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes and to employ the service of a collection agent when deemed advisable in collecting delinquent or defaulted accounts. However, no collection agent may be paid a commission in excess of 35 percent of the amount collected. Any expense incurred by the department in enforcing the collection of a loan note may be borne by the signer of the note and may be added to the amount of the principal of such note.

(4) The department is authorized to charge off unpaid and uncanceled scholarship loan notes and student loan notes which are at least 3 years delinquent and which prove uncollectible after good faith collection efforts. However, a delinquent account with a past due balance of \$25 or less may be charged off as uncollectible when it becomes 6 months past due and the cost of further collection effort or assignment to a collection agent would not be warranted.

~~(5) No individual borrower who has been determined to be in default in making legally required scholarship loan, student loan, or guaranteed loan repayments shall be furnished with his or her academic transcripts or other student records until such time as the loan is paid in full or the default status has been removed.~~

(5)(6) The department is authorized to charge an individual borrower who has been determined to be in default in making legally required loan repayments the maximum interest rate authorized by law.

(6)(7) The State Board of Education shall adopt such rules as are necessary to regulate the collection, settlement, and charging off of delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

Section 22. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.551, Florida Statutes, shall not stand repealed on January 7, 2003, and is reenacted and amended to read:

240.551 Florida Prepaid College Program.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) DEFINITIONS.—

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the Florida Prepaid College Board.

(c) "Fund" means the Florida Prepaid College Trust Fund.

(d) "Program" means the Florida Prepaid College Program.

(e) "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to subsection (22), a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.—There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) FLORIDA PREPAID COLLEGE TRUST FUND.—There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with terminated contracts pursuant to subsection (12) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to subsection (22) shall be exempt from the provisions of this subsection.

(5) PROGRAM ADMINISTRATION.—

(a) The Florida Prepaid College Program shall be administered by the Florida Prepaid College Board as an agency of the state. The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the

unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c) The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.—The board shall:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.

2. Capability to execute program responsibilities within time and regulatory constraints.

3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.

4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.

5. Adequacy of technical assistance and services proposed for staff.

6. Adequacy of a management system for evaluating and improving overall trustee services to the program.

7. Adequacy of facilities, equipment, and electronic data processing services.

8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.

3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.

4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7) FLORIDA PREPAID COLLEGE BOARD; POWERS.—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

(a) Adopt an official seal and rules.

(b) Sue and be sued.

(c) Make and execute contracts and other necessary instruments.

(d) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

(e) Invest funds not required for immediate disbursement.

(f) Appear in its own behalf before boards, commissions, or other governmental agencies.

(g) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

(h) Require a reasonable length of state residence for qualified beneficiaries.

(i) Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j) Segregate contributions and payments to the fund into various accounts and funds.

(k) Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n) Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o) Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p) Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q) Provide for the receipt of contributions in lump sums or installment payments.

(r) Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(s) Delegate responsibility for administration of the comprehensive investment plan required in paragraph (6)(c) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(w) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(8) QUALIFIED STATE TUITION PROGRAM STATUS.—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a “qualified state tuition program” in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

(9) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate

degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the *Accrediting Council for Independent Colleges and Schools Accrediting Commission of the Association of Independent Colleges and Schools*, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees.

Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) **ADVANCE PAYMENT CONTRACTS; CONTENTS.**—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (22) or subsection (23), the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) Other terms and conditions deemed by the board to be necessary or proper.

(12) **DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.**—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this subsection. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this subsection shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this subsection. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) **REFUNDS.**—

(a) Except as provided in paragraphs (b), ~~and~~ (c), and (f), no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount which, in total, ~~does not exceed the redemption value of the advance payment contract at a state postsecondary institution amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(f) *Benefits purchased under the Florida Prepaid College Program shall be permitted to roll over to a college savings program, as defined under s. 529 of the United States Internal Revenue Code, relating to qualified state tuition programs. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution in Florida at the time of the rollover, after assessment of a reasonable transfer fee.*

(14) **CONFIDENTIALITY OF ACCOUNT INFORMATION.**—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(15) **OBLIGATIONS OF BOARD; PAYMENT.**—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16) **ASSETS OF THE FUND; EXPENDITURE PRIORITY.**—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17) **EXEMPTION FROM CLAIMS OF CREDITORS.**—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18) **PAYROLL DEDUCTION AUTHORITY.**—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19) **DISCLAIMER.**—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20) **PROGRAM TERMINATION.**—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) **ANNUAL REPORT.**—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) **DIRECT-SUPPORT ORGANIZATION; AUTHORITY.**—

(a) The board may establish a direct-support organization which is:

1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in

the best interests of the state. Unless so certified, the organization may not use the name of the program.

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules adopted by the board.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, *at a minimum*, three other individuals to serve as directors of the organization.

(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

(23) **SCHOLARSHIPS.**—A nonprofit organization described in s. 501 (c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may

purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 23. Section 240.6053, Florida Statutes, is created to read:

240.6053 *Academic program contracts.—*

(1) *Academic program contracts with independent institutions recommended by the Postsecondary Education Planning Commission pursuant to s. 240.147(4), and approved by the State Board of Education pursuant to s. 229.053(2), shall be administered by the Department of Education.*

(2) *Funding for such contracts shall be based on the average cost to the state to provide similar programs in the State University System or an amount specified in the General Appropriations Act.*

(3) *Priority for academic program contract support shall be given to students with demonstrated financial need. To be eligible for such support, a student shall meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404.*

(4) *The tuition and fees assessed students supported through an academic program contract shall not exceed the amount required to pay the average matriculation and fees for a comparable program at a state university.*

(5) *The amount an institution receives per student for funding pursuant to this section, plus the tuition and fees paid by the student, plus the value of the Florida Resident Access Grant received by the student shall not exceed the full cost per student to the state of a similar program in the State University System.*

(6) *Institutions receiving support pursuant to this section shall annually submit to the department data on performance measures, including, but not limited to, degrees granted, graduation rates, licensure or certification rates of graduates where applicable, and employment in Florida.*

Section 24. Section 295.02, Florida Statutes, is amended to read:

295.02 *Use of funds; age, etc.—*

(1) All sums appropriated and expended under this chapter shall be used to pay tuition and registration fees as defined by the Department of Education, board, and room rent and to buy books and supplies for the children of:

(a) Deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.019, or s. 295.0195; ~~or, or of~~

(b) Parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, ~~who are~~

(2) *Such children must be between the ages of 16 and 22 years and who are in attendance at:*

(a) A state-supported institution of higher learning, including a community college or vocational-technical school; ~~or-~~

(b) *A postsecondary education institution eligible to participate in the Florida Bright Futures Scholarship Program. A student attending an eligible independent postsecondary education institution may receive an award equivalent to the average matriculation and fees calculated for full-time attendance at a public postsecondary education institution at the comparable level.*

Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

(3) The Department of Education shall administer this educational program subject to ~~rules~~ regulations of the State Board of Education ~~department~~. *The state board is authorized to adopt rules to implement the provisions of this program.*

Section 25. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the award; providing for transfer of awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

Senator Pruitt offered the following amendment which was moved by Senator Sullivan:

Senate Amendment 1 (020712)(with title amendment) to House Amendment 1—On page 1, line 18 through page 77, line 9, delete those lines and insert:

Section 1. Section 229.001, Florida Statutes, is amended to read:

229.001 Short title.—This act may be cited as the “Florida Education Governance Reorganization Implementation Act of 2000.”

Section 2. Section 229.002, Florida Statutes, is amended to read:

229.002 Declaration of policy and guiding principles.—

(1) It is the policy of the Legislature:

(a) To achieve within existing resources true systemic change in education governance by establishing a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida’s citizens.

(b) To promote enhanced academic success and funding efficiency by centralizing the governance of educational delivery systems and aligning responsibility with accountability.

(c) To provide consistent education policy vertically and horizontally across all educational delivery systems, focusing on *students the needs of those receiving education, not those providing education.*

(d) To provide substantially improved vertical and horizontal articulation across all educational delivery systems ~~while ensuring that non-public education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.~~

(e) To provide for devolution of authority to the schools, community colleges, universities, and other education institutions that are the actual deliverers of educational services in order to provide student-centered education services within the clear parameters of the overarching education policy established by the Legislature.

(f) *To ensure that independent education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.*

(2) The guiding principles for Florida’s new education governance are:

(a) A coordinated, seamless system for kindergarten through graduate school education.

(b) A system that is student-centered in every facet.

(c) A system that maximizes education access and *provides the opportunity for a high-quality education academic success* for all Floridians.

(d) A system that safeguards equity *and supports academic excellence.*

(e) A system that *provides for local operational flexibility while promoting accountability for student achievement and improvement* ~~refuses to compromise academic excellence.~~

Section 3. Section 229.003, Florida Statutes, is amended to read:

229.003 Florida education governance reorganization.—

(1) ~~Effective January 7, 2003,~~ The Florida Board of Education, created pursuant to s. 229.004, shall be responsible for overseeing kindergarten through graduate school education, in accordance with *the implementation process in s. 229.0072 and the policies and guiding principles in s. 229.002 and the mission and goals of s. 229.007.*

(2) ~~Effective January 7, 2003, the Florida Board of Education shall appoint the Commissioner of Education.~~

(2)(3) ~~Effective January 7, 2003,~~ There ~~is~~ established *the following* education governance officers in addition to the Commissioner of Education:

(a) A Chancellor of *Public Schools K-12 Education* ~~appointed by the Commissioner of Education.~~

(b) A Chancellor of *Colleges and State Universities,* ~~appointed by the Commissioner of Education.~~

(c) A Chancellor of Community Colleges and Career Preparation, ~~appointed by the Commissioner of Education.~~

(d) ~~An~~ Executive Director of *Independent Nonpublic and Nontraditional Education,* ~~appointed by the Commissioner of Education.~~

Each chancellor and *the* executive director shall be ~~appointed~~ *subject to confirmation* by the Florida Board of Education and shall serve at the pleasure and under the authority of the *Secretary of the Florida Board of Education* ~~Commissioner of Education.~~

(3)(4) ~~Effective July 1, 2000,~~ The Governor shall appoint a seven-member board of trustees for the Florida *Virtual On-Line* High School, which shall be a body corporate with all the powers of a body corporate.

(4)(5) ~~Effective January 7, 2003,~~ The Governor shall appoint for each university in the State University System, a *12-member* ~~nine-member~~ board of trustees, which shall be a body corporate with all the powers of a body corporate. *In addition to the 12 members, a student body president shall serve as a voting member of the board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Each appointee is subject to confirmation by the Senate in the regular legislative session immediately following his or her appointment. All members of the board of trustees of Florida Atlantic University must reside within the service area of the university; three must be residents of Broward County, three must be residents of Palm Beach County, and three may be residents of any county within the service area.*

(5) *Effective July 1, 2001:*

(a) *The Board of Regents is abolished.*

(b) *All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the Florida Board of Education.*

(c) *The State Board of Community Colleges is abolished.*

(d) *All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the State Board of Community Colleges are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.*

(e) *The Postsecondary Education Planning Commission is abolished.*

(f) *The Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services.*

(g) *All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Council for Education Policy Research and Improvement.*

(h) *The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.*

(i) *Notwithstanding the provisions of s. 20.15, the Commissioner of Education and the Secretary of the Florida Board of Education shall work together to commence the reorganization of the Department of Education in accordance with s. 229.0073, which shall include an Office of the Commissioner of Education comprised of the general areas of operation that are common to all delivery sectors and, in addition, shall include:*

1. *The creation of an Office of Technology and Information Services, an Office of Workforce and Economic Development, an Office of Educational Facilities and SMART Schools Clearinghouse, and an Office of Student Financial Assistance.*

2. *The creation of a Division of Colleges and Universities.*

3. *The creation of a Division of Community Colleges.*

4. *The creation of a Division of Public Schools.*

5. *The creation of a Division of Independent Education.*

6. *The merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, into a single Commission for Independent Education administratively housed within the Division of Independent Education.*

~~(6) Effective January 7, 2003, the powers and duties of the following entities are relocated to the Florida Board of Education, which shall retain all related funding and budget authority for purposes of a single, seamless kindergarten through graduate school education system and single or coordinated budget and may retain or redistribute the powers and duties of each entity in accordance with the policies and guiding principles of s. 229.002, and the entities shall cease to exist:~~

- ~~(a) The Board of Regents.~~
- ~~(b) The State Board of Community Colleges.~~
- ~~(c) The State Board of Independent Colleges and Universities.~~
- ~~(d) The State Board of Nonpublic Career Education.~~
- ~~(e) The Division of Workforce Development of the Department of Education.~~
- ~~(f) The Postsecondary Education Planning Commission.~~
- ~~(g) The Articulation Coordination Committee.~~
- ~~(h) The Division of Human Resource Development of the Department of Education.~~
- ~~(i) The Division of Support Services of the Department of Education.~~
- ~~(j) The Division of Administration of the Department of Education.~~
- ~~(k) The Division of Financial Services of the Department of Education.~~
- ~~(l) The Division of Technology of the Department of Education.~~
- ~~(m) The Office of Student Financial Assistance of the Department of Education.~~
- ~~(n) The Division of Universities of the Department of Education.~~
- ~~(o) The Division of Community Colleges of the Department of Education.~~

Section 4. Section 229.0031, Florida Statutes, is created to read:

229.0031 *Council for Education Policy Research and Improvement.*—Effective July 1, 2001, the Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services, pursuant to s. 11.147. The council shall conduct and review education research, provide independent analysis on education progress, and provide independent evaluation of education issues of statewide concern. The Office of Legislative Services shall provide administrative functions of the council, pursuant to joint policies of the Legislature.

(1) *The council shall serve as a citizen board for independent policy research and analysis. The council shall be composed of five members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. Each member shall be appointed for a term of 6 years. However, for purposes of continuity, the Governor shall appoint two members, the Speaker of the House of Representatives shall appoint one member, and the President of the Senate shall appoint one member for a first term of 4 years. Members appointed for 4 years may be reappointed to one additional term. Members shall not include elected officials or employees of public or independent education entities. Members who miss two consecutive meetings may be replaced by the appointing officer.*

(2) *The council shall meet as often as it considers necessary to carry out its duties and responsibilities. Members shall be paid travel and per*

diem expenses as provided in s. 112.061 while performing their duties under this section.

(3) *The council shall appoint an executive director, who shall serve at the pleasure of the council and shall perform the duties assigned to him or her by the council. The executive director is the chief administrative officer of the council and shall appoint all employees and staff members of the council, who shall serve under the executive director's direction and control.*

(4) *The council shall:*

(a) *Provide state policymakers, educators, and the public with objective and timely information that supports the seamless K-20 education system and the K-20 education accountability process designed to provide all students an opportunity for a high-quality education, in accordance with the policies and guiding principles of s. 229.002 and the performance accountability system in s. 229.007.*

(b) *Explore national and state emerging educational issues and examine how these issues should be addressed by education institutions in Florida.*

(c) *Prepare and submit to the Florida Board of Education a long-range master plan for education. The plan must include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and requirements of the labor market. The plan must evaluate the capacity of existing programs in public and independent institutions to respond to identified needs, and the council shall recommend efficient alternatives to address unmet needs. The council shall update the master plan at least every 5 years.*

(d) *Prepare and submit for approval by the Florida Board of Education a long-range performance plan for K-20 education in Florida, and annually review and recommend improvement in the implementation of the plan.*

(e) *Annually report on the progress of public schools and postsecondary education institutions toward meeting educational goals and standards as defined by s. 229.007.*

(f) *Recommend to the Legislature and the Florida Board of Education legislation and rules for the educational accountability system that support the policies and guiding principles of s. 229.002.*

(g) *Recommend to the Florida Board of Education revisions and new initiatives to further improve the K-20 education accountability system.*

(h) *Provide public education institutions and the public with information on the K-20 education accountability system, recommend refinements and improvements, and evaluate issues pertaining to student learning gains.*

(i) *On its own initiative or in response to the Governor, the Legislature, the Florida Board of Education, or the Commissioner of Education, issue reports and recommendations on matters relating to any education sector.*

(j) *By January 1, 2003, and on a 3-year cycle thereafter, review and make recommendations to the Legislature regarding the activities of research centers and institutes supported with state funds to assess the return on the state's investment in research conducted by public postsecondary education institutions, in coordination with the Leadership Board for Applied Research and Public Service, created pursuant to s. 240.706.*

(k) *Apply for and receive grants for the study of K-20 education system improvement consistent with its responsibilities.*

(l) *Assist the Florida Board of Education in the conduct of its educational responsibilities in such capacities as the board considers appropriate.*

Section 5. Section 229.004, Florida Statutes, is amended to read:

229.004 Florida Board of Education.—

(1)(a) *In accordance with the implementation process in s. 229.0072 Effective January 7, 2003, the Florida Board of Education is established as a body corporate. The board shall be a part-time citizen board consisting of seven members who are residents of the state appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate, provided, however, that Senate confirmation is not required for the members of the Florida Board of Education to perform the duties as prescribed in this education governance reorganization implementation act. Members of the board shall serve without compensation, but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061. Members may be reappointed by the Governor for additional terms not to exceed 8 years of consecutive service.*

(b) *The Governor shall appoint the first chair of the Florida Board of Education who shall serve for 2 years. After expiration of the 2-year term and at the first regular meeting of the board after July 1, the Florida Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a 2-year term and may be reelected for one additional consecutive term. The Florida Board of Education shall have a chairperson who shall be appointed by the Governor.*

(2) *The primary duties of the board shall be to establish education goals and objectives consistent with the policies and guiding principles of s. 229.002 and the mission and goals of s. 229.007 and, together with the Commissioner of Education, to oversee the implementation of and enforce compliance with the education policies established by the Legislature. The board, through its secretary, and the commissioner, shall establish, operate, and maintain optimal efficiency of an Office of the Commissioner of Education pursuant to s. 229.0061(2)(c) in accordance with the guidelines of ss. 229.0061 and 229.0073 Board of Education.*

(3) *In performing its duties, the board, together with the Commissioner of Education, shall:*

(a) *Ensure accountability and responsiveness to Florida's citizens, including the establishment of a Citizen Information Center that utilizes quick response and customer-friendly methodologies.*

(b) *Establish and aggressively enforce efficient and effective performance management objectives.*

(c) *Maximize the effectiveness of local, state, and federal education linkages and funds.*

(d) *Issue guidelines for the development of legislative budget requests for operations and fixed capital outlay for the coordinated K-20 system.*

(e)(d) *Recommend one budget or a coordinated budget and long-range program plans based on consistent policies for a seamless kindergarten through graduate school education.*

(f)(e) *Adopt cohesive rules, within statutory authority, for education systemwide issues, including rules governing systemwide access to educational opportunities, and ensure that rules adopted for the various education delivery systems are compatible.*

(g)(f) *Ensure articulation and coordination within and across the entire education delivery system.*

(h)(g) *Provide ongoing public information regarding performance results for the entire kindergarten through graduate school education system and each of its components.*

(4) *The board, through its secretary, with the Commissioner of Education, shall be responsible for:*

(a) *The work of with the Chancellor of Public Schools K-12 Education to establish, and maintain optimal efficiency of, a Division an Office of Public Schools, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 K-12 Education.*

(b) *The work of with the Chancellor of Colleges and State Universities to establish, and maintain optimal efficiency of, a Division an Office of Colleges and State Universities, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007.*

(c) *The work of with the Chancellor of Community Colleges and Career Preparation to establish, and maintain optimal efficiency of, a*

Division an Office of Community Colleges, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 and Career Preparation.

(d) *The work of with the Executive Director of Independent Nonpublic and Nontraditional Education to establish, and maintain optimal efficiency of, a Division an Office of Independent Nonpublic and Nontraditional Education, within the guidelines of ss. 229.0061 and 229.0073 Services.*

Section 6. Section 229.005, Florida Statutes, is amended to read:

229.005 Florida education governance officers.—

(1) **COMMISSIONER OF EDUCATION.**—The Commissioner of Education shall work with the Florida Board of Education and its secretary to oversee the other education governance officers and focus be appointed by the Board of Education from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy. The commissioner shall be a person who is eminently capable of focusing the entire kindergarten through graduate school education system on accomplishing to accomplish the policies and guiding principles of s. 229.002 and achieving the mission and goals of s. 229.007. The commissioner shall serve as chief executive officer and, in cooperation with the Secretary of the Florida Board of Education, shall have the ability to successfully provide education policy and planning direction, program development, performance management, and funding allocation recommendations across the spectrum of kindergarten through graduate school education, and the ability to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.”

(2) **CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.**—The Chancellor of Public Schools K-12 Education shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the quality of public K-12 education in Florida, and to maximize the equity of public K-12 education in Florida by moving the focus to the school site and the individual student, and to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education. . . .”

(3) **CHANCELLOR OF COLLEGES AND STATE UNIVERSITIES.**—The Chancellor of Colleges and State Universities shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the national reputation and quality of education and educational research in Florida's colleges and state universities, and to work directly with each of the college and state university presidents and boards of trustees in focusing on the education and educational research needs of the individual college or university and its students.

(4) **CHANCELLOR OF COMMUNITY COLLEGES AND CAREER PREPARATION.**—The Chancellor of Community Colleges and Career Preparation shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the quality of education in Florida's community colleges, and to work directly with each of the community college presidents and boards of trustees in focusing on the education needs of the communities and students they serve.

(5) **EXECUTIVE DIRECTOR OF INDEPENDENT NONPUBLIC AND NONTRADITIONAL EDUCATION.**—The Executive Director of

~~Independent Nonpublic and Nontraditional Education shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to protect the independence, autonomy, and nongovernmental status of independent education in Florida, to enhance the quality and expand the offerings and innovations of independent nonpublic and nontraditional education in Florida, to establish partnerships with independent nonpublic education providers at all levels to achieve these goals, and to work directly with the Board of Trustees of the Florida Virtual On-Line High School and with Florida's private school associations, home education associations, independent nonpublic career education institutions, and independent colleges and universities to maximize educational choice and enhance the options, educational alternatives, and student-focused delivery for their students.~~

Section 7. Subsections (1), (4), (5), (6), and (7) of section 229.006, Florida Statutes, are amended to read:

229.006 Education Governance Reorganization Transition Task Force.—

(1) In order to accomplish a smooth transition on January 7, 2003, from the elected State Board of Education to the appointed Florida Board of Education, there shall be established the Education Governance Reorganization Transition Task Force. All members of the task force shall be appointed as soon as feasible but not later than October 1, 2000. The task force shall be comprised of:

- (a) Five members appointed by the Governor;
- (b) Three members appointed by the President of the Senate; and
- (c) Three members appointed by the Speaker of the House of Representatives.

The transition task force shall be charged with the duty to identify issues, conduct research, develop the necessary procedural and substantive framework, and make recommendations to the Legislature for an orderly 3-year phase-in for a seamless education continuum and a single or coordinated kindergarten through graduate school budget in accordance with the policies and guiding principles of s. 229.002, so that the Florida Board of Education may immediately begin its work on January 7, 2003, with maximum effectiveness.

(4) ~~Having completed its recommendations to the Legislature by March 1, 2001, the transition task force shall redirect its focus to provide guidance and monitoring of the implementation process pursuant to s. 229.0072 and to regularly report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on the progress of the reorganization implementation process. If any implementation activity is determined by a majority vote of the task force to be inconsistent with the intent of this act, the chair of the task force shall report such activity directly to the State Board of Education, and the State Board of Education shall act immediately to resolve the dispute.~~ recommend to the Legislature:

- (a) How best to achieve education system integration by:
 - 1. Combining appropriate education functions and policies into or under the new Florida Board of Education.
 - 2. Devolving the education delivery services and operational decisions to the appropriate location of delivery to students, specifically the schools, community colleges, colleges, universities, area technical centers, and other education institutions or places where the students receive their education.
 - 3. Providing for a single or coordinated kindergarten through graduate school education budget.
- (b) How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.
- (c)1. Which, if any, current education staff functions and resources should be eliminated, transferred, or realigned within the proposed new education organizational structure.

2. A recommended salary structure for the Commissioner of Education and for the chancellors.

(d) ~~Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational programs, and make recommendations to the Governor, the Florida Board of Education, and the Legislature and, if so, its mission, staffing, and location.~~

(e) ~~The optimal mission of the Florida On-Line High School and a methodology for the operation and funding of the school to achieve that mission.~~

(f) ~~The optimal location and structure of the Florida Partnership for School Readiness.~~

(5) ~~By March 1, 2002, the transition task force shall recommend to the Legislature:~~

(a) ~~Standards, definitions, and guidelines for universities, colleges, community colleges, schools, and other education institutions to ensure the quality of education, systemwide coordination, and efficient progress toward attainment of their appropriate missions.~~

(b) ~~Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of presidents, procedures for annual evaluations of presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.~~

(c) ~~A systemwide strategic plan for postsecondary institutions that considers the role, in their respective communities, of each of the institutions.~~

(d) ~~Methodologies for degree program approval, establishment of matriculation and tuition fees, and coordination of colleges' and universities' budget requests.~~

(e) ~~Any additional statutory changes needed during the 2002 legislative session to complete the education governance reorganization transition.~~

(6) ~~By March 1, 2003, the transition task force shall recommend to the Legislature:~~

(a) ~~Statutory changes necessary to accomplish the policies and guiding principles of s. 229.002, including, but not limited to, statutory changes necessitated by the repeal and review provisions of subsection 3(8) of this act.~~

(b) ~~Rulemaking authority for the new Florida Board of Education and a plan and timetable for transition or coordination of existing education sector agency rules and rulemaking authority recommendations, if any, for education agencies.~~

(c) ~~Waiver authority, if any, for the Commissioner of Education or the Florida Board of Education.~~

(5)(7) ~~By March May 1, 2003, the transition task force shall have completed its duties and shall make its final report to the Governor, the Florida Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of each chamber. The final report shall include, but is not limited to:~~

(a) ~~A summary of the work and recommendations of the task force and the status of full implementation of the K-20 education system.~~

(b) ~~The status of all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments and private entities.~~

(c) ~~Identification of any remaining or potential duplication in the administration of state education laws and rules, with specific recommendations to eliminate such duplication and promote more efficient administration.~~

Section 8. Section 229.0061, Florida Statutes, is created to read:

229.0061 Florida's K-20 education system; guidelines for implementation; guidelines for structure, functions, and organization.—

(1) GUIDELINES FOR IMPLEMENTATION.—

(a) *Florida's seamless K-20 education system shall be a decentralized system in which as many commissions, boards, councils, and other excess layers of bureaucracy as possible are eliminated.*

(b) *Florida's K-20 education system shall rely on a single entity, the Florida Board of Education, as its single strategic voice. If the board desires assistance on matters of policy research or other issues, the board shall be authorized to appoint on an ad hoc basis a committee or committees to assist it on any and all issues within the K-20 education system.*

(c) *Members of the Florida Board of Education shall focus on high-level policy decisions.*

(d) *It is essential to the success of Florida's seamless K-20 education system to have a fully operational systemwide technology plan based on a common set of data definitions.*

(2) GUIDELINES FOR STRUCTURE, FUNCTIONS, AND ORGANIZATION.—

(a) *Roles of the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards.—The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources. The Florida Board of Education shall enforce all laws, rules, and guidelines and shall timely provide direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results. In terms of major areas of responsibility, the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards shall each perform essential constituent roles.*

(b) *Florida Board of Education.—The Florida Board of Education shall serve as the body corporate for Florida's seamless K-20 education system; implement the coordinated education vision; and, together with the Secretary of the Florida Board of Education, the commissioner, the chancellors, and the executive director, oversee the success of that vision. The Florida Board of Education shall:*

1. *Enforce systemwide education policies and goals.*
2. *Recommend annually the coordinated education budget and authorize the allocation of resources in accordance with law and rule. Any program recommended by the Florida Board of Education which requires state funding for more than 1 year must be presented in a multiyear budget plan.*
3. *Adopt long-term and short-term education plans, including a coordinated 5-year plan for postsecondary enrollment which the board shall submit annually to the Legislature and shall review periodically for adjustment.*
4. *Adopt university plans designed to achieve continued student diversity in undergraduate, graduate, and professional programs.*
5. *Enforce education accountability standards and measures of all components of the K-20 education system.*
6. *Accurately and continuously assess data and monitor and report performance.*
7. *Provide high-quality assistance and intervention when and where needed.*
8. *Provide timely and accurate information on all public and independent education services.*
9. *Recommend to the Legislature the missions of the public colleges and universities and community colleges.*

(c) *Commissioner of Education.—The Commissioner of Education shall serve as chief executive officer of the seamless K-20 education system. The commissioner shall propose action on all issues that the Florida*

Board of Education brings before the State Board of Education and shall be responsible for enforcing compliance with the mission and goals of the seamless K-20 education system by all education delivery sectors. The commissioner's office shall operate all statewide functions necessary to support the Florida Board of Education and the seamless K-20 education system, including the following areas:

1. *Legal.*
2. *Communications, including a Citizen Information Center that provides quick response and uses customer-friendly methods.*
3. *Strategic planning and budget development.*
4. *General administration.*
5. *Assessment and accountability.*
6. *Data management, education technology, and an education data warehouse.*
7. *Access and opportunity.*
8. *Policy research and development, except the Council for Education Policy Research and Improvement.*
9. *Florida Board of Education personnel.*
10. *Workforce and economic development.*
11. *Educational facilities.*
12. *Technology and information services.*
13. *Student financial assistance.*
14. *Inspector General.*

(d) *Chancellors and executive director.—The Chancellor of Public Schools, the Chancellor of Community Colleges, the Chancellor of Colleges and Universities, and the Executive Director of Independent Education shall serve the Florida Board of Education, the Secretary of the Florida Board of Education, and the Commissioner of Education in the role of division vice presidents of the K-20 education system and as governance officers and critical members of the state-level education leadership team. They shall each be held responsible for providing leadership, administering programs, resolving disputes, providing technical assistance, and timely recommending action plans to the commissioner for sanctions or intervention when needed, as well as making recommendations to the board, the secretary, and the commissioner for strategic planning and budget development for their respective education delivery sectors. They shall support the governing policies and responsibilities of the board, the secretary, and the commissioner and bear primary responsibility for the achievement of the mission and goals of the K-20 education system by their education delivery sectors, as applicable to their sectors. They shall reinforce the policies and principles of the seamless K-20 education system in every venue and at every opportunity, and work together to facilitate horizontal communications and interactions between the education delivery sectors. Specifically, as applicable, each education governance officer shall:*

1. *Serve as the head of the division.*
2. *Supervise all employees and work of the division.*
3. *Properly and timely inform education institutions and the public as to legislative action, including funding, grant opportunities, and substantive policy changes affecting the division.*
4. *Direct the review of expenditures of public funds in accordance with legislative intent.*
5. *Evaluate the performance of each education institution under the division and report performance results to the public, the Legislature, the Commissioner of Education, the Florida Board of Education, and the institution and its governing board.*
6. *Direct institutional governing boards to take corrective action to improve unsatisfactory performance pursuant to law and rules of the Florida Board of Education.*

7. Direct and oversee the development of the division's accountability system and recommend changes to the Commissioner of Education and the Florida Board of Education.

8. Direct the division's activities in order to coordinate with other divisions to provide a seamless education system.

9. Direct the provision of state services to institutions under the division.

10. Direct the development of the division's legislative budget request and work cooperatively with the commissioner and other governance officers to develop a coordinated budget request.

11. Serve as the primary point of contact and communication for the division.

(e) Institutional boards of trustees and school boards.—Each institutional board of trustees and school board shall:

1. Provide strategic planning and budget development for their institution or school district.

2. Implement and maintain high-quality education programs within law and rules of the Florida Board of Education.

3. Measure and enforce performance.

4. Provide timely and accurate reporting of information.

5. Provide direct input on education issues to the education governance officers.

6. Have broad latitude within law and rules of the Florida Board of Education in developing local policies and local programs to meet the needs of their students, their communities, and area employers.

7. Hold presidents and appointed superintendents responsible for institution and school performance.

8. Be responsible for the fiscal accountability of their institution or school district.

9. Be responsible for compliance with all laws, rules of the Florida Board of Education, and performance accountability requirements.

(f) Presidents and superintendents.—Each institutional president and school district superintendent shall:

1. Be responsible for efficient and effective budget and program administration.

2. Provide strong leadership to accomplish their education missions and goals.

3. Closely monitor education performance.

4. Provide timely and accurate financial and performance data.

5. Link instructional staff evaluations to student performance.

(g) Ad hoc advisory committees.—Advisory bodies shall be appointed on an ad hoc basis by the Florida Board of Education to serve the board, commissioner, and chancellors when and as needed by studying and recommending action on major issues that affect the direction and quality of education, providing public forums for debate, and safeguarding a coordinated systemwide approach to education policy decisions.

Section 9. Section 229.007, Florida Statutes, is created to read:

229.007 Florida's K-20 education performance accountability system; legislative intent; performance-based funding; mission, goals, and systemwide measures.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(a) The performance accountability system implemented to assess the effectiveness of Florida's seamless K-20 education delivery system provide answers to the following questions in relation to its mission and goals:

1. What is the public getting in return for funds it invests in education?

2. How is Florida's K-20 education system performing in terms of educating its students?

3. How are the major delivery sectors performing to promote student achievement?

4. How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

(b) The Florida Board of Education recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is getting in return for the funds it invests in education and how well the K-20 system educates its students.

(c) The Florida Board of Education establish performance measures and set performance standards for individual components of the public education system, including individual schools and postsecondary education institutions, which measures and standards are based primarily on student achievement.

(2) PERFORMANCE-BASED FUNDING.—The Florida Board of Education shall work with the chancellors and each delivery system to develop proposals for performance-based funding, using performance measures established by the Legislature. The proposals must provide that at least 10 percent of the state funds appropriated for the K-20 education system are conditional upon meeting or exceeding established performance standards. The Florida Board of Education must submit the recommendations to the Legislature in the following sequence:

(a) By December 1, 2002, recommendations for state universities, for consideration by the 2003 Legislature and implementation in the 2003-2004 fiscal year.

(b) By December 1, 2003, recommendations for public schools and workforce education, for consideration by the 2004 Legislature and implementation in the 2004-2005 fiscal year.

(c) By December 1, 2004, recommendations for community colleges, for consideration by the 2005 Legislature and implementation in the 2005-2006 fiscal year.

(d) By December 1, 2005, recommendations for all other programs that receive state funds within the Department of Education.

(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—The mission of Florida's K-20 education system, when it becomes fully operational, shall be to increase the proficiency of all students within one seamless, efficient system, by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward the following goals:

(a) Highest student achievement, as measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 229.57; graduation or completion rates at all learning levels; and other measures identified in law or rule.

(b) Seamless articulation and maximum access, as measured by: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and other measures identified in law or rule.

(c) Skilled workforce and economic development, as measured by: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community

members who find that Florida's graduates possess the skills they need; and other measures identified in law or rule.

(d) Quality efficient services, as measured by: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule.

Section 10. Section 229.0072, Florida Statutes, is created to read:

229.0072 *Reorganization implementation process.*—In order to best achieve the legislative purpose of the Florida Education Governance Reorganization Implementation Act:

(1) The Governor shall appoint the members of the boards of trustees of the state universities in accordance with s. 229.008.

(2) Effective July 1, 2001, the Governor shall appoint a seven-member Florida Board of Education and a Secretary of the Florida Board of Education. The Florida Board of Education shall be housed within, and operate under the direction of, the State Board of Education. The Secretary of the Florida Board of Education shall possess proven organizational leadership and knowledge of broad-based education policy. The secretary shall be confirmed by the Senate during the 2002 regular legislative session, but may perform all duties in the interim. The secretary shall serve as secretary to the board and as the board's primary liaison with all entities involved in the reorganization of education. The secretary shall be responsible directly to the Florida Board of Education and shall serve as staff to the board on all action items relating to the reorganization. During the reorganization implementation period, the secretary shall:

(a) Be responsible for proposing actions regarding all education governance reorganization implementation issues.

(b) Be responsible for integration of the Department of Education as it is reorganized into an agency of the Governor.

(c) Serve as the head of the Education Reorganization Workgroup.

(d) Serve as the head of the K-20 education leadership team.

(3) The Florida Board of Education shall establish a detailed procedure for the implementation of a systemwide K-20 technology plan which includes a month-by-month timeline with monthly progress reports to the board.

(4) Subject to review and approval of the State Board of Education, the Florida Board of Education shall:

(a) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. The rules shall be submitted to the State Board of Education. If any rule is not disapproved by the State Board of Education within 45 days after its receipt, the rule shall be filed immediately with the Department of State.

(b) Prepare and submit a coordinated K-20 education budget to the Governor and Legislature that clearly defines the individual needs of the divisions within the Department of Education. No school district shall use public funds to support activities of an employee organization. The Florida Board of Education shall adopt rules implementing this restriction on the use of public funds and shall not allow such use of public funds to be included in its recommended budget, except for collective bargaining negotiations.

(c) Establish a work plan and timeline for the orderly implementation of the transition, including a fully detailed plan and timeline for the devolution of duties, as appropriate, to the university boards of trustees.

(d) Establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(e) Supervise the coordination of institutions and delivery sectors.

(f) Establish policies for university and community college boards of trustees to follow in selecting presidents.

(g) Approve plans and reports, and take other necessary actions pertaining to the supervision of education.

(h) Effectuate the timely implementation of the seamless K-20 education system.

(i) Establish advisory boards on an ad hoc basis to provide the support needed to address issues such as public education facilities planning; student issues; instructional issues; distance learning and technology; academic quality, freedom, and responsibility; and research.

(j) Develop and review recommendations on issues of statewide importance, such as technology systems and facilities.

(k) Adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers; and provide for cooperative agreements between and within public and private education sectors.

(l) Advise the State Board of Education regarding the issuance of bonds.

(m) Develop, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

(n) Develop and recommend to the Education Governance Reorganization Transition Task Force, the Governor, the Secretary of the Florida Board of Education, the Commissioner of Education, and the Legislature, no later than January 1, 2002, for adoption during 2002, a clear, concise new School Code, comprised of the revision of chapters 228-246, to accomplish the implementation, administration, and operation of Florida's seamless K-20 education system in accordance with the guidelines included in s. 229.0061.

(o) Receive, review, and make decisions regarding charter school appeals, which decisions shall be binding.

(p) Serve as the successor for all collective bargaining agreements currently in effect with the Board of Regents.

(5) Effective July 1, 2001, the Commissioner of Education shall:

(a) Work with the Florida Board of Education and its secretary to achieve full implementation of the seamless K-20 education system.

(b) Commence reorganization of the Department of Education as a state agency of the Governor in accordance with legislative guidelines pursuant to s. 229.0073, the requirements of s. 229.003(5), and requests of the Florida Board of Education as approved by the State Board of Education.

(c) As Secretary of the State Board of Education, assist the Secretary of the Florida Board of Education in determining the agenda for the Florida Board of Education and provide the Florida Board of Education and the State Board of Education the full support of the reorganized Department of Education.

Section 11. Section 229.0073, Florida Statutes, is created to read:

229.0073 *Reorganization of the Department of Education.*—Effective July 1, 2001, notwithstanding the provisions of s. 20.15, the secretary's Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of Florida's K-20 Department of Education. The workgroup shall be comprised of the Secretary of the Florida Board of Education, the Commissioner of Education, the Governor or his designee, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, the Chancellor of Public Schools, and the Executive Director of Independent Education, who shall consult with the legislative members of the Education Governance Reorganization Transition Task Force. The reorganization shall:

(1) Eliminate duplication across divisions; achieve greater efficiencies in financial and human resources and education services; and identify functions, resources, and services that should be eliminated, transferred, or realigned.

(2) Include a review and assessment of all bureaus, offices, divisions, and functions of the department reorganized pursuant to this section.

(3) Establish an Office of the Commissioner of Education that includes the general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the Florida Board of Education.

(4) Establish the following divisions within the department:

(a) Division of Public Schools (K-12).—The state's public elementary, middle, junior high, and high schools, as well as combination schools, charter schools, district magnet programs, and area technical centers.

(b) Division of Community Colleges.—The state's 28 public community colleges.

(c) Division of Colleges and Universities.—The state's public universities and colleges and the 4-year independent colleges and universities whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, to enable more effective articulation between these public and private institutions. The division chancellor shall administer those provisions of chapter 246 that apply to the independent colleges and universities within the division and shall establish a liaison responsible for partnerships that enhance articulation between and communication with Florida's 4-year independent colleges and universities.

(d) Division of Independent Education.—The independent education providers within the state, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities, except those identified under paragraph (c), and private postsecondary career preparation and vocational training institutions.

1. The division shall be under an executive director and shall house a new commission, appointed by the Governor, to oversee licensing of independent postsecondary institutions, consumer protection, and program improvement. The commission shall have the powers and duties of the State Board of Independent Colleges and Universities specified in chapter 246, except the powers and duties relating to those institutions identified under paragraph (c), and of the State Board of Nonpublic Career Education.

2. The division shall serve as the advocate for and liaison to the independent education providers identified in this paragraph.

3. The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students.

4. The division shall afford students and parents educational options apart from the public K-20 system.

(5) Establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) Office of Technology and Information Services.—In conjunction with the Chancellor of Public Schools, the Chancellor of Community Colleges, and the Chancellor of Colleges and Universities, the office shall be responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual High School shall be administratively housed within the office.

(b) Office of Workforce and Economic Development.—The office shall evaluate the role of each sector of education in Florida's workforce and economic development, assess the specific work skills and variety of careers provided, and report to the Florida Board of Education the effectiveness of each sector.

(c) Office of Educational Facilities and SMART Schools Clearinghouse.—The office shall validate all educational plant surveys and verify

Florida Inventory of School Houses (FISH) data. The office shall provide technical assistance to public school districts when requested. The office, staff, property, and functions of the SMART Schools Clearinghouse are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Management Services to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education.

(d) Office of Student Financial Assistance.—The office shall provide access to and administer state and federal grants, scholarships, and loans to those students seeking financial assistance for postsecondary study pursuant to program criteria and eligibility requirements.

(6) Establish a K-20 education leadership team, including, but not limited to, the Secretary of the Florida Board of Education and the education governance officers. The leadership team shall be responsible for systemwide horizontal and vertical communication, and assisting the achievement of the seamless K-20 education system.

Section 12. Section 229.0074, Florida Statutes, is created to read:

229.0074 Division of Independent Education.—

(1) The mission of the Division of Independent Education is to enhance the opportunity to raise the educational attainment levels of students pursuing their education in nongovernment settings by representing their interests, and those of the institutions that serve them, in the Department of Education. The Division of Independent Education has no authority over the institutions or students in Florida's independent education sector. The Commission for Independent Education, administratively housed within the division, shall have such authority as specified in chapter 246 relating to independent postsecondary education, except regarding those institutions described in s. 229.0073(4)(c). The division shall serve as the advocate for, and liaison to, independent education providers and institutions, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities except as otherwise provided in s. 229.0073(4)(c), and private postsecondary career preparation/vocational training institutions.

(2) The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students. The executive director shall:

(a) Learn the interests and concerns of the students and providers of independent education at all levels in order to strongly represent them in the Department of Education.

(b) Articulate the interests and concerns of the students and providers of independent education at all levels in all relevant government settings, accurately reflecting the consensus or differences in opinion among those represented.

(c) Participate with the other division heads in key education decisionmaking processes.

(d) Monitor and participate in rulemaking and other activities relevant to the interests of the independent education sector.

(e) Serve as a key spokesperson for the independent education sector.

(f) Advocate for any necessary educational services and funds for independent education sector families and schools.

(g) Establish a clearinghouse of information.

(h) Foster a collaborative spirit and working relationship among the institutions of the private and public sectors.

(i) Identify and convey the best practices of the independent education sector for the benefit of the other education delivery sectors, and vice versa.

(j) Augment, where appropriate, the efforts of groups representing the students and providers of independent education to communicate their concerns to government.

(k) Facilitate the administration of education services provided by the Department of Education to the independent education sector, such as those relating to teacher certification and background checks.

(l) Encourage student-centered funding and the expansion of family choice in education.

(m) Develop and propose courses of action to the representatives of the independent education sector.

(n) Communicate relevant decisions to the independent education sector.

(o) Establish and oversee the division staff necessary to carry out the division's functions in the most economical and effective manner.

(p) Evaluate pending policies to ensure they do not place additional regulation or mandates on the independent education community.

(3) The powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, shall be combined and transferred to a single board named the Commission for Independent Education, which shall be administratively housed within the division. This single board shall authorize granting of certificates, diplomas, and degrees for independent postsecondary education institutions through exemption, registration, authorization, and licensing.

(4) The Commission for Independent Education shall consist of six citizens who are residents of this state. The commission shall function in matters relating to independent postsecondary education institutions in consumer protection, program improvement, registration, authorization, licensure, and certificate of exemption from licensure for institutions under its purview, in keeping with the stated goals of the seamless K-20 education system. The commission shall appoint an executive director to serve as secretary of the commission and shall elect a chair and other officers as needed from among its membership. Members of the commission shall be appointed by the Governor and confirmed by the Senate. The commission shall be composed of six members, as follows:

(a) One member from an independent college or university that enrolls students who receive state or federal financial aid.

(b) One member from an independent college or university that does not enroll students who receive state or federal financial aid excluding veteran's benefits.

(c) One member from an independent nondegree granting school that enrolls students who receive state or federal financial aid.

(d) One member from a public school district or community college who is an administrator of vocational-technical education.

(e) Two lay members who are not affiliated with an independent postsecondary education institution.

(5) The establishment of the Division of Independent Education shall not be construed to advance the extension or expansion of government regulation of independent or home education programs and nothing contained in this act shall authorize the state or any school district to further regulate, control, or interfere with the autonomy of independent K-12 schools or home education programs, or their governance, curriculum, accreditation, testing, or other practices.

Section 13. Section 229.008, Florida Statutes, is created to read:

229.008 Boards of trustees of the state universities.—

(1)(a) Effective July 1, 2001, and no later than November 1, 2001, the Governor shall appoint a 13-member board of trustees for each university in the State University System, each member to be confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, a student body president shall serve as a voting member of his or her university board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

(b) The Governor may remove a trustee upon the recommendation of the Florida Board of Education, or for cause.

(2) Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, including a corporate seal, the power to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board or, in the absence of the chair, on the corporate secretary or designee.

(3) Boards of trustees' members shall be appointed for staggered 4-year terms, and may be reappointed for additional terms not to exceed 8 years of service.

(4) Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reelected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board, calling special meetings of the board, attesting to actions of the board, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal. The duty of the vice chair is to act as chair during the absence or disability of the chair.

(5) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board for all operations of the university and for setting the agenda for meetings of the board in consultation with the chair.

(6) Upon appointment, each board of trustees shall commence professional orientation, training, and board development activities, and shall begin setting direction for its university in keeping with accountability and performance expectations of the seamless K-20 education system. Each board of trustees shall submit to the Florida Board of Education action plans and timelines for devolution of duties and responsibilities to the board of trustees.

(7) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law and rules of the Florida Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(8) Whenever any civil action has been brought against any member of a university board of trustees or employee for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the university board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. Claims based on such actions or omissions may, in the discretion of the university board of trustees, be settled prior to or after the filing of suit thereon. The board of trustees may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.

(9) University boards of trustees shall be "corporations primarily acting as instrumentalities or agencies of the state," pursuant to s. 768.28(2), for purposes of sovereign immunity.

Section 14. Section 229.0081, Florida Statutes, is created to read:

229.0081 Powers and duties of university boards of trustees.—

(1) Notwithstanding the provisions of chapter 240, each university board of trustees is vested with the authority to govern and set policy for its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the Florida Board of Education. Each board of trustees shall perform all duties assigned by law or by rule of the Florida Board of Education or the Commissioner of Education.

(2) Notwithstanding the provisions of chapter 240, each university board of trustees may adopt rules and policies consistent with the university mission, with law, and with rule of the Florida Board of Education, including rules and policies for the following:

(a) Selecting the president to serve at the pleasure of the board and perform such duties as are assigned by the board or otherwise provided by law or by rule.

(b) Fixing the compensation and other conditions of employment of the president.

(c) Conducting periodic evaluations of the president, submitting such evaluations to the Chancellor for review, and suspending or removing the president in accordance with guidelines established by the Chancellor.

(d) Appointing a presidential search committee to make recommendations to the full board of trustees, from which the board shall select a candidate for reference to the Chancellor and ratification by the Florida Board of Education.

(e) In consultation with the university president, defining and developing a strategic plan for the university for recommendation to the Chancellor, the Commissioner of Education, and the Florida Board of Education, as provided by law, specifying institutional goals and objectives.

(f) In consultation with the university president, providing for academic freedom and academic responsibility at the university.

(g) In consultation with the university president, submitting an institutional budget request, including a request for fixed capital outlay, to the Chancellor in accordance with guidelines established by the Florida Board of Education.

(h) Approving new, and terminating existing, undergraduate and graduate degree programs up to and including the master's degree level, based on criteria established by the Florida Board of Education.

(i) Purchasing, acquiring, receiving, holding, owning, managing, leasing, selling, disposing of, and conveying title to real property, in accordance with rules and guidelines of the Florida Board of Education.

(j) Entering into agreements for and accepting credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees.

(k) Establishing codes of conduct and appropriate penalties for violations of university rules by students and student organizations, including rules governing student academic honesty.

(l) Establishing a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.

(m) Administering the personnel program for all employees of the university in accordance with law and with rules and guidelines of the Florida Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, recognition, inventions and works, travel, learning opportunities, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment.

(n) Establishing and maintaining a personnel exchange program.

(o) Governing admission of students subject to the rules of the Florida Board of Education.

(p) Considering the past actions of any person applying for admission, enrollment, or employment, and establishing policies to deny admission, enrollment, or employment to an applicant because of misconduct if determined to be in the best interest of the university.

(q) Ensuring compliance with federal laws, regulations, and requirements.

(r) Using, maintaining, protecting, and controlling university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, human subjects, animals, and sound.

(s) Providing and coordinating policies relating to credit and non-credit educational offerings by the university.

(t) Administering a procurement program for the purchase, lease, or acquisition in any manner (including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased) of goods, materials, equipment, and services required by the university.

(u) Supervising faculty practice plans for the academic health science centers.

(v) Prescribing conditions for university health services support organizations to be certified and to use university property and services.

(w) Prescribing conditions, which include audit review and oversight by the board of trustees, for university direct-support organizations to use university property and services.

(3) Each board of trustees shall actively implement a plan, in accordance with guidelines of the Florida Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.

(4) Notwithstanding the provisions of s. 216.351, a state university board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.

(5) Effective July 1, 2002, within proviso in the General Appropriations Act and law, each board of trustees shall set university tuition and fees. The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the matriculation fee established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities that are not required as a part of registration for courses.

(6) Effective July 1, 2002, each board of trustees shall implement the university facilities plan in accordance with law and guidelines of the Commissioner of Education's Office of Educational Facilities and SMART Schools Clearinghouse.

(7) A board of trustees shall perform such other duties as are provided by law or rule of the Florida Board of Education.

Section 15. Section 229.0082, Florida Statutes, is created to read:

229.0082 University presidents; powers and duties.—The president is the chief executive officer of the university, shall be corporate secretary of the state university board of trustees, and is responsible for the operation and administration of the university. Each university president shall:

(1) Recommend the adoption of rules, as appropriate, to the state university board of trustees to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with the mission of the university and the rules and policies of the Florida Board of Education.

(2) Prepare a budget request and an operating budget for approval by the university board of trustees.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the Florida Board of Education and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the Florida Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for the acquisition of commodities, goods,

equipment, services, leases of real and personal property, and planning and construction to be rendered to or by the university, provided such contracts are within law and guidelines of the Florida Board of Education and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university.

(6) Act for the university board of trustees as custodian of all university property. The authority vested in the university president under this subsection includes the authority to prioritize the use of university space, property, equipment, and resources and the authority to impose charges for the use of those items.

(7) Establish the internal academic calendar of the university within general guidelines of the Florida Board of Education.

(8) Administer the university's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the university.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the Florida Board of Education.

(12) Organize the university to efficiently and effectively achieve the goals of the university.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the Florida Board of Education.

(14) Enter into agreements for student exchange programs which involve students at the university and students in other institutions of higher learning.

(15) Approve the internal procedures of student government organizations and provide purchasing, contracting, and budgetary review processes for these organizations.

(16) Ensure compliance with federal and state laws, regulations, and other requirements that are applicable to the university.

(17) Maintain all data and information pertaining to the operation of the university, and report on the attainment by the university of institutional and statewide performance accountability goals.

(18) Adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the university board of trustees. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

Section 16. Effective July 1, 2001, the Florida Partnership for School Readiness is transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, from the Executive Office of the Governor to the Agency for Workforce Innovation.

Section 17. Effective July 1, 2001, the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program, including but not limited to statewide staff as referenced in the interagency agreement between the Department of Children and Family Services and the Florida Partnership for School Readiness signed on March 15, 2001, are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

Section 18. Effective July 1, 2001, the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including but not limited to statewide staff as referenced in the interagency agreement between the Department of Education and the Florida Partnership for School Readiness, are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

Section 19. For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency for Workforce Innovation is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.

Section 20. Section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(1) SHORT TITLE.—This section may be cited as the "School Readiness Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmentally appropriate, research-based, involve parents as their child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated and funding integrated to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to carry out the duties of the Florida Partnership for School Readiness, as the school readiness programs are to be locally designed, operated, and managed, with the Florida Partnership for School Readiness adopting a system for measuring school readiness; developing school readiness program performance standards, outcome measurements, and data design and review; and approving and reviewing local school readiness coalitions and plans.

(e) It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.

(f) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state's birth-to-kindergarten population.

(g) It is the intent of the Legislature that the federal child care income tax credit be preserved for school readiness programs.

(h) It is the intent of the Legislature that school readiness services shall be an integrated and seamless system of services with a developmentally appropriate education component for the state's eligible birth-to-kindergarten population described in subsection (6) and shall not be construed as part of the seamless K-20 education system except for the administration of the uniform screening system upon entry into kindergarten.

(3) SCHOOL READINESS PROGRAM.—

(a) The school readiness program shall be phased in on a coalition-by-coalition basis. Each coalition's school readiness program shall have available to it funding from all the coalition's early education and child care programs that are funded with state, federal, lottery, or local funds, including but not limited to Florida First Start programs, Even-Start

literacy programs, prekindergarten early intervention programs, Head Start programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title I programs, subsidized child care programs, and teen parent programs, together with any additional funds appropriated or obtained for purposes of this section. These programs and their funding streams shall be components of the coalition's integrated school readiness program, with the goal of preparing children for success in school.

(b) *Nothing contained in this act is intended to:*

1. *Relieve parents and guardians of their own obligations to ready their children for school; or*
2. *Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.*

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—

(a) ~~There is created~~ The Florida Partnership for School Readiness ~~was created to fulfill three major purposes: to administer school readiness program services that help parents prepare eligible children for school; to coordinate the provision of school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient; and to establish a uniform screening instrument to be implemented by the Department of Education and administered by the school districts upon entry into kindergarten to assess the readiness for school of all children. Readiness for kindergarten is the outcome measure of the success of each school readiness program that receives state or federal funds. with responsibility for adopting and maintaining coordinated programmatic, administrative, and fiscal policies and standards for all school readiness programs, while allowing a wide range of programmatic flexibility and differentiation. The partnership is assigned to the Agency for Workforce Innovation Executive Office of the Governor for administrative purposes.~~

(b) *The Florida Partnership for School Readiness shall:*

1. *Coordinate the birth-to-kindergarten services for children who are eligible pursuant to subsection (6) and the programmatic, administrative, and fiscal standards pursuant to this section for all public providers of school readiness programs.*
2. *Continue to provide unified leadership for school readiness through local school readiness coalitions.*
3. *Focus on improving the educational quality of all publicly funded school readiness programs.*

(c)(b)1. The Florida Partnership for School Readiness shall include the Lieutenant Governor, the Commissioner of Education, the Secretary of Children and Family Services, and the Secretary of Health, or their designees, and the chair of the Child Care Executive Partnership Board, and the chairperson of the Board of Directors of Workforce Florida, Inc. When the Lieutenant Governor or an agency head appoints a designee, the designee must be an individual who attends consistently, and, in the event that the Lieutenant Governor or agency head and his or her designee both attend a meeting, only one of them may vote.

2. The partnership shall also include 14 10 members of the public who shall be business, community, and civic leaders in the state who are not elected to public office. These members and their families must not have a direct contract with any local coalition to provide school readiness services ~~be providers in the early education and child care industry.~~ The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor. ~~Eight of the members shall be appointed from a list of 10 nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. By July 1, 2001, four members shall be appointed as follows: two members shall be from the child care industry, one representing the private for-profit sector appointed by the Governor from a list of two nominees submitted by the President of the Senate and one representing faith-based providers appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives; and two members shall be from the business community, one appointed by the Governor from a list of two nominees submitted by the President of the Senate and one appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives. Members shall be appointed to 4-year terms~~

of office. ~~However, of the initial appointees, two shall be appointed to 1-year terms, two shall be appointed to 2-year terms, three shall be appointed to 3-year terms, and three shall be appointed to 4-year terms.~~ The members of the partnership shall elect a chairperson annually from the nongovernmental members of the partnership. Any vacancy on the partnership shall be filled in the same manner as the original appointment.

(d)(e) The partnership shall meet at least quarterly but may meet as often as it deems necessary to carry out its duties and responsibilities. Members of the partnership shall participate without proxy at the quarterly meetings. The partnership may take official action by a majority vote of the members present at any meeting at which a quorum is present. ~~The partnership shall hold its first meeting by October 1, 1999.~~

(e)(d) Members of the partnership are subject to the ethics provisions in part III of chapter 112, and no member may derive any financial benefit from the funds administered by the Florida Partnership for School Readiness.

(f)(e) Members of the partnership shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061, and reimbursement for other reasonable, necessary, and actual expenses.

(g)(f) For the purposes of tort liability, the members of the partnership and its employees shall be governed by s. 768.28.

(h)(g) The partnership shall appoint an executive director *who shall* to serve at the pleasure of the Governor. ~~The executive director who~~ shall perform the duties assigned to him or her by the partnership. The executive director shall be responsible for hiring, subject to the approval of the partnership, all employees and staff members, who shall serve under his or her direction and control.

(i)(h) For purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, the partnership may be designated by the Governor as the lead agency, and if so designated shall comply with the lead agency responsibilities pursuant to federal law.

(j)(i) The Florida Partnership for School Readiness is the principal organization responsible for the enhancement of school readiness for the state's children, and shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.
2. Provide final approval and periodic review of coalitions and plans.
3. Provide leadership for enhancement of school readiness in this state by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the partnership may develop and implement specific strategies that address the state's school readiness programs.
4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the state's children.
5. Provide technical assistance to coalitions.
6. Assess gaps in service.
7. Provide technical assistance to counties that form a multicounty coalition.
- 8.a. ~~By July 1, 2000,~~ Adopt a system for measuring school readiness that provides objective data regarding the expectations for school readiness, and establish a method for collecting the data and guidelines for using the data. The measurement, the data collection, and the use of the data must serve the statewide school readiness goal. The criteria for determining which data to collect should be the usefulness of the data to state policymakers and local program administrators in administering programs and allocating state funds, and must include the tracking of school readiness system information back to individual school readiness programs to assist in determining program effectiveness.

b. ~~By December 31, 2000,~~ the partnership shall also Adopt a system for evaluating the performance of students through the third grade to

compare the performance of those who participated in school readiness programs with the performance of students who did not participate in school readiness programs in order to identify strategies for continued successful student performance.

9. ~~By June 1, 2000,~~ Develop and adopt performance standards and outcome measures.

~~10. In consultation with the Postsecondary Education Planning Commission and the Education Standards Commission, assess the expertise of public and private Florida postsecondary institutions in the areas of infant and toddler developmental research; the related curriculum of training, career, and academic programs; and the status of articulation among those programs. Based on this assessment, the partnership shall provide recommendations to the Governor and the Legislature for postsecondary program improvements to enhance school readiness initiatives.~~

~~(k)(j)~~ The partnership may adopt rules necessary to administer the provisions of this section which relate to preparing and implementing the system for school readiness, collecting data, approving local school readiness coalitions and plans, providing a method whereby a coalition can serve two or more counties, awarding incentives to coalitions, and issuing waivers.

~~(l)(k)~~ The Florida Partnership for School Readiness shall have all powers necessary to carry out the purposes of this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this section.

~~(l)~~ The Florida Partnership for School Readiness shall be an independent, nonpartisan body and shall not be identified or affiliated with any one agency, program, or group.

(m) The Florida Partnership for School Readiness shall have a budget, shall be financed through an annual appropriation made for this purpose in the General Appropriations Act, and shall be subject to compliance audits and annual financial audits by the Auditor General.

(n) The partnership shall coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the *Florida State* Board of Education, and the Legislature.

(o) ~~By July 1, 2000,~~ The partnership shall prepare and submit to the *Florida State* Board of Education a system for measuring school readiness. The system must include a uniform screening, which shall provide objective data regarding the following expectations for school readiness which shall include, at a minimum:

1. The child's immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.
2. The child's physical development.
3. The child's compliance with rules, limitations, and routines.
4. The child's ability to perform tasks.
5. The child's interactions with adults.
6. The child's interactions with peers.
7. The child's ability to cope with challenges.
8. The child's self-help skills.
9. The child's ability to express his or her needs.
10. The child's verbal communication skills.
11. The child's problem-solving skills.
12. The child's following of verbal directions.
13. The child's demonstration of curiosity, persistence, and exploratory behavior.

14. The child's interest in books and other printed materials.

15. The child's paying attention to stories.

16. The child's participation in art and music activities.

17. The child's ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

(p) The partnership shall prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state will undergo the uniform screening established by the partnership when they enter kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening approved by the partnership for use in first grade. Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.

~~(q)~~ The partnership shall recommend to the Governor, the Commissioner of Education, and the State Board of Education rules, and revisions or repeal of rules, which would increase the effectiveness of programs that prepare children for school.

~~(q)(r)~~ The partnership shall conduct studies and planning activities related to the overall improvement and effectiveness of school readiness measures.

~~(s)~~ ~~By February 1, 2000,~~ the partnership shall work with the Office of the Comptroller for electronic funds transfer.

~~(t)~~ ~~By February 1, 2000,~~ the partnership shall present to the Legislature a plan for combining funding streams for school readiness programs into a School Readiness Trust Fund.

~~(r)(u)~~ The partnership shall establish procedures for performance-based budgeting in school readiness programs.

~~(s)(v)~~ The partnership shall submit an annual report of its activities to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the partnership's reports and recommendations shall be made available to the *Florida State* Board of Education, other appropriate state agencies and entities, district school boards, central agencies for child care, and county health departments. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs and the number of children who were ready for school.

~~(t)(w)~~ The partnership shall work with school readiness coalitions to increase parents' training for and involvement in their children's preschool education and to provide family literacy activities and programs.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(5) CREATION OF SCHOOL READINESS COALITIONS.—

(a) School readiness coalitions.—

1. If a coalition's plan would serve less than 400 birth-to-kindergarten age children, the coalition must either join with another county to form a multicounty coalition, enter an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the partnership its ability to effectively and efficiently implement its plan as a single-county coalition and meet all required performance standards and outcome measures.

2. Each coalition shall have at least 18 but not more than 25 members and such members must include the following:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.
- c. A regional workforce development board chair or director, where applicable.
- d. A county health department director or his or her designee.
- e. A children's services council or juvenile welfare board chair or executive director, if applicable.
- f. A child care licensing agency head.
- g. One member appointed by a Department of Children and Family Services district administrator.
- h. One member appointed by a board of county commissioners.
- i. One member appointed by a district school board.
- j. A central child care agency administrator.
- k. A Head Start director.
- l. A representative of private child care providers.
- m. A representative of faith-based child care providers.

More than one-third of the coalition members must be from the private sector, and neither they nor their families may earn an income from the early education and child care industry. To meet this requirement a coalition must appoint additional members from a list of nominees presented to the coalition by a chamber of commerce or economic development council within the geographic area of the coalition.

3. No member of a coalition may appoint a designee to act in his or her place. A member may send a representative to coalition meetings, but that representative will have no voting privileges. When a district superintendent of schools or a district administrator for the Department of Children and Family Services appoints a designee to a school readiness coalition, the designee will be the voting member of the coalition, and any individual attending in his or her place, including the district administrator or superintendent, will have no voting privileges.

~~4. The school readiness coalition shall replace the district interagency coordinating council required under s. 230.2305.~~

4.5. Members of the coalition are subject to the ethics provisions in part III of chapter 112.

5.6. For the purposes of tort liability, the members of the school readiness coalition and its employees shall be governed by s. 768.28.

6.7. Multicounty coalitions shall include representation from each county.

7.8. The terms of all appointed members of the coalition must be staggered. Appointed members may serve a maximum of two terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(b) Program participation.—The school readiness program shall be established for children from birth to 5 years of age or until the child enters kindergarten. The program shall be administered by the school readiness coalition. Within funding limitations, the school readiness coalition, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

a. The program must prepare preschool children to enter kindergarten ready to learn, as measured by criteria established by the Florida Partnership for School Readiness.

b. The program must provide extended-day and extended-year services to the maximum extent possible to meet the needs of parents who work.

c. There must be coordinated staff development and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list.

f. As long as funding or eligible populations do not decrease, the program must serve at least as many children as were served prior to implementation of the program.

g. There must be a community plan to address the needs of all eligible children.

h. The program must meet all state licensing guidelines, where applicable.

2. The school readiness coalition must implement a comprehensive program of readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures specified by the partnership. At a minimum, these programs must contain the following elements:

a. Developmentally appropriate curriculum.

b. A character development program to develop basic values.

c. An age-appropriate assessment of each child's development.

d. A pretest administered to children when they enter a program and a posttest administered to children when they leave the program.

e. An appropriate staff-to-child ratio.

f. A healthful and safe environment.

g. A resource and referral network to assist parents in making an informed choice.

(d) Implementation.—

1. The school readiness program is to be phased in. Until the coalition implements its plan, the county shall continue to receive the services identified in subsection (3) through the various agencies that would be responsible for delivering those services under current law. Plan implementation is subject to approval of the coalition and the plan by the Florida Partnership for School Readiness.

2. Each school readiness coalition shall develop a plan for implementing the school readiness program to meet the requirements of this section and the performance standards and outcome measures established by the partnership. The plan must include a written description of the role of the program in the coalition's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve the prekindergarten early intervention programs, Head Start Programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs. The plan must also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded school readiness program receives scheduled activities and instruction designed to prepare children to enter kindergarten ready to learn. Prior to implementation of the program, the school readiness coalition must submit the plan to the partnership for approval. The partnership may approve the plan, reject the plan, or approve the plan with conditions. *The Florida Partnership for School Readiness shall review coalition plans at least annually.* ~~plan shall be reviewed, revised, and approved biennially.~~

3. The plan for the school readiness program must include the following minimum standards and provisions:

a. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers, to be implemented and reflected in each program's budget.

b. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

c. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the *partnership* ~~respective program provider~~. The plan must provide a method for assuring the qualifications of all personnel in all program settings.

d. Specific eligibility priorities for children within the coalition's county pursuant to subsection (6).

e. Performance standards and outcome measures established by the partnership or alternatively, standards and outcome measures to be used until such time as the partnership adopts such standards and outcome measures.

f. Reimbursement rates that have been developed by the coalition. *Reimbursement rates shall not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature.*

g. Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement.

h. Direct enhancement services to families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs.

i. A business plan, which must include the contract with a school readiness agent if the coalition is not a legally established corporate entity. Coalitions may contract with other coalitions to achieve efficiency in multiple-county services, and such contracts may be part of the coalition's business plan.

j. Strategies to meet the needs of unique populations, such as migrant workers.

As part of the plan, the coalition may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If any school readiness plan can demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the partnership may be made as part of the plan. Upon review, the partnership may grant the proposed modification.

4. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

5. The coalition may not implement its plan until it submits the plan to and receives approval from the partnership. Once the plan has been approved, the plan and the services provided under the plan shall be controlled by the coalition rather than by the state agencies or departments. The plan shall be reviewed and revised as necessary, but at least biennially.

6. The following statutes will not apply to local coalitions with approved plans: ss. 125.901(2)(a)3., ~~228.061(1) and (2)~~, 230.2306, 411.221, ~~411.222~~, and 411.232. To facilitate innovative practices and to allow local establishment of school readiness programs, a school readiness coalition may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. ~~230.2303~~, ~~230.2305~~, 230.23166, ~~402.3015~~, 411.223, and 411.232, if the waiver is necessary for implementation of the coalition's school readiness plan.

7. Two or more counties may join for the purpose of planning and implementing a school readiness program.

8. A coalition may, subject to approval of the partnership as part of the coalition's plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program and be the provider of the program services.

9. Coalitions are authorized to enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

(e) Requests for proposals; payment schedule.—

1. At least once every 3 years, beginning July 1, 2001, each coalition must follow the competitive procurement requirements of s. 287.057 for school readiness programs.

2. Each coalition shall develop a payment schedule that encompasses all programs funded by that coalition. The payment schedule must take into consideration the relevant market rate, must include the projected number of children to be served, and must be submitted to the partnership for information. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for family childcare.

(f) Requirements relating to fiscal agents.—If the local coalition is not a legally established corporate entity, the coalition must designate a fiscal agent, which may be a public entity or a private nonprofit organization. The fiscal agent shall be required to provide financial and administrative services pursuant to a contract or agreement with the school readiness coalition. The fiscal agent may not provide direct early education or child care services; however, a fiscal agent may provide such services upon written request of the coalition to the partnership and upon the approval of such request by the partnership. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the school readiness coalition. If the fiscal agent is a provider of early education and care programs, the contract must specify that the fiscal agent will act on policy direction from the coalition and will not receive policy direction from its own corporate board regarding disbursement of coalition funds. The fiscal agent shall disburse funds in accordance with the approved coalition school readiness plan and based on billing and disbursement procedures approved by the partnership. The fiscal agent must conform to all data-reporting requirements established by the partnership.

~~(g) Coalition initiation grants; incentive bonuses.—~~

~~1.—School readiness coalitions that are approved by the Florida Partnership for School Readiness by January 1, 2000, shall be eligible for a \$50,000 initiation grant to support the school readiness coalition in developing its school readiness plan.~~

~~2.—School readiness coalitions that are approved by the Florida Partnership for School Readiness by March 1, 2000, shall be eligible for a \$25,000 initiation grant to support the school readiness coalition in developing its school readiness plan.~~

~~3.—School readiness coalitions that have their plans approved by July 1, 2000, shall receive funding from the Florida Partnership for School Readiness in fiscal year 2000-2001, and each year thereafter.~~

~~4.—Upon approval by the Florida Partnership for School Readiness of any coalition's plan that clearly shows enhancement in the quality and standards of the school readiness program without diminishing the number of children served in the program, the partnership shall award the coalition an incentive bonus, subject to appropriation.~~

~~5.—In fiscal year 2000-2001, and each year thereafter, any increases in funding for school readiness programs shall be administered through school readiness coalitions.~~

~~6.—In fiscal year 2001-2002, the Florida Partnership for School Readiness shall request proposals from government agencies and nonprofit corporations for the development and operation of a school readiness coalition in each county that does not have an approved coalition by March 1, 2001.~~

~~(g)(h) Evaluation and annual report.—Each school readiness coalition shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the Florida Partnership for School Readiness. This report must conform to the content and format specifications set by the Florida Partnership for School Readiness. The partnership must include an analysis of the coalition reports in its annual report.~~

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Family Safety Program Office of the Department of Children and Family Services.

2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.

3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

(b) Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.

(c) Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

(d) Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

An "economically disadvantaged" child means a child whose family income is below 150 percent of the federal poverty level. Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

(7) PARENTAL CHOICE.—

(a) The school readiness program shall provide parental choice pursuant to a purchase service order that ensures, to the maximum extent possible, flexibility in school readiness programs and payment arrangements. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement. The purchase order must bear the name of the beneficiary and the program provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider.

(b) If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the coalition or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.

(c) The Office of the Comptroller shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. School readiness coalitions shall fully implement the electronic funds transfer system within 2 years after plan approval unless a waiver is obtained from the partnership.

(8) STANDARDS; OUTCOME MEASURES.—All publicly funded school readiness programs shall be required to meet the performance standards and outcome measures developed and approved by the partnership. The Office of Program Policy Analysis and Government Accountability shall provide consultation to the partnership in the development of the measures and standards. These performance standards and outcome measures shall be adopted by June 1, 2000, and shall be applicable on a statewide basis.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early education and child care programs operating in this state.

(b) *Notwithstanding s. 20.50:*

1. *The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies pursuant to contract with the Florida Partnership for School Readiness and shall prepare and submit a unified budget request for the school readiness program in accordance with chapter 216.*

2. *All instructions to local school readiness coalitions shall emanate from the Agency for Workforce Innovation pursuant to policies of the Legislature, plans of the Florida Partnership for School Readiness, and*

the contract between the Florida Partnership for School Readiness and the agency.

(c) *The Agency for Workforce Innovation shall prepare a plan that provides for the distribution and expenditure of all state and federal school readiness funds for children participating in public or private school readiness programs based upon an equity and performance funding formula. The plan shall be submitted to the Governor and the Legislative Budget Commission. Upon approval, the Legislative Budget Commission shall authorize the transfer of funds to the Agency for Workforce Innovation for distribution in accordance with the provisions of the formula.*

(d)(b) All state funds budgeted for a county for the programs specified in subsection (3), along with the pro rata share of the state administrative costs of those programs in the amount as determined by the partnership, all federal funds and required local matching funds for a county for programs specified in subsection (3), and any additional funds appropriated or obtained for purposes of this section, shall be transferred for the benefit of the coalition for implementation of its plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the partnership shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the plan, but total administrative expenditures shall not exceed 5 percent unless specifically waived by the partnership. The partnership shall annually report to the Legislature any problems relating to administrative costs.

~~(e) By February 15, 2000, the partnership shall present to the Legislature recommendations for combining funding streams for school readiness programs into a School Readiness Trust Fund. These recommendations must include recommendations for the inclusion or noninclusion of prekindergarten disabilities programs and funding.~~

(e)(d) The partnership shall annually distribute all eligible funds as block grants to assist coalitions in integrating services and funding to develop a quality service delivery system. Subject to appropriation, the partnership may also provide financial awards to coalitions demonstrating success in merging and integrating funding streams to serve children and school readiness programs.

(f)(e) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. ~~By February 15, 2000,~~ The partnership shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

(g)(f) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund the local school readiness program.

(10) SCHOOL READINESS UNIFORM SCREENING.—*The Department of Education shall implement a school readiness uniform screening, including a pilot program during the 2001-2002 school year, to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking. Notwithstanding s. 228.093, the department shall provide the partnership and the Agency for Workforce Innovation with complete and full access to kindergarten uniform screening data at the student, school, district, and state levels in a format that will enable the partnership and the agency to prepare reports needed by state policymakers and local school readiness coalitions to access progress toward school readiness goals and provide input for continuous improvement of local school readiness services and programs.*

(11)(10) REPORTS.—The Office of Program Policy Analysis and Government Accountability shall assess the implementation, efficiency, and outcomes of the school readiness program and report its findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002. Subsequent reviews shall be conducted at the direction of the Joint Legislative Auditing Committee.

(12)(H) CONFLICTING PROVISIONS.—In the event of a conflict between the provisions of this section and federal requirements, the federal requirements shall control.

Section 21. *Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.*

Section 22. Effective January 1, 2002, paragraph (a) of subsection (6) and subsection (10) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, subsidized child care caseloads mandated by the Family Support Act of 1988.

~~2. In addition, the Social Services Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for subsidized child care as defined in s. 402.3015(1). These estimates and forecasts shall not include children enrolled in the prekindergarten early intervention program established in s. 230.2305.~~

~~3. The Department of Children and Family Services and the Department of Education shall provide information on caseloads and waiting lists for the subsidized child care and prekindergarten early intervention programs requested by the Social Services Estimating Conference or individual conference principals, in a timely manner.~~

2.4. The Social Services Estimating Conference shall develop information relating to the Florida Kidcare program, including, but not limited to, outreach impacts, enrollment, caseload, utilization, and expenditure information that the conference determines is needed to plan for and project future budgets and the drawdown of federal matching funds. The agencies required to collect and analyze Florida Kidcare program data under s. 409.8134 shall be participants in the Social Services Estimating Conference for purposes of developing information relating to the Florida Kidcare program.

(10) SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.—

(a) Duties.—

1. The School Readiness Program Estimating Conference shall develop ~~such~~ estimates and forecasts of the ~~unduplicated count of children number of individuals~~ eligible for school readiness programs in accordance with the standards of eligibility established in s. 411.01(6) ~~by state or federal statute or administrative rule~~ as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

~~2. In addition, the School Readiness Program Estimating Conference shall estimate the unduplicated count of children who are eligible for services under the school readiness program.~~

~~2.3.~~ The Florida Partnership for School Readiness shall provide information on needs and waiting lists for school readiness program services requested by the School Readiness Program Estimating Conference or individual conference principals in a timely manner.

(b) Principals.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Florida Partnership for School Readiness, the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the School Readiness Program Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

Section 23. Effective January 1, 2002, paragraph (a) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 School attendance.—

(1)(a)1. All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

2. Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules prescribed by the school board.

~~3. Children who will have attained the age of 3 years on or before September 1 of the school year are eligible for admission to prekindergarten early intervention programs during that school year as provided in s. 230.2305 or a preschool program as provided in s. 228.061.~~

Section 24. Effective January 1, 2002, paragraphs (b) and (c) of subsection (1) and subsection (4) of section 445.023, Florida Statutes, are amended to read:

445.023 Program for dependent care for families with children with special needs.—

(1) There is created the program for dependent care for families with children with special needs. This program is intended to provide assistance to families with children who meet the following requirements:

(b) The child or children are considered to be children with special needs as defined by the subsidized child care program authorized under s. 402.3015.

(c) The family meets the income guidelines established under s. 411.01(6) 402.3015. Financial eligibility for this program shall be based solely on the guidelines used for subsidized child care, notwithstanding any financial eligibility criteria to the contrary in s. 414.075, s. 414.085, or s. 414.095.

(4) In addition to school readiness ~~child care~~ services provided under s. 411.01 402.3015, dependent care may be provided for children age 13 years and older who are in need of care due to disability and where such care is needed for the parent to accept or continue employment or otherwise participate in work activities. The amount of subsidy shall be consistent with the rates for special needs child care established by the department. Dependent care needed for employment may be provided as transitional services for up to 2 years after eligibility for temporary cash assistance ends.

Section 25. *Effective January 1, 2002, subsections (1) and (2) of section 228.061, paragraph (o) of subsection (4) of section 230.23, sections 230.2303, 230.2305, and 230.2306, Florida Statutes, are repealed.*

Section 26. *Effective January 1, 2002, section 402.28, subsection (1) of section 402.281, sections 402.3015, 402.3027, and 402.3028, subsection (18) of section 402.305, section 402.3052, paragraph (c) of subsection (2) of section 402.3135, and subsections (2) and (6) of section 402.45, Florida Statutes, are repealed.*

Section 27. *Effective January 1, 2002, paragraph (a) of subsection (1) of section 391.304 and section 411.222, Florida Statutes, are repealed.*

Section 28. Section 228.082, Florida Statutes, is amended to read:

228.082 The Florida Virtual On-Line High School.—

(1)(a) The Florida Virtual On-Line High School is established for the development and delivery of on-line and distance learning education and shall be administratively housed within the Commissioner of Education's Office of Technology and Information Services. The Commissioner of Education shall monitor the school's performance and report its performance to the Florida Board of Education and the Legislature.

(b) The mission of the Florida Virtual High School is to provide students with high-quality technology-based educational opportunities to gain the knowledge and skills necessary to succeed in the 21st century.

The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

(c) To ensure students are informed of the opportunities offered by the Florida Virtual High School, the commissioner shall provide the board of trustees access to the records of public school students in a format prescribed by the board of trustees.

The board of trustees of the Florida Virtual High School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

(2) The Florida Virtual On-Line High School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms, one of whom shall be the current chair of the Florida High School Advisory Board and one of whom shall be a representative of the fiscal agent, and one of whom shall be the Chief Information Officer or his designee from the State Technology Office pursuant to ch. 2000-164, Laws of Florida. The board shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual On-Line High School. The board of trustees shall have the following powers and duties:

(a) The board of trustees shall meet within 30 days of July 1, 2000, and shall continue to meet at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

~~(b) Until not more than 60 days after the initial meeting of the board, the current governance structure of the Florida On-Line High School shall be maintained.~~

2.(e) The fiscal year for the Florida Virtual On-Line High School shall be the state fiscal year as provided in s. 216.011(1)(n).

(b) The board of trustees shall be responsible for the Florida Virtual High School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program, by fiscal year 2003-2004. Beginning in fiscal year 2001-2002, the school shall collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home school students by program. Information shall also be collected which reflects any other school in which a virtual high school student is enrolled.

(c)(d) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees and may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be used to support the school's research and development activities in order to improve courseware and services to its students.

(d)(e) The board of trustees shall annually prepare and submit to the Florida Board of Education a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 235.41. The legislative budget request of the Florida Virtual On-Line High School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education.

(e)(f) In accordance with law and rules of the Florida Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual On-Line High School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board for the Florida Virtual On-Line High School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida Virtual On-Line High School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual On-Line High School shall be entitled to a contract as provided by rules of the board.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent.

(f)(g) The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(g)(h) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students into courses offered by the Florida Virtual On-Line High School. Such procedures shall be designed to minimize paperwork and fairly resolve the issue of double funding students taking courses online maximize participation by students.

(h)(i) The board of trustees shall annually submit to the Florida Board Department of Education both forecasted and actual enrollments for the Florida Virtual On-Line High School, according to procedures established by the Florida Board Department of Education. At a minimum, such procedures must include the number of public, private, and home school students served by district.

(i)(j) The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 228.093. Employee records shall be subject to the provisions of s. 231.291.

(j)(k) The financial records and accounts of the Florida Virtual On-Line High School shall be maintained under the direction of the board of trustees and under regulations prescribed by the Florida State Board

of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida ~~Virtual On-Line~~ High School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the Florida Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida ~~Virtual On-Line~~ High School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

(3)(a) ~~Until fiscal year 2003-2004, the Commissioner of Education shall include the Florida Virtual On-Line High School as a grant-in-aid appropriation in the department's legislative budget request to the Florida State Board of Education, the Governor, and the Legislature,~~

(a) ~~subject to any guidelines imposed in the General Appropriations Act, funds for the operation of the Florida On-Line High School shall be requested and appropriated within the Department of Education as a grant-in-aid category until such time as the Legislature authorizes a different funding mechanism.~~

(b) The Orange County District School Board shall be the temporary fiscal agent of the Florida ~~Virtual On-Line~~ High School.

(c) ~~Priorities for the delivery of services by the Florida On-Line High School shall ensure that priority access is provided equitably across the state.~~

(4) Under no circumstance may the credit of the state be pledged on behalf of the Florida ~~Virtual On-Line~~ High School.

(5) ~~By January 1, 2001, The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the Florida Board of Education Reorganization Transition Commission a complete and detailed report setting forth:~~

(a) The operations and accomplishments of the Florida ~~Virtual On-Line~~ High School.

(b) The marketing and operational plan for the Florida ~~Virtual On-Line~~ High School, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida ~~Virtual On-Line~~ High School at the end of the fiscal year.

(d) A copy of an annual financial and compliance audit of the accounts and records of the Florida ~~Virtual On-Line~~ High School, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) ~~Recommendations regarding the unit cost of providing services to students. In order to most effectively develop public policy regarding any future funding of the Florida Virtual On-Line High School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data and reflect the costs associated with maintaining a state-of-the-art on-line high school, including the costs associated with maintaining a high quality research and development effort to locate and assimilate, or develop, Internet-based courses.~~

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida ~~Virtual On-Line~~ High School.

(6) The Auditor General may, pursuant to his or her own authority, or at the direction of the Joint Legislative Auditing Committee, conduct an audit of the Florida ~~Virtual On-Line~~ High School.

(7) The Florida State Board of Education may adopt rules it deems necessary to implement reporting requirements for the Florida ~~Virtual On-Line~~ High School.

Section 29. *The Department of Education shall maximize the available federal indirect cost allowed on all federal grants. Beginning with the 2002-2003 fiscal year, none of the funds received from indirect cost allowance shall be expended by the department without specific appropriation by the Legislature. Funds received pursuant to s. 240.241, Florida Statutes, are specifically exempt from this provision.*

Section 30. *Effective June 30, 2002, section 229.8065, Florida Statutes, is repealed.*

Section 31. *Effective July 1, 2002, subsection (2) of section 229.085, Florida Statutes, is amended to read:*

229.085 Custody of educational funds.—

(2) There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. ~~If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s. 216.262(1)(a).~~ The personnel employed to plan and administer grants or contracts for specific such projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System, the provisions of s. 110.051(1) to the contrary notwithstanding. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

Section 32. *Subsection (6) of section 240.205, Florida Statutes, is amended to read:*

240.205 Board of Regents incorporated.—*The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:*

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. ~~The board may also acquire the same commodities, goods, equipment, contractual services, leases, and construction for use by a university when the contractual obligation exceeds \$1 million.~~ Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, the Board of Regents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.

Section 33. *Subsections (2), (4), and (5), paragraphs (b), (c), and (d) of subsection (1), and paragraphs (a), (c), (d), and (e) of subsection (3) of section 235.217, Florida Statutes, are repealed.*

Section 34. *Sections 240.145, 240.147, 240.227, 240.307, subsection (2) of section 240.209, and subsection (4) of section 240.311, Florida Statutes, are repealed.*

Section 35. Section 240.3836, Florida Statutes, is amended to read:

240.3836 Site-determined baccalaureate degree access program; funding.—

(1) The Legislature recognizes that public and private postsecondary education institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of community colleges ~~apply this concept in the creation and funding of a program that supports local economic development and responds to~~

public demand for increased access to baccalaureate degrees in areas of the state that are underserved by 4-year institutions.

(2) A community college may be authorized by the Florida Board of Education to offer a limited number of baccalaureate degrees designed to meet local workforce needs through one of the following processes:

(a) A community college may enter into a formal agreement with the state university in its service area for the community college to deliver specified baccalaureate degree programs. The agreement must be submitted to the Florida Board of Education for approval. The community college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.
2. Unmet need for graduates of the proposed degree program is substantiated.
3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval of the Florida Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the community college wishes to offer must be approved by the Florida Board of Education.

(b) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district. The proposal must be submitted to the Florida Board of Education for approval. The community college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.
2. Unmet need for graduates of the proposed degree program is substantiated.
3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval of the Florida Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the community college wishes to offer must be approved by the Florida Board of Education.

(3) A community college may not terminate its associate in arts or associate in science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a community college that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.

(2) Categorical funding is authorized for the site-determined baccalaureate degree access program created by this section. Funds may not be used to support the construction, renovation, or remodeling of facilities. This program is voluntary and does not preclude other mutually agreed upon arrangements between community colleges and 4-year institutions for the delivery of baccalaureate degrees on community college sites.

(3) Each community college wishing to participate in the site-determined baccalaureate degree access program must:

(a) Identify baccalaureate degree programs that are not currently offered at the community college but are proposed for delivery at the college to meet the academic and economic development needs of one or more communities within the college's service area. When assessing local needs, the college should seek input from the appropriate chamber of commerce, workforce development council, and other civic and business groups. As used in this section, the term "economic development"

means entrepreneurial efforts, the attraction of new business and industry to the area, and the expansion of existing business and industry.

(b) Determine the number of students interested in pursuing each proposed baccalaureate degree program and identify the enrollment patterns, any special characteristics of those students, and any unique combination or modification of course offerings that may be necessary to meet student enrollment needs.

(c) Submit a proposal to the Postsecondary Education Planning Commission requesting validation of the need for the proposed baccalaureate degree program and tentative approval for program funding. The proposal must include:

1. A description of each proposed baccalaureate degree program identifying the junior-level and senior-level courses to be offered and designating whether the program should be offered for a cohort group or as an ongoing degree program.
2. Evidence that local occupational forecasts support the existence of jobs for graduates of the proposed baccalaureate degree programs.
3. An estimated number of students to be served by each proposed degree program.
4. An assurance that the community college's existing facilities are sufficient to meet the additional demands for classroom and laboratory space for the proposed degree programs.

5. Evidence that the college has requested the participation of no fewer than three regionally accredited 4-year postsecondary institutions, including at least one member of the State University System. Any member of the State University System and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in, Florida may be a partner in a site-determined baccalaureate degree access program at any community college.

6. A tentative agreement between the community college and the 4-year postsecondary institution selected to offer the upper-level courses leading to the proposed degree or degrees.

7. Any additional provisions that the Postsecondary Education Planning Commission considers pertinent to the proposal.

(4) The Postsecondary Education Planning Commission, after soliciting comments from the Board of Regents and the State Board of Community Colleges, shall validate the need for each baccalaureate degree program proposed for delivery according to this section and shall notify the community college that its proposal has been approved or rejected. The commission shall establish procedures for the timely submission, review, and approval of the proposals and agreements required by this section. These procedures must be designed to allow the initiation of approved baccalaureate degree programs at least 3 times each fiscal year.

(5) Once the Postsecondary Education Planning Commission validates the need for the proposed baccalaureate degree program and notifies the community college that its proposal has been approved, the community college shall finalize an agreement with the regionally accredited, public or nonpublic, 4-year postsecondary institution selected to provide the upper-level instructional services in the approved baccalaureate degree program. The commission shall identify the common aspects that each agreement must address, including, but not limited to:

(a) A course delivery pattern based on the student enrollment patterns and characteristics included in the approved proposal.

(b) An articulation provision that guarantees acceptance of students who hold an associate in arts or associate in science degree and satisfy any other prerequisites for admission to the specific baccalaureate degree program.

(c) The provision of library services and student support services.

(d) An agreement that the participating 4-year postsecondary institution will continue offering instructional services at least until all qualified members of the initial group of students have had an opportunity to complete the degree program.

(e) The specific and measurable performance criteria that the Postsecondary Education Planning Commission may use to evaluate the outcomes and outputs of the baccalaureate degree program within an identified timeframe.

(f) An agreement that in-state student tuition for the degree program will not exceed the matriculation fee for the State University System unless the proposal approved by the Postsecondary Education Planning Commission allows the participating institutions to charge differentiated tuition and fees to encourage student attendance and participation. Out-of-state students shall pay full costs. Notwithstanding s. 240.605, students participating in a site-determined baccalaureate degree program may not receive a Florida Resident Access Grant.

(6) Each participating community college must submit the agreement required by this section to the Postsecondary Education Planning Commission for review and final approval before initiating an approved site-determined baccalaureate degree access program. Subject to the availability of legislative appropriations specifically provided for this purpose, the Postsecondary Education Planning Commission must recommend to the Commissioner of Education the total funds to be released to each participating community college for the initiation of the approved site-determined baccalaureate degree access program. The community college shall distribute funds to the participating 4-year postsecondary institution at the rate specified in the approved agreement. The Postsecondary Education Planning Commission shall not recommend the release of funding for any program that is terminated before or after the evaluation required by this section. The total funds to be released for the initiation of an approved program shall be based on the number of fundable upper-level student credit hours for each term. Unless otherwise provided in an appropriations act, the funding per credit hour shall be an amount equal to the state funds, excluding student fees, appropriated to the State University System for each full-time equivalent student enrolled in upper-level course work. Student credit hours funded under this program may not be duplicated in any other calculation of state funding for the 4-year institution.

(7) The Postsecondary Education Planning Commission may require the participating community colleges and 4-year postsecondary institutions to submit information necessary to monitor the annual performance of the program. Within 90 days after the 2nd and 4th year of the site-determined baccalaureate degree access program, the commission shall submit to the chairs of the education and fiscal committees of the Legislature a progress report, including an evaluation of the funding mechanism created by this section. The commission shall review each site-determined baccalaureate degree access program funded under this section to ascertain whether the performance measures specified in the agreement between the participating community college and the 4-year institution have been met. Each program must be reviewed 4 years after initiation unless a shorter timeframe is specified in the agreement. The performance measures must include the student graduation rate, the employment rate of program graduates both within and outside the community college service area, the continuing need to offer the specific baccalaureate degree program in the community college service area, and such other information as the Postsecondary Education Planning Commission may determine necessary for program and performance evaluation. Based on its evaluation, the commission shall either approve continuation of the program, require modifications prior to program approval, or recommend that the participating institutions terminate the program after all qualified members of the initial group of students have an opportunity to complete the degree program. The commission must submit to the Commissioner of Education for inclusion in the legislative budget a request for funding for approved site-determined baccalaureate degree access programs.

(8) If no accredited 4-year institution is willing to provide a baccalaureate degree program approved by the Postsecondary Education Planning Commission under this section, the community college board of trustees may ask the commission to evaluate the college's request to offer the degree program. If the commission is satisfied that the community college should offer the degree program, it shall recommend to the Legislature the enactment of statutory authority for the community college to offer that specific baccalaureate degree program.

Section 36. Effective July 1, 2001, subsection (5) of section 240.2011, Florida Statutes, is amended, and subsection (12) is added to said section, to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County and two fiscally autonomous campuses, one in Pinellas County, named the University of South Florida St. Petersburg, and the other named the University of South Florida Sarasota/Manatee.

(12) New College of Florida, located in Sarasota County, which is the 4-year residential liberal arts honors college of the State of Florida.

Section 37. Section 240.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.527, F.S., for present text.)

240.527 The University of South Florida St. Petersburg.—

(1) The St. Petersburg campus of the University of South Florida is established and shall be known as the "University of South Florida St. Petersburg."

(a) The Legislature intends that the University of South Florida St. Petersburg be operated and maintained as a separate organizational and budget entity of the University of South Florida, and that all legislative appropriations for the University of South Florida St. Petersburg be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida St. Petersburg shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than the effective date of this act, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida St. Petersburg. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall select one joint member. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Legislature for the University of South Florida St. Petersburg campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting

in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) The following entities are not affected by this section and remain under the administrative control of the University of South Florida:

(a) The University of South Florida College of Marine Science, which is a component college of the main campus.

(b) The Florida Institute of Oceanography, which is a Type One Institute.

(c) The University of South Florida Pediatric Research Center.

(d) The University of South Florida / USGS joint facility.

Section 38. The University of South Florida Sarasota / Manatee.—

(1) The Sarasota / Manatee campus of the University of South Florida is established and shall be known as the "University of South Florida Sarasota / Manatee."

(a) The Legislature intends that the University of South Florida Sarasota / Manatee be operated and maintained as a separate organizational and budget entity of the University of South Florida and that all legislative appropriations for the University of South Florida Sarasota / Manatee be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida Sarasota / Manatee shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than July 1, 2002, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida Sarasota / Manatee. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and

two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County are appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the Campus Board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Legislature for the University of South Florida Sarasota / Manatee campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota / Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the Sarasota / Manatee campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida Sarasota / Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.

Section 39. *New College of Florida.*—

(1) **MISSION AND GOALS.**—As a member of the State University System of Florida, *New College of Florida* preserves its distinctive mission as a residential liberal arts honors college. To maintain this mission, *New College of Florida* has the following goals:

(a) To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.

(b) To engage in undergraduate educational reform by combining educational innovation with educational excellence.

(c) To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.

(d) To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.

(2) **ACCREDITATION.**—As soon as possible, *New College of Florida* shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.

(3) **BOARD OF TRUSTEES.**—The Governor shall appoint 12 members to the Board of Trustees, to serve 4-year staggered terms, as follows:

(a) Three residents of Sarasota County.

(b) Two residents of Manatee County.

(c) Until the expiration date of the terms of office of the members who are on the board June 30, 2001, seven members selected from the Board of Trustees of the *New College Foundation*.

In addition, a student body president shall be a voting member of the board.

Section 40. *St. Petersburg College.*—

(1) **LEGISLATIVE INTENT.**—The Legislature intends to create an innovative means to increase access to baccalaureate degree level education in populous counties that are underserved by public baccalaureate degree granting institutions. This education is intended to address the state's workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.

(2) **ST. PETERSBURG COLLEGE; MISSION; POLICIES.**—*St. Petersburg Junior College* is redesignated as *St. Petersburg College*. The college shall immediately seek accreditation from the Southern Association of Colleges and Schools as a baccalaureate degree granting college.

(a) The primary mission of *St. Petersburg College* is to provide high-quality undergraduate education at an affordable price for students and the state. The purpose is to promote economic development by preparing people for occupations that require a bachelor's degree and are in demand by existing or emerging public and private employers in this state.

(b) *St. Petersburg College* shall maintain the mission and policies of a Florida community college, including the open-door admissions policy and the authority to offer all programs consistent with a public community college's authority.

(c) *St. Petersburg College* shall maintain the distinction between the college and its university center. *St. Petersburg College* is limited to community college programs and to selected baccalaureate degree level programs that meet community needs and are authorized as provided by this section. The University Center may make available more diverse program offerings, but those programs are offered by a participating college or university and are not to be classified or funded as programs of *St. Petersburg College*.

(d) The academic policies of the upper-division program at *St. Petersburg College* must be in accordance with policies of the State University System.

(e) Sections 240.293 and 240.2945, Florida Statutes, apply to *St. Petersburg College*.

(3) **STUDENTS; FEES.**—

(a) *St. Petersburg College* shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate program, according to the common course numbering and designation system. A student shall be reported as a community college student for enrollment in a lower-division course and as a baccalaureate degree program student for enrollment in an upper-division course.

(b) The Board of Trustees of *St. Petersburg College* shall establish the level of matriculation, tuition, and other authorized student fees.

1. For each credit hour of enrollment in a certificate level course or lower-division level college credit course, matriculation and tuition fees must be within the range authorized in law and rule for a community college student at that level.

2. For each credit hour of enrollment in an upper-division level course, matriculation and tuition fees must be in an amount established by the Board of Trustees of *St. Petersburg College*. However, fees for upper-division students must reflect the fact that the college does not incur the costs of major research programs. Therefore, the board shall establish fees for upper-division students within a range that is lower than the fees established for students at a public university but higher than the fees for community college students.

3. Other mandatory fees and local fees must be at the same level for all lower-division students. For upper-division students, other mandatory fees and local fees must be at a level less than fees established for University of South Florida students, regardless of program enrollment or level. However, students in workforce development education courses maintain the authorized fee exemptions described in s. 239.117, Florida Statutes, and may be exempt from local fees imposed by the Board of Trustees, at the board's discretion.

(4) **DEGREES.**—

(a) In addition to the certificates, diplomas, and degrees authorized in s. 240.301, Florida Statutes, *St. Petersburg College* may offer selected baccalaureate degrees. Initially, the college may offer programs that lead to a baccalaureate degree in the following fields:

1. Bachelor of Science in Nursing. This program must be designed to articulate with the associate in science degree in nursing. *St. Petersburg College* shall continue to offer the associate in science degree in nursing.

2. Bachelor of Arts and Bachelor of Science in Elementary Education.

3. Bachelor of Arts and Bachelor of Science in Special Education.

4. Bachelor of Arts and Bachelor of Science in Secondary Education.

5. Bachelor of Applied Science in fields selected by the Board of Trustees of *St. Petersburg College*. The Board of Trustees shall base the selection on an analysis of workforce needs and opportunities in the following counties: Pinellas, Pasco, Hernando, and other counties approved by the Florida Department of Education. For each program selected, *St. Petersburg College* must offer a related associate in science or associate in applied science degree program, and the baccalaureate degree level program must be designed to articulate fully with at least one associate in science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related associate in applied science degree programs.

(b) *St. Petersburg College* may offer courses that enable teachers to qualify for certification and recertification as required by law or rule.

(c) *St. Petersburg College* may offer programs to provide opportunities for a person who holds a baccalaureate degree, but is not certified to teach, to obtain any additional courses required for teacher certification.

(d) Master's degree level programs and doctoral programs may be provided by agreement with a college or university participating in the University Center of *St. Petersburg College*.

(e) For those students living outside Pinellas County, St. Petersburg College shall recruit for the upper-division only those students who have earned an associate degree. In recruiting upper-division students in Pasco and Hernando Counties, St. Petersburg College shall work cooperatively with Pasco-Hernando Community College and shall seek to offer courses and programs at Pasco-Hernando Community College when feasible. The nursing programs, in particular, must be conducted cooperatively, and programs at St. Petersburg College shall not conflict with Pasco-Hernando Community College's and the University of South Florida's cooperative nursing program.

(5) **BOARDS.—**

(a) The Board of Trustees of St. Petersburg Junior College is renamed the Board of Trustees of St. Petersburg College and serves as its governing board. The Governor shall appoint members as provided in s. 240.313, Florida Statutes, and the board has the duties and authorities granted in ss. 240.315 and 240.319, Florida Statutes, and by rules of the Florida Board of Education.

(b) The Board of Trustees of St. Petersburg College may authorize direct-support organizations as authorized in ss. 240.299 and 240.331, Florida Statutes.

(c) The Board of Trustees of St. Petersburg College may continue to award degrees, diplomas, and certificates as authorized for St. Petersburg Junior College, and in the name of St. Petersburg Junior College, until St. Petersburg College receives its accreditation.

(d) A coordinating board shall assist the Board of Trustees in its deliberations concerning issues that affect the upper-division of St. Petersburg College. The coordinating board consists of the President of the University of South Florida, the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chairs of the boards of trustees of those institutions.

(e) Beginning 4 years after the college receives accreditation to offer baccalaureate degrees, the Board of Trustees of St. Petersburg College may determine additional programs to be offered, with the approval of the coordinating board. The determination must consider community needs and economic opportunities.

(f) The coordinating board shall meet at the request of the President of the University of South Florida or the President of St. Petersburg College.

(g) If the coordinating board cannot decide an issue of importance to the programs designed for upper-division students, the chief educational officer of this state shall resolve the issue.

(6) **EMPLOYEES.—**

(a) Employment at St. Petersburg College is governed by the same laws that govern community colleges, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching.

(b) Employee records for all personnel shall be maintained as required by s. 240.337, Florida Statutes.

(7) **FACILITIES.—**St. Petersburg College may request funding from the Public Education Capital Outlay and Debt Service Trust Fund as a community college and as a university. The municipalities in Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Trustees of St. Petersburg College in establishing this institution. The acquisition and donation of lands, buildings, and equipment for the use of St. Petersburg College are authorized as a public purpose. The Board of County Commissioners of Pinellas County and all municipalities in Pinellas County may exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of St. Petersburg College, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.

(8) **STATE FUNDING.—**

(a) The Legislature intends to fund St. Petersburg College as a community college for its workforce development education programs and for its lower-division level college credit courses and programs.

(b) The Legislature intends to fund St. Petersburg College as a baccalaureate degree level institution for its upper-division level courses and programs.

(c) During the 2001-2002 fiscal year, St. Petersburg College shall estimate the appropriate level of funding for these programs. By March 1, 2002, the college shall complete a cost study and shall submit to the Legislature a proposal for cost accounting and legislative budget requests designed to acknowledge its unique classification. The cost study must indicate actual costs projected for the first 4 years of operation as a baccalaureate degree level institution, with the first students expected to enroll in the upper division in the fall semester of 2002.

Section 41. Nothing contained within this act shall be construed to adversely impact the accreditation of the University of South Florida.

Section 42. Florida Bright Futures Scholarship Testing Program.—

(1) By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(3) Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.

(4) Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.

(5) Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than \$46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.

(6) The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to s. 240.115(6).

(7) The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.

(8) Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate

of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.

Section 43. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.551, Florida Statutes, shall not stand repealed on January 7, 2003, and is reenacted and amended to read:

240.551 Florida Prepaid College Program.—

(1) **LEGISLATIVE INTENT.**—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) **DEFINITIONS.**—

(a) “Advance payment contract” means a contract entered into by the board and a purchaser pursuant to this section.

(b) “Board” means the Florida Prepaid College Board.

(c) “Fund” means the Florida Prepaid College Trust Fund.

(d) “Program” means the Florida Prepaid College Program.

(e) “Purchaser” means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) “Qualified beneficiary” means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to subsection (22), a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) “Registration fee” means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) “State postsecondary institution” means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) **FLORIDA PREPAID COLLEGE PROGRAM; CREATION.**—There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) **FLORIDA PREPAID COLLEGE TRUST FUND.**—There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of

chapter 717, funds associated with terminated contracts pursuant to subsection (12) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to subsection (22) shall be exempt from the provisions of this subsection.

(5) **PROGRAM ADMINISTRATION.**—

(a) The Florida Prepaid College Program shall be administered by the Florida Prepaid College Board as an agency of the state. The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c) The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) **FLORIDA PREPAID COLLEGE BOARD; DUTIES.**—The board shall:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence

of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.
2. Capability to execute program responsibilities within time and regulatory constraints.
3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.
4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.
5. Adequacy of technical assistance and services proposed for staff.
6. Adequacy of a management system for evaluating and improving overall trustee services to the program.
7. Adequacy of facilities, equipment, and electronic data processing services.
8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall

evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.
2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.
3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.
4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7) FLORIDA PREPAID COLLEGE BOARD; POWERS.—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

- (a) Adopt an official seal and rules.
- (b) Sue and be sued.
- (c) Make and execute contracts and other necessary instruments.
- (d) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.
- (e) Invest funds not required for immediate disbursement.
- (f) Appear in its own behalf before boards, commissions, or other governmental agencies.
- (g) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.
- (h) Require a reasonable length of state residence for qualified beneficiaries.
- (i) Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.
- (j) Segregate contributions and payments to the fund into various accounts and funds.
- (k) Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.
- (l) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.
- (m) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.
- (n) Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o) Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p) Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q) Provide for the receipt of contributions in lump sums or installment payments.

(r) Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(s) Delegate responsibility for administration of the comprehensive investment plan required in paragraph (6)(c) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(w) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(8) **QUALIFIED STATE TUITION PROGRAM STATUS.**—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a “qualified state tuition program” in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

(9) **PREPAID COLLEGE PLANS.**—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number

of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified benefi-

ciary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the *Accrediting Council for Independent Colleges and Schools Accrediting Commission of the Association of Independent Colleges and Schools*, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) ADVANCE PAYMENT CONTRACTS; CONTENTS.—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (22) or subsection (23), the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) Other terms and conditions deemed by the board to be necessary or proper.

(12) DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this subsection. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this subsection shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this subsection. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a) Except as provided in paragraphs (b), ~~and~~ (c), ~~and~~ (f), no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount which, in total, does not exceed the redemption value of the advance payment contract ~~at a state postsecondary institution amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(14) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(15) OBLIGATIONS OF BOARD; PAYMENT.—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18) PAYROLL DEDUCTION AUTHORITY.—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19) DISCLAIMER.—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20) PROGRAM TERMINATION.—In the event that the state determines the program to be financially infeasible, the state may discon-

tinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules adopted by the board.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, *at a minimum*, three other individuals to serve as directors of the organization.

(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

(23) *SCHOLARSHIPS.*—A nonprofit organization described in s. 501(c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 44. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 77, line 17 through page 81, line 5, delete those lines and insert: A bill to be entitled An act relating to education; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers and providing for appointment by the Florida Board of Education; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Council for Education Policy Research and Improvement, respectively; creating the Council for Education Policy Research and Improvement under the Office of Legislative Services; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education and the Secretary of the Florida Board of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Council for Education Policy Research and Improvement; providing duties of the council; providing for administrative functions; providing membership; providing for an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming

terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and its secretary to oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; providing for recommendations for performance-based funding; establishing mission, goals, and system-wide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees, a Florida Board of Education, and a Secretary of the Florida Board of Education; specifying duties of the Secretary of the Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory boards and to develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education and its secretary to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices, divisions, and a leadership team; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; providing that the Florida Education Governance Reorganization Implementation Act does not authorize further regulation of independent schools or home education programs; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program, including statewide staff, to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; designating the Agency for Workforce Innovation as lead agency for specified federal purposes; amending s. 411.01, F.S.; providing legislative intent with respect to the School Readiness Act; providing for the addition of members to the Florida Partnership for School Readiness; providing duties of the Florida Partnership for School Readiness; deleting obsolete language and conforming provisions; revising procedures for funding school readiness programs; requiring the implementation of a school readiness uniform screening; providing for the development of minimum child care licensing standards; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference to conform; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01 and 445.023, F.S.; conforming language and correcting cross

references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to pre-school and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus, the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a) and 411.222, F.S., relating to Department of Health coordination with the Department of Education and specified councils and the State Coordinating Council for School Readiness Programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; amending s. 240.205, F.S.; deleting provisions relating to certain contractual obligations of the Board of Regents; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Post-secondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; amending s. 240.3836, F.S.; revising provisions relating to access to baccalaureate degree programs; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.2011, F.S.; adding New College of Florida in Sarasota County to the State University System; creating fiscally autonomous campuses of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing for accreditation; redesignating St. Petersburg Junior College as St. Petersburg College; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate degree level programs; authorizing certain baccalaureate degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost study; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; reenacting and amending s. 240.551, F.S.; revising provisions with respect to the Florida Prepaid College Program; revising provisions with respect to transfer and refund provisions; revising provisions relating to appointment of directors of the direct-support organization; authorizing

the purchase of advance payment contracts for scholarships by nonprofit organizations; providing effective dates.

WHEREAS, in response to Floridians' amendment of s. 2, Art. IX of the State Constitution requiring a seven-member state board of education appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate, which "shall appoint the commissioner of education," the 2000 Legislature enacted the "Florida Education Governance Reorganization Act of 2000" (chapter 2000-321, Laws of Florida), and

WHEREAS, the Florida Education Governance Reorganization Act of 2000 provided legislative policy and guiding principles for a seamless kindergarten through postgraduate education system; provided for the future repeal of existing education entities and statutes; provided for boards of trustees for each university in the State University System; provided for the establishment and duties of the Florida Board of Education and specified education governance officers; and established the Education Governance Reorganization Transition Task Force charged with the duty to make recommendations to the Legislature, pursuant to a legislatively established timeline, to accomplish a smooth and orderly transition to the new education system, and

WHEREAS, the Education Governance Reorganization Transition Task Force was timely appointed and has been aggressively pursuing its statutory duties by holding meetings and public hearings throughout the state, consulting with education stakeholders and national experts, taking public testimony, and working to expedite its recommendations, NOW, THEREFORE,

Senators King, Pruitt and Dyer offered the following amendments to the amendment which were moved by Senator Sullivan and adopted:

Senate Amendment 1A (714304) to Senate Amendment 1 to House Amendment 1—On page 31, line 31 through page 32, line 5, delete those lines and insert: *Education.*

Senate Amendment 1B (792226) to Senate Amendment 1 to House Amendment 1—On page 33, lines 17 and 18, delete those lines and redesignate subsequent paragraph.

Senate Amendment 1 to House Amendment 1 as amended was adopted.

On motion by Senator Sullivan, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

SB 1162 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Constantine	King	Pruitt
Bronson	Cowin	Latvala	Saunders
Brown-Waite	Crist	Laurent	Sebesta
Burt	Diaz de la Portilla	Lee	Sullivan
Campbell	Garcia	Mitchell	Villalobos
Carlton	Holzendorf	Peaden	Webster
Clary	Horne	Posey	

Nays—10

Dyer	Klein	Miller	Smith
Geller	Lawson	Rossin	Wasserman Schultz
Jones	Meek		

Vote after roll call:

Yea to Nay—Mitchell

RECESS

On motion by Senator Lee, the Senate recessed at 8:01 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 8:07 p.m. A quorum present.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable John M. McKay
President, The Florida Senate

May 4, 2001

Dear President McKay:

The following executive appointment was referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment

*For Term
Ending*

Florida Public Service Commission
Appointee: Palecki, Michael A. 01/01/2003

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the Committee on Ethics and Elections respectfully advises and recommends that:

- 1) the executive appointment of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;
- 2) Senate action on said appointment be taken prior to the adjournment of the 2001 Regular Session; and
- 3) there is no necessity known to the committee for the deliberations on said appointment to be held in executive session.

Respectfully submitted,
Bill Posey, Chairman

On motion by Senator Posey, the report was adopted and the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

RECESS

The Senate recessed at 8:08 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 8:12 p.m. A quorum present.

CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Constantine, by two-thirds vote **CS for HB's 1617 and 1487** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations.

On motions by Senator Constantine, by unanimous consent—

CS for HB's 1617 and 1487—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that local

planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that certain local government comprehensive plans include a public educational facilities element; requiring notice by the Department of Education; exempting certain municipalities from adopting such elements; requiring a report; requiring such local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; providing for arbitration; specifying the effect of a local government's failure to enter into an interlocal agreement and of a school board's failure to provide certain information or to enter into an interlocal agreement; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; amending s. 163.3202, F.S.; providing legislative intent regarding electric utilities and substations; providing that local governments may adopt land development regulations that establish standards for substations and providing effect of compliance with such standards; prohibiting local governments from denying a development permit for a substation under certain conditions; amending s. 163.3244, F.S.; extending the repeal date of the sustainable communities demonstration project; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of such plans and community college surveys by the Office of Educational Facilities and approval by the State Board of Education; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's

facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring certain school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending s. 235.218, F.S.; revising provisions relating to adoption of certain evaluation measures by the SMART Schools Clearinghouse; amending ss. 235.321 and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; revising an exception from the definition of "development" for work by certain utilities; amending s. 380.06, F.S., relating to developments of regional impact; providing that the statewide guidelines and standards shall be increased for development in a rural area of critical economic concern; providing effective dates.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (812120)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. *Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application, provided that nothing contained in this subsection shall prevent a local agency from granting voting status to the school board member.* The governing body may designate itself as the local planning agency pursuant to this subsection *with the addition of a nonvoting school board representative.* The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by ~~district school boards and~~ applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a county-wide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity

shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 2. Paragraph (a) of subsection (4), paragraphs (a), (c), and (h) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; *with the appropriate water management district's regional water supply plans adopted pursuant to s. 373.0361, or successor plans required by legislative directive;* with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; *the availability of ground water and surface water resources for present and future water supplies and the potential for development of alternative water supplies;* the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October

1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. *Amendments* ~~An amendment~~ proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use *or for adopting or amending the school-siting maps pursuant to s. 163.31776(6) are is* exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria *that which* encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible *and to encourage the use of elementary schools as focal points for neighborhoods.*

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *By October 1, 2002, the element shall also include data and analysis, including, but not limited to, the appropriate water management district's regional water supply plan adopted pursuant to s. 373.0361, which evaluates the availability of potable water compared to population growth projected by the local government comprehensive plan.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of an annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities

within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

5. *Intergovernmental coordination between local governments and the district school board shall be governed by ss. 163.31776 and 163.31777 for those local governments adopting a public educational facilities element pursuant to s. 163.31776.*

Section 3. Section 163.31776, Florida Statutes, is created to read:

163.31776 *Public educational facilities element.—*

(1) *The intent of the Legislature is to establish a systematic process for school boards and local governments to:*

(a) *Share information concerning the growth and development trends in their communities in order to forecast future enrollment and school needs;*

(b) *Cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government; and*

(c) *Cooperatively identify and meet the infrastructure needs of public schools to assure healthy school environments and safe school access.*

(2) *The Legislature finds that:*

(a) *Public schools are a linchpin to the vitality of our communities and play a significant role in thousands of individual housing decisions that result in community growth trends.*

(b) *Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.*

(3) *A public educational facilities element shall be adopted in cooperation with the applicable school district by all local governments meeting the criteria identified in paragraph (a). The public educational facilities elements shall be transmitted no later than January 1, 2003, for those local governments initially meeting the criteria in paragraph (a).*

(a) *A local government must adopt a public educational facilities element if the local government is located in a county where:*

1. *The number of districtwide capital outlay full-time-equivalent students equals 80 percent or more of the most current year's school capacity and the projected 5-year student growth is 1,000 students or greater; or*

2. *The projected 5-year student growth rate is 10 percent or greater.*

(b)1. *The Department of Education shall issue a report notifying the state land planning agency and each county and school district that meets the criteria in paragraph (a) on June 1 of each year. Local governments and school boards will have 18 months following notification within which to comply with the requirements of ss. 163.31776 and 163.31777.*

2. *By January 1, 2007, remaining local governments that have not been notified by June 1, 2005, that they have met the criteria in paragraph (a) shall adopt, in cooperation with the applicable school district,*

a limited public educational facilities element. The state land planning agency shall by rule specify the contents of the limited public educational facilities element. The rule specifying the contents of the limited public facilities element must incorporate the future land use element requirements of s. 163.3177(6)(a), including school-siting requirements, requirements for intergovernmental coordination and interlocal agreements with school boards contained in s. 163.3177(6)(h)1.-2., and requirements for evaluation and appraisal reports contained in s. 163.3191(2)(k). The agency rule must ensure effective planning with school boards, but recognize that the needs for school planning differ for those local governments that have lower population and student-population growth rates. The sanctions of subsection (9) apply to local governments that fail to adopt a limited public educational facilities element. Any local government that, after complying with this rule, reaches the criteria in paragraph (a) shall have 18 months within which to comply with subsections (4) and (5). Nothing in this subsection shall supersede the other requirements of this chapter.

(c) Each municipality shall adopt its own element or accept by resolution or ordinance the public educational facilities element adopted by the county which includes the municipality's area of authority as defined in s. 163.3171. However, a municipality is exempt from this requirement if it meets all the following criteria:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the last 5 years or it has generated fewer than 25 additional public school students during the last 5 years;
2. The municipality has not annexed new land during the last 5 years in land use categories that permit residential uses that may affect school attendance rates;
3. The municipality has no public schools located within its boundaries;
4. At least 80 percent of the developable land within the boundaries of the municipality has been built upon; and
5. The municipality has not adopted a land use amendment that increases residential density for more than 50 residential units.

Any municipality that is exempt shall notify the county and the school board of any planned annexation into residential or proposed residential areas or other change in condition and must comply with this subsection within 1 year following a change in conditions that renders the municipality no longer eligible for exemption or following the identification of a proposed public school in the school board's 5-year district facilities work program in the municipality's jurisdiction.

(4) No later than 6 months prior to the deadline for transmittal of a public educational facilities element, the county, the non-exempt municipalities, and the school board shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment;

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment;

(c) To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting and for early involvement by the local government as the school board identifies potential school sites;

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system;

(e) For school district participation in the review of comprehensive plan amendments and rezonings that increase residential density and

that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and criteria for determining whether school facility capacity will be readily available at the time of projected school impacts, and must specify uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement must ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement must also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777; and

(f) For the resolution of disputes between the school district and local governments.

(5) The public educational facilities element must be based on data and analysis, including the interlocal agreement required by subsection (4), and on the educational facilities plan required by s. 235.185. Each local government public educational facilities element within a county must be consistent with the other elements and must address:

(a) The need for, strategies for, and commitments to addressing improvements to infrastructure, safety, and community conditions in areas proximate to existing public schools.

(b) The need for and strategies for providing adequate infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

(c) Colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools.

(d) Location of schools proximate to residential areas and to complementary patterns of development, including using elementary schools as focal points for neighborhoods.

(e) Use of public schools to serve as emergency shelters.

(f) Consideration of the existing and planned capacity of public schools when reviewing comprehensive plan amendments and rezonings that are likely to increase residential development and that are reasonably expected to have an impact on the demand for public school facilities pursuant to s. 163.31777, with the review to be based on uniform, districtwide level-of-service standards for all public schools of the same type, availability standards for public schools, and the financially feasible 5-year district facilities work program adopted by the school board pursuant to s. 235.185.

(g) A uniform methodology for determining school capacity and proportionate-share mitigation consistent with the requirements of s. 163.31777(4) and the interlocal agreement.

(h) The response of the school board to the financial management and performance audit required by s. 235.185(2)(f).

(6) The future land-use map series must incorporate maps that are the result of a collaborative process for identifying school sites in the educational facilities plan adopted by the school board pursuant to s. 235.185 and must show the locations of existing public schools and the general locations of improvements to existing schools or new schools anticipated over the 5-year, 10-year, and 20-year time periods, or such maps shall be data and analysis in support of the future land-use map series. Maps indicating general locations of future schools or school improvements should not prescribe a land use on a particular parcel of land.

(7) The process for adopting a public educational facilities element shall be as provided in s. 163.3184. The state land planning agency shall submit a copy of the proposed public school facilities element pursuant to the procedures outlined in s. 163.3184(4) to the Office of Educational Facilities of the Commissioner of Education for review and comment.

(8) In any proceeding to challenge the adoption of the public educational facilities element pursuant to s. 163.3184, the petitioner may also challenge the data and analysis used to support the processes set forth in the interlocal agreement executed pursuant to this section.

(9)(a) If the county, school board and nonexempt municipalities within the county cannot reach agreement regarding the interlocal agreement required by subsection (4), the parties shall seek mediation through the appropriate regional planning council or the state land planning agency. The bad-faith failure of any party to enter into an interlocal agreement within 60 days after referral to mediation shall result in the prohibition of that local government's ability to amend its comprehensive plan until the dispute is resolved.

(b) The failure by a local government to comply with the requirement to transmit and adopt a public educational facilities element will result in the prohibition of the local government's ability to amend the local comprehensive plan until the public school facilities element is adopted.

(c) If a local government fails to comply with the requirements of this section to enter into the interlocal agreement or to transmit a public educational facilities element by the required date, or if the Administration Commission finds that the public educational facilities element is not in compliance, the local government shall be subject to sanctions imposed by the Administration Commission pursuant to s. 163.3184(11).

(d) The failure of a school board to provide the required plans or information or to enter into the interlocal agreement under this section shall subject the school board to sanctions pursuant to s. 235.193(3).

(e) A local government or school board's bad-faith failure to enter into the interlocal agreement does not subject another local government or school board to sanctions.

(10) Any local government that has executed an interlocal agreement for the purpose of adopting public school concurrency before the effective date of this act is not required to amend the public school element or any interlocal agreement to conform with the provisions of this section or s. 163.31777 if such amendment is ultimately determined to be in compliance.

Section 4. Section 163.31777, Florida Statutes, is created to read:

163.31777 Public school capacity for plan amendments and rezonings.—

(1) Local governments shall consider public school facilities when reviewing proposed comprehensive plan amendments and rezonings that increase residential densities and that are reasonably expected to have an impact on the demand for public school facilities.

(2) For each proposed comprehensive plan amendment or rezoning that increases residential densities and is reasonably expected to have an impact on the demand for public school facilities, the school board shall provide the local government with a school-capacity report based on the district educational facilities plan adopted by the school board pursuant to s. 235.185, which must provide data and analysis on the capacity and enrollment of affected schools based on standards established by state or federal law or judicial orders, projected additional enrollment attributable to the density increase resulting from the amendment or rezoning, programmed and financially feasible new public school facilities or improvements for affected schools identified in the educational facilities plan of the school board and the expected date of availability of such facilities or improvements, and available reasonable options for providing public school facilities to students if the rezoning or comprehensive plan amendment is approved. The options must include, but need not be limited to, the school board's evaluation of school schedule modification, school attendance zones modification, school facility modification, and the creation of charter schools. The report must be consistent with this section, any adopted interlocal agreement and public educational facilities element, and must be submitted no later than 3 working days before the first public hearing by the local government to consider the comprehensive plan amendment or rezoning.

(3) The local government shall deny a request for a comprehensive plan amendment or rezoning which would increase the density of residential development allowed on the property subject to the amendment or rezoning and is reasonably expected to have an increased impact on the demand for public school facilities, if the school facility capacity will not be reasonably available at the time of projected school impacts as determined by the methodology established in the public educational facilities element. However, the application for a comprehensive plan amendment or a rezoning may be approved if the applicant executes a legally binding commitment to provide mitigation proportionate to the demand for public

school facilities to be created by actual development of the property, including, but not limited to, the options described in subsection (4).

(4)(a) Options for proportionate-share mitigation of public school facility impacts from actual development of property subject to a plan amendment or rezoning that increases residential density shall be established in the educational facilities plan and the public educational facilities element. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement pursuant to ss. 163.3220-163.3243 which constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment or rezoning that increased overall residential density. The district school board may be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

(b) If the educational facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

(c) Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement that is identified in the financially feasible 5-year district work plan and that will be provided in accordance with a binding developers agreement.

(5) Subsections (3) and (4) shall not take effect within a jurisdiction until:

(a) The local governments and the school board have entered into an interlocal agreement pursuant to ss. 163.31776 and 235.193;

(b) The local government has adopted a public education facilities element required under s. 163.31776 and the element has been found in compliance;

(c) The school board has revised its district education facilities plan to comply with s. 235.185; and

(d) One of the following revenue sources is levied or committed for the purpose of funding public educational facilities consistent with the public educational facilities plan and interlocal agreement adopted pursuant to s. 163.31776, and the district educational facilities plan pursuant to s. 235.185:

1. The half-cent school capital outlay surtax authorized by s. 212.055(6); or

2. An amount of broad-based revenue from state or local sources is committed to the implementation of the financially feasible work program adopted by the school board pursuant to s. 235.185.

(6) Under limited circumstances dealing with educational facilities, countervailing planning and public policy goals may come into conflict with the requirements of subsections (3) and (4). Often the unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, a local government may grant an exception from the requirements of subsections (3) and (4) if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project located within an area designated in the comprehensive plan for:

(a) Urban infill development;

(b) Urban redevelopment;

(c) Downtown revitalization; or

(d) *Urban infill and redevelopment under s. 163.2517.*

(7) *This section does not prohibit a local government from using its home-rule powers to deny a comprehensive plan amendment or from rezoning.*

Section 5. Subsection (4) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, and fixed bus, guideway, and rail stations. As used in this paragraph, the terms “terminals” and “transit facilities” do not include airports or seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) *The concurrency requirement as implemented in local government comprehensive plans may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan.*

Section 6. Subsections (1), (3), (4), and (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section, *the term:*

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; *owners of real property abutting real property that is the subject of a proposed change to a future land use map;* and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) “In compliance” means consistent with the requirements of ss. 163.3177, 163.31776, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency’s procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. *The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.*

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency’s procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* the materials specified in the state land planning agency’s procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.—~~*The If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. These governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element required by s. 163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).*~~

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. ~~*The request from the regional planning council or affected person must be if the request is received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment.*~~ A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made,

if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within 35 90 days *after receipt of transmittal* of the *complete* proposed plan amendment pursuant to subsection (3).

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). *If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency. The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.* When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

Section 7. Effective October 1, 2001, subsections (7), (8), and (15) and paragraph (d) of subsection (16) of section 163.3184, Florida Statutes, as amended by this act, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the *complete* adopted comprehensive plan or ~~adopted~~ plan amendment, *including the names and addresses of persons compiled pursuant to paragraph (15)(c),* to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's *complete* adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or
2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. ~~The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point.~~ The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(e) ~~(15)(e)~~ and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) *The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement must identify the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, and the ordinance number of the plan or plan amendment and must advise that the informational statement is provided as a courtesy to the person and that affected persons have 21 days from the actual date of publication of the notice to file a petition. The informational statement must be sent by regular mail and does not affect the timeframes specified in subsections (9) and (10).*

(d) *A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on that site within 5 days after receipt of the mailed copy of the agency's notice of intent.*

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.
2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) *The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.*

(d) *The agency shall provide a model sign-in format for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.*

(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.—

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(e) (15)(e). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

Section 8. Paragraph (k) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(k) *A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776 and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.*

Section 9. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended, and paragraph (l) is added to that subsection, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable *educational 5-year school district facilities plan work program* adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

(l) *If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduc-*

tion in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

Section 10. *The sum of \$500,000 is appropriated to the Department of Community Affairs from the General Revenue Fund to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development.*

Section 11. Section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(1) Any aggrieved or adversely affected party may maintain an action for *declaratory and* injunctive or other relief against any local government to *challenge any decision of local government granting or denying an application for, or to prevent such local government from taking any action on a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property that is not consistent with the comprehensive plan adopted under this part. Such action shall be filed no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever is later.*

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons. *The term shall include the owner, developer or applicant for a development order.*

(3)(a) ~~No suit may be maintained under this section challenging the approval or denial of a zoning, rezoning, planned unit development, variance, special exception, conditional use, or other development order granted prior to October 1, 1985, or applied for prior to July 1, 1985.~~

(b) ~~Suit under subsections (1) or (4) this section shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part. The local government that issues that development order shall be named as the respondent.~~

(4) *If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in this subsection, then the sole action for an aggrieved and adversely affected party to challenge consistency of a development order with the comprehensive plan shall be by a petition for certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever is later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel shall apply to these proceedings. Minimum components of the local process shall be as follows: As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.*

(a) Notice by publication and by mailed notice to all abutting property owners within 10 days of the filing of an application for development review, provided that notice under this subsection shall not be required for an application for a building permit. The notice must delineate that aggrieved or adversely affected persons have the right to request a quasi-judicial hearing, that the request need not be a formal petition or complaint, how to initiate the quasi-judicial process and the time-frames for initiating the process. The local government shall include an opportunity for an alternative dispute resolution process and may include a stay of the formal quasi-judicial hearing for this purpose.

(b) A point of entry into the process consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the written preliminary decision; provided that the local government is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.

(c) An opportunity to participate in the process for an aggrieved or adversely affected party which provides a reasonable time to prepare and present a case for a quasi-judicial hearing.

(d) An opportunity for reasonable discovery prior to a quasi-judicial hearing.

(e) A quasi-judicial hearing before an independent special master who shall be an attorney with at least five years experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law.

(f) At the quasi-judicial hearing all parties shall have the opportunity to respond, present evidence and argument on all issues involved that are related to the development order and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

(g) The standard of review applied by the special master shall be strict scrutiny in accordance with Florida law.

(h) A duly noticed public hearing before the local government at which public testimony shall be allowed. At the hearing the local government shall be bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision shall be reduced to writing, including the findings of fact and conclusions of law, and shall not be considered rendered or final until officially date stamped by the city or county clerk.

(i) No ex parte communication relating to the merits of the matter under review shall be made to the special master. No ex parte communication relating to the merits of the matter under review shall be made to the governing body after a time to be established by the local ordinance, but no later than receipt of the recommended order by the governing body.

(j) At the option of the local government this ordinance may require actions to challenge the consistency of a development order with land development regulations to be brought in the same proceeding.

(k) Authority by the special master to issue and enforce subpoenas and compel entry upon land.

(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.

(6) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or for economic advantage, competitive reasons or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon motion or its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other

party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(7) In any suit ~~action~~ under subsections (1) or (4) ~~this section~~, no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.

(8) In any suit under this section, the Department of Legal Affairs may intervene to represent the interests of the state.

(9) *Nothing in this section shall be construed to relieve the local government of its obligations to hold public hearings as required by law.*

Section 12. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section is ~~shall stand repealed on June 30, 2002 2001, and shall be reviewed by the Legislature prior to that date.~~

Section 13. Subsections (2) and (3) of section 186.504, Florida Statutes, are amended to read:

186.504 Regional planning councils; creation; membership.—

(2) Membership on the regional planning council shall be as follows:

(a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council.

(b) Representatives from other member local general-purpose governments in the geographic area covered by the regional planning council.

(c) Representatives appointed by the Governor from the geographic area covered by the regional planning council, *including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association.*

(3) Not less than two-thirds of the representatives serving as voting members on the governing bodies of such regional planning councils shall be elected officials of local general-purpose governments chosen by the cities and counties of the region, provided each county shall have at least one vote. The remaining one-third of the voting members on the governing board shall be appointed by the Governor, *to include one elected school board member*, subject to confirmation by the Senate, and shall reside in the region. No two appointees of the Governor shall have their places of residence in the same county until each county within the region is represented by a Governor's appointee to the governing board. Nothing contained in this section shall deny to local governing bodies or the Governor the option of appointing either locally elected officials or lay citizens provided at least two-thirds of the governing body of the regional planning council is composed of locally elected officials.

Section 14. Subsection (6) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

... FOR THE ... CENTS TAX
... AGAINST THE ... CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a supermajority of the members of the school board, a discretionary sales surtax at a rate not to exceed 0.5 percent where the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted the interlocal agreement and public educational facilities element required by s. 163.31776;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district school board has been recognized by the State Board of Education as having a Florida Frugal School Program pursuant to s. 235.2197 and complies with s. 235.2197(2)(b) and (c).

For purposes of this paragraph, the term "supermajority vote" means an affirmative vote of a majority of the membership of the school board plus one.

(d)(e) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)(d) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)(e) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 15. Section 235.002, Florida Statutes, is amended to read:

235.002 Intent.—

(1) The intent of the Legislature is to:

(a) To provide each student in the public education system the availability of an educational environment appropriate to his or her educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors, and to provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.

(a)(b) To encourage the use of innovative designs, construction techniques, and financing mechanisms in building educational facilities for the purposes purpose of reducing costs to the taxpayer, creating a more satisfactory educational environment, and reducing the amount of time

necessary for design and construction to fill unmet needs, and permitting the on-site and off-site improvements required by law.

(b)(e) To Provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

(c)(d) To Provide proper legislative support for as wide a range of fiscally sound financing methodologies as possible for the delivery of educational facilities and, where appropriate, for their construction, operation, and maintenance.

(d) Establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(e) Establish a systematic process by which school boards and local governments can cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system, including the needs placed on the public education system as a result of growth and development decisions by local governments.

(f) Establish a systematic process by which local governments and school boards can cooperatively identify and meet the infrastructure needs of public schools.

(2) The Legislature finds and declares that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in the thousands of individual housing decisions that result in community growth trends.

(b)(a) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(c)(b) The effective and efficient provision of public educational facilities and services enhances is essential to preserving and enhancing the quality of life of the people of this state.

(d)(e) The provision of educational facilities often impacts community infrastructure and services. Assuring coordinated and cooperative provision of such facilities and associated infrastructure and services is in the best interest of the state.

Section 16. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Office of Educational Facilities of the Commissioner of Education. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants, including safe access facilities; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for community

colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.—~~Each Educational plant surveys survey completed after December 31, 1997, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph.~~ Each revised educational plant survey and each new educational plant survey supercedes previous surveys.

1. ~~The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 235.185. Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student en-

rollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. ~~The district educational facilities plan educational plant survey of a school district and the educational plant survey of a~~ community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—~~The Office of Educational Facilities of the Commissioner of Education department shall review and validate the surveys of school districts and community colleges and any amendments thereto for compliance with the requirements of this chapter and, when required by the State Constitution, shall recommend those in compliance for approval by the State Board of Education.~~

(2) Only the superintendent or the college president shall certify to the *Office of Educational Facilities of the Commissioner of Education department* a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the *Office of Educational Facilities of the Commissioner of Education department* that the need for and location of the facility are in compliance with the board-approved survey recommendations, ~~and that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and the plan is consistent with the local government comprehensive plan.~~

(b) Upon request for release of construction funds, certification must be made to the *Office of Educational Facilities of the Commissioner of Education department* that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 17. Subsection (3) of section 235.175, Florida Statutes, is amended to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(3) **SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAMS.**—It is the purpose of the Legislature to create s. 235.185, requiring each school district annually to adopt an *educational facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the a-district facilities 5-year work program.* The purpose of the *educational facilities plan district facilities work program* is to keep the school board, *local governments,* and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The *educational facilities plan district facilities work program* will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 235.218.

Section 18. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended. Each district school board must prepare its tentative *district education facilities plan facilities work program* as required by s. 235.185 before adopting the capital outlay budget.

Section 19. Section 235.185, Florida Statutes, is amended to read:

235.185 School district *educational facilities plan work program;* definitions; preparation, adoption, and amendment; long-term work programs.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Adopted educational facilities plan” means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.

~~(a) “Adopted district facilities work program” means the 5-year work program adopted by the district school board as provided in subsection (3).~~

(b) “~~Tentative~~ District facilities work program” means the 5-year listing of capital outlay projects, adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to:

1. ~~To~~ Properly maintain the educational plant and ancillary facilities of the district.

2. ~~To~~ Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.062.

(c) “Tentative educational facilities plan” means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities of the Commissioner of Education and the affected general-purpose local governments.

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN ~~WORK PROGRAM~~.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The school board’s plan for provision of new schools must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include ~~work program that includes~~:

1. Projected student populations apportioned geographically at the local level. The projections must be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the district based on development data and agreement with the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections must be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.

2. An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified. The inventory must include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. Projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

4. Information on leased, loaned, and donated space and relocatables used for conducting the district’s instructional programs.

5. The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools’ site acreage needs and anticipated capacity and maps showing the general locations. The school board’s identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

6. The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:

a. Acceptable capacity;

b. Redistricting;

c. Busing;

d. Year-round schools; and

e. Charter schools.

7. The criteria and method, jointly determined by the local government and the school board, for determining the impact to public school capacity in response to a local government request for a report pursuant to s. 235.193(4).

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities ~~plant~~ and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department including all enrollment used in the calculation of the distribution formula in s. 235.435(3).

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193(6), (7), and (8) must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which ~~that~~ will result if the tentative district facilities work program is fully implemented. ~~The average shall not include exceptional student education classes or prekindergarten classes.~~

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the tentative district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the tentative district facilities work program.

5. A schedule indicating which projects included in the tentative district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the tentative district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(c)(b) To the extent available, the tentative district educational facilities plan work program shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.

(d)(e) Provision shall be made for public comment concerning the tentative district educational facilities plan work program.

(e) The district school board shall coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.

(f) Commencing on October 1, 2001, and not less than once every 5 years thereafter, the district school board shall contract with a qualified, independent third party to conduct a financial management and performance audit of the educational planning and construction activities of the district. An audit conducted by the Auditor General satisfies this requirement.

(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO LOCAL GOVERNMENT.—The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement required by ss. 163.31776(4) and 235.193(2). The process for the submittal and review shall be detailed in the interlocal agreement required pursuant to ss. 163.31776(4) and 235.193(2).

(4)(3) ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAM.—Annually, the district school board shall consider and adopt the tentative district educational facilities plan work program completed pursuant to subsection (2). Upon giving proper public notice to the public and local governments and opportunity for public comment, the district school board may amend the plan program to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district educational facilities plan work program shall:

(a) Be a complete, balanced, and financially feasible capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.

(5)(4) EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAM.—The first year of the adopted district educational facilities plan work program shall constitute the capital outlay budget required in s. 235.18. The adopted district educational facilities plan work program shall include the information required in subparagraphs *(2)(b)1., 2., and 3.* ~~*(2)(a)1., 2., and 3.,*~~ based upon projects actually funded in the program.

~~**(5) 10 YEAR AND 20 YEAR WORK PROGRAMS.**—In addition to the adopted district facilities work program covering the 5 year work program, the district school board shall adopt annually a 10 year and a 20 year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10 year and 20 year periods. It is recognized that the projections in the 10 year and 20 year timeframes are tentative and should be used only for general planning purposes.~~

Section 20. Section 235.188, Florida Statutes, is amended to read:

235.188 Full bonding required to participate in programs.—Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district educational facilities plan work program that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.

Section 21. Section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) If the school board and local government have entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2) and have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan and a method to coordinate decisionmaking and approved activities relating to school planning and site selection, the provisions of this section do not apply to such school board and local government.

~~*(2)(1)*~~ Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the consistency compatibility of such plans with site planning. Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible and to encourage using elementary schools as focal points for neighborhoods.

~~*(3)(2)*~~ Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. ~~The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less than recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.~~

~~*(4)(3)*~~ Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as the school board commissioner prescribes to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program or collocated with facilities to serve this purpose. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through

highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program. *To the extent practicable, sites must be chosen that will provide safe access from neighborhoods to schools.*

(5)(4) It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(6)(5) Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 22. Section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan ~~plant survey~~ and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments ~~governing bodies~~. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. *In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.*

(2) *No later than 6 months prior to the transmittal of a public educational facilities element by general purpose local governments meeting the criteria of s. 163.31776(3), the school district, the county, and the non-exempt municipalities shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:*

(a) *By which each local government and the school district agree and base the local government comprehensive plan and educational facilities*

plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.

(b) *To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.*

(c) *To ensure that school-siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and to ensure early involvement by the local government as the school board identifies potential school sites.*

(d) *To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform, countywide school facility planning system.*

(e) *For school-district participation in the review of comprehensive plan amendments and rezonings that increase residential density and that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and the criteria for determining whether school facility capacity will be reasonably available at the time of projected school impacts, including uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement shall ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement shall also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777.*

(f) *For the resolution of disputes between the school district and local governments.*

Any school board entering into an interlocal agreement for the purpose of adopting public school concurrency prior to the effective date of this act is not required to amend the interlocal agreement to conform to the provisions of this subsection if the comprehensive plan amendment adopting public school concurrency is ultimately determined to be in compliance.

(3) *Failure to enter into an interlocal agreement as required by s. 235.193(2) shall result in the withholding of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42 and a prohibition from siting schools. Before the Office of Educational Facilities of the Commissioner of Education may withhold any funds, the office shall provide the school board with a notice of intent to withhold funds, which the school board may appeal under chapter 120. The office shall withhold funds when a final order is issued finding that the school board has failed to enter into an interlocal agreement that meets the requirements of this section.*

(4) *The school board shall report to the local government on school capacity when the local government notifies the school board that it is reviewing an application for a comprehensive plan amendment or a rezoning that seeks to increase residential density. The report must provide data and analysis as required by s. 163.31777(2) for the local government's review of the proposed plan amendment or rezoning.*

(5)(2) A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 ~~Department of Education enrollment projections~~ when preparing the 5-year district educational facilities plan ~~work program~~ pursuant to s. 235.185, as modified and agreed to by the local governments and the Office of Educational Facilities of the Commissioner of Education, ~~in and a school board shall affirmatively demonstrate in the educational facilities report~~ consideration of local governments' population projections, to ensure that the district educational facilities plan ~~5-year work program~~ not only reflects enrollment projections but also considers applicable municipal and county

growth and development projections. *The projections shall be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data.* A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities *plan report* for the prior year required pursuant to s. 235.185 s. ~~235.194~~ unless the failure is corrected.

(6)(~~3~~) The location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and *consistent with the plan's implementing land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the board.*

(7)(4) To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least 120 ~~60~~ days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection (8) (~~5~~).

(8)(~~5~~) As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and *consistent with local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed.* If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.

(9)(~~6~~) A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's *future* land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 235.34(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.

(10)(~~7~~) This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts *pursuant to an interlocal agreement adopted in accordance with this section.*

(11)(~~8~~) Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~ If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 23. *Section 235.194, Florida Statutes, is repealed.*

Section 24. Section 235.218, Florida Statutes, is amended to read:

235.218 School district *educational facilities plan* ~~work program~~ performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district *educational facilities plans* ~~work programs~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

- (a) Frugal production of high-quality projects.
- (b) Efficient finance and administration.
- (c) Optimal school and classroom size and utilization rate.
- (d) Safety.
- (e) Core facility space needs and cost-effective capacity improvements that consider demographic projections.
- (f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance.

Section 25. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district *educational facilities plan* ~~work program~~ pursuant to s. 235.185.

Section 26. Paragraph (d) of subsection (5) of section 236.25, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

236.25 District school tax.—

(5)

(d) Notwithstanding any other provision of this subsection, if through its adopted *educational facilities plan* ~~work program~~ a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the *acquisition*, construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the

district reasonably expects to receive during the next 5 years or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 27. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 28. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

Section 29. Paragraph (e) of subsection (2), subsection (12), paragraph (c) of subsection (15), and subsections (18) and (19) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. *The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effective period of the designation. The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.*

(12) REGIONAL REPORTS.—

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, "applicable state plan" means the state comprehensive plan. For the purposes of this subsection, "applicable regional plan" means an adopted comprehensive regional policy plan until the adoption of a strategic regional policy plan pursuant to s. 186.508, and thereafter means an adopted strategic regional policy plan.

2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.

3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

(d) *Where the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.*

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a termination date that reasonably reflects the time required to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the ~~biennial~~ annual report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination under subsection (19).

6. Shall include a legal description of the property.

(18) ~~BIENNIAL ANNUAL~~ REPORTS.—The developer shall submit a ~~biennial~~ annual report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies *in alternate years* on the date specified in the development order, *unless the development order by its terms requires more frequent monitoring*. If the annual report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the ~~biennial~~ annual report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. *If no additional development pursuant to the development order has occurred since the submission of the previous report, a letter from the developer stating that no development has occurred satisfies the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government.*

(19) SUBSTANTIAL DEVIATIONS.—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent ~~or 6 acres, whichever is greater~~, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by ~~6 acres of land area or~~ 50,000 square feet of gross floor area; or of parking spaces provided for customers for 300 cars or a 5-percent increase of ~~either any~~ of these, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or

archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

~~(e)1.—A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1.-15., but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.~~

1.2. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than 40 percent of any numerical criterion contained in subparagraphs (b)1.-15. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not a substantial deviation, is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
- c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (f), and (g) and residential use.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider

the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 90 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer. ~~A change which is subject to the substantial deviation criteria specified in sub-subparagraph (e)5.c. shall not be subject to this requirement.~~

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and ~~subparagraph (e)3. subparagraphs (e)1. and 3.~~ shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change, as it relates to the entire development, should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

Section 30. Paragraphs (d) and (f) of subsection (3) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or
2. ~~Has a total site size of 30 or more acres; or~~

2.3. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(f) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or
2. ~~Occupies more than 40 acres of land; or~~
- 2.3. Provides parking spaces for more than 2,500 cars.

Section 31. *Requirement of interlocal service provision agreements.—*

(1) *By January 1, 2005, counties having a population over 100,000 shall negotiate and adopt a service-delivery interlocal agreement with all of the municipalities within the county, with those special districts providing a service listed in paragraph (a), and with the school district which:*

(a) *Identifies the current providers of the following services; education, sanitary sewer, public safety, solid waste, drainage, potable water, parks and recreation, and transportation facilities.*

(b) *Describes the existing organization of such services and the means of financing such services and designates the entities that will provide the services over the next 20 years, including any anticipated changes caused by annexation.*

(c) *Identifies any deficits in the provision of services and prescribes a 5-year capital outlay plan for the provision of deficit infrastructure.*

(d) *Identifies opportunities for the joint financing of capital outlay projects.*

(e) *Identifies any areas that the municipalities plan to annex within the next 5 years and establishes a plan for service delivery within the areas to be annexed or a process for resolving service-delivery issues associated with annexation.*

(f) *Provides specific procedures for amending the interlocal agreement.*

(2) *Each county and municipality shall submit a copy of its interlocal agreement to the Department of Community Affairs by February 15, 2005.*

(3) *The regional planning councils may provide technical assistance and dispute-resolution services to assist local governments in complying with this section.*

Section 32. *The sum of \$500,000 is appropriated from the General Revenue Fund to the Department of Community Affairs for the purpose of funding the Urban Infill and Redevelopment Assistance Grant Program established under section 163.2523, Florida Statutes, during the 2001-2002 fiscal year.*

Section 33. *The Legislature finds that the integration of the growth-management system and the planning of public educational facilities is a matter of great public importance.*

Section 34. (1) *The Legislative Committee on Intergovernmental Relations is directed to conduct a study of the existing bonding capacity of counties, municipalities, and school boards. The study shall include, but is not limited to: possible methods of strengthening their credit ratings and interest rates; feasibility of increasing their borrowing capacity to the extent of their authorized millage or revenue; and more flexible use of bond proceeds, especially for small municipalities and counties.*

(2) *The Legislative Committee on Intergovernmental Relations is required to report its findings and recommendations to the Governor and Legislature by January 1, 2002. The recommendations must specifically include proposed legislation, if applicable, for additional county, municipality, and school board bonding capacity.*

Section 35. *Any multicounty airport authority created as an independent special district which is subject to a development-of-regional-impact development order and which has conducted a noise study in accordance with 14 C.F.R. Part 150 shall, in fiscal year 2002, establish a noise-mitigation-project fund in an amount of \$7.5 million, which shall be increased by another \$2.5 million in fiscal year 2004. The moneys in the project fund shall be segregated and expended by the airport authority by December 31, 2006, to the extent necessary to comply with development-order commitments to acquire property from or otherwise mitigate property owners adversely affected by the development of regional impact. If moneys are not expended for such purposes by December 31, 2006, the airport authority shall not thereafter amend its development-of-regional-impact development order or commence development of airport infrastructure improvements authorized by such development order until such funds are fully expended for such purposes.*

Section 36. Subsection (1) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." *A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency.* Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. ~~The Community redevelopment agencies agency~~ of a county ~~have~~ has the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180,

F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing effective dates.

On motion by Senator Constantine, by two-thirds vote **CS for HB's 1617 and 1487** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1872, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

House Amendment 1 (255065)—On page 2, line 3 after the period, insert:

If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

On motion by Senator Carlton, the Senate concurred in the House amendment.

CS for SB 1872 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Laurent	Rossin
Bronson	Dawson	Lawson	Sanderson
Brown-Waite	Dyer	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Carlton	Jones	Mitchell	Smith
Clary	King	Peaden	Villalobos
Constantine	Klein	Posey	Wasserman Schultz
Cowin	Latvala	Pruitt	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1180, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

House Amendment 1 (965965)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 229.05371, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 229.05371, F.S., for present text.)

229.05371 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program, pursuant to this section.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual education plan has been written in accordance with rules of the Commissioner of Education or the State Board of Education. Students with disabilities include K-12 students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospitalized or homebound, or autistic.

(2) SCHOLARSHIP ELIGIBILITY.—The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a Florida public school. Prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12; and

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (4) and has notified, in writing, the school district of the request for a scholarship at least 60 days prior to the date of the first scholarship payment.

This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the scholarship shall remain in force until the student returns to a public school or graduates from high school. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible for the program under subsection (4) or in a public school as provided in subsection (3).

(3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) A school district shall timely notify the parent of the student of all options available pursuant to this section and offer that student's parent an opportunity to enroll the student in another public school within the district. The parent is not required to accept this offer in lieu of requesting a John M. McKay Scholarship to a private school. However, if the parent

chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school. If the parent chooses a public school consistent with the school board's choice plan under s. 228.057, the school district will provide transportation to the public school selected by the parent. The parent is responsible to provide transportation to a public school chosen that is not consistent with the school board's choice plan under s. 228.057.

(b) For a student with disabilities who does not have a matrix of services under s. 236.025, the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year. The school district must complete the matrix of services for any student who is participating in the John M. McKay Scholarships for Students with Disabilities Program and must notify the Department of Education of the student's matrix level within 30 days after receiving notification by the student's parent of intent to participate in the scholarship program. The Department of Education shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level.

(c) If the parent chooses the private school option and the student is accepted by the private school pending the availability of a space for the student, the parent of the student must notify the school district 60 days prior to the first scholarship payment and before entering the private school in order to be eligible for the scholarship when a space becomes available for the student in the private school.

(d) The parent of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with the services agreed to in the student's individual education plan already in place, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(e) For a student in the district who participates in the John M. McKay Scholarships for Students with Disabilities Program whose parent requests that the student take the statewide assessments under s. 229.57, the district shall provide locations and times to take all statewide assessments.

(f) A school district must notify the Department of Education within 10 days after it receives notification of a parent's intent to apply for a scholarship for a student with a disability.

(4) PRIVATE SCHOOL ELIGIBILITY.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Notify the Department of Education of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes.

(e) Be academically accountable to the parent for meeting the educational needs of the student.

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Comply with all state laws relating to general regulation of private schools.

(h) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of a scholarship student.

(5) OBLIGATION OF PROGRAM PARTICIPANTS.—

(a) A parent who applies for a John M. McKay Scholarship is exercising his or her parental option to place his or her child in a private school. The parent must select the private school and apply for the admission of his or her child.

(b) The parent must have requested the scholarship at least 60 days prior to the date of the first scholarship payment.

(c) Any student participating in the scholarship program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(d) The parent of each student participating in the scholarship program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

(e) If the parent requests that the student participating in the scholarship program take all statewide assessments required pursuant to s. 229.57, the parent is responsible for transporting the student to the assessment site designated by the school district.

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school.

(g) A participant who fails to comply with this subsection forfeits the scholarship.

(6) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum scholarship granted for an eligible student with disabilities shall be a calculated amount equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the calculated amount. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. The calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. Also, the calculated amount shall include the per-student share of Supplemental Academic Instruction funds, instructional materials funds, technology funds, and other categorical funds as provided for such purposes in the General Appropriations Act.

(b) The amount of the John M. McKay Scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship.

(c) If the participating private school requires partial payment of tuition prior to the start of the academic year to reserve space for students admitted to the school, that partial payment may be paid by the Department of Education prior to the first quarterly payment of the year in which the John M. McKay Scholarship is awarded, up to a maximum of \$1,000, and deducted from subsequent scholarship payments. If a student decides not to attend the participating private school, the partial reservation payment must be returned to the Department of Education by the participating private school. There is a limit of one reservation payment per student per year.

(d) The school district shall report all students who are attending a private school under this program. The students with disabilities attending private schools on John M. McKay Scholarships shall be reported

separately from other students reported for purposes of the Florida Education Finance Program.

(e) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the Department of Education shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. When a student enters the scholarship program, the Department of Education must receive all documentation required for the student's participation, including the private school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student. The Department of Education may not make any retroactive payments.

(f) Upon proper documentation reviewed and approved by the Department of Education, the Comptroller shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 15 of each academic year in which the scholarship is in force. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(7) **LIABILITY.**—No liability shall arise on the part of the state based on the award or use of a John M. McKay Scholarship.

(8) **RULES.**—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, remove the title of the bill: and insert in lieu thereof: A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the John M. McKay Scholarships for Students with Disabilities Program; providing for eligibility; establishing obligations of school districts and the Department of Education; establishing criteria for private school eligibility; establishing obligations of program participants; providing for funding and payment; limiting liability of the state; authorizing the State Board of Education to adopt rules; providing an effective date.

On motion by Senator Pruitt, the Senate concurred in the House amendment.

CS for CS for SB 1180 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Crist	Lawson	Silver
Bronson	Diaz de la Portilla	Lee	Smith
Brown-Waite	Garcia	Meek	Sullivan
Burt	Geller	Peaden	Villalobos
Campbell	Horne	Posey	Wasserman Schultz
Carlton	Jones	Pruitt	Webster
Clary	King	Sanderson	
Constantine	Latvala	Saunders	
Cowin	Laurent	Sebesta	

Nays—4

Klein	Miller	Mitchell	Rossin
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RECESS

The Senate recessed at 8:16 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the Senator Silver at 8:20 p.m. A quorum present.

BILLS ON THIRD READING, continued

HB 21—A bill to be entitled An act relating to taxation; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; abrogating the expiration of s. 215.20(3), F.S.; relating to service charges against certain trust funds; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for payment; providing requirements for deposit of eligible contributions; providing duties of the Department of Revenue and Department of Education; establishing criteria for nonpublic school eligibility; providing for duties of the Department of Revenue and the Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; providing effective dates.

—as amended May 3 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Carlton, the Senate reconsidered the vote by which substitute **Amendment 2 (112476)** by Senator Carlton was adopted May 3. **Amendment 2** was withdrawn.

The question recurred on **Amendment 1 (161740)** by Committee on Finance and Taxation which failed to receive the required two-thirds vote.

Senators Pruitt and Carlton offered the following amendment which was moved by Senator Carlton:

Amendment 3 (042216)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in

s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 2. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 3. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) **HOLDING ELECTIONS.**—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(2) **FORM OF BALLOT.**—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(3) **QUALIFICATION OF ELECTORS.**—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) **RESULTS OF ELECTION.**—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) **EXPENSES OF ELECTION.**—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.

Section 4. Effective January 1, 2002, subsection (2) of section 199.185, Florida Statutes, is amended to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(2) Every natural person is entitled each year to an exemption of the first \$250,000 ~~\$20,000~~ of the value of property otherwise subject to the annual tax. A husband and wife filing jointly shall have an exemption of \$500,000 ~~\$40,000~~. Every taxpayer that is not a natural person is entitled each year to an exemption of the first \$250,000 of the value of property otherwise subject to the tax. Agents and fiduciaries, other than guardians and custodians under a gifts-to-minors act, filing as such may not claim this exemption on behalf of their principals or beneficiaries; however, if the principal or beneficiary returns the property held by the agent or fiduciary and is a natural person, the principal or beneficiary may claim the exemption. No taxpayer shall be entitled to more than one exemption under this subsection. This exemption shall not apply to that intangible personal property described in s. 199.023(1)(d).

Section 5. Subsection (9) of section 213.27, Florida Statutes, is repealed.

Section 6. Section 213.256, Florida Statutes, is created to read:

213.256 Simplified Sales and Use Tax Administration Act.—

(1) As used in this section, the term:

(a) “Department” means the Department of Revenue.

(b) “Agreement” means the Streamlined Sales and Use Tax Agreement as amended and adopted on January 27, 2001, by the Executive Committee of the National Conference of State Legislatures.

(c) “Certified automated system” means software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) “Certified service provider” means an agent certified jointly by the states that are signatories to the agreement to perform all of the seller’s sales tax functions.

(e) “Person” means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

(f) “Sales tax” means the tax levied under chapter 212.

(g) “Seller” means any person making sales, leases, or rentals of personal property or services.

(h) “State” means any state of the United States and the District of Columbia.

(i) “Use tax” means the tax levied under chapter 212.

(2)(a) The executive director of the department shall enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the executive director of the department or his or her designee shall act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

(b) The executive director of the department or his or her designee shall take other actions reasonably required to administer this section. Other actions authorized by this section include, but are not limited to, the adoption of rules and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.

(c) The executive director of the department or his or her designee may represent this state before the other states that are signatories to the agreement.

(3) The executive director of the department may not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:

(a) *The agreement must set restrictions to limit, over time, the number of state tax rates.*

(b) *The agreement must establish uniform standards for:*

1. *The sourcing of transactions to taxing jurisdictions.*
2. *The administration of exempt sales.*
3. *Sales and use tax returns and remittances.*

(c) *The agreement must provide a central electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.*

(d) *The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory state will not be used as a factor in determining whether the seller has nexus with a state for any tax.*

(e) *The agreement must provide for reduction of the burdens of complying with local sales and use taxes through:*

1. *Restricting variances between the state and local tax bases.*
2. *Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers who collect and remit these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.*
3. *Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.*
4. *Providing notice of changes in local sales and use tax rates and of local changes in the boundaries of local taxing jurisdictions.*

(f) *The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint study by the public and private sectors, which must be completed by July 1, 2002, of the compliance cost to sellers and certified service providers of collecting sales and use taxes for state and local governments under various levels of complexity.*

(g) *The agreement must require each state to certify compliance with the terms of the agreement before joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.*

(h) *The agreement must require each state to adopt a uniform policy for certified service providers which protects the privacy of consumers and maintains the confidentiality of tax information.*

(i) *The agreement must provide for the appointment of an advisory council of private-sector representatives and an advisory council of non-member state representatives to consult within the administration of the agreement.*

(4) *For the purposes of reviewing or amending the agreement to embody the simplification requirements as set forth in subsection (3), this state shall enter into multistate discussions. For purposes of such discussions, this state shall be represented by three delegates, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and the executive director of the department or his or her designee.*

(5) *No provision of the agreement authorized by this section in whole or in part invalidates or amends any provision of the laws of this state. Adoption of the agreement by this state does not amend or modify any law of the state. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the state.*

(6) *The agreement authorized by this section is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.*

(7)(a) *The agreement authorized by this act binds and inures only to the benefit of this state and the other member states. No person, other than a member state, is an intended beneficiary of the agreement. Any benefit to a person other than a state is established by the laws of this state and of other member states and not by the terms of the agreement.*

(b) *Consistent with paragraph (a), no person has any cause of action or defense under the agreement or by virtue of this state's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or of any political subdivision of this state, on the ground that the action or inaction is inconsistent with the agreement.*

(c) *No law of this state, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.*

(8)(a) *A certified service provider is the agent of a seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this subsection.*

(b) *A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless the seller has misrepresented the type of items it sells or has committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions that have not been processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and to determine the extent to which the seller's transactions are being processed by the certified service provider.*

(c) *A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the state for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated system remains responsible and is liable to the state for reporting and remitting tax.*

(d) *A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standards for that system is liable for the failure of the system to meet the performance standard.*

(9) *Disclosure of information necessary under this section must be pursuant to a written agreement between the executive director of the department or his or her designee and the certified service provider. The certified service provider is bound by the same requirements of confidentiality as the department. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(10) *On or before January 1 annually, the department shall provide recommendations to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives for provisions to be adopted for inclusion within the system which are necessary to bring it into compliance with the Streamlined Sales and Use Tax Agreement.*

Section 7. *Effective July 1, 2001, notwithstanding section 10 of chapter 90-110, Laws of Florida, subsection (3) of section 215.20, Florida Statutes, shall not expire on October 1, 2001, as scheduled by that law, but subsection (3) of section 215.20, Florida Statutes, is revived and readopted.*

Section 8. *Effective January 1, 2002, and applying to tax years beginning on or after that date, section 220.187, Florida Statutes, is created to read:*

220.187 *Credits for contributions to nonprofit scholarship-funding organizations.—*

(1) *PURPOSE.—The purpose of this section is to:*

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for children of families that have limited financial resources.

(c) Enable children in this state to achieve a greater level of excellence in their education.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Department” means the Department of Revenue.

(b) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than \$5 million to any single eligible nonprofit scholarship-funding organization.

(c) “Eligible nonpublic school” means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).

(d) “Eligible nonprofit scholarship-funding organization” means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) “Qualified student” means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time-equivalent student during the previous state fiscal year for purposes of state per-student funding; or

2. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, at least 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credit which may be granted each state fiscal year under this section is \$50 million.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible

nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. \$3,500 for a scholarship awarded to a student enrolled in an eligible nonpublic school.

2. \$500 for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

(d) The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible nonpublic schools have been identified.

(e) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(f) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General.

(g) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible nonpublic school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the nonpublic school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the nonpublic school of the parent's choice for deposit into the account of the nonpublic school.

(5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.—An eligible nonpublic school must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Comply with all state laws relating to general regulation of nonpublic schools.

(6) ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section.

The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(c), and eligibility of expenditures under this section as provided in subsection (4).

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(e) The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations as defined in paragraph (2)(d) and according to the provisions of subsection (4) and identify qualified students as defined in paragraph (2)(e).

(7) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—*All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).*

Section 9. Effective January 1, 2002, and applying to tax years beginning on or after that date, subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185, and those enumerated in s. 220.187.

Section 10. Effective January 1, 2002, and applying to tax years beginning on or after that date, paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 “Adjusted federal income” defined.—

(1) The term “adjusted federal income” means an amount equal to the taxpayer’s taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers’ cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. *The amount taken as a credit for the taxable year under s. 220.187.*

Section 11. Effective January 1, 2002, and applying to tax years beginning on or after that date, paragraph (u) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(u) Information relative to s. 220.187 to the Department of Education in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 12. *(1) The first two payments of estimated tax pursuant to section 200.33, Florida Statutes, shall not be affected by any contribution made pursuant to this act.*

(2) This section shall take effect January 1, 2002, and apply to tax years beginning on or after that date.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state’s system into compliance with the Streamlined Sales and Use Tax Agreement; abrogating the expiration of s. 215.20(3), F.S.; relating

to service charges against certain trust funds; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for payment; providing requirements for deposit of eligible contributions; providing duties of the Department of Revenue and Department of Education; establishing criteria for nonpublic school eligibility; providing for duties of the Department of Revenue and the Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing effective dates.

Senator Horne moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3A (233226)(with title amendment)—On page 20, between lines 8 and 9, insert:

Section 13. Effective July 1, 2001, paragraph (a) of subsection (4) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation, minerals, or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 22, line 18, after the semicolon (;) insert: amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers;

Amendment 3 as amended was adopted by two-thirds vote.

RECONSIDERATION OF AMENDMENT

On motion by Senator Carlton, the Senate reconsidered the vote by which **Amendment 3** as amended was adopted.

Senator Carlton moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3B (451340)(with title amendment)—On page 1, line 17 through page 4, line 9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 20, lines 19-27, delete those lines and insert: An act relating to taxation; amending s.

Amendment 3 as amended was adopted by two-thirds vote.

The vote was:

Yeas—26

Bronson	Cowin	Laurent	Sebesta
Brown-Waite	Crist	Lee	Silver
Burt	Diaz de la Portilla	Peaden	Sullivan
Campbell	Garcia	Posey	Villalobos
Carlton	Horne	Pruitt	Webster
Clary	King	Sanderson	
Constantine	Latvala	Saunders	

Nays—12

Dawson	Holzendorf	Lawson	Rossin
Dyer	Jones	Meek	Smith
Geller	Klein	Mitchell	Wasserman Schultz

On motion by Senator Carlton, **HB 21** as amended was passed and certified to the House. The vote on passage was:

Yeas—25

Bronson	Crist	Lee	Silver
Brown-Waite	Diaz de la Portilla	Peaden	Sullivan
Burt	Garcia	Posey	Villalobos
Carlton	Horne	Pruitt	Webster
Clary	King	Sanderson	
Constantine	Latvala	Saunders	
Cowin	Laurent	Sebesta	

Nays—14

Campbell	Holzendorf	Meek	Smith
Dawson	Jones	Miller	Wasserman Schultz
Dyer	Klein	Mitchell	
Geller	Lawson	Rossin	

THE PRESIDENT PRESIDING

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 84, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the

Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy; providing an effective date.

House Amendment 1 (632353)(with title amendment)—remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 2. Subsection (3) is added to section 30.15, Florida Statutes, to read:

30.15 Powers, duties, and obligations.—

(3) *On or before January 1, 2002, every sheriff shall incorporate an antiracial or other antidiscriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

Section 3. Section 166.0493, Florida Statutes, is created to read:

166.0493 Powers, duties, and obligations of municipal law enforcement agencies.—On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other antidiscriminatory profiling policy into the agency's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to law enforcement; amending s. 943.1758, F.S.; providing that instruction in interpersonal skills relating to diverse populations shall consist of a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling; amending ss. 30.15 and 166.0493, F.S.; requiring sheriffs and municipal law enforcement agencies to incorporate antiracial or other antidiscriminatory profiling policies into their policies and practices; providing guidelines and requirements for such policies; providing an effective date.

On motion by Senator Meek, the Senate concurred in the House amendment.

CS for SB 84 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 330, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; abrogating the repeal of s. 240.512, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute; providing an effective date.

House Amendment 1 (302835)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *There is hereby appropriated \$2,500,000 from nonrecurring General Revenue for Fiscal Year 2001-2002 to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for the purpose of construction, repairs, furnishing, and equipment at the H. Lee Moffitt Cancer Center and Research Institute.*

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; providing an appropriation; providing an effective date.

On motion by Senator Sullivan, the Senate concurred in the House amendment.

SB 330 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 304, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 304—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term “employee,” for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing for funding costs of the deferred compensation plan; providing an effective date.

House Amendment 1 (311735)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(1) This section shall be known and may be cited as the “Government Employees’ Deferred Compensation Plan Act.”

(2) For the purposes of this section, the term “employee” means any person, whether appointed, elected, or under contract, providing services for the state; any state agency or county or other political subdivision of the state; ~~or any municipality; or any constitutional county officer under s. 1(d), Article VIII of the State Constitution~~ for which compensation or statutory fees are paid.

(3) In accordance with a plan of deferred compensation which has been approved as herein provided, the state or any state agency, county, municipality, ~~or other political subdivision, or constitutional county officer~~ may, by contract or a collective bargaining agreement, agree with any employee to defer all or any portion of that employee’s otherwise payable compensation and, pursuant to the terms of such approved plan and in such proportions as may be designated or directed under that plan, place such deferred compensation in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or such other investment products as may have been approved for the purposes of carrying out the objectives of such plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws and regulations by persons who are duly authorized by applicable state and federal authorities.

(4)(a) The Treasurer, with the approval of the State Board of Administration, shall establish such plan or plans of deferred compensation for state employees, including all such investment vehicles or products incident thereto, as may be available through, or offered by, qualified companies or persons, and may approve one or more such plans for implementation by and on behalf of the state and its agencies and employees.

(b) If the Treasurer deems it advisable, he or she shall have the power, with the approval of the State Board of Administration, to create a trust or other special funds for the segregation of funds or assets resulting from compensation deferred at the request of employees of the state or its agencies and for the administration of such program.

(c) The Treasurer, with the approval of the State Board of Administration, may delegate responsibility for administration of the plan to a person the Treasurer determines to be qualified, compensate such person, and, directly or through such person or pursuant to a collective bargaining agreement, contract with a private corporation or institution to provide such services as may be part of any such plan or as may be deemed necessary or proper by the Treasurer or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, asset purchase, control, and safekeeping, and direct disbursement of funds to employees or other beneficiaries. The Treasurer may authorize a person, private corporation, or institution to make direct disbursement of funds under the plan to an employee or other beneficiary only upon the order of the Comptroller to the Treasurer.

(d) In accordance with such approved plan, and upon contract or agreement with an eligible employee, deferrals of compensation may be accomplished by payroll deductions made by the appropriate officer or officers of the state, with such funds being thereafter held and administered in accordance with the plan.

(5) Any county, municipality, or other political subdivision of the state may by ordinance, and any constitutional county officer under s. 1(d), Article VIII of the State Constitution of 1968 may by contract agreement or other documentation constituting approval, adopt and establish for itself and its employees a deferred compensation program. The ordinance shall designate an appropriate official of the county, municipality, or political subdivision to approve and administer a deferred compensation plan or otherwise provide for such approval and administration. The ordinance shall also designate a public official or body to make the determinations provided for in paragraph (6)(b). *If a constitutional county officer elects to adopt and establish for that office and its employees a deferred compensation program, the constitutional county officer shall be the appropriate official to make the determinations provided for in this subsection and in paragraph (6)(b).*

(6)(a) No deferred compensation plan of the state shall become effective until approved by the State Board of Administration and the Treasurer is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee’s taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the state retirement system, and for any other retirement, pension, or benefit program established by law.

(b) No deferred compensation plan of a county, municipality, ~~or other political subdivision, or constitutional county officer~~ shall become effective until the appropriate official or body designated under subsection (5) ~~by ordinance~~ is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee’s taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the retirement system of the appropriate county, municipality, ~~or political subdivision, or constitutional county officer,~~ and for any other retirement, pension, or benefit program established by law.

(7) The deferred compensation programs authorized by this section, and any plan approved and adopted as herein provided, shall exist and serve in addition to any other retirement, pension, or benefit systems established by the state or its agencies, counties, municipalities, ~~or other political subdivisions, or constitutional county officers~~ and shall not supersede, make inoperative, or reduce any benefits provided by the Florida Retirement System or by another retirement, pension, or benefit program established by law. All records identifying individual participants in any plan under this section and their personal account activities shall be confidential and are exempt from the provisions of s. 119.07(1).

(8)(a) There is hereby created a Deferred Compensation Advisory Council composed of seven members.

1. One member shall be appointed by the Speaker of the House of Representatives and the President of the Senate jointly and shall be an employee of the legislative branch.

2. One member shall be appointed by the Chief Justice of the Supreme Court and shall be an employee of the judicial branch.

3. One member shall be appointed by the chair of the Public Employees Relations Commission and shall be a nonexempt public employee.

4. The remaining four members shall be employed by the executive branch and shall be appointed as follows:

a. One member shall be appointed by the Chancellor of the State University System and shall be an employee of the university system.

b. One member shall be appointed by the Treasurer and shall be an employee of the Treasurer.

c. One member shall be appointed by the Governor and shall be an employee of the executive branch.

d. One member shall be appointed by the Comptroller and shall be an employee of the Comptroller.

(b) Each member shall serve for a term of 4 years from the date of appointment, except that a vacancy shall be filled by appointment for the remainder of the term.

(c) Members shall elect a chair annually.

(d) The council shall meet at the call of its chair, at the request of a majority of its membership, or at the request of the Treasurer, but not less than twice a year. The business of the council shall be presented to the council in the form of an agenda. The agenda shall be set by the Treasurer and shall include items of business requested by the council members.

(e) A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.

(f) The council shall make a report of each meeting to the Treasurer, which shall show the names of the members present and shall include a record of its discussions, recommendations, and actions taken. The Treasurer shall keep the records of the proceedings of each meeting on file and shall make the records available to any interested person or group.

(g) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(h) The advisory council shall provide assistance and recommendations to the Treasurer relating to the provisions of the plan, the insurance or investment options to be offered under the plan, and any other contracts or appointments deemed necessary by the council and the Treasurer to carry out the provisions of this act. The Treasurer shall inform the council of the manner in which each council recommendation is being addressed. The Treasurer shall provide the council, at least annually, a report on the status of the deferred compensation program, including, but not limited to, information on participant enrollment, amount of compensation deferred, total plan assets, product provider performance, and participant satisfaction with the program.

(9) The purchase of any insurance contract or annuity or the investment in another investment option under any plan of deferred compensation provided for in the United States Internal Revenue Code and not prohibited under the laws of this state for an employee shall impose no liability or responsibility whatsoever on the state, county, municipality, or other political subdivision, or constitutional county officer, except to show that the payments have been remitted for the purposes for which the compensation has been deferred.

(10)(a) The moneys, pensions, annuities, or other benefits accrued or accruing to any person under the provisions of any plan providing for the deferral of compensation and the accumulated contributions and the cash and securities in the funds created thereunder are hereby exempt from any state, county, or municipal tax. They shall not be subject to execution or attachment or to any legal process whatsoever by a creditor of the employee and shall be unassignable by the employee.

(b)1. There is created in the State Treasury the Deferred Compensation Trust Fund, through which the Treasurer as trustee shall hold moneys, pensions, annuities, or other benefits accrued or accruing under and pursuant to 26 U.S.C. s. 457 and the deferred compensation plan provided for therein and adopted by this state; and

- a. All amounts of compensation deferred thereunder;
- b. All property and rights purchased with such amounts; and
- c. All income attributable to such amounts, property, or rights.

2. Notwithstanding the mandates of 26 U.S.C. s. 457(b)(6), all of the assets specified in subparagraph 1. shall be held in trust for the exclusive benefit of participants and their beneficiaries as mandated by 26 U.S.C. s. 457(g)(1).

(11) With respect to any funds held pursuant to a deferred compensation plan, any plan provider which is a bank or savings association and which provides time deposit accounts and certificates of deposit as an investment product to the plan participants may, with the approval of the State Board of Administration for providers in the state plan, or with the approval of the appropriate official or body designated under subsection (5) by ordinance for a plan of a county, municipality municipal, or

other political subdivision, or constitutional county officer plan, be exempt from the provisions of chapter 280 requiring it to be a qualified public depository, provided:

(a) The bank or savings association shall, to the extent that the time deposit accounts or certificates of deposit are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, pledge collateral with the Treasurer for all state funds held by it under a deferred compensation plan, or with such other appropriate official for all public funds held by it under a deferred compensation plan of a county, municipality, or other political subdivision, or constitutional county officer, in an amount which equals at least 150 percent of all uninsured deferred compensation funds then held.

(b) Said collateral shall be of the kind permitted by s. 280.13 and shall be pledged in the manner provided for by the applicable provisions of chapter 280.

The Treasurer shall have all the applicable powers provided in ss. 280.04, 280.05, and 280.08 relating to the sale or other disposition of the pledged collateral.

(12) The Treasurer may adopt any rule necessary to administer and implement this act with respect to deferred compensation plans for state employees.

(13) This subsection may not impair an existing contract. In each county that has one or more constitutional county officers, the board of county commissioners and the constitutional county officers shall negotiate a joint deferred compensation program for all their respective employees under s. 163.01. If all parties to the negotiation cannot agree upon a joint deferred compensation program, the provisions of subsection (5) apply.

Section 2. This act shall take effect October 1, 2001.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term "employee," for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing an effective date.

House Amendment 2 (883957)(with title amendment)—On page 1, line 18, insert:

Section 1. Section 24 of chapter 2000-237, Laws of Florida, is amended to read:

Section 24. This act shall take effect upon becoming a law, except for section 8 of this act, which shall take effect July 1, 2003 2001.

And the title is amended as follows:

On page 1, line 3, after "employees" insert: and to the judiciary; amending s. 24 of ch. 2000-237, Laws of Florida, to revise the effective date thereof

On motion by Senator Pruitt, the Senate concurred in the House amendments.

SB 304 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cowin	Jones	Miller
Bronson	Crist	King	Mitchell
Brown-Waite	Dawson	Klein	Peaden
Burt	Dyer	Latvala	Posey
Campbell	Garcia	Laurent	Pruitt
Carlton	Geller	Lawson	Rossin
Clary	Holzendorf	Lee	Sanderson
Constantine	Horne	Meek	Saunders

Sebesta Smith Villalobos Webster
Silver Sullivan Wasserman Schultz
Nays—None

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and for other specified purposes of the various
agencies of State government; providing an effective
date.

CONFERENCE COMMITTEE REPORT ON SB 2000

The Honorable John M. McKay May 2, 2001
President of the Senate

The Honorable Tom Feeny
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses
on SB 2000, same being:

An act relating to appropriations; providing moneys for the annual
period beginning July 1, 2001, and ending June 30, 2002, to pay
salaries, and other expenses, capital outlay - buildings, and other
improvements, and for other specified purposes of the various agen-
cies of state government; providing an effective date.

having met, and after full and free conference, do recommend to their
respective houses as follows:

- 1. That the House recede from its amendment 1.
2. That the Senate and the House of Representatives adopt the
Conference Committee amendments attached hereto, and by
reference made a part of this report.

s/Jim Horne Chairman
s/Charlie Clary
s/M. Mandy Dawson
s/Rudy Garcia
s/Daryl L. Jones
s/Jack Latvala
s/Alfred "Al" Lawson, Jr.
s/Lesley "Les" Miller, Jr.
s/Durell Peaden, Jr.
s/Debby P. Sanderson
s/Ronald A. Silver
s/J. Alex Villalobos
s/Locke Burt
s/Anna P. Cowin
s/Buddy Dyer
s/Betty S. Holzendorf
s/James E. "Jim" King, Jr.
s/John F. Laurent
s/Kendrick B. MEEK
s/Richard Mitchell
s/Tom Rossin
s/Burt L. Saunders
s/Donald C. Sullivan
s/Daniel Webster

Managers on the part of the of the Senate

s/Carlos Lacasa Vice Chairman
s/Randy J. Ball
s/Allan Bense
s/Frederick C. "Fred" Brummer
s/Frank Farkas
s/Mark Flanagan
s/Ron Greenstein
s/Wilbert T. "Tee" Holloway
s/Randy Johnson
s/Bev Kilmer
s/Mark Mahon
s/Matthew Meadows
s/Jefferson "Jeff" Miller
s/Nan Rich
s/Marco Rubio
s/Gary Siplin
s/Joseph R. Spratt
s/Rob Wallace
s/JD Alexander
s/Gustavo Barreiro
s/Gus Bilirakis
s/Paula Dockery
s/Mike Fasano
s/Carole Green
s/Chris Hart
s/Ed Jennings, Jr.
s/Charlie Justice
s/Evelyn Lynn
s/Jerry Maygarden
s/Jerry Melvin
s/Sandra L. Murman
s/Stacy Ritter
s/John P. "Jack" Seiler
s/Irving Slosberg
s/Dwight Stansel
s/Frederica "Freddi" Wilson

Managers on the part of the of the House of Representatives

Conference Committee Amendment 1 (with title amend-
ment)—Delete everything after the enacting clause and insert:

A bill to be entitled

An act making appropriations; providing moneys for
the annual period beginning July 1, 2001, and ending
June 30, 2002, to pay salaries, and other expenses,
capital outlay - buildings, and other improvements,

Be It Enacted by the Legislature of the State of Florida:

The moneys contained herein are appropriated from the named funds for
the 2001-2002 Fiscal Year to the State agency indicated, as the amounts
to be used to pay the salaries, other operational expenditures, and
fixed capital outlay of the named agencies, and are in lieu of all
moneys appropriated for these purposes in other sections of the Florida
Statutes.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education
Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF
EDUCATION

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

Table with 2 columns: Description and Amount. Row 1: 1 FIXED CAPITAL OUTLAY CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL OUTLAY BOND PROGRAMS - OPERATING FUNDS AND DEBT SERVICE FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 180,000,000

The funds in Specific Appropriation 1 are for the cash and debt
service requirements of the Classrooms First and 1997 School Capital
Outlay Bond Programs established in Chapter 97-384, Laws of Florida.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

Table with 2 columns: Description and Amount. Row 1: 2 SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 202,000,000

Table with 2 columns: Description and Amount. Row 1: 2A SPECIAL CATEGORIES TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 19,415,980

Table with 2 columns: Description and Amount. Row 1: TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE FROM TRUST FUNDS . 221,415,980

Table with 2 columns: Description and Amount. Row 1: TOTAL ALL FUNDS . 221,415,980

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

Table with 2 columns: Description and Amount. Row 1: 4A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DISTRICT LOTTERY AND SCHOOL RECOGNITION PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 283,750,000

Funds appropriated in Specific Appropriation 4A are provided as
enhancement funds for school districts and shall be allocated as
follows:

a) Sixty percent of the funds in Specific Appropriation 4A shall be
allocated by prorating the amount of the appropriation on each
district's K-12 base funding entitlement. Prior to the expenditure of
these funds, each district shall establish policies and procedures that
define enhancement and the types of expenditures that will be consistent
with that definition. From the portion of funds allocated pursuant to
this paragraph, school boards must allocate, not later than October 1,

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2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) Forty percent of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall withhold the distribution of discretionary lottery funds from any school district which fails to comply with the provisions of s.106.15,F.S.

5 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 28,075,000

Funds appropriated in Specific Appropriation 5 for public school technology shall be allocated by prorating the total based on each district's share of the state total K-12 FTE.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP
FROM TRUST FUNDS 311,825,000

TOTAL ALL FUNDS 311,825,000

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

7A SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,731,428

Funds appropriated in Specific Appropriation 7A are provided for Direct Instruction.

7B SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,000,000

From the funds appropriated in Specific Appropriation 7B, \$4,720,000 is provided to support school-wide change designed to improve student performance in "D" and "F" elementary schools. Schools that apply for funds shall provide a description of the school-wide program approved by the school board that is designed to dramatically improve student learning. The school must demonstrate tangible changes in factors supporting an improved instructional program such as leadership, curriculum realignment, technology, teaching approaches, student expectations, parent and community involvement, professional development and teacher quality, and attendance. Eligible schools shall implement research-based, structured mentoring programs which have a record of proven success. To be eligible, schools must demonstrate that the district and school budget priorities have been changed to support the redesigned program and that the school board has shifted funds to the low performing schools to address identified needs. Approved proposals will make funding available to the schools to support only items that cannot be provided through the redesigned budget. Funds shall be used

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for nonrecurring activities and shall be matched by the district through general operating or Supplemental Academic Instruction funding. Grants shall be awarded by the Department of Education no later than October 1, 2001.

From the funds appropriated in Specific Appropriation 7B, \$3,000,000 shall be used by the Department of Education to fund learning development demonstration and evaluation grants to elementary and middle schools. These grants shall be employed solely to fund in designated schools a fully integrated system of assessment, remediation and development in which the student is provided a specific program of learning ability enhancement based on the individual's detailed assessment of cognitive abilities and screening of perceptual and sensory motor systems.

From the funds appropriated in Specific Appropriation 7B, \$280,000 is provided to establish a pilot program in Mathematics (Algebra I, Algebra II, and Geometry), including professional development for teaching staff. The pilot shall operate in a low performing high school in the Gadsden County school district.

The program shall include a complete curriculum consisting of print material and computer software and shall incorporate a collaborative learning-based approach and teach problem solving skills in a real world contextual framework. It shall also have a firm foundation in research demonstrating proven results.

The Department of Education shall evaluate the program after one complete year of operation to determine if students in the pilot program outperform students who participate in regular Algebra I, Algebra II, and Geometry programs measured by the FCAT.

7C SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT
ASSISTANCE INITIATIVES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 14,525,000

From the funds appropriated in Specific Appropriation 7C, \$1,250,000 is provided for the Governor's Mentoring Initiative, \$1,000,000 is provided for the PASS Project - Best Practices, \$4,300,000 is provided for Take Stock in Children, \$2,000,000 is provided for Big Brothers - Big Sisters, \$1,500,000 is provided for Learning for Life, Inc., \$2,000,000 is provided for Boys and Girls Clubs, \$1,000,000 is provided for College Fast Start, \$150,000 is provided for Amer-I-Can, \$150,000 is provided for an After School Tutorial Program in Broward County, and \$125,000 is provided for an After School Enrichment Program in Dade County.

From the funds in Specific Appropriation 7C, \$1,050,000 is provided for implementation grants of \$150,000 each for the Florida Mentor Teacher Program pilot projects approved by the Department of Education during 2000-2001.

7D SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITIES IN SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000

7E SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,250,000

Funds appropriated in Specific Appropriation 7E are provided for the Schultz Center for Teaching and Leadership.

7F SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 7,793,572

From the funds appropriated in Specific Appropriation 7F, \$1,000,000 is provided for a statewide vision screening service for pre-school children using a system based on color photorefracton. The selection of the service provider shall be in accordance with Chapter 287, F.S., and the service provider must have completed a vision screening program in a public school setting using the screening method provided in this paragraph.

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From the funds appropriated in Specific Appropriation 7F, \$600,000 is provided for language immersion pilot programs of which \$250,000 is provided for a total immersion pilot program in Volusia County which shall follow the California model; and \$350,000 is provided for a full language-immersion demonstration project in three public elementary schools in Hillsborough County. Because of the unique demographic profile, the target population is students in the East part of Hillsborough County. A kindergarten and fourth grade language-immersion program will be placed in each of the schools, and parents in adjacent schools in East Hillsborough County may apply for special assignment in these programs on a space available basis. The purpose is to provide functional proficiency in the second language and mastery of the Sunshine State Standards. This program shall be utilized as a bilingual teacher recruitment and retention tool of the district.

From the funds in Specific Appropriation 7F, \$200,000 is provided for Arts for a Complete Education, \$100,000 is provided for Jason Project/Manatee, \$250,000 is provided for the Florida Holocaust Museum, \$250,000 is provided for Youth Crime Watch of Florida, \$150,000 is provided for the Early High Technology Education Intervention Initiative, \$300,000 is provided for the Bay High School Regional Academies, \$1,400,000 is provided for the Center for Creative K-12 Outreach Program, \$200,000 is provided for Hands in Action - Family, Schools and Friends, \$350,000 is provided for Truancy Intervention Program - Hillsborough, \$80,000 is provided for the Brooksville Elementary School Safe and Secure Schools Program, \$510,000 is provided for Dreams are Free, \$900,000 is provided for Sea Trek, \$100,000 is provided for a Middle School Summit, and \$355,368 is provided for the Florida Youth Challenge - Education Lab.

From the funds appropriated in Specific Appropriation 7F, \$1,048,204 is provided to the Miami-Dade County Public Schools Instructional Technology Department to purchase necessary hardware and instructional software to implement a pilot project to improve student performance in reading and math for middle and high schools rated "D" or "F" according to the State's A+ Plan.

7G SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 600,000

Funds appropriated in Specific Appropriation 7G are provided for the Therapeutic Early Childhood and Elementary Severely Emotionally Disturbed Center.

8 SPECIAL CATEGORIES
TRANSFER LOTTERY TO THE EXECUTIVE OFFICE
OF THE GOVERNOR TEACHER RECRUITMENT
CAMPAIGN
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000

Funds appropriated in Specific Appropriation 8 shall be transferred to the Executive Office of the Governor to provide a state level web-site for teacher recruitment and referral.

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP
FROM TRUST FUNDS 35,400,000

TOTAL ALL FUNDS 35,400,000

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

9 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 94,687,500

Funds provided in Specific Appropriation 9 shall be allocated as follows:

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Table listing specific appropriations for various Florida counties and regions, including Brevard, Broward, Central Fla., Chipola, Daytona Beach, Edison, Florida CC @ Jax., Florida Keys, Gulf Coast, Hillsborough, Indian River, Lake City, Lake Sumter, Manatee, Miami-Dade, North Florida, Okaloosa-Walton, Palm Beach, Pasco-Hernando, Pensacola, Polk, St. Johns River, St. Petersburg, Santa Fe, Seminole, South Florida, Tallahassee, and Valencia.

9A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INFORMATION TECHNOLOGY
ENHANCEMENT GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,992,010

Funds in Specific Appropriation 9A shall be allocated to the individual community colleges as follows:

Table listing specific allocations for community colleges: Brevard, Broward, Central Florida, Chipola, Daytona Beach, Edison, Fla. JC @ Jax., Florida Keys, Gulf Coast, Hillsborough, Indian River, Lake City, Lake-Sumter, Manatee, Miami-Dade, North Florida, Okaloosa-Walton, Palm Beach, Pasco-Hernando, Pensacola, Polk, St. Johns River, St. Petersburg, Santa Fe, Seminole, South Florida, Tallahassee, and Valencia.

9B SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

Specific appropriation 9A provides \$2,000,000 in non-recurring funds for the Community College System's portion of the development and operation of a unified library automation system. Release of these funds is contingent upon the State Technology Office approving a plan for the use

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of these funds that has been approved by the Community College System and State University System and that meets the goal of a unified library automation system. By February 1, 2002, the Community College and State University System library automation offices shall provide a progress report to the State Technology Office and the Legislature.

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS	
FROM TRUST FUNDS	98,679,510
TOTAL ALL FUNDS	98,679,510

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

The funds in Specific Appropriations 10 through 13A shall be used for university enhancements. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure.

10 LUMP SUM EDUCATIONAL AND GENERAL ACTIVITIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND	81,849,166
11 LUMP SUM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	5,445,038
12 LUMP SUM UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	2,822,040
13 LUMP SUM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	4,571,256
13A SPECIAL CATEGORIES CHALLENGE GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	3,992,010
TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES FROM TRUST FUNDS	98,679,510
TOTAL ALL FUNDS	98,679,510
TOTAL OF SECTION 1	
FROM TRUST FUNDS	946,000,000
TOTAL ALL FUNDS	946,000,000

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF
EDUCATION

The Commissioner of Education is authorized to establish and implement accountability measures of student achievement for grants approved by the Commissioner from the funds provided in Specific Appropriations 1 through 161.

Funds in Specific Appropriations 2 through 210 as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the Fiscal Year based on projects, grants, contracts and allocation conference documents.

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When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 15 through 24 shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under s. 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as the result of fund transfers pursuant to s. 216.292(5)(b), Florida Statutes. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of s. 216.301(3), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 2001-2002 appropriation, and shall also apply to funds appropriated in Specific Appropriations 14 through 24B.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within the SUS Construction Trust Fund to enable expenditure of funds appropriated for the State University System.

14 FIXED CAPITAL OUTLAY INTERSTATE VENDING PAVILIONS - STATEWIDE - DMS MGD FROM GRANTS AND DONATIONS TRUST FUND	400,000
15 FIXED CAPITAL OUTLAY MAINTENANCE, REPAIR, RENOVATION, AND REMODELING FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	219,600,000

Funds provided in Specific Appropriation 15 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools.....	145,878,270
Community Colleges.....	17,509,646
State University System.....	28,512,084
Charter Schools.....	27,700,000

Funds in Specific Appropriation 15 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for the release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

\$27,700,000 in Specific Appropriation 15 shall be for grants and aids to charter schools for facilities and equipment and shall be allocated pursuant to s. 228.0561, Florida Statutes.

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16	FIXED CAPITAL OUTLAY	
	SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS	
	FROM PUBLIC EDUCATION CAPITAL OUTLAY AND	
	DEBT SERVICE TRUST FUND	203,501,382

Funds in Specific Appropriation 16 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

From the funds provided in Specific Appropriation 16, \$1,737,782 shall be distributed to developmental research schools and allocated in accordance with s. 228.053(9)(e), Florida Statutes. The remaining funds shall be allocated to school districts and developmental research schools in accordance with s. 235.435(3), Florida Statutes.

17	FIXED CAPITAL OUTLAY	
	COMMUNITY COLLEGE PROJECTS	
	FROM GENERAL REVENUE FUND	16,572,994
	FROM PUBLIC EDUCATION CAPITAL OUTLAY AND	
	DEBT SERVICE TRUST FUND	210,449,032

The following community college projects are included in the funds provided in Specific Appropriation 17.

BREVARD		
Gen ren/rem, Fac's 1 OCC. & Fac 4 Gym & site improvements...	3,188,579	
Rem/rem Bldgs 5,6,&7-Sci,Tech & Elec Eng Labs-Melb partial..	110,000	
BROWARD		
Gen ren/rem, HVAC,comm sys,ADA,roofs,utilities,site imprv...	3,254,091	
Rem/rem Bldg 48 Student Svcs - North.....	1,179,312	
Rem/rem Bldg 7 Stu Svcs to Tech Ctr - Central partial.....	698,479	
Building 22, Criminal Justice Institute, Central partial		
(spc).....	2,089,160	
CENTRAL FLORIDA		
Gen ren/rem, HVAC,mech/elec,ADA,roofing, site improvements..	1,037,903	
Rem/rem Bldg 5 & 9 - Main partial.....	1,667,224	
Workforce Instructional Bldg 40 - Main partial (p).....	992,033	
Workforce/Tech w/rem/rem - Hampton SP Ctr complete (pce)....	1,942,000	
CHIPOLA		
Gen ren/rem, utilities,roofs,signage,site imprv,LRC,Aud,S...	763,001	
Major Ren/Rem Bldg 20 - complete.....	1,813,328	
DAYTONA BEACH		
Stu Svcs/Admin Bldg 7-W;Cisrms/Lab Bldgs Deltona		
partial (ce).....	1,500,000	
Gen ren/rem, undergrd utilities,chiller,Bldgs 12,28,		
LRC,site imprv.....	2,534,373	
Rem/rem Allied Health/Science Bldg 27 - Main.....	4,565,210	
Adjacent land acquisition - Main partial (spc).....	640,000	
JT Use/Volusia/Flagler/Advanced Technology Center partial...	4,200,000	
EDISON		
Cisrms/Distance Lng/Stu Svcs/w Fac Plant Bldg-Main		
partial (pce).....	8,600,000	
Gen ren/rem, energy proj 13 Bldgs,fire safety,HVAC,site		
imprv.....	1,187,365	
Rem/rem Bldgs 1-7,9,10,12,20-26,28 - Main partial.....	1,140,150	
Adj land acq, emergency road access-Collier partial (spc)...	600,000	
FLORIDA COMMUNITY COLLEGE @ JACKSONVILLE		
Gen ren/rem, ADA,HVAC,lights,utilities,roofs,floors,		
site imprv.....	3,760,636	
Rem/rem Workforce Labs Bldgs B & C - Downtown partial.....	3,568,690	
Rem/rem Bldgs C,G,N&T Cisrms/Labs for IT/WF-South partial...	310,000	
Adv Tech Ctr.Phase II & III - Downtown partial (pc).....	9,866,421	
FCCJ/UNF Joint Use Facility.....	2,000,000	

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FLORIDA KEYS		
Gen ren/rem, roofs,telecomm,elec/mech/HVAC,ADA,site imprv...	370,148	
GULF COAST		
Health/Wellness/Voc Ed Facility - Main partial (ce).....	6,751,166	
Gen ren/rem, HVAC,Nat Sci Labs,parking,security sys, site		
site imp.....	847,980	
Rem/rem Social Science Bldg - Main.....	1,285,400	
Adjacent land acquisition - Main,Gulf/Franklin,CJ Ctr.		
partial (spc).....	500,000	
Broadcasting/Audio Visual Laboratory-Main complete (pce)....	2,339,879	
HILLSBOROUGH		
Gen ren/rem, HVAC,ADA,utilities,comm&security sys,site imprv	1,782,447	
Rem/rem Library floors 2 & 3 - Dale Mabry	3,171,412	
Rem/rem Business Labs Bldg 206 Off Occ/WP Labs - Ybor City..	351,689	
Land & facilities acquisition - Collegewide partial (spc)...	1,800,000	
INDIAN RIVER		
Technology Bldg complete (ce).....	1,700,000	
Gen ren/rem, roofs,elev,ADA,HVAC,utilities,alarms,site imprv	1,275,969	
Rem/rem Bldgs 5, 6 & parts of 3,12,18,20 & 22 - Main partial	3,222,669	
Adj land acq - Main,Chastain,Mueller,St. Lucie W partial		
(spc).....	1,900,000	
Center for Teaching and Learning.....	1,000,000	
LAKE CITY		
Gen ren/rem, HVAC,roofs,telecomm,fire&sec sys,road,site		
imprv.....	779,756	
Major Ren/Rem Bldg 22, Granger Hall - complete.....	965,750	
Rem/rem Trades & Tech Facility 19 partial.....	1,274,697	
LAKE-SUMTER		
Gen ren/rem, HVAC,roofs,telecomm,alarm sys,site imp,ADA,....	558,131	
Rem/rem Sci Lab-Sumter Ctr;Rm 116-SL Ctr;MP Bldg-Main		
partial.....	626,568	
Adjacent land acquisition - South Lake (spc).....	600,000	
MANATEE		
WF Dev/IT/Gen Clsrms Bldgs-Lakewood Ranch complete(ce).....	4,360,751	
Gen ren/rem, utilities,water sys,HVAC,paving,roofs,		
soffits,ADA.....	1,266,172	
Rem/rem Bldgs 100,200,& 300 - Main.....	1,532,899	
Rem/rem Clsrms/Labs Bldgs 5001-2 - Bradenton partial.....	143,588	
MIAMI-DADE		
Bldg 7000(Parking Facility for Phase III) - Wolfson		
complete(ce).....	2,500,000	
Gen ren/rem - collegewide.....	7,361,938	
Rem/rem clsrms,labs,sup fac - Wolfson.....	3,818,753	
Rem/rem clsrms/labs/sup fac - InterAmerican.....	2,981,522	
Rem/rem Labs/clsrms,sup fac,bldg sys Fac 5 & 15 - North....	500,000	
partial		
Rem/rem Computer Courtyard Bldg 2000 - Kendall partial.....	278,330	
Land & facilities acquisition - Wolfson (spc).....	1,100,000	
Rem/rem Emerging Technologies Ctr. - Wolfson partial.....	5,259,869	
NORTH FLORIDA		
Gen ren/rem, site imp,roofing,handicap access,ADA.....	431,302	
Rem/rem Tech Ctr/Nursingw/Health Ed addition partial.....	1,177,189	
Computer Labs & Instr Clerical Suites complete (pce)....	1,219,342	
OKALOOSA-WALTON		
Library Bldg - Main complete (ce).....	3,164,105	
Gen ren/rem, utilities,energy mgt,parking,site imp,safety,		
elec.....	1,004,125	
Rem/rem Bldg 50 LRC to Health Tech WF Labs-Niceville		
partial.....	1,124,345	
PALM BEACH		
Workforce Training Ctr Ph 1/w local match-Cent comp (ce)....	4,688,012	
Gen ren/rem,safety,comm sys, EMS,roofs,parkg,utilities		
lights,rds.....	3,161,236	
Rem/rem Bldgs 104 - Central; 104 - South.....	4,245,080	
Rem/rem Humanities Bldg 120 - Central partial.....	170,855	
Rem/rem Tech Bldg 230 Electronic Labs - Central.....	482,643	
Rem/rem Allied Health Bldg 208 Nursing Labs-Central.....	835,512	
PASCO-HERNANDO		
Gen ren/rem, roofs,HVAC,elec sys in demountables,ADA.....	1,212,727	
Rem/rem Bldgs 1 Clsrms/Labs/Admin - East partial.....	1,725,687	
Adj land acq, ingress/egress CJ Ctr.-East partial (spc)....	300,000	
PENSACOLA		
Gen ren/rem, indoor airq,HVAC, Tech Bldg, roofs,site imp,		
lights.....	2,610,218	

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Table with 2 columns: Description and Amount. Includes entries for Warrington, Santa Fe, Seminole, South Florida, St. Petersburg, Johns River, Tallahassee, and Valencia.

18 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM GENERAL REVENUE FUND 16,572,994
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 211,669,618

The following projects in the State University System are included in the funds appropriated in Specific Appropriation 18.

SUS
Critical Deferred Maintenance 20,801,986
FAMU
Utilities/Infrastructure/Capital Renewal/Roofs (p,c) 1,549,381
Journalism Building (C,E) 1,100,000
Coleman Library Expansion (C,E) 2,035,500
Campus Electrical Upgrades (P,C) 2,545,500
Land Acquisition (s) 1,500,000
Law School Building (P) 4,331,551
Pharmaceutical Research Facilities 1,500,000
Carnegie Library Remodeling/Expansion 2,000,000

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Table with 2 columns: Description and Amount. Includes entries for FAU, FGCU, FIU, FSU, UCF, UF, UNF, and USF.

19 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 57,036,968

Funds provided in Specific Appropriation 19 shall be allocated pursuant to s. 235.435(2), Florida Statutes for the following projects:

Baker County - New Elementary School "B" (s,p,c,e) 10,629,238
Gadsden County - New High School (s,p,c,e) 14,869,394

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Jackson County - New Marianna High School (s,p,c,e)..... 9,949,139
Taylor County - New Elementary School "A" (s,p,c,e)..... 10,255,690
Wakulla County - New Elementary School (s,p,c,e)..... 11,333,507

Funds provided in Specific Appropriation 19 for the Jackson County New Marianna High School are contingent upon Senate Bill 462 or similar legislation becoming law.

20 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 614,510,000
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 92,000,000

20A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 13,400,000

21 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 10,310,000

Funds provided in Specific Appropriation 21 are for the following projects:

Vocational Building..... 5,000,000
Campus Safety Related Projects..... 480,000
Renovations..... 4,825,000
Master Plan Update..... 5,000

21A FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 300,000

Funds in Specific Appropriation 21A are for equipment for the Division of Blind Services library in Daytona Beach.

23 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 7,683,000

Funds provided in Specific Appropriation 23 shall be used for the following projects:

WUFT-TV/FM - Gainesville - (e)..... 975,000
WEDU-TV - Tampa - (e)..... 950,000
WLRN-TV/FM - Miami - (e)..... 250,000
WBCC-TV - Cocoa - (e)..... 1,400,000
WSRE-TV - Pensacola - (p)..... 300,000
WMFE-TV - Orlando - (p)..... 228,000
WPBT-TV - Miami - (e)..... 3,400,000
WFSU-TV - Tallahassee - (c)..... 180,000

23A FIXED CAPITAL OUTLAY
PUBLIC SCHOOL FACILITIES
FROM GENERAL REVENUE FUND 6,600,000

Funds provided in Specific Appropriation 23A are for the following projects:

Heartland Educational Consortium 500,000
Leon Cty Reimbursement for TCC/LAW Enf (PTLEF Transfer).... 1,000,000
Manatee County Emerson Point Environmental Center..... 600,000

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Manatee County Community High School planning..... 1,500,000
Okaloosa County Ft. Walton Beach HS Addition & Renovation... 3,000,000

24 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 2,850,000

From funds in Specific Appropriation 24, the sum of \$2,850,000 is provided to Manatee County for a satellite campus of Manatee Technical Institute pursuant to s. 235.199, Florida Statutes.

24A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY TRUST FUND 10,550,000

From the funds in Specific Appropriation 24A, up to \$3,000,000 shall be available to FSU to correct drainage problems in the Howser Stadium area.

24B FIXED CAPITAL OUTLAY
IFAS REC CONSOLIDATION
FROM UF IFAS RELOCATION AND CONSTRUCTION TRUST FUND 450,000

From funds in Specific Appropriation 24B, pursuant to Chapter 90-148, Laws of Florida, IFAS is authorized to expend funds for general site improvements, new construction, renovation, repairs, and/or remodeling for animal science facilities statewide.

From funds appropriated within item 24B up to \$151,000 may be expended to purchase equipment at the North Florida Beef Facility.

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 39,745,988
FROM TRUST FUNDS 1654,710,000
TOTAL ALL FUNDS 1694,455,988

VOCATIONAL REHABILITATION

25 SALARIES AND BENEFITS POSITIONS 928
FROM GENERAL REVENUE FUND 7,700,404
FROM FEDERAL REHABILITATION TRUST FUND 28,136,010

From the funds in Specific Appropriations 25 through 33A, the Vocational Rehabilitation Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to empower individuals with disabilities to maximize their employment, economic self-sufficiency and independence.

Table with 2 columns: Performance Measures, FY 2001-2002 Standards. Includes row for 'Rate and number of customers gainfully employed (rehabilitated) at least 90 days' with standard '65%/11,500'.

From Funds in Specific Appropriations 25 through 33A for the Vocational Rehabilitation program, the Department of Education is the designated state agency and the Division of Occupational Access and Opportunity is the designated state unit for purposes of compliance with the Federal Rehabilitation Act of 1973, as amended. The Occupational Access and Opportunity Commission is the designated state agency for

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purposes of compliance with the Rehabilitation Act of 1973, as amended. The Occupational and Access Opportunity Commission is authorized to submit a plan detailing the resources necessary to implement the approved State Plan for Vocational Rehabilitation. The plan shall be approved pursuant to the notice and review requirements of s. 216.177, Florida Statutes.

26 OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . . 819,103

27 EXPENSES
FROM FEDERAL REHABILITATION TRUST FUND . . . 11,851,736

28 OPERATING CAPITAL OUTLAY
FROM FEDERAL REHABILITATION TRUST FUND . . . 480,986

28A SPECIAL CATEGORIES
VOCATIONAL REHABILITATIVE SERVICES
FROM GENERAL REVENUE FUND 400,000

From the funds in Specific Appropriation 28A, \$400,000 from the General Revenue Fund is provided for the Centers for Independent Living.

29 SPECIAL CATEGORIES
ASSISTIVE CARE SERVICES
FROM GENERAL REVENUE FUND 400,000

29A SPECIAL CATEGORIES
GRANTS AND AIDS - MODEL DISABILITIES
TRAINING PROGRAM
FROM GENERAL REVENUE FUND 200,000

30 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . . 2,950,983

31 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . . 3,374,083

From Specific Appropriation 31, for the Centers for Independent Living, each center will receive an initial allocation of \$50,000. The balance of the appropriation will be allocated among the centers by a formula based on population, district cost differential, and sparsity. These funds shall be used by the Centers for Independent Living to provide the four core services and other independent living services as defined in the State Plan for Independent Living and section 7 of the Rehabilitation Act of 1973, as Amended, for persons with any eligible disability.

32 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 16,185,502
FROM FEDERAL REHABILITATION TRUST FUND . . . 56,828,291

From the funds in Specific Appropriation 32, \$300,000 in General Revenue from the base allocation for the Centers for Independent Living shall be used as match for the Basic Support Program. Funding from Social Security Reimbursements (program income) in an amount of up to \$1,408,450 shall be allocated to the Centers for Independent Living.

Funds in Specific Appropriation 32 allocated to client services categories shall be released quarterly. Any alternative release schedule shall be subject to the notice, review and approval procedures provided in s. 216.177, F.S.

33 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL REHABILITATION TRUST FUND . . . 481,796

33A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY

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FROM GENERAL REVENUE FUND 216,845
FROM FEDERAL REHABILITATION TRUST FUND . . . 765,876

TOTAL: VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 25,102,751
FROM TRUST FUNDS 105,688,864

TOTAL POSITIONS 928
TOTAL ALL FUNDS 130,791,615

BLIND SERVICES, DIVISION OF

From the funds in Specific Appropriations 35 through 48, the Blind Services Program, the purpose of which is to obtain employment outcomes and maximize independence and integration into the community for Floridians who are blind or visually impaired shall meet the following performance standards.

Performance Measures	FY 2001-2002 Standards
=====	
OUTCOMES:	
Rate/number of rehabilitation customers gainfully employed at least 90 days.....	68.3%/847
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
=====	

35 SALARIES AND BENEFITS POSITIONS 306
FROM GENERAL REVENUE FUND 3,366,666
FROM FEDERAL REHABILITATION TRUST FUND . . . 7,379,410

36 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,591
FROM FEDERAL REHABILITATION TRUST FUND . . . 95,354
FROM GRANTS AND DONATIONS TRUST FUND . . . 95,047

37 EXPENSES
FROM GENERAL REVENUE FUND 412,945
FROM FEDERAL REHABILITATION TRUST FUND . . . 2,321,014
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,000

38 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES
FROM FEDERAL REHABILITATION TRUST FUND . . . 4,281,584
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,459,121

39 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,590
FROM FEDERAL REHABILITATION TRUST FUND . . . 7,698

40 FOOD PRODUCTS
FROM FEDERAL REHABILITATION TRUST FUND . . . 79,920

41 SPECIAL CATEGORIES
GRANTS AND AIDS - CLIENT SERVICES
FROM GENERAL REVENUE FUND 2,750,671
FROM FEDERAL REHABILITATION TRUST FUND . . . 94,440
FROM GRANTS AND DONATIONS TRUST FUND . . . 563,277

Specific Appropriation 41 includes \$1 million from the General Revenue Fund for the Blind Babies Program.

42 SPECIAL CATEGORIES
GRANTS AND AIDS - VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 3,451,911
FROM FEDERAL REHABILITATION TRUST FUND . . . 4,356,954

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42A	SPECIAL CATEGORIES GRANTS AND AIDS - LEARNING THROUGH LISTENING FROM GENERAL REVENUE FUND	750,000	
43	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM FEDERAL REHABILITATION TRUST FUND	169,891	439,611
44	SPECIAL CATEGORIES LIBRARY SERVICES FROM GENERAL REVENUE FUND	50,000	
45	SPECIAL CATEGORIES VENDING STANDS - EQUIPMENT AND SUPPLIES FROM FEDERAL REHABILITATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	1,002,707 895,000	
46	DATA PROCESSING SERVICES KNOTT DATA CENTER - DEPARTMENT OF EDUCATION FROM GENERAL REVENUE FUND FROM FEDERAL REHABILITATION TRUST FUND	19,216	410,576
47	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM FEDERAL REHABILITATION TRUST FUND		123,280
48	DATA PROCESSING SERVICES REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM FROM GENERAL REVENUE FUND FROM FEDERAL REHABILITATION TRUST FUND	4,162	115,838
TOTAL:	BLIND SERVICES, DIVISION OF FROM GENERAL REVENUE FUND FROM TRUST FUNDS	11,046,643	23,749,831
	TOTAL POSITIONS	306	
	TOTAL ALL FUNDS		34,796,474

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

51	SPECIAL CATEGORIES GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY FROM GENERAL REVENUE FUND	2,000,000
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Funds in Specific Appropriation 51 may be advance funded on a quarterly basis.

51A	SPECIAL CATEGORIES HISTORICALLY BLACK PRIVATE COLLEGES FROM GENERAL REVENUE FUND	7,974,038
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Funds in Specific Appropriation 51A, shall be allocated as follows:

Bethune Cookman College.....	2,851,999
Edward Waters College.....	2,601,999
Florida Memorial College.....	2,351,999
Library Resources.....	168,041

Funds in Specific Appropriation 51A for Bethune-Cookman College, Edward Waters College and Florida Memorial College are for increasing access, retention and graduation at each institution. Florida Memorial may also allocate some of its funding for the Distance Learning Center and the Minority Teacher Education Institute. Each college president shall submit a proposed expenditure plan to the Department of Education prior to the release of these funds. Such plan shall include quantified fiscal and programmatic performance data to support the Legislature's performance-based budgeting initiatives. The Department of Education may serve as a resource for the colleges in developing this information.

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Funds in Specific Appropriation 51A for Library Resources shall be used for the purchase of books and other related library materials, such as audio and media resources, pursuant to section 240.518, Florida Statutes. Funds shall be allocated equally to Florida Memorial College, Bethune-Cookman College, and Edward Waters College. Funds shall not be expended on promotional materials or on staff development. Each college shall provide an exact accounting of expenditures to the Department of Education.

57	SPECIAL CATEGORIES GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL FROM GENERAL REVENUE FUND	18,145,202
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Funds provided in Specific Appropriation 57 provide \$32,290.40 each for 500 Florida residents attending the University of Miami Medical School and \$2,000,000 for cancer research.

59A	SPECIAL CATEGORIES ACADEMIC PROGRAM CONTRACTS FROM GENERAL REVENUE FUND	2,327,177
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Funds in Specific Appropriation 59A shall be released by the Department of Education to the following private colleges and universities:

University of Miami	\$ 1,800,616
Florida Institute of Technology	223,728
Barry University	175,873
Nova/Southeastern University	98,670
Limited Access Grants	\$ 28,290

These funds may be allocated at the discretion of the individual university presidents for the following programs:

University of Miami: BS Industrial Engineering, BS Music Engineering, BS Architectural Engineering, BS and MS in Nursing, MS Biomedical Engineering, Rosenstiel Marine Science, Bimini Biological Field Station. However, from these funds, no less than \$1,076,000 shall be allocated for the PHD in Bio- medical Science and no less than \$349,897 shall be allocated for the BS in Motion Pictures.

Florida Institute of Technology: BS Engineering, Science Education.

Barry University: BS Nursing, MSW Social Work.

Nova/Southeastern University: MS in Speech Pathology.

Each university president shall submit a proposed expenditure plan to the Department of Education, for each program, and prior to the release of these funds. Such plan shall include quantified fiscal and programmatic performance data by program, as required, to support the Legislature's performance-based budgeting initiatives. The Department of Education shall review each plan for compliance and shall identify corrective actions to be taken by an institution not meeting the prescribed standards.

70	SPECIAL CATEGORIES GRANTS AND AIDS - SPINAL CORD RESEARCH/ UNIVERSITY OF MIAMI FROM GENERAL REVENUE FUND FROM EDUCATIONAL AIDS TRUST FUND	1,000,000	500,000
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71	SPECIAL CATEGORIES GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI FROM GENERAL REVENUE FUND	677,609
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78	SPECIAL CATEGORIES FLORIDA RESIDENT ACCESS GRANT FROM GENERAL REVENUE FUND	70,830,388
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Funds in Specific Appropriation 78 shall be used for tuition assistance for qualified Florida residents. Funds are provided to support 26,370 students at \$2,686 per student. The Office of Student Financial Assistance may prorate the award in the event more than 26,370 students are deemed to be Florida residents.

78A SPECIAL CATEGORIES	
NOVA SOUTHEASTERN UNIVERSITY - HEALTH PROGRAMS	
FROM GENERAL REVENUE FUND	5,605,562

Funds in Specific Appropriation 78A are to support Florida residents enrolled in the Osteopathy, Optometry, and Pharmacy programs. The university shall submit student enrollment information, by program, as a part of the quarterly release of appropriations. \$125,000 is to support rural and unmet needs.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES	
FROM GENERAL REVENUE FUND	108,559,976
FROM TRUST FUNDS	500,000
TOTAL ALL FUNDS	109,059,976

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

79 SALARIES AND BENEFITS	POSITIONS	102	
FROM GENERAL REVENUE FUND		1,097,494	
FROM STUDENT LOAN OPERATING TRUST FUND . .			2,909,106
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND			116,150

80 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	239,928	
FROM STUDENT LOAN OPERATING TRUST FUND . .		596,540

81 EXPENSES		
FROM GENERAL REVENUE FUND	209,121	
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		234,172
FROM STUDENT LOAN OPERATING TRUST FUND . .		2,978,394
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		67,365
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		55,756

82 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	8,523	
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		80,000
FROM STUDENT LOAN OPERATING TRUST FUND . .		696,005
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		6,000

83 SPECIAL CATEGORIES	
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM	
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND	90,118,769

84 SPECIAL CATEGORIES	
FINANCIAL AID CONTRACTUAL SERVICES	
FROM GENERAL REVENUE FUND	38,924

85 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM STUDENT LOAN OPERATING TRUST FUND . .	2,962,807

Specific Appropriation 85 includes \$2,000,000 for the development of a student loan processing system. The Executive Office of the Governor shall not release these funds until the release has been approved by the Legislative Budget Commission, pursuant to the notice, review, and

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objection procedures established in s. 216.177, F.S. The budget amendment submitted by the department must include a complete project overview and feasibility study, including business case, project management plan, and major project risk assessment. The overview and study must be developed in consultation with the Technology Review Workgroup.

85A SPECIAL CATEGORIES	
STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM	
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	1,485,105

Funds in Specific Appropriation 85A are provided to implement the updated management information system for the Bureau of Student Financial Assistance. The State Student Financial Assistance Database project shall be subject to special monitoring under s. 282.322, F.S., from July 1, 2001, through December 1, 2001, or upon the successful transition from system development to operation and maintenance, whichever is later. From the funds in Specific Appropriation 85A, \$80,000, which is provided for the project monitoring contract, shall be transferred to the Technology Review Workgroup within the Legislature by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S.

86 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,920	
FROM STUDENT LOAN OPERATING TRUST FUND . .		8,758

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES	
FROM GENERAL REVENUE FUND	1,596,910
FROM TRUST FUNDS	102,314,927

TOTAL POSITIONS	102
TOTAL ALL FUNDS	103,911,837

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

Performance Measures	FY 2001-02 Standards

OUTCOMES:	

Percent of high school graduates attending Florida postsecondary institutions.....	52%

Additional approved measures and standards are established in the FY 2001-02 Implementing Bill and are incorporated herein by reference.	

87 SPECIAL CATEGORIES	
NURSE SCHOLARSHIP LOAN PROGRAM	
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND	686,656

88 SPECIAL CATEGORIES	
GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM	
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	36,150

Funds provided in Specific Appropriation 88 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2001-2002 academic year. It is the intent of the Legislature to phase out this program.

89 SPECIAL CATEGORIES	
PREPAID TUITION SCHOLARSHIPS	
FROM GENERAL REVENUE FUND	2,700,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	400,000

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89A	SPECIAL CATEGORIES TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND FROM GENERAL REVENUE FUND	57,912,398
90	SPECIAL CATEGORIES GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	14,940

Funds provided in Specific Appropriation 90 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2001-2002 academic year. It is the intent of the Legislature to phase out this program.

91	SPECIAL CATEGORIES GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM FROM GENERAL REVENUE FUND	2,250,000
91A	SPECIAL CATEGORIES ETHICS IN BUSINESS SCHOLARSHIPS FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	500,000
91B	FINANCIAL ASSISTANCE PAYMENTS FLORIDA STUDENT ASSISTANCE GRANTS FOR PART- TIME STUDENTS FROM GENERAL REVENUE FUND	3,828,086

Funds in Specific Appropriation 91B shall be expended in accordance with SB 1330, or similar legislation establishing a need-based financial aid program for part-time students. These funds are not contingent upon the passage of SB 1330 or similar legislation.

92	FINANCIAL ASSISTANCE PAYMENTS MARY MCCLEOD BETHUNE SCHOLARSHIP FROM GENERAL REVENUE FUND FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	235,328 444,000
93	FINANCIAL ASSISTANCE PAYMENTS STUDENT FINANCIAL AID FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	76,761,094

The funds in Specific Appropriation 93 are provided in the amounts specified for each scholarship and grant program listed below.

State Student Financial Assistance Trust Fund:	
Public Student Assistance Grant (Full-time).....	51,941,504
Private Student Assistance Grant.....	10,737,529
Postsecondary Student Assistance Grant.....	7,368,317
Children of Deceased/Disabled Veterans.....	333,250
Florida Work Experience Program.....	1,069,922
Critical Teacher Shortage Program.....	3,479,133
Florida Scholarship/Forgivable Loan Program.....	1,392,750
Exceptional Child Scholarship.....	82,159
Seminole/Miccosukee Indian Scholarships.....	45,780
Occupational/Physical Therapy Shortage Program.....	98,250
Rosewood Family Scholarships.....	100,000
Instructional Aide/Critical Teacher Shortage Program.....	112,500

From the funds provided in Specific Appropriation 93, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be for \$1,300.

From the funds provided in Specific Appropriation 93 for the Florida Work Experience Program, \$200,000 shall be allocated to complete the pilot project to expand access for vocational students with financial need who are enrolled in a Postsecondary Adult Vocational program of at least 150 hours in length. A final report shall be submitted to the

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Legislature by the Department of Education on or before August 1, 2002. The report shall include an evaluation of the success of the program expansion, including a description of the number of participants by program, public and private sector placements, barriers to greater success, and recommendations for statutory and rule revisions which would encourage full student and institutional participation in the program.

From the funds appropriated in Specific Appropriation 93, \$112,500 is provided for scholarships to instructional aides who have been employed by a public school district for at least one year, and who enroll in a program leading to a teaching certificate in a critical teacher shortage area. The following are the areas of critical state concern: foreign language, science, math, technology education, English for Speakers of Other Languages, and exceptional student education. The scholarship program shall provide up to \$3,000 as reimbursement for matriculation and fees per year.

Funds provided in Specific Appropriation 93 are the maximum amounts provided for the specified grant programs. The Department shall ensure that sufficient program guidelines are in place to provide for the management of these grant programs within the specified level of the appropriation.

94	FINANCIAL ASSISTANCE PAYMENTS JOSE MARTI SCHOLARSHIP CHALLENGE GRANT FROM GENERAL REVENUE FUND FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND	100,000 196,000
95	FINANCIAL ASSISTANCE PAYMENTS TRANSFER TO THE FLORIDA EDUCATION FUND FROM GENERAL REVENUE FUND	1,000,000
TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE		
	FROM GENERAL REVENUE FUND	68,025,812
	FROM TRUST FUNDS	79,038,840
TOTAL ALL FUNDS		147,064,652

PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL

96	FINANCIAL ASSISTANCE PAYMENTS STUDENT FINANCIAL AID FROM EDUCATIONAL AIDS TRUST FUND	1,314,400
97	FINANCIAL ASSISTANCE PAYMENTS ROBERT C. BYRD HONORS SCHOLARSHIP FROM EDUCATIONAL AIDS TRUST FUND	1,987,000
TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL		
	FROM TRUST FUNDS	3,301,400
TOTAL ALL FUNDS		3,301,400

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION SUPPORT SERVICES

98	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM EDUCATIONAL AIDS TRUST FUND	137 6,708,665 305,725
99	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM EDUCATIONAL AIDS TRUST FUND	87,800 10,780
100	EXPENSES FROM GENERAL REVENUE FUND FROM EDUCATIONAL AIDS TRUST FUND	2,476,135 61,548
101	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	175,335

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101A LUMP SUM			
DATA WAREHOUSE			
	POSITIONS	12	
FROM GENERAL REVENUE FUND		3,600,000	
FROM PRINCIPAL STATE SCHOOL TRUST FUND . .			100,000

Funds appropriated in Specific Appropriation 101A are provided for the development of a data warehouse to facilitate measurement of student and school improvement in conjunction with the "A+" initiative. These funds shall be used to support ongoing contractual services for design and development of the data warehouse, to maintain database software, and to establish expertise within the department to maintain and enhance this data warehouse as components are delivered by the contractor and placed into a production environment.

102 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		536,792	
FROM PRINCIPAL STATE SCHOOL TRUST FUND . .			10,000,000

From the funds appropriated in Specific Appropriation 102, \$536,792 from the General Revenue fund is provided for network infrastructure enhancement for the Department of Education Turlington building.

From the funds appropriated in Specific Appropriation 102, \$10,000,000 from the Principal State School Trust Fund is provided for technology initiatives that will benefit students and teachers. The Office of Technology and Information Services in the Department of Education shall convene a panel of recognized authorities in the field of education technology as the Technology Review Group (TRG). The TRG shall review and evaluate existing and emerging technologies that affect the performance of students and teachers. The TRG shall receive, evaluate and rank the responses to this request for proposals and shall award grants for these technology funds by December 1, 2001. These funds shall not be released until the plan for their use is approved by the Legislative Budget Commission.

103 SPECIAL CATEGORIES			
LITIGATION EXPENSES			
FROM GENERAL REVENUE FUND		24,562	

104 SPECIAL CATEGORIES			
PROVISION OF CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		500,000	

105 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		55,535	

106 DATA PROCESSING SERVICES			
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION			
FROM GENERAL REVENUE FUND		2,252,583	
FROM EDUCATIONAL AIDS TRUST FUND			293,456

107 DATA PROCESSING SERVICES			
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM			
FROM GENERAL REVENUE FUND		638,186	
FROM EDUCATIONAL AIDS TRUST FUND			134,169

TOTAL: PROGRAM: EXECUTIVE DIRECTION SUPPORT SERVICES			
FROM GENERAL REVENUE FUND		17,055,593	
FROM TRUST FUNDS			10,905,678
TOTAL POSITIONS		149	
TOTAL ALL FUNDS			27,961,271

PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS

From the funds appropriated in Specific Appropriations 108, 109 and 110, the Department of Education is authorized to collect a registration fee

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for the Great Florida Teach-In, not to exceed \$20 per person, and/or a booth fee, not to exceed \$250 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (e.g., mementos, awards, plaques, etc.).

108 SALARIES AND BENEFITS	POSITIONS	313	
FROM GENERAL REVENUE FUND		9,227,912	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND			2,025,203
FROM EDUCATIONAL AIDS TRUST FUND			2,282,975
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .			1,712,559
FROM FOOD AND NUTRITION SERVICES TRUST FUND			686,504
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .			268,895

From the funds appropriated in Specific Appropriations 108, 109 and 110 for oversight of school district management practices, the Commissioner of Education shall determine whether classroom teachers in each school district are being required to use the ESE Matrix of Services for any students other than students funded in Support Levels IV and V of the Florida Education Finance Program. A report containing findings shall be provided to the Governor and the Legislature on or before January 15, 2002. This report shall include a detailed explanation for districts which continue to require use of the matrix.

109 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		684,592	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND			189,279
FROM EDUCATIONAL AIDS TRUST FUND			251,351
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .			23,425
FROM FOOD AND NUTRITION SERVICES TRUST FUND			104,555
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .			154,921

110 EXPENSES			
FROM GENERAL REVENUE FUND		3,612,120	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND			735,902
FROM EDUCATIONAL AIDS TRUST FUND			1,187,519
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .			519,138
FROM FOOD AND NUTRITION SERVICES TRUST FUND			519,957
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .			123,519

From the funds in Specific Appropriation 110, the Commissioner of Education is authorized to contract with a state university to implement the common course numbering system.

From the funds appropriated in Specific Appropriation 110 for maintenance of the state's student database, the Commissioner of Education shall convene a working group of school district and department staff responsible for student enrollment forecasts. This working group shall identify new data elements that shall be added to the state's student database in order to identify and explain trends that influence the in- and out- migration of students from districts. These additional data elements shall measure both economic and demographic trends and the effects of educational policy changes made by the department and by the Legislature. These data elements shall be collected beginning with the 2001-2002 school year and shall be reported sufficiently in advance of student enrollment estimating conferences to permit thorough analysis of the data.

111 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		159,760	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND			143,440
FROM EDUCATIONAL AIDS TRUST FUND			379,164
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .			15,000

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112	SPECIAL CATEGORIES		
	ASSESSMENT AND EVALUATION		
	FROM GENERAL REVENUE FUND	40,692,371	
	FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		4,800,000
	FROM SOPHOMORE LEVEL TEST TRUST FUND . . .		782,107
	FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND		3,605,776

Funds appropriated in Specific Appropriation 112 shall be used by the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

Funds appropriated in Specific Appropriation 112 may be used for research and analysis of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner of Education is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes.

From funds appropriated in Specific Appropriation 112, \$1,600,000 from General Revenue is provided for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Test results will provide each high school with a database of student assessment data to be used by guidance counselors to identify students who are ready or who need additional work to be prepared to enroll and be successful in advanced placement and other higher level college preparatory courses. Each school district shall choose either the PSAT or ACT. School districts shall submit documentation of the number of students taking examinations to the Commissioner of Education. The department shall pay the cost of the preliminary college entrance examinations directly to the providers.

From the funds appropriated in Specific Appropriation 112, \$4,800,000 from the Principal State School Trust Fund is provided for FCAT assessment contracts that require expedited scoring of performance items. Contracts must require that performance item scores shall be received by the Commissioner of Education on or before May 24, 2002. These contracts shall also provide financial penalties for late receipt of scores.

From funds appropriated in Specific Appropriation 112, \$1,639,764 from General Revenue is provided for the administration of a School Readiness Uniform Screening instrument. Funds shall be used for the purchase of the test instruments, training, scoring and systems processing. The results of this assessment and the identification of each student's early childhood education provider for the year prior to kindergarten enrollment shall become part of each student's record in the state's automated student database.

113	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	203,155	

115	SPECIAL CATEGORIES		
	COST-OF-LIVING PRICE SURVEY		
	FROM GENERAL REVENUE FUND	74,375	

116	SPECIAL CATEGORIES		
	EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS		
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		200,000

117	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	720,411	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		9,616

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	FROM EDUCATIONAL AIDS TRUST FUND		11,450
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		5,309
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		3,792
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		1,759

117A	SPECIAL CATEGORIES		
	LAND ACQUISITION AND FACILITIES ADVISORY BOARD		
	FROM GENERAL REVENUE FUND	250,000	

TOTAL:	PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS		
	FROM GENERAL REVENUE FUND	55,624,696	
	FROM TRUST FUNDS		20,743,115
	TOTAL POSITIONS	313	
	TOTAL ALL FUNDS		76,367,811

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

From the funds appropriated in Specific Appropriations 4A, 5, and 118 through 122A, Public Schools will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

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Performance	FY 2001-2002
Measures - Outcomes	Standards

Number/percent of "A" schools reported by each	
district.....600; 25.0%	
Additional approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
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118	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM		
	FROM GENERAL REVENUE FUND	6401,419,534	
	FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		58,900,000

The Department's bimonthly distribution of funds provided in Specific Appropriation 118 shall be made in equal payments on or about the 10th and 26th of each month.

Funds provided in Specific Appropriation 118 shall be allocated using a base student allocation of \$3,413.18 for the K-12 FEFP.

Students in juvenile justice education programs shall not be funded for more than 25 hours per week of direct instruction.

From the funds in Specific Appropriation 118, charter schools shall be provided an allocation pursuant to s.228.056(13),F.S. However, for those charter schools that were in operation prior to July 1, 1999, funds per student shall be no less than they received in 1998-99.

From the funds provided in Specific Appropriation 118, at the request of the provider of a nonresidential program for juvenile justice programs, a district school board may decrease the required minimum number of days of instruction for students. FTE student membership shall be reported and funded only for the number of days authorized and the minimum number of days authorized for students instruction shall not be less than 180 days.

From the funds provided in Specific Appropriation 118, all juvenile justice students in juvenile justice educational programs shall receive no less than the funds per student in 1998-1999.

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A minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per unweighted full-time equivalent K-12 student over the amount per unweighted full-time equivalent K-12 student funded in the 2000-2001 FEFP. The calculation of this minimum funding shall compare total state and local formula and categorical funds for K-12 programs and actual discretionary local revenue for 2000-2001 with total state and local formula and categorical funds for K-12 programs and maximum potential discretionary local revenue for 2001-2002 and shall include the additional funds gained by reducing district expenditures required for the Florida Retirement System as shown in legislative workpapers for the 2001-02 FEFP. Funds allocated for the District Lottery and School Recognition Program and the 2000-01 District Discretionary Lottery Funds shall not be included in the calculation of the Minimum Guarantee.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

From the funds appropriated in Specific Appropriation 118, \$31,000,000 is provided for the Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer K-12 FTE in 2001-2002.

Total unadjusted required local effort taxes for 2001-2002 shall be \$4,435,730,649. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 2001-2002 shall be:

- 1) 0.510 mills, and
- 2) An additional levy, not to exceed 0.250 mills, that will raise an amount not to exceed \$50 per full-time equivalent student (FTE).

District school boards that levy the entire additional 0.250 mills and raise less than \$50 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 118, an amount that, combined with funds raised by the 0.250 mills, will provide \$50 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.250 mills and the full 0.510 mills.

Funds provided in Specific Appropriation 118 are based upon program cost factors for 2001-2002 as follows:

1. Basic Programs	
A. K-3 Basic	1.007
B. 4-8 Basic	1.000
C. 9-12 Basic	1.113
2. Programs for Exceptional Students	
A. Support Level 4	3.948
B. Support Level 5	5.591
3. English for Speakers of Other Languages	1.265
4. Programs for Grades 7-12 Vocational Education	1.206

From the funds appropriated in Specific Appropriation 118, \$955,836,750 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. Each district's ESE Guaranteed Allocation shall be the amount shown in the Legislative work papers for the 2001-2002 appropriation for the FEFP and shall not be recalculated during the school year. School districts that are providing educational services in 2000-2001 for exceptional students who are residents of other districts shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure

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requirements for the ESE Guaranteed Allocation shall be as prescribed in Section 237.34 (3), Florida Statutes, for programs for exceptional students.

From the funds appropriated in Specific Appropriation 118, the value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district's FEFP allocations for the students being served. The supplemental value shall not exceed 3 FTE.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

None of the funds provided in the 2001-2002 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes.

From the funds appropriated in Specific Appropriation 118, \$75,350,000 is provided for Safe Schools activities and shall be allocated as follows: \$30,000 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total unweighted student enrollment. Safe Schools activities include (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies, (3) alternative school programs for adjudicated youth, and (4) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

Funds appropriated in Specific Appropriation 118 for inservice personnel training, as prescribed in s. 236.081(3), F.S., are transferred to Specific Appropriation 122.

From the funds appropriated in Specific Appropriation 118, \$676,658,381 is provided for Supplemental Academic Instruction to be provided at appropriate times throughout the school year to help students gain at least a year of knowledge for each year in school and to help students not be left behind. Districts may utilize these funds to implement remedial instruction required by s. 232.245, F.S., and the requirements of s. 232.246, F.S. Schools shall determine the supplemental strategies that are most appropriate for each student. Strategies may include, but are not limited to: modified curriculum, reading instruction, after school instruction, tutoring, mentoring, class size reduction, extended school year, and intensive skills development in summer school. Each district's Supplemental Academic Instruction allocation shall be the amount shown in the legislative work papers for the 2001-2002 appropriation for the FEFP and shall not be recalculated during the school year.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

From its allocation of funds appropriated in Specific Appropriation 118, Duval County may extend the length of the school day for students enrolled in grades one through three by one hour in order to provide additional reading instruction.

No funds are provided in Specific Appropriation 118 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

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From the funds appropriated in Specific Appropriation 118, district school boards and developmental research schools that fail to meet the following minimum student academic performance standards must satisfy the following minimum expenditure requirement for "classroom instruction."

The minimum district academic performance standard is defined as the district weighted performance grade that is at or above the state median district performance grade for elementary schools, middle schools and high schools; and a student non-promotion rate that is at or below the state average non-promotion rate.

District weighted performance grades are based on a district's student and school performance grades required by Section 229.57 (6), Florida Statutes. The three district performance grades will be calculated for 1) all elementary schools; 2) all middle schools; and 3) all high schools. Each of the three district performance grades will be a grade calculated by weighting individual school grades by the school's enrollment.

Expenditures for classroom instruction shall be calculated as a specified percentage of the district's K-12 operating expenditures as reported in the most recent annual financial statement filed with the Commissioner of Education. Classroom instruction expenditures and district total operating expenditures are defined in HB 1545 or similar legislation.

Each school district that fails to meet the minimum district academic performance standards indicated above must increase expenditures for classroom instruction over the percentage expended by 1% for each academic performance standard not met.

From the funds appropriated in Specific Appropriation 118 for Miami-Dade County Public Schools, \$310,000 shall be provided by the Miami-Dade County School Board to the Office of the Auditor General to pay the cost for three auditors who will be located on-site in the school board administrative offices. The Auditor General shall provide the Governor and Legislature a periodic report of findings and recommendations.

119 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER RECRUITMENT AND
RETENTION
FROM GENERAL REVENUE FUND 152,000,000

Funds appropriated in Specific Appropriation 119 are provided to make the recruitment and retention of the best qualified teacher for every classroom a priority for the state and for each school district. These funds shall be allocated on each district's share of total unweighted FTE.

Funds in Specific Appropriation 119 shall be used to provide a retention bonus of \$850 to each classroom teacher, including all instructional personnel defined in s. 228.041(9)(a)-(d), Florida Statutes, who:

- 1. Are employed by a school district in a full-time capacity for the 2001-2002 school year and were employed by a Florida school district in a full-time capacity during the 2000-2001 school year,
- 2. Hold a valid Florida Educator's Certificate, and
- 3. Received a performance evaluation of Satisfactory or higher in 2000-2001.

Funds in Specific Appropriation 119 are provided to pay the employer's share of Social Security and Medicare taxes (7.65 %) which are in addition to the amount provided for the \$850 retention bonuses.

Funds in Specific Appropriation 119 are not required to provide the \$850 retention bonuses as specified above shall be used to implement recommendations of the Task Force on Florida's Education Workforce, including scholarships for teachers. These funds may be used in a variety of ways, depending on the specific needs of each school district. Funds may be used to provide a signing bonus of \$850 for classroom teachers hired for the first time in Florida. These signing bonuses are provided for out-of-state teachers entering Florida and for

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individuals from Florida entering the teaching profession. Teachers eligible for signing bonuses include all personnel defined in s. 228.041 (9)(a), Florida Statutes. Funds may be used to provide other bonuses to classroom teachers, such as teachers in schools with a performance grade of "D" or "F".

The \$850 retention bonus as specified above shall be delivered to eligible classroom teachers and other instructional personnel no later than October 15, 2001. This bonus is mandatory, is not subject to school board discretion, including charter districts, and is not subject to the provisions of Chapter 447, Florida Statutes.

120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 213,538,584

From the funds appropriated in Specific Appropriation 120, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(g), Florida Statutes.

The growth allocation per FTE student is \$310.72 in 2001-2002. If the funds provided in Specific Appropriation 120 are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds shall be distributed to school districts as follows: 50% on or about July 10, 2001; 35% on or about October 10, 2001; 10% on or about January 10, 2002 and the balance on or about June 10, 2002.

From the funds appropriated in Specific Appropriation 120, \$15,000,000 is provided for Library Media Materials, and \$3,200,000 is provided for purchase of science lab materials and supplies.

120A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 34,325,000

Funds appropriated in Specific Appropriation 120A shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

121 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 411,269,216

Funds appropriated in Specific Appropriation 121 shall be used to transport students as provided in s. 236.083, Florida Statutes.

122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER TRAINING
FROM GENERAL REVENUE FUND 36,000,000

Funds appropriated in Specific Appropriation 122 shall be prorated among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

Funds appropriated in Specific Appropriation 122 are provided for inservice training of instructional personnel and include funds required by s.236.081(3), F.S. Each school district shall design a system, approved by the Department of Education, for the professional growth of instructional personnel that links and aligns inservice activities with student and instructional personnel needs as determined by school improvement plans, annual school reports, student achievement data, and performance appraisal data of teachers and administrators. Inservice activities shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards; assessment and data analysis; classroom management; and school safety. These plans shall make provision for active participation in the Sunshine State Teacher Professional Development Network for persons seeking alternative or add-on certification, for

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teachers who wish to participate in the Florida Mentor Teacher Pilot Program and for teachers preparing for performance assessment based on student achievement. Payment of a license fee for participation in the Sunshine State Teacher Professional Development Network is a permissible use of funds appropriated in Specific Appropriation 83.

To be eligible to receive funds appropriated in Specific Appropriation 122, districts must have a professional development system approved by the Department of Education and must require school principals to establish and maintain individual professional development plans for each instructional employee. The need for any training activity defined in a teacher's professional development plan must clearly be related to specific performance data for the students to whom the teacher is assigned. Plans must include clearly defined training objectives and specific and measurable improvements in student performance that are expected to result from the training activity. Plans must also include an evaluation component; principals must measure the extent to which each training activity did accomplish the student performance gains that were predicted to result from the training activity.

122A AID TO LOCAL GOVERNMENTS
FLORIDA TEACHERS LEAD PROGRAM
FROM GENERAL REVENUE FUND 15,386,500

Funds appropriated in Specific Appropriation 122A shall be provided to teachers pursuant to s.231.67, F.S. Funds shall be allocated by prorating among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP
FROM GENERAL REVENUE FUND 7263,938,834
FROM TRUST FUNDS 58,900,000
TOTAL ALL FUNDS 7322,838,834

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

124A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRANSFER LOTTERY TO
EXECUTIVE OFFICE OF THE GOVERNOR/
PARTNERSHIP FOR SCHOOL READINESS
FROM GENERAL REVENUE FUND 1,075,000

125A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA VIRTUAL HIGH
SCHOOL
FROM GENERAL REVENUE FUND 6,170,000

The first priority use of funds appropriated in Specific Appropriation 125A shall be increased availability of and access to Advanced Placement and college preparatory courses for students in "D" and "F" schools. Those students shall be given priority for courses offered by the school.

From the funds appropriated in Specific Appropriation 125A, 25% shall be distributed at the beginning of each quarter unless the Executive Office of the Governor approves an accelerated release schedule to address workload requirements of the Florida Virtual High School.

126 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 1,150,000

From the funds appropriated in Specific Appropriation 126, \$200,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds appropriated in Specific Appropriation 126, \$950,000 is provided for the Sunlink Uniform Library Database.

127 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM EXCELLENT TEACHING PROGRAM TRUST
FUND 31,447,504

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From the funds appropriated in Specific Appropriation 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

In addition to the award amounts calculated as defined in s. 236.08106, F.S., teachers who achieve National Board certification shall receive a bonus award of \$500 and nationally board-certified teachers who agree to serve as mentor teachers shall receive a bonus award of \$500. The total additional bonus award amount for a nationally board-certified teacher is \$1,000.

127A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL SCHOOL DISTRICT
STABILIZATION FUND
FROM GENERAL REVENUE FUND 1,000,000

128 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 3,740

129 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 1,500,000

Funds appropriated in Specific Appropriation 129 are provided for Florida Channel - Panhandle Area Education Consortium (PAEC).

130 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXTENDED SCHOOL YEAR
FROM GENERAL REVENUE FUND 11,000,000

Funds appropriated in Specific Appropriation 130 are provided for the second year of a three year Extended School Year Pilot Program. The purpose of the extended school year pilot program is to provide schools an opportunity to extend the school year by 30 days and then assess its effect on student performance. Participating schools must extend the length of the academic year for students beyond 180 to 210 days. An extended school year will encompass the following: programs shall be planned for all students enrolled in the school with full participation being required. Additional time-on-task for students will be used to provide additional content. These funds shall not be used to extend the school day or support traditional summer school programs.

The implementation plans for each school must include, but are not limited to: 1) teacher training, individual and collaborative teacher planning time, and innovative use of technology as key elements of the school's implementation of an extended school year, and (2) student performance data that will be used at the end of the school year to evaluate the extent to which an extended school year is associated with student performance.

The Department of Education shall allocate funds specified to each school district for the identified school to participate in the extended school year pilot program. Each district shall receive an allocation for the operation of the participating schools which shall be calculated by: (1) dividing each district's FY 2001-2002 FEFP base funding amount by the total funded weighted student enrollment of the district (2) multiplying that product by the estimated number of weighted students enrolled in the extended school year (3) times the number of days in the school year in excess of 180. The Commissioner is authorized to adjust the amount of the award to be based on actual student enrollment. Students participating in the extended school year pilot program shall be eligible to receive transportation funding as provided in s. 236.083, F.S. The Executive Office of the Governor is authorized to certify forward into next fiscal year any unspent funds from Specific Appropriation 130 necessary for the implementation of the pilot program.

The following schools shall participate in the pilot:

Broward: Lauderdale Lake Middle School, Hollywood Park Elementary School

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Miami-Dade: Drew Elementary School, Toussaint L'Overture Elementary School, Opa Locka Elementary School, North Miami Elementary School
Duval: St. Clair Evans Elementary School, Bethune Elementary School, Sallye Mathis Elementary School
Escambia: Spencer Bibbs Elementary School, A.A. Dixon Elementary School
Hillsborough: Oak Park Elementary School, Robles Elementary School, Sulphur Springs Elementary School
Orange: Ivey Lane Elementary School, Engelwood Elementary School
Pinellas: Frontier Elementary School, Gulfport Elementary School, Maximo Elementary School
Sarasota: Booker Elementary School
Sumter: South Sumter Middle School

In the event of an unforeseen circumstance that prevents a selected school from participating in the pilot program, the superintendent of the district may select a different school to participate. However, the replacement school must implement an extended school year within the allocation amount provided to the school that is being replaced. The school must meet the extended school year pilot program criteria in order to participate in the program.

The Commissioner of Education shall submit a report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives by October 1, 2001, that evaluates the success of each school's implementation of an extended school year.

130A SPECIAL CATEGORIES		
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS		
FOR READING PROGRAMS		
FROM GENERAL REVENUE FUND	6,261,863	
FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		3,000,000

From the funds appropriated in Specific Appropriation 130A, \$3,000,000 from the Principal State School Trust Fund and \$2,191,291 from General Revenue, are provided to the Florida Literacy and Reading Excellence (FLARE) Center at UCF to be used for a pilot program to develop Master Teacher Trainers in Reading for teachers in the primary grades, and reading in the content areas for teachers in the secondary grades. The focus shall be on prescriptive approaches to solving student reading deficiencies using FLARE Center best practices research. This pilot program shall be implemented and coordinated with the activities funded in Florida with any federal grant funds received to improve student reading in grades K-12.

From the funds appropriated in Specific Appropriation 130A, \$850,000 is provided for operation of the FLARE Center, \$552,000 is provided for the Northeast Florida Education Consortium Reading Initiative, and \$268,572 is provided for Direct Instruction.

From the funds appropriated in Specific Appropriation 130A, \$1,440,000 is provided to the Department of Education for a grant to the Institute for School Innovation for the continuation of a research study to determine the effect of class size on academic achievement in reading, writing, and mathematics. The Department of Education shall make these funds available for this program no later than August 1, 2001.

From the funds appropriated in Specific Appropriation 130A, \$960,000 is provided to the Department of Education for a grant to the Institute for School Innovation for implementation of Project Child in elementary schools. Preference shall be given to schools rated "D" or "F", or schools that have declined in the A+ rating system. The Institute shall provide the appropriate materials, teacher training, and leadership training to fully implement Project Child.

Adopting schools shall commit to two-year renewable costs of no more than \$50 per student. The Department of Education shall make these funds available for this program no later than August 1, 2001.

Funds appropriated in Specific Appropriation 130A are provided for Direct Instruction.

131 SPECIAL CATEGORIES		
GRANTS AND AIDS - ASSISTANCE TO LOW		
PERFORMING SCHOOLS		
FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		5,000,000

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Funds appropriated in Specific Appropriation 131 shall be used to fund activities designed to improve student achievement and readiness for college especially in low performing middle and high schools. The Commissioner of Education shall extend the contract awarded for the 2000-2001 fiscal year if the terms and conditions of the contract were satisfied. Otherwise, the Commissioner of Education shall contract with a nonprofit member organization, such as those which provide the PSAT or ACT examinations, with broad expertise and experience in preparing students and training teachers for success in Advanced Placement and other advanced college preparatory courses as provided in s.236.081 (1)(m), F.S. The entity selected for this program must provide teacher training, college entrance test preparation, curriculum alignment with FCAT and Advanced Placement courses, implementation of a software and database for individual assessment of students' strengths and weaknesses as related to advanced courses and college readiness, a free Internet-based student help service for preparation for college entry tests, recruiting tutors to help students meet higher performance standards, and a student performance management process for tracking and improving student achievement. The service provider shall conduct a rigorous evaluation of the effectiveness of such activities with greatest emphasis on student achievement and shall match at least one-third of this allocation in materials and services to the program.

131A SPECIAL CATEGORIES		
GRANTS AND AIDS - EDUCATION PARTNERSHIPS		
FROM GENERAL REVENUE FUND		5,449,931

From the funds appropriated in Specific Appropriation 131A, \$4,800,000 is provided for Alternative Schools/Public Private Partnerships. A school district may apply for funding for an educational program to serve a minimum of 500 or more disruptive and low performing students per school in grades 6-12. Programs funded must provide proof of educational progress in reading and mathematics demonstrated in existing programs with similar student populations. The program shall operate in a separate school facility provided by the education provider, unless otherwise negotiated with the school district. Any provider of this program must have at least three years of experience successfully serving this student population. The design of the school shall include small learning communities and areas of support services provided by community-based providers. The district school board may contract with a non-profit or for-profit entity to operate the program including the provision of personnel, supplies, equipment and/or facilities.

From the funds appropriated in Specific Appropriation 131A, \$649,931 is provided for the Florida Council on Economic Education.

131B SPECIAL CATEGORIES		
GRANTS AND AIDS - LEARNING GATEWAYS		
FROM GENERAL REVENUE FUND		6,000,000

Funds appropriated in Specific Appropriation 131B are provided to the Department of Education to implement three pilot Learning Gateway programs in Orange, Manatee, and St. Lucie Counties. The programs shall address prevention of learning disabilities in children ages birth to 9.

132 SPECIAL CATEGORIES		
GRANTS AND AIDS - COLLEGE REACH OUT		
PROGRAM		
FROM GENERAL REVENUE FUND		3,999,988

135 SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND		
LEARNING RESOURCES CENTERS		
FROM GENERAL REVENUE FUND		3,039,494

Funds appropriated in Specific Appropriation 135 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida.....	633,344
University of Miami.....	596,381
Florida State University.....	594,558
University of South Florida.....	621,637
University of Florida Health Science Center at Jacksonville.	593,574

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Each center shall provide a report to the Department of Education by September 1, 2001, for the 2000-2001 year that shall include the following: 1) the number of children served, 2) the number of parents, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

136A SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM GENERAL REVENUE FUND 103,765,000

The Commissioner of Education is authorized to allocate funds appropriated in Specific Appropriations 136A among the following school readiness programs: Pre-Kindergarten Early Intervention, Early Childhood Services, Migrant 3 and 4 - year old program, and the Florida First Start Program.

136B SPECIAL CATEGORIES
TRANSFER TO EXCELLENT TEACHING TRUST FUND
FROM GENERAL REVENUE FUND 27,967,009

137 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 964,618

137A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM
FROM GENERAL REVENUE FUND 1,300,000

Funds appropriated in Specific Appropriation 137A are provided as challenge grants to public school district education foundations for low performing students. The amount of each grant shall be equal to the private contribution made to a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Before any funds appropriated in Specific Appropriation 137A may be released to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that private cash has actually been received by the public school district education foundation seeking state matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program. Administrative costs for the program shall not exceed five percent (5%).

Funds appropriated in Specific Appropriation 137A shall be allocated and expended consistent with the provisions of SB 950, SB 934 or similar legislation. Funds appropriated in Specific Appropriation 137A are not contingent on SB 950, SB 934 or similar legislation becoming law.

138A SPECIAL CATEGORIES
EDUCATOR PROFESSIONAL LIABILITY INSURANCE
FROM GENERAL REVENUE FUND 1,200,000

Funds appropriated in Specific Appropriation 138A shall be used to provide all instructional personnel with professional liability insurance coverage for monetary damages and the cost of defense from claims made against them in the performance of their professional duties in accordance with HB 409 or similar legislation. The Professional Educators Network shall purchase the coverage, administer the program, and provide communications and notification to all instructional personnel of the benefits of the program.

138B SPECIAL CATEGORIES
TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
FROM GENERAL REVENUE FUND 165,000

141 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 4,975,000

Funds appropriated in Specific Appropriation 141 shall be allocated to the six autism centers as follows:

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University of South Florida/Florida Mental Health Institute. 966,666
University of Florida (College of Medicine)..... 736,666
University of Central Florida..... 726,666
University of Miami (Department of Pediatrics)..... 991,670
including \$157,000 for activities in Palm Beach County through FAU and \$182,000 for activities in Broward County through Nova Southeastern University
University of Florida (Jacksonville)..... 736,666
Florida State University (College of Communications)..... 816,666

Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 2001.

142 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

Funds appropriated in Specific Appropriation 142 shall be allocated as provided in section 228.0857, Florida Statutes.

143 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 7,640,472

From the funds in Specific Appropriation 143, \$363,000 is provided to the Florida Association of District School Superintendents for district superintendent and district leader in-service training. There shall be an emphasis on understanding teacher evaluation and student performance.

From the funds appropriated in Specific Appropriation 143, \$317,000 is provided for Florida School Boards Association school board member in-service training.

From the funds appropriated in Specific Appropriation 143, \$4,000,000 is provided for the development of a Sunshine State Professional Development Network. The purposes of this network are to assist teachers seeking alternative or add-on certification consistent with the provisions of s. 231.17(7)(a), F.S., to assist teachers who wish to participate in the Florida Mentor Teacher Pilot Program as defined in s. 231.700, F.S., and to assist teachers to prepare for performance assessment based on student achievement as required by s. 231.29, F.S.

The Commissioner of Education shall contract for development, implementation and maintenance of a web-based network platform with integrated, high quality professional development content and services for teachers. The network must include state-of-the-art technology, utilizing video-intensive case pedagogy for delivery of web-based professional development. Network development for 2001-2002 shall include not less than 300 hours of customized content. Initial content modules and support services shall be provided by September 1, 2001. Maintenance and support of the network must include: (a) regular diagnostic analyses of individual teacher's needs as a basis for activities, (b) development of a capacity for peer coaching and mentoring at each school site, (c) leadership development through on-line study groups for schools and district administrators, (d) continuous customization of courses to address local issues, (e) installation of network access for relevant district and staff computers, (f) technical support for district technology staff, (g) continuous on-line and toll-free telephone help for teachers and facilitators, (h) on-site consulting services with district leadership based on diagnostic analyses, and (i) hosting costs; bandwidth fees and upgrades of software. The Commissioner shall negotiate a discounted annual license fee, not to exceed \$375, for each individual's access to and use of the network and its associated services.

From the funds appropriated in Specific Appropriation 143, \$500,000 is provided to continue Urban Teacher Residency Programs at the University of North Florida and the University of Central Florida, \$275,000 is provided for the Florida Humanities Council, \$336,000 is provided for the Panhandle Area Education Consortium (PAEC) Staff Academy, \$50,000 is provided for the Minority Teacher Incentive Program, and \$800,000 is provided for the Flight to Your Future Teacher Resource and Activity Center at Embry-Riddle Aeronautical University for math/science enhancement.

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144 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,742

Funds appropriated in Specific Appropriation 144 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

145 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

145A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM GENERAL REVENUE FUND 6,032,042

From the appropriated funds in Specific Appropriation 145A, \$3,000,000 is provided to improve Mathematics and Science instruction.

From the funds appropriated in Specific Appropriation 145A, \$175,000 is provided for Arts for a Complete Education, \$750,000 is provided for the Florida Holocaust Museum, and \$500,000 is provided for the Keating Maritime Center.

From the funds appropriated in Specific Appropriation 145A, \$75,000 is provided for State Science Fair, \$125,000 is provided for Academic Tourney, \$25,000 is provided for Hands in Action-Family, Schools and Friends, \$500,000 is provided for the Center for Infant Child School Outreach Program, \$500,000 is provided for SER/SABER/Youth Coop, and \$132,042 is provided for Instructional Materials Management.

From the funds appropriated in Specific Appropriation 145A, \$250,000 is provided for Instructional Materials Innovation in the first state-approved charter school district. Identified teachers will participate in a project with publishers and other teachers to design a system for preparation and delivery of materials specifically designed to meet the individualized instructional needs of each teacher.

146 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 2,891,336
FROM EDUCATIONAL AIDS TRUST FUND 2,333,354

Funds appropriated in Specific Appropriation 146 may be provided for, but are not limited to, the following: the Pre-Kindergarten Handicapped Information System, Network of Centers for Severely Emotionally Disturbed, Florida Diagnostic and Learning Resource Centers, Resource Materials for the Hearing Impaired, Visually Handicapped Resources, Very Special Arts, Governor's Summer Program for the Gifted, and Challenge Grant Program for the Gifted.

147 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 30,755,562
FROM GRANTS AND DONATIONS TRUST FUND 1,694,501

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

From the funds appropriated in Specific Appropriation 147, \$579,000 is provided to contract with the University of Florida for health, medical, pharmaceutical and dental screening services for students. It is the intent that the school develop a collaborative service agreement for medical services that will be self-sustaining through maximizing the recovery of all legally available funds from Medicaid and private insurance coverage. Information describing the collaborative agreement, the services provided, budget and expenditures shall be provided to the Legislature by January 1, 2002. The school shall report to the Legislature by June 30, 2002, the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2001-2002 Fiscal Year.

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From the funds appropriated in Specific Appropriation 147, The Board of Trustees shall provide to each eligible classroom teacher and other instructional personnel a retention bonus of \$850 in accordance with the requirement of the proviso language for Specific Appropriation 119. The Board may also implement recruitment efforts as authorized in Specific Appropriation 119.

147A SPECIAL CATEGORIES
GRANTS AND AIDS - SHARPEN THE PENCIL
FROM GENERAL REVENUE FUND 3,200,000

Funds appropriated in Specific Appropriation are provided for Best Practices Reviews of public school districts conducted by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA). OPPAGA is also authorized to contract with a private evaluator for Best Practice Reviews.

From the funds appropriated in Specific Appropriation 147A, the Office of Program Policy Analysis and Governmental Accountability shall use \$900,000 to contract for a private evaluator using an RFP process to conduct a Best Financial Management Practices Review of the Miami-Dade County School District.

The funds appropriated in Specific Appropriation 147A shall be utilized in the manner described in SB 1780, HB 269 or similar legislation. Funds appropriated in Specific Appropriation 147A are not contingent upon SB 1780, HB 269, or similar legislation becoming law.

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND 238,316,897
FROM TRUST FUNDS 43,475,359
TOTAL ALL FUNDS 281,792,256

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

150 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 654,100,702

151 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM EDUCATIONAL AIDS TRUST FUND 56,190,521

152 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM FOOD AND NUTRITION SERVICES TRUST
FUND 488,009,644

153 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM -
STATE MATCH
FROM GENERAL REVENUE FUND 16,886,046

Funds appropriated in Specific Appropriation 153 for the School Breakfast program shall be allocated as provided in s. 228.195, Florida Statutes.

TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM
FROM GENERAL REVENUE FUND 16,886,046
FROM TRUST FUNDS 1198,300,867
TOTAL ALL FUNDS 1215,186,913

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

154 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 106,100

Funds appropriated in Specific Appropriation 154 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

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155 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 250,000

156 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 1,329,566

From the funds appropriated in Specific Appropriation 156, \$900,000 shall be allocated as follows: \$53,780 for WFSU-FM, Tallahassee, \$651,363 for WGPU-TV/FM, Ft. Myers, \$191,019 for WUFT-TV/FM, Gainesville and \$3,838 for WUSF-FM, Tampa.

157 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION
RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,591,281

The funds appropriated in Specific Appropriation 157 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems, and distance learning activities.

159 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 9,138,361

The funds appropriated in Specific Appropriation 159 shall be allocated as follows: \$609,207 for statewide governmental and cultural affairs programming; \$549,120 for public television stations recommended by the Commissioner of Education, and \$106,236 for public radio stations recommended by the Commissioner of Education.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 159 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds appropriated in Specific Appropriation 159, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel."

160 SPECIAL CATEGORIES
FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT
INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 190,000

161 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES
FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND 18,013,222

TOTAL ALL FUNDS 18,013,222

WORKFORCE DEVELOPMENT, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

162 SALARIES AND BENEFITS POSITIONS 91
FROM GENERAL REVENUE FUND 2,164,548
FROM EDUCATIONAL AIDS TRUST FUND 1,989,678
FROM INSTITUTIONAL ASSESSMENT TRUST FUND 562,049

163 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,666
FROM EDUCATIONAL AIDS TRUST FUND 190,916
FROM INSTITUTIONAL ASSESSMENT TRUST FUND 41,213

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164 EXPENSES
FROM GENERAL REVENUE FUND 583,329
FROM EDUCATIONAL AIDS TRUST FUND 1,897,651
FROM INSTITUTIONAL ASSESSMENT TRUST FUND 249,951

165 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,071
FROM EDUCATIONAL AIDS TRUST FUND 47,842

166 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,581
FROM EDUCATIONAL AIDS TRUST FUND 6,055
FROM INSTITUTIONAL ASSESSMENT TRUST FUND 526

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,814,195
FROM TRUST FUNDS 4,985,881

TOTAL POSITIONS 91
TOTAL ALL FUNDS 7,800,076

PROGRAM: WORKFORCE EDUCATION GRANT PROGRAMS

167 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 23,457,545

168 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT HANDICAPPED FUNDS
FROM GENERAL REVENUE FUND 19,740,221

Funds appropriated in Specific Appropriation 168 will be distributed to community colleges and school districts for programs serving adults with disabilities. Programs that were funded in 2000-2001 will be eligible for continuation funding if the program has made satisfactory progress as defined by the Division of Workforce Development. From the funds in Specific Appropriation 168, \$17,919,573 is provided for school district adult handicapped programs and shall be allocated as follows provided that satisfactory progress was made during the 2000-2001 year.

Alachua.....	52,368
Baker.....	229,953
Bay.....	205,520
Bradford.....	74,613
Brevard.....	640,000
Broward.....	1,947,488
Charlotte.....	74,105
Citrus.....	160,000
Clay.....	20,407
Collier.....	55,176
Columbia.....	55,000
De Soto.....	342,355
Escambia.....	312,460
Flagler.....	1,132,656
Gadsden.....	575,000
Gulf.....	45,000
Hardee.....	63,736
Hernando.....	107,121
Hillsborough.....	606,355
Jackson.....	2,154,271
Jefferson.....	81,409
Lake.....	37,882
Leon.....	1,216,398
Marion.....	25,000
Martin.....	436,199
Miami-Dade.....	2,378,232
Monroe.....	110,463
Orange.....	590,851
Osceola.....	46,620
Palm Beach.....	1,607,344

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Pasco.....	19,836
Pinellas.....	791,193
Saint Johns.....	119,246
Santa Rosa.....	52,318
Sarasota.....	925,513
Sumter.....	18,355
Suwannee.....	100,990
Taylor.....	99,843
Union.....	109,980
Wakulla.....	48,562
Washington.....	249,715

From the funds provided in Specific Appropriation 168, \$1,820,688 is provided for community college adult handicapped programs and shall be allocated as follows provided that satisfactory progress was made during the 2000-2001 year.

Central Florida.....	41,665
Daytona Beach.....	355,085
Florida CC at Jax.....	307,029
Indian River CC.....	162,587
Pensacola.....	45,000
Polk CC.....	345,801
St. Johns CC.....	54,000
Santa Fe.....	88,500
Seminole CC.....	78,000
South Florida.....	294,495
Tallahassee.....	48,526

169 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 77,144,852

169A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PREFERRED TECHNOLOGY
CURRICULUM PATHWAY
FROM GENERAL REVENUE FUND 2,000,000

TOTAL: PROGRAM: WORKFORCE EDUCATION GRANT PROGRAMS
FROM GENERAL REVENUE FUND 21,740,221
FROM TRUST FUNDS 100,602,397

TOTAL ALL FUNDS 122,342,618

PROGRAM: WORKFORCE EDUCATION ADMINISTERED FUNDS

170 AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM GENERAL REVENUE FUND 5,918,293

Funds in Specific Appropriation 170 shall be used for the following purposes subject to review and approval by the Postsecondary Education Planning Commission:

1. New or expanded training programs at community colleges or school districts for new horizon jobs approved by Workforce Florida, Inc.
2. Upgrading of existing workforce development programs to meet program standards referenced in s. 239.229(2)(c) or s. 240.312.
3. Any proposal identified for funding through the Workforce Development Capitalization Incentive Grant Program pursuant to s. 239.514.

The Postsecondary Education Planning Commission may, at its discretion, recommend to the Legislature second year funding for operating costs for any new program funded through this appropriation.

From the funds in Specific Appropriation 170 up to \$3,271,373 shall be used to cover recurring instructional and operating expenditures for new programs funded through Specific Appropriation 134A of Chapter 2000-166 subject to review and recommendation by the Postsecondary Education Planning Commission.

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From the funds in Specific Appropriation 170, \$800,000 is provided to create an instructional training program in information technology, focusing on the needs of k-12 and community college faculty in applying the latest technologies in the classroom. The program will serve the local needs of a rapidly growing community as well as statewide needs through internet and other distance learning strategies. Priority will be given to proposals that make effective use of donated facilities and, as a byproduct, produce revenue by responding to the staff development needs of corporate partners.

From the funds in Specific Appropriation 170, \$400,000 is provided to develop a program in business management with a specialty in tourism and hospitality. Students will design, develop, operate and manage a tourism-related business, which will encompass lodging, food service, and concierge services. Students will also utilize internet technology in marketing and coordinating activities between various hospitality/tourism sectors. This program will provide students with the training and experience necessary to receive wage levels in excess of those received by entry-level employees graduating from traditional programs. Community colleges whose local economy is principally dependent on tourism and special events and who work in partnership with the local tourism industry, will receive priority in being selected for this program.

171 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 722,507,004

Funds in Specific Appropriation 171 are provided for workforce development education programs as defined in s. 239.105 (28), Florida Statutes, and shall be used for no other purpose.

School districts and community colleges are not required to decrease fees to meet the state adopted fee schedule.

Pursuant to the provisions of s. 239.117 (5), Florida Statutes, School districts and community colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected. School districts and community colleges shall not be required to reduce fees as a result of the fee schedule adopted by the State Board of Education pursuant to s.239.117 (6)(c), Florida Statutes. However, identical fees shall be required for all community colleges students who take a specific course, regardless of the program they are enrolled in.

To provide for performances that may not have been reported in a timely, accurate manner for the FY 2001-2002 Workforce Development Education funding formula, the Department of Education and the State Board of Community Colleges are directed to provide local school districts and community colleges with an opportunity to submit supplemental data for performance payments. The data, once reported, will be evaluated using the same methodology as data reported during the regular reporting cycle. Payments for performances that are not duplicative of performances that have already been paid will be identified in a separate category and will be part of the Department of Education's funding request for FY 2002-2003 unless sufficient balances exist in the 2001-2002 appropriation to make the payment.

From the funds provided in Specific Appropriation 171, \$407,680,556 is provided for school district workforce development programs. None of these funds are to be used to support K-12 programs or the district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions. These funds shall be allocated as follows:

Alachua.....	1,453,900
Baker.....	182,507
Bay.....	3,580,248
Bradford.....	956,169
Brevard.....	2,888,143
Broward.....	70,794,468
Calhoun.....	186,733
Charlotte.....	3,004,891

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Table listing specific appropriations for various Florida counties including Citrus, Clay, Collier, Columbia, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, Washington, and Washington Special.

From the funds provided in Specific Appropriation 171, \$314,826,452 is provided for Community College Workforce Development programs and shall be allocated as follows:

Table showing the allocation of funds from Specific Appropriation 171 to various community colleges: Brevard CC, Broward CC, Central Florida, Chipola, Daytona Beach, Edison, Florida CC at Jax, Florida Keys, and Gulf Coast.

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Table listing specific appropriations for various Florida counties including Hillsborough CC, Indian River CC, Lake City, Lake-Sumter CC, Manatee CC, Miami-Dade CC, North Florida, Okaloosa-Walton CC, Palm Beach CC, Pasco-Hernando CC, Pensacola, Polk CC, St. Johns CC, St. Petersburg, Santa Fe, Seminole CC, South Florida, Tallahassee, and Valencia.

From the funds in Specific Appropriation 171, the Workforce Development Education Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to respond to emerging local and statewide economic development needs by providing workforce development programs.

Table detailing performance measures and outcomes for FY 2001-2002, including the number and percent of vocational certificate program completers who left the program and are found placed according to the following definitions: Level III - Completed a program identified as high-wage /high-skill on the Occupational Forecasting List and found employed at \$4,680 per quarter or more.

TOTAL: PROGRAM: WORKFORCE EDUCATION ADMINISTERED FUNDS FROM GENERAL REVENUE FUND 728,425,297. TOTAL ALL FUNDS 728,425,297.

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

Table listing program expenses for 172 SALARIES AND BENEFITS POSITIONS, 173 OTHER PERSONAL SERVICES, and 174 EXPENSES, including amounts from General Revenue Fund and Construction Administrative Trust Fund.

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176A SPECIAL CATEGORIES
PROGRAM REVIEW AND SPECIAL STUDIES
FROM GENERAL REVENUE FUND 425,000

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 4,603,702
FROM TRUST FUNDS 247,313

TOTAL POSITIONS 52
TOTAL ALL FUNDS 4,851,015

PROGRAM: COMMUNITY COLLEGE PROGRAMS

177 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 8,318,834

Funds in Specific Appropriation 177 are provided as performance incentive awards, and shall be allocated as follows:

Table listing counties and amounts: Brevard (412,667), Broward (585,595), Central Florida (169,684), Chipola (64,414), Daytona Beach (274,482), Edison (232,656), Florida CC at Jacksonville (566,191), Florida Keys (22,967), Gulf Coast (146,315), Hillsborough (385,801), Indian River (219,855), Lake City (53,832), Lake-Sumter (58,451), Manatee (202,706), Miami-Dade (1,099,182), North Florida (32,132), Okaloosa-Walton (201,703), Palm Beach (471,543), Pasco-Hernando (132,993), Pensacola (272,072), Polk (162,102), St. Johns (126,936), St. Petersburg (581,024), Santa Fe (418,424), Seminole (180,058), South Florida (64,834), Tallahassee (402,438), Valencia (777,777)

178 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 456,452,882

From the funds in Specific Appropriations 9, 177, and 178, the Community Colleges will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Table with 2 columns: Performance Measures - Outcomes, FY 2001-2002 Standards. Includes: Percent of students graduating with total accumulated credit hours that are less than or equal to 120% of the degree requirement...36%, Of the AA students completing 18 credit hours, the percent which graduate within 4 years...36%, Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

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The sum of the technology fee and the average resident matriculation fee specified in s. 240.35(6), Florida Statutes, are hereby established for 2001-2002 as follows:

Table with 2 columns: Program, Amount Per Credit Hour. Rows: Advanced and Professional (\$ 39.09), Postsecondary Vocational (39.09), College Preparatory (39.09)

The sum of the technology fee and the average nonresident matriculation and tuition fees specified in s. 240.35(7), Florida Statutes, are hereby established for 2001-2002 as follows:

Table with 2 columns: Program, Amount Per Credit Hour. Rows: Advanced & Professional (\$117.32), Postsecondary Vocational (117.32), College Preparatory (117.32)

For 2001-2002, no community college board of trustees shall be required to reduce the sum of the technology fee and the matriculation fee from the sum of these fees established in 2000-2001.

The Division of Community Colleges shall maintain a policy regarding office hours during which instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

Colleges which accept funds from Specific Appropriation 178 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 178 shall be allocated as follows:

Table listing counties and amounts: Brevard (19,371,383), Broward (33,959,982), Central Florida (6,781,389), Chipola (4,450,095), Daytona Beach (16,792,210), Edison (14,010,621), Florida CC at Jacksonville (27,222,653), Florida Keys (2,886,837), Gulf Coast (7,729,545), Hillsborough (26,284,880), Indian River (13,911,053), Lake City (3,503,592), Lake-Sumter (5,196,622), Manatee (10,788,575), Miami-Dade (87,268,229), North Florida (2,600,347), Okaloosa-Walton (8,339,374), Palm Beach (20,897,878), Pasco-Hernando (6,188,997), Pensacola (15,716,825), Polk (7,971,364), St. Johns River (7,755,380), St. Petersburg (28,195,509), Santa Fe (14,748,046), Seminole (9,394,822), South Florida (2,965,989), Tallahassee (17,425,918), Valencia (34,094,767)

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO & DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs

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or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, continuing workforce education, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 2001-2002 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 178 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Funds provided in Specific Appropriation 178 contemplate that, except for the CO & DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, college preparatory, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for the CO & DS instructional unit calculation, a full-time equivalent enrollment in the vocational preparatory program, postsecondary adult and continuing workforce education and adult vocational education programs shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

179A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HIGH DEMAND - RETURN ON INVESTMENT
FROM GENERAL REVENUE FUND 10,000,000

Funds in Specific Appropriation 179A are to be spent for one-time costs associated with the development and expansion of degree programs targeted on those high demand occupations which meet the criteria of the February, 2001 Workforce Estimating Conference and which provide a high return on investment to the local economy.

Brevard.....	405,519
Broward.....	941,685
Central Florida.....	201,317
Chipola.....	54,713
Daytona Beach.....	456,842
Edison.....	256,490
Fla. CC @ Jax.....	749,579
Florida Keys.....	98,887
Gulf Coast.....	218,620
Hillsborough.....	501,205
Indian River.....	443,142
Lake City.....	161,146
Lake-Sumter.....	85,448
Manatee.....	241,830
Miami-Dade.....	1,378,373
North Florida.....	14,220
Okaloosa-Walton.....	164,405
Palm Beach.....	452,613
Pasco-Hernando.....	230,151
Pensacola.....	445,432
Polk.....	185,472
St. Johns River.....	57,701
St. Petersburg.....	688,017
Santa Fe.....	518,077
Seminole.....	247,301
South Florida.....	68,476
Tallahassee.....	151,864
Valencia.....	581,475

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180 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROGRAM CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 7,046,772

Funds in Specific Appropriation 180 shall be allocated to the individual colleges based upon eligible private contributions received and reported as of February 16, 2001 for the Dr. Philip Benjamin Academic Improvement Program and the Health Care Education Quality Enhancement Program.

180A SPECIAL CATEGORIES
GRANTS AND AIDS - FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 8,803,228

Funds in Specific Appropriation 180A shall be allocated to the colleges as follows:

Broward.....	2,711,928
Central Florida.....	250,000
Daytona Beach.....	250,000
Edison.....	50,000
Florida Keys.....	250,000
Indian River.....	200,000
Lake-Sumter.....	442,000
St. Johns River.....	510,000
St. Petersburg.....	4,000,000
Seminole.....	64,300
South Florida.....	75,000

181 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 6,442,582

182 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 450,000

183 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 2,677,000

From the funds in Specific Appropriation 183, \$2,327,000 is provided for the continued development of the Florida Academic Counseling and Tracking System for Students (FACTS). The Board of Regents and the State Board of Community Colleges shall coordinate with the FACTS Board and the Administrative/Development Center for the development and implementation of a single statewide computer-assisted student information system which when fully implemented will provide users with the ability to: 1) apply for admissions, 2) register for courses, 3) do career and academic planning, 4) explore educational options, 5) inquire about financial aid, 6) pay student fees, and 7) access other student services functions in a distance learning mode. Funds are provided for center personnel, institutional support and electronic data processing support. An annual progress report shall be jointly submitted by the Board of Regents and the State Board of Community Colleges or their successor to the Governor, President of the Senate and Speaker of the House of Representatives. These two boards shall jointly develop a proposed budget for Fiscal Year 2002-2003, which is to be reflected in their respective legislative budget requests.

Funds in Specific Appropriation 183 provided for the Student Academic Advising and Tracking System (FACTS) are recommended for special monitoring as a critical information resource management project under Section 282.322, Florida Statutes. From the funds in Specific Appropriation 183 for FACTS, \$100,000 is provided for the monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

\$350,000 of the funds in Specific Appropriation 183 are provided for the Distance Learning Consortium operations.

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184	SPECIAL CATEGORIES GRANTS AND AIDS - MARTIN LUTHER KING CENTER FOR NON-VIOLENCE FROM GENERAL REVENUE FUND	100,000
184A	SPECIAL CATEGORIES GRANTS AND AIDS - MIAMI BOOK FAIR FROM GENERAL REVENUE FUND	200,000
184B	SPECIAL CATEGORIES GRANTS AND AID - LAKE-SUMTER TECHNOLOGY FROM GENERAL REVENUE FUND	250,000
185	DATA PROCESSING SERVICES KNOTT DATA CENTER - DEPARTMENT OF EDUCATION FROM GENERAL REVENUE FUND	30,000
186	DATA PROCESSING SERVICES REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM FROM GENERAL REVENUE FUND	175,000
TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS FROM GENERAL REVENUE FUND		500,946,298
TOTAL ALL FUNDS		500,946,298

PROGRAM: POSTSECONDARY EDUCATION PLANNING
COMMISSION

The funds in Specific Appropriations 187 through 191 shall support the Postsecondary Education Planning Commission in carrying out its statutory responsibilities, including the following specific assignments:

The Postsecondary Education Planning Commission, in conjunction with the Department of Education, State Board of Community Colleges, and Board of Regents or their successors shall continue its longitudinal cohort study of the progression of public high school graduates as they enroll in, advance through, and graduate from the state's postsecondary education delivery system and enter the workforce. A progress report shall be submitted to the Governor, Legislature and the State Board of Education by May 31, 2002.

The Postsecondary Education Planning Commission, in consultation with the State Board of Community Colleges, the Department of Education and the Board of Regents or their successors shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, the following reports:

1. By December 1, 2001, the results of a detailed review that compares the costs of Workforce Development Education programs to the reimbursement received through the workforce formula. The report shall identify changes that are needed to ensure that high cost programs that meet priority workforce needs receive appropriate incentives. Specific recommendations for data collection, including definitions and data collection procedures, specific adjustments to formula calculations, and a timetable for implementation beginning with the 2002-2003 Fiscal Year shall be included in the report.

2. By December 1, 2001, the results of an evaluation of issues related to the productivity of faculty and other instructional positions and the impact on resource allocation at each university. The analysis shall include, but not be limited to:

- (a) The use of resources budgeted for faculty positions for regular faculty, part-time faculty, graduate assistants and other purposes.
- (b) An identification of the fiscal impact of the conversion of funds from the Salaries and Benefits expenditure category to the Other Personal Services expenditure category to support non-faculty instructional positions.

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- (c) An identification of the average number of courses taught, the average and median class size of these courses, and the number of student credit hours produced by level per faculty member and other instructional teaching positions.
- (d) Purposes and outcomes of non-teaching assignments.
- (e) An identification of the percent of lower level and upper level courses taught by faculty, by rank, and for other instructional positions, by type.
- (f) Alternative approaches used in other states to address and to increase faculty productivity.
- (g) An analysis of longitudinal trends in the productivity of faculty and other instructional positions.
- (h) Additional information needed to support the zero-based budgeting process.

3. By February 15, 2002, the results of a review of the roles of school districts and community colleges in registered apprenticeship programs and their responsibilities related to program quality and student achievement in basic and technical skills. The review will address the relationship of the number of hours of classroom instruction to on-the-job training; the demographic characteristics of the participants in the programs; the completion rate and average time to completion in the programs; and recommendations related to provisions for the start-up of new apprenticeship programs. The review will address the fiscal advantages and disadvantages of continuing to exempt matriculation and fees for registered apprentices and the impact of the apprenticeship programs on the Workforce Development Education Fund.

4. By December 1, 2001, an evaluation of the cost, benefits, and continued need for state appropriations to match private donations to community colleges and state universities. The evaluation shall consider but not be limited to:

- (a) The net returns on the investment of endowments after subtracting the cost to the institution of supporting the foundation from institutional operating funds, and the overhead cost assessed to the endowment accounts by foundations, the portion of the return on investments that must be reinvested to maintain the corpus of the endowment.
- (b) The degree to which the donor-driven allocation of funds through the matching process responds to the mission of the institution and the priorities of the state.
- (c) A comparison of the benefits derived from the total cumulative expenditures on these programs to benefits which could be expected from alternative investments such as equipping state of the art scientific labs.
- (d) An analysis of the use of the proceeds from the endowments.
- (e) An analysis of the number and type of endowments by program area.

If the evaluation concludes that the donation matching programs should be continued, the report shall include recommendations for improved accountability for the use of earnings from endowments that include state matching and a method for prioritization of state matching funds.

5. By December 1, 2001, an evaluation of the program offerings at branch campuses. The report shall describe the courses and complete degree programs available prior to the 1999-2000 fiscal year. The report shall then evaluate the utilization of funds specifically provided for the expansion of programs at university branch campuses and centers beginning with the 1999-2000 fiscal year. The report shall include a description of the new courses and programs implemented and planned for implementation, a description of when funds were provided, the amount of funding provided, the date upon which new programs were initiated, the date upon which courses began to be offered, the date upon which a degree program could be completed at the branch campus and the growth in enrollment related to each program beginning with 1998-1999 and projected out through 2003-2004.

187	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	16 1,176,110
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188	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	51,901	
189	EXPENSES FROM GENERAL REVENUE FUND	204,831	
190	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	28,680	
191	SPECIAL CATEGORIES SPECIAL STUDIES FROM GENERAL REVENUE FUND	74,499	
192	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	818	
TOTAL:	PROGRAM: POSTSECONDARY EDUCATION PLANNING COMMISSION FROM GENERAL REVENUE FUND	1,536,839	
	TOTAL POSITIONS	16	
	TOTAL ALL FUNDS	1,536,839	

UNIVERSITIES, DIVISION OF
PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

193	LUMP SUM I-4 CORRIDOR/HIGH TECHNOLOGY RESEARCH FROM GENERAL REVENUE FUND	5,800,000	
194	LUMP SUM EDUCATIONAL AND GENERAL ACTIVITIES FROM GENERAL REVENUE FUND	1,260,438,169	
	FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	464,127,290	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND	587,293	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	2,872,909	
	FROM PHOSPHATE RESEARCH TRUST FUND	6,281,720	

Funds in Specific Appropriations 194 through 199 contemplate that the matriculation and tuition fees collected for Summer Term 2002 enrollments shall not be expended during the 2001-2002 Fiscal Year.

From the funds in Specific Appropriations 10 through 13 and 194 through 199A, the salary rate shall be consistent with the total combined rate included in the legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

From the funds in Specific Appropriations 194 through 209, no appropriated funds shall be used to promote litigation, for any centers and institutes.

The funds in Specific Appropriation 194, 195, 196, and 197 include \$55,241,209 for fee waivers.

From the funds in specific appropriation 194, the University of Florida and Florida State University shall work with FAMU to explore methods of addressing FAMU student articulation to the University of Florida and the Florida State University Medical Schools. A report

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shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001 that reflects findings and recommendations regarding methods for providing and increasing articulation.

From the funds in Specific Appropriation 10 through 13 and 194 through 209, the State University System will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to transmit knowledge, skills and competencies which allow eligible individuals to become practicing professionals or to pursue further academic endeavors:

Performance Measures - Outcomes	FY 2001-2002 Standards
Graduation Rate for First Time in College (FTIC) students, using a six-year rate.....	61%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

Funds in Specific Appropriations 194 and 198 are based upon the following full-time equivalent (FTE) enrollment:

Lower Level.....	53,495
Upper Level.....	69,940
Graduate.....	25,375
Total.....	148,810

Funding shall be allocated to each university based upon the following full-time equivalent (FTE) enrollment:

University of Florida;	
Lower Level.....	10,996
Upper Level.....	12,671
Graduate.....	7,574
Total.....	31,241

Florida State University;	
Lower Level.....	8,983
Upper Level.....	9,993
Graduate.....	4,536
Total.....	23,512

Florida Agricultural & Mechanical University;	
Lower Level.....	4,123
Upper Level.....	3,471
Graduate.....	879
Total.....	8,473

University of South Florida;	
Lower Level.....	6,394
Upper Level.....	9,793
Graduate.....	3,320
Total.....	19,507

Florida Atlantic University;	
Lower Level.....	3,594
Upper Level.....	6,641
Graduate.....	1,745
Total.....	11,980

University of West Florida;	
Lower.....	1,663
Upper Level.....	2,561
Graduate.....	687
Total.....	4,911

University of Central Florida	
Lower Level.....	7,412

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Upper Level.....	10,728
Graduate.....	2,490
Total.....	20,630
Florida International University;	
Lower Level.....	6,594
Upper Level.....	9,344
Graduate.....	2,976
Total.....	18,914
University of North Florida;	
Lower Level.....	3,056
Upper Level.....	3,583
Graduate.....	802
Total.....	7,441
Florida Gulf Coast University;	
Lower Level.....	681
Upper Level.....	1,155
Graduate.....	366
Total.....	2,202

Enrollment funds are based upon the following system-wide average funding per student:

- 1) Lower level - \$6,952
- 2) Upper Level - \$10,429
- 3) Graduate I Level - \$15,875
- 4) Graduate II Level - \$24,222

From the funds provided in Specific Appropriations 194 and 196, excluding medical professional headcount, each university may shift enrollment by level in a manner which is revenue neutral, but shall not increase the number of lower level FTEs above the funded enrollment plan.

By May 1, 2002, the Commissioner of Education shall provide to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor a comparison of actual enrollment for Final Summer 2001, Final Fall 2001, and Preliminary Spring 2002 to funded enrollment by level. Both the General Revenue and student fee revenue for FTE enrollment for any university, excluding FGCU and medical professional headcount, that is more than 2% under the funded enrollment by level by May 1 shall be redirected by the State Board of Education to areas of the State University System in which demand for courses exceeds the funded enrollment. The Commissioner of Education shall adjust the funded enrollment plan for FTEs associated with this provision and report the FTEs to the fiscal committees of the Senate and the House of Representatives, and the Governor's Office of Policy and Budget.

In the event the actual enrollment for any university exceeds the planned enrollment, resulting in larger student fee collections than anticipated, the Executive Office of the Governor may authorize an increase in spending authority from the Educational & General Student Fees Trust Fund for the purpose of supporting additional students.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive the General Revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Commissioner of Education shall segregate these FTEs and not count them toward the 2001-2002 enrollment plan for the State University System. The Board of Regents may submit a budget amendment requesting student fee trust authority for the student fee revenue associated with the out-of-state students admitted under this policy.

Funds provided in Specific Appropriations 194, 196, 197, 198 and 199 include a 7.5% tuition increase for in-state and out-of-state students.

Specific Appropriation 194 includes a General Revenue funding increase above the recurring FY 2000/01 appropriation for the following purposes:

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Nanoscience and Technology - UCF.....	2,500,000
Information Science & Technology - UCF.....	2,500,000
High Technology Corridor Workforce Partnerships - UCF/USF...	1,000,000
Space Partnership - UF/UCF.....	1,000,000
Biomedical Research - FAU.....	1,000,000
Hospitality and Entertainment Industry Academic Enhancement - UCF.....	1,375,000
Center for Advanced Power Systems - FSU.....	500,000
Institute of Technology - FIU.....	2,000,000
FAMU Law School.....	2,500,000
FIU Law School.....	2,500,000
Chiropractic Medicine - FSU.....	1,000,000
Infant & Child Development Center - USF.....	550,000
Haas Center for Business Research - UWF.....	350,000
Institute for Human and Machine Cognition - UWF.....	500,000
Internet Coast - FAU.....	150,000
Harbor Branch Marine Science - FAU.....	950,000
Florida Campus Compact.....	133,111
Ports Matching - USF.....	150,000
Urban Policy Institute - FAMU.....	250,000
Operating costs for new facilities.....	7,410,188
Education Governance transition costs.....	2,355,310
In addition, \$991,612 is provided for Education Governance transition costs from trust funds.	

Funds in Specific Appropriation 194 include \$75,000 for the University of Central Florida to develop a feasibility study and implementation plan for a teacher preparation program which is based on three years of classroom instruction and one year of in-service teaching. During the fourth year in this program, students who have passed the CLAST shall be hired by participating school districts, shall work under a temporary teaching certificate, and shall receive credit for courses that include methods, ethics, and recognizing and meeting individual needs. During the in-service training component of this program, students shall work under mentor teachers who shall be considered adjunct faculty of the University which awards the degree. The University of Central Florida shall work in cooperation with the University of South Florida and the University of North Florida on this project. The University of Central Florida shall submit the results of this study and the implementation plan to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2001.

Funds in Specific Appropriation 194 for the Washington Internship Program may be disbursed in advance to the contractor on a quarterly basis.

Funds provided in Specific Appropriation 194 include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

From the funds in Specific Appropriation 194 for the Black Male Explorers Program, FAMU may advance funds to Bethune Cookman College, Florida Memorial College and Edward Waters College on a semiannual basis.

No funds provided in Specific Appropriation 194 may be used to implement new Programs in Medical Sciences (PIMS) or the equivalent without specific legislative authorization.

From the funds provided in Specific Appropriation 194, \$150,000 from the General Revenue Fund shall be transferred to the Postsecondary Education Planning Commission, or its successor organization, to fund a study of faculty productivity and contracted studies.

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195	LUMP SUM	
	INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS	
	FROM GENERAL REVENUE FUND	109,495,130
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND	3,419,042
	FROM EXPERIMENT STATION INCIDENTAL TRUST FUND	1,088,459
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND	4,276,475
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND	1,295,560

From the funds in Specific Appropriation 195 and any other funds available to the State University System, there shall be no expenditures made pursuant to the consent order, effective April 15, 1986, and amended on June 8, 1987, and as subsequently amended by the joint plan submitted by the Chancellor and the Secretary of the Department of Environmental Protection on October 1, 1993, between the Institute of Food and Agricultural Sciences and the Department of Environmental Protection; provided, however, that funds from the Water Quality Assurance Trust Fund provided specifically for site investigation and cleanup activities may continue to be spent for that purpose.

Specific Appropriation 195 includes a General Revenue funding increase above the recurring FY 2000-2001 appropriation for the following purposes:

Operating costs for new facilities.....	480,128
North Florida Research and Education Center equipment upgrades relating to the beef and forage industries.....	200,000
I-4 Corridor - Hillsborough Community College Plant City.....	400,000
Northwest Orange County Education and Business Center - Apopka.....	100,000

196	LUMP SUM	
	UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS	
	FROM GENERAL REVENUE FUND	48,633,281
	FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	8,359,553

Specific Appropriation 196 includes a General Revenue funding increase above the recurring FY 2000-2001 Appropriation for the following purposes:

Enrollment Growth.....	359,496
Family Practice Center-USF.....	500,000

Funds in Specific Appropriation 196 are based upon the following total full-time equivalent enrollment:

Lower Level.....	54
Upper Level.....	239
Graduate.....	569
M.D.....	401

197	LUMP SUM	
	UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS	
	FROM GENERAL REVENUE FUND	82,283,264
	FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	10,911,623
	FROM INCIDENTAL TRUST FUND	12,480,273
	FROM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS AND MAINTENANCE TRUST FUND	7,671,808

Specific Appropriation 197 includes a General Revenue funding increase above the recurring FY 2000-2001 Appropriation of \$21,772 for operating costs for new facilities.

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Funds in Specific Appropriation 197 are based upon the following total full-time equivalent enrollment:

Dentistry.....	330
Vet. Medicine.....	317
M.D.....	440

198	LUMP SUM	
	LUMP SUM - OPERATION OF BRANCH CAMPUSES AND CENTERS	
	FROM GENERAL REVENUE FUND	100,664,782
	FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	36,959,300

From the funds in Specific Appropriation 198, an increase of \$10,500,000 is provided as start-up funding to increase the number of courses and/or to provide for the offering of additional full degree programs for the purpose of increasing access to baccalaureate degrees on the branch campuses and centers. These funds are to be allocated as follows to the branch campus/center in the counties as listed:

Bay.....	486,000
Brevard.....	1,435,000
Pinellas.....	2,436,000
Polk.....	1,324,000
Indian River/St. Lucie/Martin/Northern Palm Beach.....	1,096,000
Sarasota/Manatee.....	677,500
Volusia.....	1,229,000
Okaloosa.....	639,000
New College.....	1,177,500

The Florida Board of Education or the State Board of Education shall certify to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor the increase in the number of full degree programs to be offered. These funds, and all enrollments for the Branch Campuses supported through this Specific Appropriation, are not subject to the corridor adjustment.

From the funds in Specific Appropriation 198, each university shall prepare and administer a separate operating budget for each branch campus and center. At a minimum, such budget shall reflect the actual funding available for each branch campus or center for FY 2000-2001, all increases provided by the 2001 Legislature and all funds generated locally, including concession funds, local fees, and research overhead. These budgets shall be submitted to the State Board of Education for approval.

The FTE students funded from specific appropriation 198 shall be excluded from the funded enrollment plan when making enrollment comparisons. A budget amendment may be submitted to the Executive Office of the Governor requesting student fee trust fund authority for the student fee revenue associated with the FTE generated from these funds.

Contingent upon Senate Bill 2108, Senate Bill 986 or similar legislation authorizing the establishment of New College as an independent institution becoming law, the funds provided for New College in Specific Appropriation 198 shall be transferred to Specific Appropriation 194 for New College. These funds include scholarship funding, the direct costs, indirect costs and fifty percent of the shared costs as reported to the Legislature by the University of South Florida. With these funds, New College may contract with the University of South Florida for certain central services that are currently provided by USF or those that can be more economically provided by USF. Release of funds to New College and the University of South Florida Sarasota/Manatee is contingent upon the signing of a management agreement by the President/Dean and Warden of New College and the President of the University of South Florida specifying the services to be provided by each university. In addition, the \$1,177,500 in new funding appropriated for New College in Specific Appropriation 198 shall also be transferred.

199	LUMP SUM	
	FLORIDA STATE UNIVERSITY MEDICAL SCHOOL	

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FROM GENERAL REVENUE FUND	15,657,796
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	305,045

Specific Appropriation 199 includes an increase above the recurring FY 2000-2001 appropriation of \$3,872,169 in General Revenue and \$305,045 in student fees for FSU Medical School.

Funds in Specific Appropriation 199 are based upon the following full-time equivalent (FTE) enrollment:

M.D.....	30
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199A LUMP SUM

COLLEGE AND UNIVERSITY CENTERS FROM GENERAL REVENUE FUND	6,000,000
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Funds in Specific Appropriation 199A are for the purpose of increasing access to baccalaureate degree programs through the use of community colleges as specified in SB 1190, SB 1636, SB 2108 or similar legislation. From these funds, \$1,000,000 shall be transferred to St. Petersburg Community College/St. Petersburg College to begin the development of programs and \$5,000,000 is for Targeted Baccalaureate Degrees for other colleges.

201 SPECIAL CATEGORIES

GRANTS AND AIDS - CANCER CENTER OPERATION FROM GENERAL REVENUE FUND	11,135,170
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From the funds in Specific Appropriation 201, \$11,135,170 may be transferred to the Agency for Health Care Administration; however, such transfer is contingent upon the Agency assuring that the participating hospital's benefit equals or exceeds these funds.

202 SPECIAL CATEGORIES

CHALLENGE GRANTS FROM GENERAL REVENUE FUND	11,562,632
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	6,663,165
FROM MAJOR GIFTS TRUST FUND	17,007,214

Funds in Specific Appropriation 202 shall be used to match private donations to the State University System for projects that are consistent with the mission of the university as defined by the current strategic plan.

204 SPECIAL CATEGORIES

TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR THE FLORIDA ACADEMIC COUNSELING AND TRACKING SYSTEM FOR STUDENTS (FACTS) FROM GENERAL REVENUE FUND	2,327,000
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The funds in Specific Appropriation 204 are provided for the continued development of the Florida Academic Counseling and Tracking System (FACTS). The Board of Regents and the State Board of Community Colleges shall coordinate with the FACTS Board and the Administrative/Development Center for the development and implementation of a single statewide computer-assisted student information system which when fully implemented will provide users with the ability to: 1) apply for admissions, 2) register for courses, 3) do career and academic planning, 4) explore educational options, 5) inquire about financial aid, 6) pay student fees, and 7) access other student services functions in a distance learning mode. Funds are provided for center personnel, institutional support and electronic data processing support.

Funds in Specific Appropriation 204 are provided for the Student Academic Advising and Tracking System (FACTS) which is recommended for special monitoring as a critical information resource management project under Section 282.322, Florida Statutes.

From the funds in Specific Appropriation 204, \$100,000 is provided for the monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

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205 SPECIAL CATEGORIES

LIBRARY RESOURCES FROM GENERAL REVENUE FUND	37,231,712
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	6,663,166

206 SPECIAL CATEGORIES

RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	9,488,171
FROM PHOSPHATE RESEARCH TRUST FUND	1,305

207 SPECIAL CATEGORIES

STUDENT FINANCIAL AID FROM GENERAL REVENUE FUND	20,695,215
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A minimum of 71% of the funds provided in Specific Appropriation 207 shall be allocated for need-based financial aid.

208A SPECIAL CATEGORIES

TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - STATE EMPLOYEE EDUCATION VOUCHERS FROM GENERAL REVENUE FUND	500,000
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Funds in Specific Appropriation 208A include \$500,000 for the State Employee Education Voucher program for the purpose of paying the matriculation fees for state employees to attend public postsecondary education institutions in the state. These funds shall be transferred to the Department of Management Services. The Department shall develop procedures for administering the program.

209 FINANCIAL ASSISTANCE PAYMENTS

SCHOLARSHIPS FROM GENERAL REVENUE FUND	5,317,055
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Specific Appropriation 209 includes funding for the minority law scholarships, of which up to 10% may be used to support administrative costs of the MPLE program.

210 FINANCIAL ASSISTANCE PAYMENTS

VIRGIL HAWKINS FELLOWSHIP PROGRAM FROM GENERAL REVENUE FUND	714,794
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212 FIXED CAPITAL OUTLAY

STATE UNIVERSITY SYSTEM FACILITY ENHANCEMENT CHALLENGE GRANTS FROM GENERAL REVENUE FUND	30,941,120
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Funds are provided in Specific Appropriation 212 for the following projects:

FAMU Journalism Building Supplement (p,c,e).....	540,000
FAU College of Nursing /Education & Research (p,c,e).....	1,500,000
FGCU Student Support Center (p,c,e).....	1,095,000
FIU Art Museum (c,e).....	725,772
FSU Tibbals Learning Center (p,c,e).....	4,500,274
Concert Hall (p).....	2,125,000
Ringling Ca'd'zan Renovation.....	894,275
UCF School of Hospitality Management (s,p,c,e).....	13,000,000
UF Lepidoptera Facility (p,c,e).....	4,200,000
UNF Fine Arts Complex - Phase I (c,e).....	576,303
USF Engineering Building III Enhancement (p,c,e).....	500,000
UWF International House Village/Classroom Facility (p,c,e).....	1,284,496

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A portion of the funds appropriated within Specific Appropriation 212 for the UCF Hospitality Management project may be expended to match private funds expended by the UCF Foundation, during FY 2000-2001 or thereafter, to acquire a site for the project.

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES		
FROM GENERAL REVENUE FUND	1758,885,291	
FROM TRUST FUNDS		590,971,200
TOTAL ALL FUNDS		2349,856,491

BOARD OF REGENTS GENERAL OFFICE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

214	SALARIES AND BENEFITS	POSITIONS	101	
	FROM GENERAL REVENUE FUND		5,536,062	
	FROM DIVISION OF UNIVERSITIES FACILITY			
	CONSTRUCTION ADMINISTRATIVE TRUST FUND			537,712
	FROM OPERATIONS AND MAINTENANCE TRUST			
	FUND			489,559
215	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		585,802	
	FROM DIVISION OF UNIVERSITIES FACILITY			
	CONSTRUCTION ADMINISTRATIVE TRUST FUND			36,907
	FROM OPERATIONS AND MAINTENANCE TRUST			
	FUND			70,500
216	EXPENSES			
	FROM GENERAL REVENUE FUND		1,559,765	
	FROM CAPITAL IMPROVEMENTS FEE TRUST FUND			11,700
	FROM DIVISION OF UNIVERSITIES FACILITY			
	CONSTRUCTION ADMINISTRATIVE TRUST FUND			110,368
	FROM OPERATIONS AND MAINTENANCE TRUST			
	FUND			577,899
217	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		98,275	
218	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		80,083	
218A	FIXED CAPITAL OUTLAY			
	STATE UNIVERSITY SYSTEM CAPITAL			
	IMPROVEMENT FEE PROJECTS			
	FROM CAPITAL IMPROVEMENTS FEE TRUST FUND			73,099,797

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 218A :

UF	O'Connell Center Roof Replacement & Fac Capital Renewal...	1,500,000
	Reitz Union Ballroom & Capital Renewal Projects (including reimbursement to Auxiliary Trust Fund).....	2,000,000
	New Bookstore w/ attached parking & Visitor/Welcomer Center Development & Upgrade of Active and Passive Rec Fac.....	6,300,000
	Campus Security Lighting.....	1,700,000
	980,330	
FSU	Student Life Bldg - reimbursement to Auxiliary Trust Fund.	776,000
	Outdoor Improvements - Campus Rec & Student Activities....	350,000
	Student Services & Parking Improvements.....	5,100,000
	Oglesby Student Union Renovations.....	2,470,096
	Enhancement to Gray House, Panama City Campus.....	60,000
FAMU	Recreation Center - Phase 1.....	8,529,352
USF	Sun Dome Roof Replacement (reimburse Auxiliary Trust Fund)	3,833,242
	Athletic Training Center - Tampa.....	973,725
	Marshall Center Remodeling - Tampa.....	1,505,663
	Upgrade & Expand Recreational Facilities - Tampa.....	325,000
	Student Activity/Recreation & Campus Central Core	

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Enhancements - St. Petersburg.....	505,922
Student Recreational/Support Facilities Imp. New College..	228,198
Student Recreational/Support Fac Imp. - Sarasota/Manatee..	229,158
Student Outdoor Fac & Interior Space Imp - Lakeland.....	153,980

FAU

Parking Structure - Boca.....	2,158,980
University Center Renovations - Boca.....	985,000
All Night Study Area, Library - Boca.....	1,010,166
Career Development Center Renovation - Boca.....	38,000
Recreational Facilities Enhancement - Boca.....	160,000
Slattery Center Addition - Boca.....	804,200
Student Activities Center Planning - Davie (P).....	210,000
Student Activities Center Space Imp. - Broward Downtown, Commercial Campus & Davie.....	210,000
Student Services Remodel - MacArthur.....	20,263
Enhance Recreational Areas - MacArthur & Treasure Coast...	344,636
Site Improvements - MacArthur.....	30,000
Expansion of Commons Dining Hall at MacArthur Campus.....	497,000
Student Services Remodel - Treasure Coast.....	90,000

UWF

Remove/Replace 1/2 Fieldhouse Bleachers - Reimbursement...	450,000
Resurface Track/Drainage Erosion Control- Reimbursement...	459,450
Outdoor Rec Areas at Residence Halls, Village Campus Green	15,000
Recreational Field Improvements.....	320,000
Ren Fieldhouse for Intercollegiate Athletics/Recreation...	552,988

UCF

Remodel Student Resource Center.....	3,977,933
Recreational Services Outdoor Pool.....	2,898,544
Student Union Additional Buildout.....	2,000,000
Intercollegiate Athletic Complex Building.....	2,000,000
Tennis Center.....	750,000
Daytona Bch & Brevard Campuses Rem of Stu. Services Areas.	100,000

FIU

Recreation Center - Phase I.....	8,983,721
Wolfe Center Renovations and Expansion.....	1,700,000
Womens Shower Locker Facility.....	200,000

UNF

Track Soccer Stadium, including reimburse Auxiliary TF....	4,154,980
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FGCU

Playfields.....	458,270
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\$3,934,372 of the funds appropriated for the FAMU Recreation Center project are contingent upon reversion of the FAMU Recreation Center project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.

Funds provided for the FAU Expansion of Commons Dining Hall - MacArthur Campus are contingent upon reversion of the FAU Wellness Center Expansion project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.

Funds provided for the FIU Wolfe University Center Renovations and Expansion project and the FIU Womens Shower Locker Facility project are contingent upon reversion of the FIU Student Alumni House project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.

218B	FIXED CAPITAL OUTLAY		
	DEBT SERVICE		
	FROM CAPITAL IMPROVEMENTS FEE TRUST FUND		19,500,000
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	7,859,987	
	FROM TRUST FUNDS		94,434,442
	TOTAL POSITIONS	101	
	TOTAL ALL FUNDS		102,294,429

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TOTAL OF SECTION 2	POSITIONS	2,058
FROM GENERAL REVENUE FUND	10890,725,198	
FROM TRUST FUNDS		4092,870,114
TOTAL ALL FUNDS		14983,595,312

SECTION 3 - HUMAN SERVICES

The monies contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

219 SALARIES AND BENEFITS	POSITIONS	303	
FROM GENERAL REVENUE FUND		2,468,909	
FROM HEALTH CARE TRUST FUND			9,669,132
FROM ADMINISTRATIVE TRUST FUND			2,306,812
FROM TOBACCO SETTLEMENT TRUST FUND			18,921
220 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND	173,917		
FROM HEALTH CARE TRUST FUND			393,357
FROM ADMINISTRATIVE TRUST FUND			331,681
221 EXPENSES			
FROM GENERAL REVENUE FUND	951,780		
FROM HEALTH CARE TRUST FUND			3,836,028
FROM ADMINISTRATIVE TRUST FUND			1,165,898
FROM TOBACCO SETTLEMENT TRUST FUND			10,903
222 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND	200,356		
FROM HEALTH CARE TRUST FUND			157,811
FROM ADMINISTRATIVE TRUST FUND			716,471
FROM TOBACCO SETTLEMENT TRUST FUND			106,260
223 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	14,053		
FROM HEALTH CARE TRUST FUND			97,041
FROM ADMINISTRATIVE TRUST FUND			14,054
223A DATA PROCESSING SERVICES			
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
FROM HEALTH CARE TRUST FUND			390,603
FROM ADMINISTRATIVE TRUST FUND			23,840
TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT			
FROM GENERAL REVENUE FUND	3,809,015		
FROM TRUST FUNDS			19,238,812
TOTAL POSITIONS	303		
TOTAL ALL FUNDS			23,047,827

PROGRAM: HEALTH CARE SERVICES

From the funds in Specific Appropriation 225 through 290, the Health Care Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002	
Measures - Outcomes	Standards	

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OUTCOMES:	
1. Percent of hospitalizations for conditions preventable	
by good ambulatory care - KidCare.....	7.3%
2. Percent of hospitalizations that are preventable	
by good ambulatory care - Medicaid.....	12.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CHILDREN'S SPECIAL HEALTH CARE

Funds in Specific Appropriations 225, 227, 228, and 229 are provided to operate the Florida KidCare Program. The Office of the Governor may authorize movement of these resources between programs or agencies based on consensus estimates of the Social Services Estimating Conference and pursuant to Chapter 216, Florida Statutes. The agency, in cooperation with the Department of Health and the Florida Healthy Kids Corporation, shall contract for an evaluation of the Florida KidCare Program and shall provide the evaluation questions and the data requisite for the required analyses.

225 EXPENSES		
FROM TOBACCO SETTLEMENT TRUST FUND		704,548
FROM MEDICAL CARE TRUST FUND		1,614,571
227 SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION		
FROM TOBACCO SETTLEMENT TRUST FUND		75,419,651
FROM MEDICAL CARE TRUST FUND		148,623,632
228 SPECIAL CATEGORIES		
MEDIKIDS		
FROM TOBACCO SETTLEMENT TRUST FUND		8,170,634
FROM GRANTS AND DONATIONS TRUST FUND		2,803,834
FROM MEDICAL CARE TRUST FUND		18,725,055
229 SPECIAL CATEGORIES		
CHILDREN'S MEDICAL SERVICES NETWORK		
FROM TOBACCO SETTLEMENT TRUST FUND		10,251,578
FROM GRANTS AND DONATIONS TRUST FUND		620,025
FROM MEDICAL CARE TRUST FUND		23,486,697

From the funds in Specific Appropriation 229, the Agency for Health Care Administration and Department of Health shall design an Integrated Pediatric Care System for the area of the state covering the Department of Children and Family Services' Districts 1 and 2. This pilot program shall be a seamless managed health care system and include children who are eligible for Medicaid, Medikids and the CMS Network. The Agency for Health Care Administration and Department of Health shall submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate no later than November 1, 2001.

TOTAL: CHILDREN'S SPECIAL HEALTH CARE	
FROM TRUST FUNDS	290,420,225

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TOTAL ALL FUNDS 290,420,225

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Agency for Health Care Administration shall establish methods to improve the quality of care and the cost effectiveness of the MediPass program. The methods shall include, but are not limited to, the establishment of a pilot (or pilots) to test new approaches to better manage the access to and utilization of appropriate health care services. The Agency shall contract with physician owned and operated organizations which have experience in managing care for the Medicaid and Medicare programs, and at least one pilot shall utilize a predominantly minority-physician network, with a history of providing service to Medicaid populations. The Agency is authorized to develop a payment methodology which may include shared savings with contractors, but shall not increase spending relative to current appropriations. The Agency is authorized to seek federal waivers, if necessary, to implement these provisions.

230	SALARIES AND BENEFITS	POSITIONS	693
	FROM GENERAL REVENUE FUND		11,235,041
	FROM HEALTH CARE TRUST FUND		300,600
	FROM ADMINISTRATIVE TRUST FUND		18,754,954
	FROM TOBACCO SETTLEMENT TRUST FUND		101,089
	FROM GRANTS AND DONATIONS TRUST FUND		193,600

The Agency for Health Care Administration shall prepare quarterly reports detailing its implementation of the components of the Medicaid prescribed-drug spending control program as required by Chapter 2000-367, Laws of Florida. The format of the reports shall be prescribed by the Legislative Auditing Committee. The first report shall be due on or before September 30, 2001. These reports shall be provided to the Legislative Auditing Committee.

The Agency for Health Care Administration is authorized to contract the administration of drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a data base of rebate collections.

The Agency for Health Care Administration, in conjunction with the Department of Children and Family Services, shall conduct a study of fingerprint imaging and other recent technological developments to determine if any of the latest developments would aid the agency in improving program efficiencies or fraud and abuse detection and prevention efforts. The agency shall submit a report to the House and Senate by January 1, 2002.

The agency is authorized to seek federal Medicaid waivers or a state plan amendment from the Health Care Financing Administration to create a special Medicaid payment to increase reimbursement to Medicaid participating organ transplant facilities.

In order to maximize all available federal funds allowable by federal law to the state, the Agency for Health Care Administration is authorized to seek and receive, in compliance with Chapter 216, F.S., additional budget authority to implement the expansion of existing programs utilizing increased federal reimbursement programs. Such expansions may include a limited expanded Medicaid program for nursing home services utilizing the Medicaid upper payment limit options for governmental funded nursing homes. All such expansions shall be contingent upon the availability of state match from local sources that do not increase the current requirement for state General Revenue or Tobacco Settlement Trust Funds. The agency shall report to the Chairs of the Senate Appropriations Committee and the House Fiscal Responsibility Council on all proposed or expansions under this provision by March 1, 2002.

The agency shall contract for a study to review and make recommendations on the MediPass program. At a minimum, the contractor shall recommend MediPass cost control measures, improved management of the MediPass primary care physician network, develop and implement alternative managed care arrangements, improve access to primary and specialty care,

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and develop and implement information systems needed for management, analysis, and reporting purposes. The purpose of the study is to ensure that the Medicaid program fully realizes the programmatic and cost benefits of managed care while maintaining the MediPass option. The contract shall be funded from estimated savings to the Medicaid program. The report shall be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 31, 2002.

231	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	424,119	
	FROM HEALTH CARE TRUST FUND		237,668
	FROM ADMINISTRATIVE TRUST FUND		14,302,426
	FROM TOBACCO SETTLEMENT TRUST FUND		29,806
232	EXPENSES		
	FROM GENERAL REVENUE FUND	4,684,759	
	FROM HEALTH CARE TRUST FUND		22,114
	FROM ADMINISTRATIVE TRUST FUND		18,003,937
	FROM TOBACCO SETTLEMENT TRUST FUND		214,110
	FROM GRANTS AND DONATIONS TRUST FUND		188,728

From the funds in Specific Appropriations 230 and 232, positions and associated funding relating to the Medicaid Third Party Liability Program may be restored if the bureau employees are the successful bidders in the Medicaid Third Party Liability Procurement.

From the funds in Specific Appropriation 232, \$2,000,000 from the General Revenue Fund and \$3,000,000 from the Administrative Trust Fund are provided to contract for a prior authorization and concurrent review program for hospital non-emergency admissions.

From the funds in Specific Appropriation 232, \$500,000 from the General Revenue Fund is provided for the Autoimmune Center at the University of Florida.

From the funds in Specific Appropriation 232, \$2,500,000 from the Administrative Trust Fund is provided to continue implementation of an advanced system for detecting Medicaid fraud and abuse.

The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, is authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. In addition, the task force shall review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities. The task force shall present its findings and recommendations to the Legislature no later than January 7, 2002.

From the funds in Specific Appropriation 232 the Agency for Health Care Administration shall contract with a consultant, which shall be a recognized not-for-profit 501(c) 3 organization, charged with the responsibility of providing hemophilia related cost containment and case management services to hemophiliacs currently on Medicaid. This contract shall be a contingent fee contract based on actual cost recoveries.

233	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	60,522	
	FROM ADMINISTRATIVE TRUST FUND		295,022
234	SPECIAL CATEGORIES		
	PHARMACEUTICAL EXPENSE ASSISTANCE		
	FROM TOBACCO SETTLEMENT TRUST FUND		30,250,000
235	SPECIAL CATEGORIES		
	COMMUNITY HOSPITAL EDUCATION PROGRAM		
	FROM ADMINISTRATIVE TRUST FUND		750,000

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236	SPECIAL CATEGORIES CONTRACT NURSING HOME AUDIT PROGRAM		
	FROM GENERAL REVENUE FUND	656,779	
	FROM ADMINISTRATIVE TRUST FUND		656,779
237	SPECIAL CATEGORIES MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	19,818,805	
	FROM ADMINISTRATIVE TRUST FUND		46,565,500
	FROM TOBACCO SETTLEMENT TRUST FUND		298,196
	FROM REFUGEE ASSISTANCE TRUST FUND		106,666

From the funds in Specific Appropriation 237, \$890,625 from the General Revenue Fund and \$8,015,625 from the Administrative Trust Fund are provided for the implementation of the Health Insurance Patient Portability and Accountability Act. This project shall be subject to monitoring as a critical information resources management project under section 282.322, F.S. From these funds, \$178,125 shall be transferred to the Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S. The project monitor shall also provide copies of their findings and reports to the State Technology Office to facilitate corrective action as necessary.

238	SPECIAL CATEGORIES MEDICAID PEER REVIEW		
	FROM GENERAL REVENUE FUND	950,000	
	FROM ADMINISTRATIVE TRUST FUND		3,283,268

239	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	154,621	
	FROM ADMINISTRATIVE TRUST FUND		154,622

TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	37,984,646	
	FROM TRUST FUNDS		134,709,085
	TOTAL POSITIONS	693	
	TOTAL ALL FUNDS		172,693,731

MEDICAID SERVICES TO INDIVIDUALS

242	SPECIAL CATEGORIES ADULT DENTAL, VISUAL AND HEARING SERVICES		
	FROM GENERAL REVENUE FUND	13,721,034	
	FROM TOBACCO SETTLEMENT TRUST FUND		2,000,000
	FROM MEDICAL CARE TRUST FUND		20,377,783
	FROM REFUGEE ASSISTANCE TRUST FUND		584,116

243	SPECIAL CATEGORIES GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER		
	FROM MEDICAL CARE TRUST FUND		5,561,111

244	SPECIAL CATEGORIES CASE MANAGEMENT		
	FROM GENERAL REVENUE FUND	34,947,203	
	FROM TOBACCO SETTLEMENT TRUST FUND		47,246
	FROM MEDICAL CARE TRUST FUND		41,737,992
	FROM REFUGEE ASSISTANCE TRUST FUND		12,911

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 244 results in state match requirements exceeding \$13,000,000, the Department of Children and Family Services shall transfer General Revenue to cover the increased state match requirements from Specific Appropriation 400.

From the funds in Specific Appropriation 244, \$6,456,573 from the General Revenue Fund is provided as state matching funds for the fee increase for specific behavioral health procedures that was implemented on April 1, 2000.

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The Agency for Health Care Administration is authorized to work with the Department of Children and Family Services and the local children's services councils to develop a targeted case management program for children who are victims of abuse and neglect or at risk of becoming victims of abuse and neglect in order to fully implement Specific Appropriation 244. This authority may be used both for seeking federal approval and for drawing down federal dollars by certifying the councils' funds as local match.

245	SPECIAL CATEGORIES THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	57,699,741	
	FROM TOBACCO SETTLEMENT TRUST FUND		308,154
	FROM MEDICAL CARE TRUST FUND		108,199,477
	FROM REFUGEE ASSISTANCE TRUST FUND		53,250

From the funds in Specific Appropriation 245, \$18,227,196 from the Medical Care Trust Fund is provided to target Medicaid eligible children with significant mental health and substance abuse needs who are generally in the care and custody of the state.

The funds in Specific Appropriation 245 reflect a reduction of \$2,469,508 from the General Revenue Fund, \$13,189 from the Tobacco Settlement Trust Fund, \$4,630,862 from the Medical Care Trust Fund, and \$2,279 from the Refugee Assistance Trust Fund as a result of prior authorization of high cost mental health procedure codes and overutilization of procedure codes.

246	SPECIAL CATEGORIES COMMUNITY MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	23,579,145	
	FROM MEDICAL CARE TRUST FUND		30,563,549
	FROM REFUGEE ASSISTANCE TRUST FUND		232,325

The funds in Specific Appropriation 246 reflect a reduction of \$1,241,007 from the General Revenue Fund, \$1,608,613 from the Medical Care Trust Fund and \$12,223 from the Refugee Assistance Trust Fund as a result of prior authorization of high cost mental health procedure codes and overutilization of procedure codes.

247	SPECIAL CATEGORIES DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART C		
	FROM TOBACCO SETTLEMENT TRUST FUND		275
	FROM MEDICAL CARE TRUST FUND		9,116,946
	FROM REFUGEE ASSISTANCE TRUST FUND		501

Funds in Specific Appropriation 247 shall be contingent on the availability of state match being provided in Specific Appropriation 607.

248	SPECIAL CATEGORIES EARLY AND PERIODIC SCREENING OF CHILDREN		
	FROM GENERAL REVENUE FUND	53,678,993	
	FROM TOBACCO SETTLEMENT TRUST FUND		328,951
	FROM MEDICAL CARE TRUST FUND		70,328,890
	FROM REFUGEE ASSISTANCE TRUST FUND		359,612

249	SPECIAL CATEGORIES GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM		
	FROM GENERAL REVENUE FUND	2,372,635	
	FROM TOBACCO SETTLEMENT TRUST FUND		500,000
	FROM GRANTS AND DONATIONS TRUST FUND		4,751,302
	FROM MEDICAL CARE TRUST FUND		8,929,372

Funds in Specific Appropriation 249 shall be used for a federally-matched Rural Hospital Disproportionate Share program and a state-funded Rural Hospital Financial Assistance program as provided in s. 409.9116, Florida Statutes. Specific Appropriation 249 also includes an appropriation of \$471,487 from the Grants and Donations Trust Fund and \$610,650 from the Medical Care Trust Fund for additional hospitals that qualify as rural hospitals on or after July 1, 1998. This

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additional appropriation of funds holds harmless those rural hospitals participating in the program prior to July 1, 1998 from incurring a reduction in payments in accordance with s. 409.9116 (7), Florida Statutes.

250	SPECIAL CATEGORIES		
	FAMILY PLANNING		
	FROM GENERAL REVENUE FUND	1,089,761	
	FROM TOBACCO SETTLEMENT TRUST FUND		8,358
	FROM MEDICAL CARE TRUST FUND		9,883,061
	FROM REFUGEE ASSISTANCE TRUST FUND		31,084

251	SPECIAL CATEGORIES		
	GRADUATE MEDICAL EDUCATION		
	FROM GRANTS AND DONATIONS TRUST FUND		8,600,001
	FROM MEDICAL CARE TRUST FUND		11,138,353

Funds in Specific Appropriation 251 are provided for Disproportionate Share payments to statutory teaching hospitals, to be distributed in accordance with s. 409.9113, Florida Statutes. These funds reflect a fund shift of \$5,888,862 from General Revenue to the Grants and Donations Trust Fund and are contingent upon receipt of county contributions.

252	SPECIAL CATEGORIES		
	HOME HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	35,314,503	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,226,868
	FROM MEDICAL CARE TRUST FUND		49,928,630
	FROM REFUGEE ASSISTANCE TRUST FUND		31,279

Funds in Specific Appropriation 252 reflect a reduction of \$520,635 from the General Revenue Fund, \$1,170 from the Tobacco Settlement Trust Fund, \$736,952 from the Medical Care Trust Fund and \$47,731 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for specific durable medical equipment products on a competitively bid basis, effective October 1, 2001.

From the funds in Specific Appropriation 252, \$654,359 from the General Revenue Fund and \$848,188 from the Medical Care Trust Fund is provided to increase fees for home health visits by licensed nurses by 11 percent and home health aide visits by 13 percent, effective January 1, 2002.

From the funds in Specific Appropriations 252, 253, 254, 257, 266, and 267 \$1,194,213 from the General Revenue Fund and \$2,721,237 from the Medical Care Trust Fund may be used to provide Medicaid coverage for individuals screened through the Florida Centers for Disease Control Breast and Cervical Early Detection program grant.

253	SPECIAL CATEGORIES		
	HOSPICE SERVICES		
	FROM GENERAL REVENUE FUND	32,212,197	
	FROM TOBACCO SETTLEMENT TRUST FUND		9,390
	FROM MEDICAL CARE TRUST FUND		41,821,487
	FROM REFUGEE ASSISTANCE TRUST FUND		17,001

254	SPECIAL CATEGORIES		
	HOSPITAL INPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	131,548,596	
	FROM TOBACCO SETTLEMENT TRUST FUND		8,088,785
	FROM GRANTS AND DONATIONS TRUST FUND		364,912,599
	FROM MEDICAL CARE TRUST FUND		1115,522,326
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		337,500,000
	FROM REFUGEE ASSISTANCE TRUST FUND		1,853,919

From the funds in Specific Appropriation 254, \$74,828,036 from the Grants and Donations Trust Fund and \$96,914,072 from the Medical Care Trust Fund are appropriated for a Hospital Disproportionate Share Program, and shall be distributed in accordance with s. 409.911, Florida Statutes. Funds appropriated are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this

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section exceeds the amount appropriated, each hospital's share shall be reduced on a prorata basis so that the total dollars distributed does not exceed the total amount appropriated. One-fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 2001-2002. These funds reflect an increase of \$16,882,394 from the Grants and Donations Trust Fund and \$21,865,355 from the Medical Care Trust Fund.

The funds in Specific Appropriations 254 and 257, relating to the Hospital Disproportionate Share program; eliminating both inpatient and outpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals; special Medicaid payments to statutory teaching hospitals, children's hospitals, and other hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients; making additional special Medicaid payments to qualifying hospitals; and hospitals qualifying for primary care disproportionate share payments, are contingent upon a fund shift of \$45,000,000 from the General Revenue Fund to the Grants and Donations Trust Fund. These funds will be used to assist in funding the state share of expenditures for these appropriations.

In the event that the federal Health Care Financing Administration does not approve amendments to the Medicaid hospital inpatient reimbursement plan to implement the above special payments or to eliminate the reimbursement ceilings for certain hospitals, the agency will submit a revised hospital reimbursement proposal to the Governor, the Speaker of the House of Representatives, and the President of the Senate for review and approval.

From the funds in Specific Appropriation 254, \$24,849,338 from the Grants and Donations Trust Fund and \$32,183,800 from the Medical Care Trust Fund is provided for the special Medicaid payments to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals which operate designated or provisional trauma centers and rural hospitals. Statutory teaching hospitals that qualify for Graduate Medical Education disproportionate share (DSH) hospital program shall be paid \$15,066,569 distributed in the same proportion as the Graduate Medical Education DSH payments. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$15,066,569 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$15,400,000. Of this amount, \$6,000,000 shall be distributed equally between the hospitals which are a Level I trauma center; \$6,000,000 shall be distributed equally between the hospitals which are either a Level II or Pediatric trauma center; \$3,400,000 shall be distributed equally between the hospitals which are both a Level II and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$11,500,000 distributed in the same proportion as the DSH payments.

From the funds in Specific Appropriation 254, \$3,051,190 from the Grants and Donations Trust Fund and \$3,951,771 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

From the funds in Specific Appropriation 254, \$2,089,135 from the Grants and Donations Trust Fund and \$2,705,757 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

From the funds in Specific Appropriations 254, \$3,000,000 from the General Revenue Fund, \$9,216,676 from the Grants and Donations Trust Fund and \$15,822,515 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent

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individuals. Of these amounts, \$12,185,472 shall be paid to University Medical Center - Shands, \$6,999,743 shall be paid to All Children's Hospital, \$2,769,180 shall be paid to Miami Children's Hospital, \$2,487,882 shall be paid to Orlando Regional Medical Center, and \$3,596,914 shall be paid to Mt. Sinai Medical Center.

From the funds in Specific Appropriation 254, \$20,922,149 from the General Revenue Fund, \$150,750,434 from the Grants and Donation Trust Fund and \$222,342,986 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

From the funds in Specific Appropriation 254, \$6,484,964 from the General Revenue Fund and \$8,399,047 from the Medical Care Trust Fund are provided to make special Medicaid payments to the statutory teaching hospitals. These funds shall be used by the statutory teaching hospitals in coordination with the Florida Department of Health and the Area Health Education Centers to enhance medical education programs.

From the funds in Specific Appropriation 254, \$38,758,184 from the Grants and Donations Trust Fund and \$50,197,941 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals.

Funds appropriated are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the above special Medicaid payments and removal of inpatient ceilings for hospitals with a percentage of Medicaid and charity care days to total inpatient days equal to or greater than fifteen percent, the agency will submit a revised hospital reimbursement proposal to the Governor, the Speaker of the House and the President of the Senate for review and approval.

Funds in Specific Appropriation 254 reflect a reduction of \$650,000 from the General Revenue Fund and \$842,537 from the Medical Care Trust Fund as a result of coordinated care for autoimmune disorders.

Funds in Specific Appropriation 254 reflect a reduction of \$644,540 from the General Revenue Fund and \$835,460 from the Medical Care Trust Fund resulting from implementation of a Pediatric Medicaid Emergency Room Diversion Project in Broward County. The intent of the project is to divert patients with non-emergency routine health services from a hospital emergency room to a more appropriate Urgent Care Center setting as a result of contracting with a children's clinic network to implement certain controls on hospital emergency room use. The agency shall apply for and obtain all necessary waivers from HCFA to allow this project. The agency shall evaluate both the quality of care and costs savings associated with this project and provide a report to the Governor, Speaker of the House of Representatives, and President of the Senate no later than December 1, 2001.

From the funds in Specific Appropriation 254, \$1,652,450 from the General Revenue Fund and \$2,141,924 from the Medical Care Trust Fund are provided to adjust per diem rates for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.

Funds in Specific Appropriation 254 reflect a reduction of \$2,936,168 from the General Revenue Fund and \$3,805,894 from the Medical Care Trust Fund as a result of increasing enrollment in health maintenance organizations (HMO) and exclusive provider organizations (EPO) to 50% HMO/EPO and 50% Medipass by January 1, 2002.

Funds in Specific Appropriation 254, reflect a reduction of \$9,006,063 from the General Revenue Fund, \$11,023 from the Tobacco Settlement Trust Fund, \$11,698,875 from the Medical Care Trust Fund and \$30,586 from the Refugee Assistance Trust Fund as a result of implementation of a prior authorization and concurrent review program for hospital non-emergency admissions, effective January 1, 2002.

The Agency for Health Care Administration shall develop a plan to implement a Diagnosis Related Group (DRG) reimbursement methodology for

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Medicaid providers. The plan shall be submitted to the House Fiscal Responsibility Council and Senate Appropriations Committee no later than October 1, 2001.

From the funds in Specific Appropriations 254, 261, 266, and 267, \$789,121 from the General Revenue Fund and \$1,143,326 from the Medical Care Trust Fund may be used to provide Medicaid coverage to persons with disabilities from age 16 to 64 who, except for earned income, would be eligible to receive Supplemental Security Income benefits regardless of whether they had ever received such benefits.

From the funds in Specific Appropriation 254, \$23,046,785 from the Medical Care Trust Fund is provided for the agency to implement coverage for services for children in institutions for mental disease (IMDs). The coverage shall be designed to permit limits on services, prior authorization of services, selective provider enrollment, and a phase-in of coverage by geographic areas. The funding is contingent upon the availability of state matching funds in the Department of Children and Family Services in Specific Appropriations 350A and 403.

255	SPECIAL CATEGORIES		
	FREESTANDING DIALYSIS CENTERS		
	FROM GENERAL REVENUE FUND	3,779,548	
	FROM MEDICAL CARE TRUST FUND		4,899,092

Funds in Specific Appropriation 255 are for the inclusion of the freestanding dialysis clinics in the Medicaid Program. The agency is to limit payment to \$85 per visit for each dialysis treatment.

256	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND	41,221,867	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,220
	FROM MEDICAL CARE TRUST FUND		53,435,026

257	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	154,388,025	
	FROM TOBACCO SETTLEMENT TRUST FUND		860,676
	FROM GRANTS AND DONATIONS TRUST FUND		62,684,399
	FROM MEDICAL CARE TRUST FUND		246,066,175
	FROM REFUGEE ASSISTANCE TRUST FUND		1,306,860

From the funds in Specific Appropriation 257, \$21,183,306 from the Grants and Donations Trust Fund and \$27,435,713 from the Medical Care Trust Fund is provided to increase the outpatient cap for adults from \$1,000 to \$1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty and Community Health Education Program hospitals.

From the funds in Specific Appropriation 257, \$1,764,211 from the Grants and Donations Trust Fund and \$1,257,162 from the Medical Care Trust Fund is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.

From the funds in Specific Appropriation 257, \$200,740 from the Grants and Donations Trust Fund and \$259,991 from the Medical Care Trust Fund is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

In the event that the Federal Health Care Financing Administration does not approve amendments to the Medicaid hospital outpatient reimbursement plan to eliminate the reimbursement ceilings for certain hospitals, the agency will submit a revised hospital outpatient reimbursement proposal to the Governor, the Speaker of the House of Representatives, and the President of the Senate for review and approval.

The funds in Specific Appropriation 257 reflect a reduction of \$25,786,590 from the General Revenue Fund and \$33,424,867 from the

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Medical Care Trust Fund as a result of limiting payments for Medicare Part B crossover claims paid to hospital outpatient providers to 20 percent of allowable Medicare rates.

Funds in Specific Appropriation 257 reflect a reduction of \$6,054,893 from the General Revenue Fund, \$19,017 from the Tobacco Settlement Trust Fund, \$7,891,754 from the Medical Care Trust Fund and \$61,574 from the Refugee Assistance Trust Fund as a result of reducing hospital outpatient rates by 6% effective July 1, 2001 and restoring effective April 1, 2002.

258	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	1,043,263	
	FROM MEDICAL CARE TRUST FUND		1,352,290
259	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	2,023,355	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,388
	FROM MEDICAL CARE TRUST FUND		2,632,692
	FROM REFUGEE ASSISTANCE TRUST FUND		2,050
260	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	401,414	
	FROM MEDICAL CARE TRUST FUND		520,315
261	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	11,304,323	
	FROM TOBACCO SETTLEMENT TRUST FUND		671,397
	FROM MEDICAL CARE TRUST FUND		15,556,542
	FROM REFUGEE ASSISTANCE TRUST FUND		279,117

The funds in Specific Appropriation 261 reflect a reduction of \$282,270 from the General Revenue Fund, \$830 from the Tobacco Settlement Trust Fund, \$6,790 from the Refugee Assistance Trust Fund, and \$367,772 from the Medical Care Trust Fund as a result of implementing a policy to pay for laboratory services on a competitively bid basis, effective January 1, 2002.

262	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	39,968,405	
	FROM TOBACCO SETTLEMENT TRUST FUND		73,360
	FROM MEDICAL CARE TRUST FUND		51,974,659
	FROM REFUGEE ASSISTANCE TRUST FUND		128,506

Funds in Specific Appropriation 262 reflect a reduction of \$277,900 from the General Revenue Fund, \$510 from the Tobacco Settlement Trust Fund, \$361,380 from the Medical Care Trust Fund and \$894 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for non-emergency transportation services in certain counties on a competitively bid basis and by contracting with certain companies for same-day trip scheduling independent of the CTC system, effective January 1, 2002.

263	SPECIAL CATEGORIES		
	PHYSICIAN ASSISTANT SERVICES		
	FROM GENERAL REVENUE FUND	350,414	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,065
	FROM MEDICAL CARE TRUST FUND		456,636
	FROM REFUGEE ASSISTANCE TRUST FUND		1,449

264	SPECIAL CATEGORIES		
	PERSONAL CARE SERVICES		
	FROM GENERAL REVENUE FUND	7,635,274	
	FROM MEDICAL CARE TRUST FUND		9,896,928

265	SPECIAL CATEGORIES		
	PHYSICAL REHABILITATION THERAPY		
	FROM GENERAL REVENUE FUND	3,692,123	

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FROM TOBACCO SETTLEMENT TRUST FUND	3,741
FROM MEDICAL CARE TRUST FUND	4,794,298
FROM REFUGEE ASSISTANCE TRUST FUND	585

266	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	193,833,028	
	FROM TOBACCO SETTLEMENT TRUST FUND		43,916,259
	FROM MEDICAL CARE TRUST FUND		308,835,177
	FROM REFUGEE ASSISTANCE TRUST FUND		2,779,304

From the funds in Specific Appropriation 266, \$13,913,471 from non-recurring General Revenue and \$18,034,797 from the Medical Care Trust Fund are provided for the proposed settlement of Savona et. al. v. the Agency for Health Care Administration.

From the funds in Specific Appropriation 266, \$970,000 from the General Revenue Fund and \$1,257,325 from the Medical Care Trust Fund are provided to increase physician rates by 4 percent effective April 1, 2002 for services to children ages 0-21 years.

267	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	546,930,048	
	FROM TOBACCO SETTLEMENT TRUST FUND		538,669
	FROM GRANTS AND DONATIONS TRUST FUND		419,932,556
	FROM MEDICAL CARE TRUST FUND		694,076,763
	FROM REFUGEE ASSISTANCE TRUST FUND		3,613,672

The funds in Specific Appropriation 267 reflect a reduction of \$108,286,094 from the General Revenue Fund and \$156,550,467 from the Medical Care Trust Fund and an increase of \$50,999,708 in the Grants and Donations Trust Fund resulting from the implementation of a drug formulary, the enhancement of state supplemental rebates for pharmaceuticals, and other cost containment pharmacy initiatives.

The funds in Specific Appropriation 267 reflect a reduction of \$6,335,000 from the General Revenue Fund and \$8,211,498 from the Medical Care Trust Fund for certain brand name drug patent expirations.

268	SPECIAL CATEGORIES		
	PRIVATE DUTY NURSING SERVICES		
	FROM GENERAL REVENUE FUND	57,472,068	
	FROM TOBACCO SETTLEMENT TRUST FUND		615
	FROM MEDICAL CARE TRUST FUND		74,497,344

The funds in Specific Appropriation 268 reflect a reduction of \$1,473,262 from the General Revenue Fund, \$16 from the Tobacco Settlement Trust Fund, and \$1,909,694 from the Medical Care Trust Fund as a result of implementing a policy to pay for private duty nursing services on a competitively bid basis, effective January 1, 2002.

269	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	19,913,653	
	FROM TOBACCO SETTLEMENT TRUST FUND		56,231
	FROM MEDICAL CARE TRUST FUND		25,940,434
	FROM REFUGEE ASSISTANCE TRUST FUND		36,428

270	SPECIAL CATEGORIES		
	SPEECH THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	6,679,637	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,964
	FROM MEDICAL CARE TRUST FUND		8,662,696
	FROM REFUGEE ASSISTANCE TRUST FUND		3,074

270A	SPECIAL CATEGORIES		
	MEDIPASS SERVICES		
	FROM GENERAL REVENUE FUND	10,387,488	
	FROM TOBACCO SETTLEMENT TRUST FUND		55,232
	FROM MEDICAL CARE TRUST FUND		13,590,235
	FROM REFUGEE ASSISTANCE TRUST FUND		110,856

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271	SPECIAL CATEGORIES CHILDREN'S HOSPITAL DISPROPORTIONATE SHARE PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	1,516,000	
	FROM MEDICAL CARE TRUST FUND	1,963,458	

Funds in Specific Appropriation 271 shall be used for Disproportionate Share Payments to specialty hospitals for children, and shall be distributed in accordance with s. 409.9119, Florida Statutes. Funds appropriated are contingent upon receipt of county contributions.

272	SPECIAL CATEGORIES PRIMARY CARE DISPROPORTIONATE SHARE PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	4,435,000	
	FROM MEDICAL CARE TRUST FUND	5,744,022	

Funds in Specific Appropriation 272 shall be used for hospitals qualifying for Primary Care Disproportionate Share payments. Funds appropriated are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall determine the eligibility of a hospital to participate in the Primary Care Disproportionate Share Program based on the criteria in s. 409.9117, Florida Statutes.

273	SPECIAL CATEGORIES GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE		
	FROM GENERAL REVENUE FUND	87,000	
	FROM TOBACCO SETTLEMENT TRUST FUND	100,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	3,000,000	
	FROM MEDICAL CARE TRUST FUND	3,885,472	

Funds in Specific Appropriation 273 shall be used for Disproportionate Share payments to hospitals participating in the Regional Perinatal Intensive Care Center Program (RPICC), and shall be distributed in accordance with s. 409.9112, Florida Statutes. Funds appropriated are contingent upon the receipt of county contributions.

From the funds in Specific Appropriation 273, \$87,000 from the General Revenue Fund and \$100,000 from recurring Tobacco Settlement Trust Funds shall be provided to Lee Memorial Hospital for their RPICC Program. This payment is not a payment under the RPICC Disproportionate Share Program.

274	SPECIAL CATEGORIES SUPPLEMENTAL MEDICAL INSURANCE		
	FROM GENERAL REVENUE FUND	188,771,638	
	FROM TOBACCO SETTLEMENT TRUST FUND	4,813	
	FROM MEDICAL CARE TRUST FUND	219,873,519	

275	SPECIAL CATEGORIES OCCUPATIONAL THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	4,035,679	
	FROM TOBACCO SETTLEMENT TRUST FUND	777	
	FROM MEDICAL CARE TRUST FUND	5,232,866	
	FROM REFUGEE ASSISTANCE TRUST FUND	482	

276	SPECIAL CATEGORIES CLINIC SERVICES		
	FROM GENERAL REVENUE FUND	22,184,041	
	FROM TOBACCO SETTLEMENT TRUST FUND	84,154	
	FROM MEDICAL CARE TRUST FUND	28,946,964	
	FROM REFUGEE ASSISTANCE TRUST FUND	227,836	

Funds in Specific Appropriation 276 for county health department clinic services shall be reimbursed at a rate per visit based on total reasonable costs of the clinic as provided for in s. 409.908(19), Florida Statutes.

277	SPECIAL CATEGORIES MEDICAID SCHOOL REFINANCING		
	FROM MEDICAL CARE TRUST FUND	50,000,000	

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TOTAL: MEDICAID SERVICES TO INDIVIDUALS		
FROM GENERAL REVENUE FUND	1702,266,099	
FROM TRUST FUNDS		4635,833,242
TOTAL ALL FUNDS		6338,099,341

MEDICAID LONG TERM CARE

278	LUMP SUM NURSING HOME QUALITY IMPROVEMENT		
	FROM GENERAL REVENUE FUND	26,508,247	
	FROM MEDICAL CARE TRUST FUND		33,915,970

Funds in Specific Appropriation 278 are provided to implement nursing home quality initiatives pursuant to SB 1202 or similar legislation which becomes law.

279	SPECIAL CATEGORIES ASSISTIVE CARE SERVICES		
	FROM MEDICAL CARE TRUST FUND		32,871,249

Funds in Specific Appropriation 279 are provided to implement Medicaid coverage for assistive care services and are contingent on the availability of state match being provided in accordance with Specific Appropriations 450 and 451. The agency is authorized to seek federal approval of a waiver or state plan amendment to allow coverage of assistive care services for Medicaid beneficiaries residing in licensed assisted living facilities, adult family care homes, or residential treatment facilities with 16 beds or less, and eligible for the state's Optional State Supplementation program. The Medicaid coverage may be designed to permit limits on services, establish provider qualifications, and limit the groups eligible for coverage. The agency shall ensure that Medicaid assistive care services are provided in compliance with a service plan that takes into account the individual needs of the resident as determined by objective assessment. Facilities shall be paid a per month rate or other basis as approved by the Health Care Financing Administration for assistive care services. The Agency for Health Care Administration shall monitor the implementation of this program on a quarterly basis and shall report the results to the Social Services Estimating Conference.

280	SPECIAL CATEGORIES HOME AND COMMUNITY BASED SERVICES		
	FROM GENERAL REVENUE FUND	19,313,415	
	FROM TOBACCO SETTLEMENT TRUST FUND		328
	FROM MEDICAL CARE TRUST FUND		429,108,149

From the funds in Specific Appropriation 280, the agency shall ensure that enrollment slots for the Channeling Program are increased in FY 2001-02 consistent with the funding included in this appropriation for the program.

281	SPECIAL CATEGORIES ASSISTED LIVING FACILITY WAIVER		
	FROM MEDICAL CARE TRUST FUND		25,996,098

From the funds in Specific Appropriation 281, \$3,439,295 from the Medical Care Trust Fund is provided to transition clients served in the nursing homes under the Intermediate II level of care to assisted living facilities.

282	SPECIAL CATEGORIES INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER		
	FROM MEDICAL CARE TRUST FUND		136,589,748

283	SPECIAL CATEGORIES NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	757,044,687	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,000,000
	FROM MEDICAL CARE TRUST FUND		994,511,412

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The funds in Specific Appropriation 283 reflect a reduction of \$5,849,943 from the General Revenue Fund and \$7,582,776 from the Medical Care Trust Fund as a result of transitioning residents at an Intermediate II level of care to assisted living facilities which provide a more appropriate care setting for these individuals.

The funds in Specific Appropriation 283 reflect a reduction of \$6,763,073 from the General Revenue Fund, \$8,766,371 from the Medical Care Trust Fund as a result of eliminating increases in the operating and patient care components of nursing home per diem rates for nursing homes that undergo a change in ownership or licensed operator, effective July 1, 2001.

The funds in Specific Appropriation 283 reflect a reduction of \$1,763,917 from the General Revenue Fund, \$2,286,409 from the Medical Care Trust Fund as a result of limiting payments for Medicare Part B crossover claims paid to nursing home providers to 20 percent of the allowable rate.

284 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM
FROM MEDICAL CARE TRUST FUND 11,736,181

285 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE
SHARE
FROM MEDICAL CARE TRUST FUND 82,826,533

Funds from Specific Appropriation 285 reflect a reduction of \$735,793 from the Medical Care Trust Fund to be in compliance with the federal funding cap on the Mental Health Hospital Disproportionate Share Program.

286 SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 2,444,444

287 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM MEDICAL CARE TRUST FUND 414,949

288 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM GENERAL REVENUE FUND 9,976,393
FROM MEDICAL CARE TRUST FUND 12,931,514

TOTAL: MEDICAID LONG TERM CARE
FROM GENERAL REVENUE FUND 812,842,742
FROM TRUST FUNDS 1767,346,575

TOTAL ALL FUNDS 2580,189,317

MEDICAID PREPAID HEALTH PLANS

Funds in Specific Appropriations 289 and 290 reflect a reduction of \$13,963,013 from the General Revenue Fund, \$119,645 from the Tobacco Settlement Trust Fund, \$18,371,646 from the Medical Care Trust Fund and \$61,482 from the Refugee Assistance Trust Fund for implementing a change in the method of calculating the capitated payments made to prepaid health plans so that the capitated payments reflect the net cost of pharmaceuticals for the equivalent MediPass/fee-for-service populations which are used to calculate the pharmaceutical component of the capitated rate.

Funds in Specific Appropriations 289 and 290 reflect a reduction of \$118,863 from the General Revenue Fund, \$877 from the Tobacco Settlement Trust Fund, \$156,068 from the Medical Care Trust Fund, and \$449 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for laboratory services and nursing services on a competitively bid basis, effective January 1, 2002.

Funds in Specific Appropriations 289 and 290 reflect a reduction of \$7,743,736 from the General Revenue Fund, \$70,624 from the Tobacco

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Settlement Trust Fund, \$10,198,448 from the Medical Care Trust Fund, and \$36,396 from the Refugee Assistance Trust Fund as a result of a 6% hospital inpatient and outpatient rate reduction effective July 1, 2001 and restored effective April 1, 2002.

Funds in Specific Appropriation 289 and 290 reflect a net reduction of \$1,644,165 from the General Revenue Fund, \$14,089 from the Tobacco Settlement Trust Fund, \$2,163,289 from the Medical Care Trust Fund, and \$7,239 from the Refugee Assistance Trust Fund. This reduction is a result of the elimination of the HMO administrative rate component of the capitation rate for the period July 1, 2001 through September 30, 2001. Effective October 1, 2001, the agency shall redirect the remaining funds previously appropriated for the administrative rate component to equalize the percentage of the fee-for-service rate used to set capitation rates throughout the state.

289 SPECIAL CATEGORIES
PREPAID HEALTH PLANS--ELDERLY AND DISABLED
FROM GENERAL REVENUE FUND 193,090,663
FROM MEDICAL CARE TRUST FUND 250,286,291

290 SPECIAL CATEGORIES
PREPAID HEALTH PLANS--FAMILIES
FROM GENERAL REVENUE FUND 216,908,235
FROM TOBACCO SETTLEMENT TRUST FUND 4,422,153
FROM MEDICAL CARE TRUST FUND 290,301,178
FROM REFUGEE ASSISTANCE TRUST FUND 1,784,640

TOTAL: MEDICAID PREPAID HEALTH PLANS
FROM GENERAL REVENUE FUND 409,998,898
FROM TRUST FUNDS 546,794,262

TOTAL ALL FUNDS 956,793,160

PROGRAM: HEALTH CARE REGULATION

From the funds in Specific Appropriations 291 through 300, the Health Care Regulation Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of Priority I practitioner investigations resulting in emergency action.....	25.0%
2. Percent of nursing home facilities with deficiencies that pose a serious threat to the health, safety, or welfare of the public.....	0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

HEALTH FACILITY AND PRACTITIONER REGULATION

291 SALARIES AND BENEFITS POSITIONS 806
FROM GENERAL REVENUE FUND 1,342,124
FROM HEALTH CARE TRUST FUND 33,787,124
FROM ADMINISTRATIVE TRUST FUND 1,223,819
FROM TOBACCO SETTLEMENT TRUST FUND 24,226
FROM FLORIDA ORGAN AND TISSUE DONOR
EDUCATION AND PROCUREMENT TRUST FUND 68,400

292 OTHER PERSONAL SERVICES
FROM HEALTH CARE TRUST FUND 1,797,478

293 EXPENSES
FROM GENERAL REVENUE FUND 4,571,808
FROM HEALTH CARE TRUST FUND 9,494,215

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FROM ADMINISTRATIVE TRUST FUND	4,102,067
FROM TOBACCO SETTLEMENT TRUST FUND	6,188
FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND	301,006

Funds in Specific Appropriation 293 reflect a reduction of \$3,450,000 from the General Revenue Fund and \$3,450,000 from the Administrative Trust Fund resulting from a change in the manner in which recipients receive choice counseling.

From the funds in Specific Appropriation 293, \$476,987 is provided to upgrade the Florida Regulatory Administration Enforcement System (FRAES).

From the funds in Specific Appropriation 293, \$100,000 from the General Revenue Fund and \$100,000 from the Administrative Trust Fund are provided for the Florida Center for Nursing. The Center may contract with the Florida Hospital Association or any other Florida health care association which is currently collecting, analyzing and publishing nursing shortage data. The contract may provide for data collection and analysis and other services as determined by the Center.

294 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND	32,682
FROM HEALTH CARE TRUST FUND	120,793
FROM ADMINISTRATIVE TRUST FUND	8,231

295 SPECIAL CATEGORIES	
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS	
FROM HEALTH CARE TRUST FUND	1,262,163

296 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND	800,000

From the funds in Specific Appropriation 296, \$700,000 in recurring General Revenue is provided for a Teaching Nursing Home Project at the Miami Jewish Home and Hospital for the Aged at Douglas Gardens and \$100,000 is provided for an affiliated project at River Garden Hebrew Home/Wolfson Health and Aging Center - Duval County.

The teaching nursing home, in conjunction with the Florida Alzheimer's Association, will convene a working group of academicians, long term care practitioners, community leaders, and other stakeholders to develop training priorities, develop curriculum, and conduct pilot projects to provide cost-effective training for staff in long term care facilities who provide direct care to persons with Alzheimer's disease and related disorders. The working group will review current practices and devise a method for endorsing what they determine to be best practices.

The working group will develop methods for encouraging the adoption of those best practices by licensed facilities. This set of best practices for various stages and problems in dementia will ultimately provide a statewide standard of care.

The development and the delivery of this education in dementia may be conducted through Geri-U, the online geriatrics interactive training resources developed by the teaching nursing home program.

297 SPECIAL CATEGORIES	
EMERGENCY ALTERNATIVE PLACEMENT	
FROM RESIDENT PROTECTION TRUST FUND	776,720

298 SPECIAL CATEGORIES	
MEDICAID SURVEILLANCE	
FROM HEALTH CARE TRUST FUND	252,499

299 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND	8,519
FROM HEALTH CARE TRUST FUND	291,259
FROM ADMINISTRATIVE TRUST FUND	8,520

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300 SPECIAL CATEGORIES	
REIMBURSEMENT TO MEDICAID NURSING HOMES	
FOR EMPLOYEE BACKGROUND CHECKS	
FROM GENERAL REVENUE FUND	184,750
FROM HEALTH CARE TRUST FUND	184,750

TOTAL: HEALTH FACILITY AND PRACTITIONER REGULATION	
FROM GENERAL REVENUE FUND	6,939,883
FROM TRUST FUNDS	53,709,458

TOTAL POSITIONS	806
TOTAL ALL FUNDS	60,649,341

CHILDREN AND FAMILIES, DEPARTMENT OF

From the funds in Specific Appropriations 302 through 466, any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Each agency shall certify to the department that all expenditures made under part A of Title IV of the Social Security Act are eligible and allowable under the federal requirements. Before any funds are released by the department, each provider shall certify the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 302 through 466, any expenditures of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or her designee to be planned expenditures as Qualified State Expenditures to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The secretary or her designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

ADMINISTRATION

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

302 SALARIES AND BENEFITS	POSITIONS	197
FROM GENERAL REVENUE FUND		7,627,500
FROM ADMINISTRATIVE TRUST FUND		2,420,337
FROM TOBACCO SETTLEMENT TRUST FUND		134,228
FROM FEDERAL GRANTS TRUST FUND		26,815

303 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	34,401

304 EXPENSES	
FROM GENERAL REVENUE FUND	1,360,875
FROM ADMINISTRATIVE TRUST FUND	482,928
FROM TOBACCO SETTLEMENT TRUST FUND	40,746
FROM FEDERAL GRANTS TRUST FUND	194,968

305 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND	25,049
FROM ADMINISTRATIVE TRUST FUND	1,133

306 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM ADMINISTRATIVE TRUST FUND	276,700

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307	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	181,088	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	9,228,913	
	FROM TRUST FUNDS		3,577,855
	TOTAL POSITIONS	197	
	TOTAL ALL FUNDS		12,806,768
PROGRAM: SUPPORT SERVICES			
INFORMATION TECHNOLOGY			
307A	SALARIES AND BENEFITS	POSITIONS	427
	FROM WORKING CAPITAL TRUST FUND		21,279,543
307B	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		794,272
307C	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		6,753,568
307D	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		74,011
307E	SPECIAL CATEGORIES		
	COMPUTER RELATED EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		102,084,178

The Department of Children and Family Services shall provide quarterly financial reports on information technology funding to the Executive Office of the Governor, the Senate Appropriations Committee, and the House Fiscal Responsibility Council. These reports must include a statement of sources and uses of funds by major system, detailed listings of contracts including vendor names, descriptions of services, amounts and expiration dates by major system, and a listing of full time equivalent positions procured through contracts by major systems. Should the State Technology Office assume oversight of the department's technology projects, the responsibility for this report will transfer to them.

308	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		59,845
TOTAL: INFORMATION TECHNOLOGY			
	FROM TRUST FUNDS		131,045,417
	TOTAL POSITIONS	427	
	TOTAL ALL FUNDS		131,045,417

ASSISTANT SECRETARY FOR ADMINISTRATION

310	SALARIES AND BENEFITS	POSITIONS	296
	FROM GENERAL REVENUE FUND		12,591,849
	FROM ADMINISTRATIVE TRUST FUND		2,239,498
311	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	326,140	
	FROM ADMINISTRATIVE TRUST FUND		792,950
312	EXPENSES		
	FROM GENERAL REVENUE FUND	8,370,299	
	FROM ADMINISTRATIVE TRUST FUND		7,226,414

Funds appropriated in Specific Appropriation 312 include an administrative reduction of \$1,077,950 from the General Revenue Fund. All or a portion of this reduction may be allocated to other operating

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categories within the Executive Leadership and Support Services programs. The department has the authority to propose any such amendments pursuant to the applicable provisions of Chapter 216 of the Florida Statutes.			
313	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	82,607	
	FROM ADMINISTRATIVE TRUST FUND		8,665
314	LUMP SUM		
	FLORIDA ON-LINE RECIPIENT INTEGRATED DATA		
	ACCESS (FLORIDA) SYSTEM		
	FROM ADMINISTRATIVE TRUST FUND		2,854,761
315	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	25,000	
316	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM GENERAL REVENUE FUND	283,434	
	FROM ADMINISTRATIVE TRUST FUND		160,109
317	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		187,500
	FROM FEDERAL GRANTS TRUST FUND		500,000

Specific Appropriation 317 includes \$500,000 in the Federal Grants Trust Fund for the evaluation of specific Temporary Assistance to Needy Families (TANF) funded programs to determine if those programs are performing according to legislative intent and fulfilling the goals of the TANF program, and to assess if their funding should be continued in Fiscal Year 2002-2003. The Department of Children and Family Services is directed to contract with one or more qualified private consultants selected through an RFP process for conducting this evaluation. The following programs and activities shall be evaluated pursuant to this proviso:

- Department of Children and Families:
 - Substance Abuse Treatment and Aftercare for Adults
 - Eligibility Determination and Case Management in Economic Self-Sufficiency
 - Error Rate Reduction and Benefit Recovery in Economic Self-Sufficiency
 - Client Employment Supports - Economic Self-Sufficiency
 - Unallocated Budget - Child Protection
 - Unallocated Budget - Child Care
 - Prepaid Tuition Scholarships

- Department of Health:
 - Teenage Pregnancy
 - Epilepsy Services
 - Public Assistance Eligibility
 - KidCare Outreach

- Agency for Workforce Innovation:
 - Workforce Local Boards contracts

318	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	94,322	
319	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	42,630	
319A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	41,747,024	
	FROM ADMINISTRATIVE TRUST FUND		44,482,526
	FROM TOBACCO SETTLEMENT TRUST FUND		5,760,213

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FROM FEDERAL GRANTS TRUST FUND	18,208,961
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	474,146

From the funds in Specific Appropriation 319A, \$2,000,000 from the General Revenue Fund, \$9,000,000 from the Administrative Trust Fund and \$7,172,000 from the Federal Grants Trust Fund are provided for the HomeSafenet Project (formerly known as the State Automated Child Welfare Information System); and \$1,000,000 from General Revenue and \$8,029,888 from the Administrative Trust Fund are provided for the Florida On-Line Recipient (FLORIDA) System.

From the funds in Specific Appropriation 319A \$100,000 from the General Revenue Fund and \$100,000 from the Administrative Trust Fund are provided to continue monitoring of the HomeSafenet Project as a critical information resources management project under section 282.322, F.S.

320 FIXED CAPITAL OUTLAY DEPARTMENT OF CHILDREN AND FAMILY SERVICES SPACE NEEDS - STATEWIDE FROM ADMINISTRATIVE TRUST FUND	4,000,000
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Funds in Specific Appropriation 320 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

321 FIXED CAPITAL OUTLAY FIXED CAPITAL OUTLAY NEEDS FOR INSTITUTIONS FROM ADMINISTRATIVE TRUST FUND	3,500,000
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Funds in Specific Appropriation 321 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ASSISTANT SECRETARY FOR ADMINISTRATION	
FROM GENERAL REVENUE FUND	63,563,305
FROM TRUST FUNDS	90,395,743
TOTAL POSITIONS	296
TOTAL ALL FUNDS	153,959,048

DISTRICT ADMINISTRATION

322 SALARIES AND BENEFITS	POSITIONS	1,184
FROM GENERAL REVENUE FUND		19,886,900
FROM ADMINISTRATIVE TRUST FUND		32,590,420
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,120,247

323 OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND	391,351
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324 EXPENSES FROM GENERAL REVENUE FUND	5,961,968
FROM ADMINISTRATIVE TRUST FUND	1,920,515
FROM OPERATIONS AND MAINTENANCE TRUST FUND	1,125,459

325 OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	71,238
FROM ADMINISTRATIVE TRUST FUND	166,990

326 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	975,000
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327 SPECIAL CATEGORIES CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES FROM GENERAL REVENUE FUND	37,942
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327A SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	250,000
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Funds in Specific Appropriation 327A include \$250,000 from recurring General Revenue for the following initiatives:

Broward Shared Database.....	100,000
Healthier Communities Initiatives - Broward County.....	150,000

328 SPECIAL CATEGORIES FINGERPRINTING FOR DAY CARE EMPLOYEES FROM GENERAL REVENUE FUND	135,513
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329 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	955,803
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TOTAL: DISTRICT ADMINISTRATION

FROM GENERAL REVENUE FUND	28,274,364	
FROM TRUST FUNDS		37,314,982

TOTAL POSITIONS	1,184	
TOTAL ALL FUNDS		65,589,346

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

From the funds in Specific Appropriation 330 through 362A, the Family Safety Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of children in families who complete intensive child abuse prevention programs of 3 months or more who are not abused or neglected within 12 months of program completion.....	96.0%
2. Percent of children who have no findings of child maltreatment within 1 year of case closure from services....	95.0%
3. Percent of calls made to the Florida Abuse Hotline that were abandoned.....	5.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CHILD CARE REGULATION AND INFORMATION

330 SALARIES AND BENEFITS	POSITIONS	106
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		744,716
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,763,247

331 EXPENSES FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	388,270
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332 SPECIAL CATEGORIES GRANTS AND AIDS - CHILD PROTECTION	
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FROM GENERAL REVENUE FUND	2,324,418	
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		18,199,611
FROM OPERATIONS AND MAINTENANCE TRUST FUND		253,696

Funds in Specific Appropriation 332 include recurring General Revenue funds for the following project:

Family Day Care Home Enhancements.....	12,000
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TOTAL: CHILD CARE REGULATION AND INFORMATION

FROM GENERAL REVENUE FUND	2,324,418	
FROM TRUST FUNDS		23,349,540
TOTAL POSITIONS	106	
TOTAL ALL FUNDS		25,673,958

ADULT PROTECTION

333 SALARIES AND BENEFITS POSITIONS	542	
FROM GENERAL REVENUE FUND	14,064,472	
FROM ADMINISTRATIVE TRUST FUND		3,441,522
FROM TOBACCO SETTLEMENT TRUST FUND		59,460
FROM DOMESTIC VIOLENCE TRUST FUND		187,142
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,807,786
334 OTHER PERSONAL SERVICES		
FROM DOMESTIC VIOLENCE TRUST FUND		132,488
335 EXPENSES		
FROM GENERAL REVENUE FUND	2,033,388	
FROM ADMINISTRATIVE TRUST FUND		864,908
FROM TOBACCO SETTLEMENT TRUST FUND		1,073
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		485,789
336 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	15,401	
337 SPECIAL CATEGORIES		
GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
FROM GENERAL REVENUE FUND	100,000	
FROM DOMESTIC VIOLENCE TRUST FUND		5,630,466
FROM FEDERAL GRANTS TRUST FUND		27,051,554

From the funds in Specific Appropriation 337, \$100,000 in recurring General Revenue is provided for the Adult Protection Team Pilot Program in Dade County and \$347,521 in recurring Federal Grants Trust Fund is provided for the Harbor House in Orange County.

338 SPECIAL CATEGORIES		
TEMPORARY EMERGENCY SHELTER SERVICES		
FROM GENERAL REVENUE FUND	203,527	
FROM ADMINISTRATIVE TRUST FUND		48,500
339 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EMERGENCY SHELTER AND TRANSITIONAL HOUSING		
FROM ADMINISTRATIVE TRUST FUND		2,000,000

From the funds in Specific Appropriation 339, \$2,000,000 in non-recurring Administrative Trust Funds shall be used for the construction, renovation and maintenance of certified domestic violence centers in accordance of the provisions of section 39.9055, F.S.

Funds in Specific Appropriation 339 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years

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from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ADULT PROTECTION

FROM GENERAL REVENUE FUND	16,416,788	
FROM TRUST FUNDS		43,710,688
TOTAL POSITIONS	542	
TOTAL ALL FUNDS		60,127,476

CHILD ABUSE PREVENTION AND INTERVENTION

340 SALARIES AND BENEFITS POSITIONS	2	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		97,278
341 OTHER PERSONAL SERVICES		
FROM FEDERAL GRANTS TRUST FUND		83,999
342 EXPENSES		
FROM FEDERAL GRANTS TRUST FUND		25,915
343 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION		
FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
FROM FEDERAL GRANTS TRUST FUND		28,171,718

From the funds in Specific Appropriation 343, \$3,000,000 in non-recurring Federal Grants Trust Fund is provided for Sustaining and Expanding Healthy Families to Promote the Success of Community-Based Care in DeSoto, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties.

TOTAL: CHILD ABUSE PREVENTION AND INTERVENTION

FROM TRUST FUNDS		29,378,910
TOTAL POSITIONS	2	
TOTAL ALL FUNDS		29,378,910

CHILD PROTECTION AND PERMANENCY

344 SALARIES AND BENEFITS POSITIONS	5,045	
FROM GENERAL REVENUE FUND	75,996,794	
FROM ADMINISTRATIVE TRUST FUND		505,789
FROM TOBACCO SETTLEMENT TRUST FUND		15,359,205
FROM FEDERAL GRANTS TRUST FUND		93,215,783
FROM GRANTS AND DONATIONS TRUST FUND		33
FROM OPERATIONS AND MAINTENANCE TRUST FUND		33
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		20,636,196
345 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,951,741	
FROM FEDERAL GRANTS TRUST FUND		3,004,696
346 EXPENSES		
FROM GENERAL REVENUE FUND	18,996,429	
FROM ADMINISTRATIVE TRUST FUND		1,080,095
FROM TOBACCO SETTLEMENT TRUST FUND		4,991,755
FROM FEDERAL GRANTS TRUST FUND		20,944,389
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,802,394
347 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	65,892	
FROM FEDERAL GRANTS TRUST FUND		22,024
348 SPECIAL CATEGORIES		
ADOPTION SERVICES AND SUBSIDY		

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FROM GENERAL REVENUE FUND	16,289,262	
FROM TOBACCO SETTLEMENT TRUST FUND		7,743,540
FROM FEDERAL GRANTS TRUST FUND		29,610,106
FROM OPERATIONS AND MAINTENANCE TRUST FUND		157,524

348A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PREVENTION
AND INTERVENTION

FROM TOBACCO SETTLEMENT TRUST FUND	1,000,000	
FROM FEDERAL GRANTS TRUST FUND		10,000,000

From the Federal Grants Trust Fund in Specific Appropriation 348A, \$10 million from the Temporary Assistance to Needy Families (TANF) block grant shall be used for community partnership matching grants for Children's Services Councils or other local government entities. Matching grants may be used for any prevention or in-home services provided by the Children's Services Councils or other local government entities that meet TANF eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system.

Funds in Specific Appropriation 348A from the Tobacco Settlement Trust Fund are provided for start-up transition funds for Child Welfare Community Based Care, including \$825,000 for Broward County.

349 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION

FROM GENERAL REVENUE FUND	3,121,935	
FROM ADMINISTRATIVE TRUST FUND		1,470,888
FROM TOBACCO SETTLEMENT TRUST FUND		69,707,698
FROM FEDERAL GRANTS TRUST FUND		80,298,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND		776,986
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		19,409,219

Specific Appropriation 349 includes recurring General Revenue for the following initiatives:

Hibiscus Children's Center Crisis Nursery.....	190,000
Kids Bridge.....	100,000
Emerald Coast Children's Advocacy Center.....	515,465
Early Permanency Planning.....	210,000

Specific Appropriation 349 also includes recurring Tobacco Trust Fund for the following project:

Kristi House.....	450,000
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Specific Appropriation 349 includes funds to continue the Child Welfare Legal Services contracts with the Attorney General's office and specified state attorneys.

350A SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY FOSTER CARE

FROM GENERAL REVENUE FUND	16,725,184	
FROM TOBACCO SETTLEMENT TRUST FUND		21,120,195
FROM FEDERAL GRANTS TRUST FUND		37,980,877
FROM GRANTS AND DONATIONS TRUST FUND		51,680
FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,428,623
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		12,734,107

Contingent upon federal approval of a Medicaid waiver, the Department of Children and Family Services is authorized to transfer up to \$4 million from the General Revenue Fund in Specific Appropriation 350A to the Agency for Health Care Administration to implement Medicaid coverage for children in institutions for mental disease (IMD's).

350B SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL GROUP CARE

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FROM GENERAL REVENUE FUND	8,101,454	
FROM TOBACCO SETTLEMENT TRUST FUND		10,246,431
FROM FEDERAL GRANTS TRUST FUND		18,426,366
FROM GRANTS AND DONATIONS TRUST FUND		25,073
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,148,540
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,177,933

350C SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER CARE

FROM GENERAL REVENUE FUND	9,133,698	
FROM TOBACCO SETTLEMENT TRUST FUND		10,455,542
FROM FEDERAL GRANTS TRUST FUND		18,802,414
FROM GRANTS AND DONATIONS TRUST FUND		25,584
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,192,388
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,304,014

350D SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL CARE PILOT
PROJECT

FROM GENERAL REVENUE FUND	9,600,000	
FROM FEDERAL GRANTS TRUST FUND		5,800,000

Funds provided in Specific Appropriation 350D shall be used to fund comprehensive residential services to children with extraordinary needs, and model comprehensive residential services programs for children with serious behavioral problems. The total recurring appropriation of \$15.4 million shall be allocated as follows: \$1.4 million for a model program in Manatee County, \$4.0 million for a model program in Dade County, and \$10 million for comprehensive residential services to children in Districts IV, XI, XII, and the Suncoast Region of the Department of Children and Family Services.

350E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CHILD WELFARE FACILITIES

FROM GENERAL REVENUE FUND	1,725,000	
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Specific Appropriation 350E includes non-recurring General Revenue for the following fixed capital outlay projects:

Children's Advocacy Center - Orange County.....	200,000
Manatee Children's Group Home.....	1,000,000
Manatee County Nursery School.....	450,000
Haven for Children - Brevard.....	75,000

Funds in Specific Appropriation 350E for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: CHILD PROTECTION AND PERMANENCY

FROM GENERAL REVENUE FUND	162,707,389	
FROM TRUST FUNDS		541,656,145
TOTAL POSITIONS	5,045	
TOTAL ALL FUNDS		704,363,534

FLORIDA ABUSE HOTLINE

351 SALARIES AND BENEFITS POSITIONS 192

FROM GENERAL REVENUE FUND	1,435,443	
FROM ADMINISTRATIVE TRUST FUND		4,117,389
FROM TOBACCO SETTLEMENT TRUST FUND		169,660
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,776,325

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352	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND	315,845	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	210,563	
353	EXPENSES		
	FROM GENERAL REVENUE FUND	442,501	
	FROM ADMINISTRATIVE TRUST FUND		1,463,033
	FROM TOBACCO SETTLEMENT TRUST FUND		54,168
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		543,431
354	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		21,272
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		14,632
355	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,059	
TOTAL: FLORIDA ABUSE HOTLINE			
	FROM GENERAL REVENUE FUND	1,893,003	
	FROM TRUST FUNDS		8,686,318
	TOTAL POSITIONS	192	
	TOTAL ALL FUNDS		10,579,321

PROGRAM MANAGEMENT AND COMPLIANCE

356	SALARIES AND BENEFITS	POSITIONS	435
	FROM GENERAL REVENUE FUND		8,717,938
	FROM ADMINISTRATIVE TRUST FUND		578,479
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		595,391
	FROM TOBACCO SETTLEMENT TRUST FUND		1,044,601
	FROM FEDERAL GRANTS TRUST FUND		9,262,188
	FROM GRANTS AND DONATIONS TRUST FUND		222
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,374,120
357	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,151	
	FROM ADMINISTRATIVE TRUST FUND		13,000
	FROM FEDERAL GRANTS TRUST FUND		370,864
358	EXPENSES		
	FROM GENERAL REVENUE FUND	1,654,150	
	FROM ADMINISTRATIVE TRUST FUND		295,851
	FROM CHILD WELFARE TRAINING TRUST FUND		1,155,137
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		220,000
	FROM TOBACCO SETTLEMENT TRUST FUND		225,152
	FROM FEDERAL GRANTS TRUST FUND		1,593,278
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		700,729
359	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	43,370	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		30,000

From the funds in Specific Appropriations 356, 358 and 359, 2 positions and \$118,000 from recurring General Revenue and \$2,000 from non-recurring General Revenue shall be utilized to create a unit to coordinate the recruitment, retention, and training of foster parents.

360	LUMP SUM		
	FAMILY INFORMATION LINKAGE TO INTEGRATE ENABLING SERVICES (FAMILIES)		
	FROM FEDERAL GRANTS TRUST FUND		2,526,713

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361	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	2,876,062	
	FROM CHILD WELFARE TRAINING TRUST FUND		10,099,792
	FROM FEDERAL GRANTS TRUST FUND		3,306,034
	FROM GRANTS AND DONATIONS TRUST FUND		274,592
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		175,433
362	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,658,729	
	FROM ADMINISTRATIVE TRUST FUND		947
	FROM FEDERAL GRANTS TRUST FUND		140,099
362A	SPECIAL CATEGORIES		
	CHILD WELFARE INITIATIVES		
	FROM GENERAL REVENUE FUND	871,450	
	FROM TOBACCO SETTLEMENT TRUST FUND		750,000

Specific Appropriation 362A includes recurring General Revenue funds for the following initiatives:

Salvation Army Children's Village - Pinellas.....	246,450
Children's Advocacy Center - Orange County.....	100,000
Center for Children and Families.....	100,000
Child Abuse Project - Palm Beach County.....	300,000

Specific Appropriation 362A also includes recurring Tobacco funds for the following projects:

SOS Children's Village - Broward County.....	350,000
Salvation Army Children's Village - Pinellas County.....	400,000

Specific Appropriation 362A also includes non-recurring General Revenue for the following project:

Family Access Center.....	125,000
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TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	17,855,850	
FROM TRUST FUNDS		34,732,622
TOTAL POSITIONS	435	
TOTAL ALL FUNDS		52,588,472

PROGRAM: PERSONS WITH DISABILITIES PROGRAM

From the funds in Specific Appropriation 363 through 395, the Persons with Disabilities Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of people on the waiting list who receive services within 12 months - Public Facilities.....	100.0%
2. Percent of people on the waiting list who receive services within 12 months - Home and Community Services...	100.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

DEVELOPMENTAL SERVICES PUBLIC FACILITIES

363	SALARIES AND BENEFITS	POSITIONS	3,663
	FROM GENERAL REVENUE FUND		60,233,316

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	FROM ADMINISTRATIVE TRUST FUND	31,881
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	59,876,361
364	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	1,984,737
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	661,275
365	EXPENSES	
	FROM GENERAL REVENUE FUND	6,309,038
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	5,594,381
366	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	815
	FROM TOBACCO SETTLEMENT TRUST FUND	12,616
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	1,348,101
367	FOOD PRODUCTS	
	FROM GENERAL REVENUE FUND	2,235,101
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	393,725
368	SPECIAL CATEGORIES	
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES	
	FROM GENERAL REVENUE FUND	4,901,199
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	3,631,739
369	SPECIAL CATEGORIES	
	PRESCRIBED MEDICINE/DRUGS	
	FROM GENERAL REVENUE FUND	29,838
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	2,038,133
370	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	3,184,553
TOTAL: DEVELOPMENTAL SERVICES PUBLIC FACILITIES		
	FROM GENERAL REVENUE FUND	78,878,597
	FROM TRUST FUNDS	73,588,212
	TOTAL POSITIONS	3,663
	TOTAL ALL FUNDS	152,466,809
HOME AND COMMUNITY SERVICES		
371	SALARIES AND BENEFITS POSITIONS	298
	FROM GENERAL REVENUE FUND	10,409,739
	FROM ADMINISTRATIVE TRUST FUND	1,961
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	55,940
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	159,307
373	EXPENSES	
	FROM GENERAL REVENUE FUND	1,401,843
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	3,555
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	205,321
374	LUMP SUM	
	SERVICES TO THE DEVELOPMENTALLY DISABLED POSITIONS	4
	FROM GENERAL REVENUE FUND	22,000,000
	FROM TOBACCO SETTLEMENT TRUST FUND	22,000,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	86,360,892

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375	SPECIAL CATEGORIES	
	GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS	
	FROM GENERAL REVENUE FUND	13,982,634
	FROM TOBACCO SETTLEMENT TRUST FUND	650,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	11,658,332

Funds from Specific Appropriation 375 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 375, the following issue is funded from recurring Tobacco Settlement Trust Funds:

Inclusive Child Care Project - Broward, Clay, and Duval Counties.....	100,000
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376	SPECIAL CATEGORIES	
	ROOM AND BOARD PAYMENTS FOR DEVELOPMENTALLY DISABLED	
	FROM GENERAL REVENUE FUND	8,235,846
	FROM TOBACCO SETTLEMENT TRUST FUND	50,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	5,764,455

377	SPECIAL CATEGORIES	
	HOME AND COMMUNITY BASED SERVICES WAIVER	
	FROM GENERAL REVENUE FUND	207,428,895
	FROM TOBACCO SETTLEMENT TRUST FUND	20,000,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	263,307,305

Funds in Specific Appropriation 377 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 377, \$84,878,065 is provided to continue support for clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

The department is authorized to include the medical quality assurance program, as funded, in the contract for quality assurance which is overseen by the interagency quality assurance council.

Funds in Specific Appropriation 377 and 374 are provided to meet the needs of developmental services Medicaid Waiver participants based on the individuals' most recent support plans. Priorities for this funding, in order, are as follows: 1) Transitions for those requesting transfers from Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) institutional placements into Home and Community Based Waiver residential placements or other community waiver services, and 2) Meeting the needs of identified under served participants in the Home and Community Based Waiver Services after accurately assessing the actual costs of each person's support plan. The Medicaid waiver services mix must be fully met for all eligible participants before funds are transferred to non-Medicaid covered services, with the exception of room and board payments. The funds in Specific Appropriation 377 and 374 are intended to fulfill Florida's commitment to provide improved developmental disabilities services, and to redesign the program to provide a consumer-directed, choice-based system.

From the funds in Specific Appropriations 377 and 374, \$1,121,213 in General Revenue, and \$1,121,213 in Operations and Maintenance Trust Funds are provided for medical case management and medical technical assistance; \$300,000 in General Revenue and \$300,000 in Operations and Maintenance Trust Funds are provided for choice counseling; and \$50,000 in General Revenue and \$50,000 in Operations and Maintenance Trust Funds

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are provided to support the addition of a registry of individuals to the ABC system. This registry feature for the ABC system will enable the Developmental Services program to forecast and plan services for persons with developmental disabilities who are potential consumers of services. All remaining funds from these line items shall be used for direct client services. A budget amendment for the release of all or a portion of the lump sum is contingent upon accurately reporting the needs of those persons who are under served waiver participants to the Legislature.

From the funds in Specific Appropriations 377, support coordinators shall be paid at a rate of \$148.39 per month per client to a maximum of thirty-six (36) clients per case worker.

From the funds in Specific Appropriation 377, up to \$1,700,000 in General Revenue funds and \$1,700,000 from the Operations and Maintenance Trust Fund may be used for special studies of the expenditures for services to Home and Community-Based Services Waiver clients, including analysis of service utilization, reimbursement rates, and overall expenditure trends; and to design and implement criteria and review and approval mechanisms intended to ensure that persons enrolled in the waiver receive appropriate services in the most cost effective manner.

Funds in Specific Appropriations 374 and 377 are intended to provide Home and Community-Based Services Waiver Services in accordance with a spending plan developed by the Department of Children and Family Services and submitted to the Executive Office of the Governor for approval by November 1, 2001. Such plan shall include a financially feasible timeframe for providing services to persons who are on waiting lists for fiscal years 1999-2000 and 2000-2001 and those eligible persons who apply for services during fiscal year 2001-2002. Such persons shall be enrolled in the waiver in accordance with the department's policy for serving persons on the waiting list.

378	SPECIAL CATEGORIES START-UP FUNDS/GROUP HOMES		
	FROM GENERAL REVENUE FUND	72,960	
	FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND		72,960
379	SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER		
	FROM GENERAL REVENUE FUND	179,653	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		663,244
379A	SPECIAL CATEGORIES DEVELOPMENTAL SERVICES PROGRAMS		
	FROM GENERAL REVENUE FUND	1,160,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,500,000

The following projects from Specific Appropriation 379A are funded from recurring General Revenue Funds, unless specifically noted:

HARC Tampa Day Program Facility - Hillsborough County.....	500,000
Best Buddies High Schools, Colleges, And Citizens - Dade County.....	200,000
Interactive Video Technology - Statewide.....	350,000
Family Care Councils - Bay and Monroe Counties (Non- Recurring).....	10,000
Association for the Development of the Exceptional - Dade County.....	100,000

The following project is funded from nonrecurring Tobacco Settlement Trust Funds:

Daystar Adult Day Training Center Pilot Program.....	1,500,000
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From the recurring General Revenue funds in Specific Appropriation 379A, \$350,000 is provided for a contract with C-NOW for an interactive video project. Matching funds of \$350,000 in cash or in-kind match are required.

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379B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY DEVELOPMENTAL SERVICES FACILITIES		
	FROM GENERAL REVENUE FUND		500,000

The following project in Specific Appropriation 379B is funded from nonrecurring General Revenue Funds:

Group Homes for Individuals with Disabilities/Construction Funds - Center for Independence - Pasco County.....	500,000
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Funds in Specific Appropriation 379B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: HOME AND COMMUNITY SERVICES

FROM GENERAL REVENUE FUND	265,371,570	
FROM TRUST FUNDS		412,453,272
TOTAL POSITIONS	302	
TOTAL ALL FUNDS		677,824,842

IN-HOME SERVICES FOR DISABLED ADULTS

380	SALARIES AND BENEFITS	POSITIONS	50	
	FROM GENERAL REVENUE FUND		1,201,719	
	FROM ADMINISTRATIVE TRUST FUND			317,747
	FROM TOBACCO SETTLEMENT TRUST FUND			15,576
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			339,620
381	EXPENSES			
	FROM GENERAL REVENUE FUND		171,601	
	FROM ADMINISTRATIVE TRUST FUND			92,186
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			44,833
382	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		977	
383	SPECIAL CATEGORIES HOME CARE FOR DISABLED ADULTS			
	FROM GENERAL REVENUE FUND		2,219,860	
384	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS			
	FROM GENERAL REVENUE FUND		2,724,866	

385	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND	243,623		
	FROM ADMINISTRATIVE TRUST FUND		16,160	
	FROM TOBACCO SETTLEMENT TRUST FUND			750,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			13,354

Of the funds in Specific Appropriation 385, the department and the Agency for Health Care Administration may request a Medicaid waiver for persons with Cystic Fibrosis. A portion of the resources must be kept for those who do not meet Medicaid eligibility. From resources allocated for Cystic Fibrosis, implementation of this waiver shall not reduce services to non-Medicaid individuals currently served.

386	SPECIAL CATEGORIES HOME AND COMMUNITY BASED SERVICES WAIVER			
	FROM GENERAL REVENUE FUND	2,453,881		
	FROM TOBACCO SETTLEMENT TRUST FUND		581,425	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			4,159,406

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387	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES-SPINA BIFIDA		
	FROM GENERAL REVENUE FUND	344,609	
388	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	6,635	
TOTAL: IN-HOME SERVICES FOR DISABLED ADULTS			
	FROM GENERAL REVENUE FUND	9,367,771	
	FROM TRUST FUNDS		6,330,307
	TOTAL POSITIONS	50	
	TOTAL ALL FUNDS		15,698,078
PROGRAM MANAGEMENT AND COMPLIANCE			
389	SALARIES AND BENEFITS	POSITIONS	229
	FROM GENERAL REVENUE FUND		7,164,461
	FROM ADMINISTRATIVE TRUST FUND		184,559
	FROM FEDERAL GRANTS TRUST FUND		24,032
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		2,999,034
390	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,078	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		120,651
391	EXPENSES		
	FROM GENERAL REVENUE FUND	1,175,318	
	FROM ADMINISTRATIVE TRUST FUND		1,152
	FROM GRANTS AND DONATIONS TRUST FUND . . .		159,206
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		522,595
	FROM SOCIAL SERVICES BLOCK GRANT TRUST		
	FUND		612
392	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	7	
	FROM ADMINISTRATIVE TRUST FUND		17
393	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	972,753	
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		7,510
From the funds in Specific Appropriation 393, the following issue is funded from recurring General Revenue:			
	Best Buddies, Florida - Statewide.....	200,000	
394	SPECIAL CATEGORIES		
	GRANT AND AID COMMUNITY DEVELOPMENT		
	SERVICES		
	FROM GENERAL REVENUE FUND	339,519	
	FROM FEDERAL GRANTS TRUST FUND		18,472
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		35,799
From the funds in Specific Appropriation 394, \$50,000 from recurring General Revenue is provided to continue the Independent Living for Retarded Adults non-profit organization in Marion County.			
395	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	323,044	
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE			
	FROM GENERAL REVENUE FUND	9,979,180	
	FROM TRUST FUNDS		4,073,639

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	TOTAL POSITIONS	229	
	TOTAL ALL FUNDS		14,052,819

PROGRAM: MENTAL HEALTH PROGRAM

From the funds in Specific Appropriation 396 through 423, the Mental Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Average annual number of days spent in the community (not in institutions or other facilities) for adults with a serious and persistent mental illness.....	350
2. Annual days serious emotionally disturbed (SED) children (excluding those in juvenile justice facilities) spend in the community.....	341
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

VIOLENT SEXUAL PREDATOR PROGRAM			
396	SALARIES AND BENEFITS	POSITIONS	8
	FROM GENERAL REVENUE FUND		837,367
397	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		81,814
398	EXPENSES		
	FROM GENERAL REVENUE FUND		323,574
398A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		20,000
399	LUMP SUM		
	INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY		
	VIOLENT PREDATORS' TREATMENT AND CARE		
		POSITIONS	11
	FROM GENERAL REVENUE FUND		19,064,487
399A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		2,992,877

From funds in Specific Appropriation 399A, the department shall transfer \$10,000 to the Correctional Privatization Commission for the purpose of negotiating and implementing contracts with the selected vendor for the 600 bed Sexual Violent Predator facility in Desoto County.

TOTAL: VIOLENT SEXUAL PREDATOR PROGRAM			
	FROM GENERAL REVENUE FUND		23,320,119
	TOTAL POSITIONS	19	
	TOTAL ALL FUNDS		23,320,119

ADULT COMMUNITY MENTAL HEALTH SERVICES			
399B	LUMP SUM		
	COMMUNITY TREATMENT INITIATIVES		
	FROM GENERAL REVENUE FUND		7,774,869
	FROM ALCOHOL, DRUG ABUSE AND MENTAL		
	HEALTH TRUST FUND		975,000
	FROM FEDERAL GRANTS TRUST FUND		1,007,500

Funds in Specific Appropriation 399B shall be held in reserve until February 1, 2002 and shall not be released until the department prepares

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an analysis of the expenditures, encumbrances and planned expenditures for the conversion activities related to G. Pierce Wood Hospital. Any funds not required for this conversion shall be immediately available for mental health service needs in the remaining areas of the state. The department shall prepare a plan for the use of these funds and submit the plan and related budget amendment to the Legislative Budget Commission for approval. Residents shall not be transitioned from G.P. Wood Hospital unless there is an appropriate individualized placement alternative available for the resident with all necessary community supports.

400	SPECIAL CATEGORIES	
	GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES	
	FROM GENERAL REVENUE FUND	112,096,788
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND	18,035,914
	FROM TOBACCO SETTLEMENT TRUST FUND	8,692,633
	FROM FEDERAL GRANTS TRUST FUND	15,240,637
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	3,131,228

From the funds in Specific Appropriation 400, the following issues are funded from recurring General Revenue unless specifically noted:

Court Cottages in the Pines - Broward County.....	100,000
Family Emergency Treatment Center - Manatee County.....	1,000,000
Wayne Densch Center - Orange County.....	200,000
Charlotte Community Mental Health - Charlotte County.....	100,000
Henderson Mental Health Center - Broward County.....	200,000
Senior Mobile Crisis Teams.....	200,000
Community Domicilliary Project (continuation) - Serenity House - Volusia County.....	339,000

From the funds in Specific Appropriation 400, the following issue is funded from recurring Tobacco Settlement Trust Funds:

Henderson Mental Health Center - Broward County.....	200,000
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If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 400 results in state match requirements exceeding \$13,000,000, the Department of Children and Family Services shall transfer General Revenue as necessary from Specific Appropriation 400. The Department of Children and Family Services shall cooperate with the Agency for Health Care Administration to ensure that adult mental health targeted case management services are targeted solely to priority clients as described in Florida Administrative Code 65E-15.

From the funds in Specific Appropriation 400, the Department of Children and Family Services Mental Health Program shall contract with Manatee Glens Corporation in Manatee County and with Coastal Recovery Centers, Inc. in Sarasota County to continue to fund an Assertive Community Treatment Team (ACT) with each of these providers to serve individuals with severe and persistent mental illness in the G. Pierce Wood Memorial Hospital catchment area.

From the funds in Specific Appropriation 400, \$7,644,579 in recurring Tobacco Settlement Trust Funds is to be allocated to the Department of Children and Family Services to increase services to persons with severe and persistent mental illness as follows:

District 4.....	1,620,465
District 7.....	5,024,008
District 11.....	1,000,106

From the federal Mental Health Block Grant or other funds, the Department of Children and Family Services may contract with NAMI Florida, Inc. for the following purposes:

1. To consult with the Department of Children and Family Services and Agency for Health Care Administration in the implementation of the Olmstead decision in an accountable and outcome performance-based manner in Florida, and

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2. To facilitate or provide assistance to individuals with serious and persistent mental illnesses and their families, which may include: toll-free help line, support groups and educational programs for people with mental illness and their families, using culturally and racially sensitive approaches and other informal means of reducing the demand on taxpayer-funded services.

The Department of Children and Family Services shall ensure that all meetings impacting statewide funding, policy and planning discussions with contract providers include representation from mental health advocates and family members in accordance with the Mental Health Block Grant and Olmstead decision.

401	SPECIAL CATEGORIES	
	GRANTS AND AIDS - BAKER ACT SERVICES	
	FROM GENERAL REVENUE FUND	54,417,843
	FROM GRANTS AND DONATIONS TRUST FUND	1,099,807

From the funds in Specific Appropriations 400 and 401, the Department of Children and Family Services is authorized to transfer funds between specific appropriations 408, 410, and 414 in order to achieve maximum utilization of these dollars and to provide services to G. Pierce Wood Memorial Hospital residents and specific transition staff.

402	SPECIAL CATEGORIES	
	GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM	
	FROM GENERAL REVENUE FUND	6,445,203
	FROM OPERATIONS AND MAINTENANCE TRUST FUND	1,000,000

402A	SPECIAL CATEGORIES	
	MENTAL HEALTH PROGRAMS	
	FROM GENERAL REVENUE FUND	3,932,463
	FROM TOBACCO SETTLEMENT TRUST FUND	200,000

From the funds in Specific Appropriation 402A, the following mental health projects are from recurring General Revenue unless specifically noted:

Short Term Treatment Residence (Alternative To State Hospitalization) - Hillsborough County.....	250,000
Douglas Garden Community Mental Health Center - HIV/AIDS Mental Health Services - Dade County.....	350,000
New Horizons of Treasure Coast - Indigent Drug Program Indian River, Martin, Palm Beach and St. Lucie Counties.....	200,000
Family Emergency Treatment Center - Sarasota County (Non-Recurring).....	500,000
Residential Level 2 Housing - Charlotte, Desoto, Manatee, Sarasota Counties (Non-Recurring).....	500,000
Ruth Cooper Center Crisis Stabilization Unit - Charlotte, Collier, Desoto, Glades, Lee and Sarasota Counties.....	180,000
Dual Diagnosis Continuum serving Orange, Osceola, and Seminole Counties (Non-Recurring).....	654,213
Fellowship House Comprehensive Service Improvement in Dade County (Non-Recurring).....	448,250
Short-term Residential (SRT) Bed Expansion in Orange County (Non-Recurring).....	150,000
Camillus Life Center in Dade County (Non-Recurring).....	250,000
Family Emergency Treatment Center - Pinellas County.....	350,000
Miami Dade County Homeless Trust - Dade County.....	100,000

From the funds in Specific Appropriation 402A, the following mental health project is funded from recurring Tobacco Settlement Trust Funds:

Wayne Densch Center - Orange County.....	200,000
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TOTAL: ADULT COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	184,667,166
FROM TRUST FUNDS	49,382,719

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 TOTAL ALL FUNDS 234,049,885

CHILDREN'S MENTAL HEALTH SERVICES

403 SPECIAL CATEGORIES
 GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES
 FROM GENERAL REVENUE FUND 25,803,392
 FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 9,382,756
 FROM TOBACCO SETTLEMENT TRUST FUND 612,772
 FROM FEDERAL GRANTS TRUST FUND 1,052,035
 FROM GRANTS AND DONATIONS TRUST FUND 4,587,999

From the funds in Specific Appropriation 403, \$250,000 is provided from recurring Alcohol, Drug Abuse and Mental Health Trust Fund for the Infant and Young Child's Mental Health Program - statewide.

From the funds in Specific Appropriation 403, the following issues are funded from recurring General Revenue unless specifically noted:

Children's Medical Director- New Horizons/Treasure Coast.... 100,000
 Children's Crisis Stabilization Unit - District 8..... 318,645
 IMPACT Community Services (Non-Recurring)..... 1,429,353
 Children's Comprehensive Behavioral Services (Non-Recurring)..... 1,350,000

404 SPECIAL CATEGORIES
 THERAPEUTIC SERVICES FOR CHILDREN
 FROM GENERAL REVENUE FUND 8,356,919
 FROM FEDERAL GRANTS TRUST FUND 10,747,457

405 SPECIAL CATEGORIES
 PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
 FROM GENERAL REVENUE FUND 9,047,814

406 SPECIAL CATEGORIES
 GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
 FROM GENERAL REVENUE FUND 20,097,166

Contingent upon federal approval of a Medicaid waiver, the Department of Children and Family Services is authorized to transfer up to \$6 million from the General Revenue Fund in Specific Appropriation 406 to the Agency for Health Care Administration to implement Medicaid coverage for children in institutions for mental disease.

407 SPECIAL CATEGORIES
 GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
 FROM GENERAL REVENUE FUND 9,388,781
 FROM GRANTS AND DONATIONS TRUST FUND 725,193

From the funds in Specific Appropriation 407, the following issue is funded from recurring General Revenue:

Manatee Glens - Children's Baker Act Services..... 480,573

TOTAL: CHILDREN'S MENTAL HEALTH SERVICES
 FROM GENERAL REVENUE FUND 72,694,072
 FROM TRUST FUNDS 27,108,212
 TOTAL ALL FUNDS 99,802,284

ADULT MENTAL HEALTH TREATMENT FACILITIES

408 SALARIES AND BENEFITS POSITIONS 5,449
 FROM GENERAL REVENUE FUND 105,311,812
 FROM ADMINISTRATIVE TRUST FUND 2,292,200
 FROM OPERATIONS AND MAINTENANCE TRUST FUND 88,818,020

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 409 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 1,076,928

410 EXPENSES
 FROM GENERAL REVENUE FUND 17,317,332
 FROM ADMINISTRATIVE TRUST FUND 342,513
 FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,359,115

411 OPERATING CAPITAL OUTLAY
 FROM GENERAL REVENUE FUND 541,155
 FROM OPERATIONS AND MAINTENANCE TRUST FUND 980,093

412 FOOD PRODUCTS
 FROM GENERAL REVENUE FUND 3,467,825

414 SPECIAL CATEGORIES
 GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
 FROM GENERAL REVENUE FUND 27,125,107
 FROM OPERATIONS AND MAINTENANCE TRUST FUND 14,162,514

From the funds in Specific Appropriation 414, the following issue is funded from recurring General Revenue:

West Florida Community Care Center - Escambia County..... 425,000

From the funds in Specific Appropriation 414, \$1,306,000 in non-recurring Operations and Maintenance Trust Fund is provided to address cost overruns that occurred during the construction of the new facility at South Florida State Hospital. In addition, \$540,000 in recurring General Revenue is provided to address the 3% pay adjustment for salary-related cost of living increases in the management contract for that same facility.

415 SPECIAL CATEGORIES
 GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
 FROM GENERAL REVENUE FUND 2,146,394

416 SPECIAL CATEGORIES
 PRESCRIBED MEDICINE/DRUGS
 FROM GENERAL REVENUE FUND 5,261,212
 FROM ADMINISTRATIVE TRUST FUND 8,000,000
 FROM OPERATIONS AND MAINTENANCE TRUST FUND 705,388

417 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 5,076,924

418 SPECIAL CATEGORIES
 SALARY INCENTIVE PAYMENTS
 FROM GENERAL REVENUE FUND 90,969

TOTAL: ADULT MENTAL HEALTH TREATMENT FACILITIES

FROM GENERAL REVENUE FUND 167,415,658
 FROM TRUST FUNDS 116,659,843
 TOTAL POSITIONS 5,449
 TOTAL ALL FUNDS 284,075,501

PROGRAM MANAGEMENT AND COMPLIANCE

419 SALARIES AND BENEFITS POSITIONS 145
 FROM GENERAL REVENUE FUND 6,714,672
 FROM ADMINISTRATIVE TRUST FUND 37,209
 FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 348,926
 FROM TOBACCO SETTLEMENT TRUST FUND 148,355
 FROM FEDERAL GRANTS TRUST FUND 263,889

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420	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	104,640	
	FROM ADMINISTRATIVE TRUST FUND		34,535
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		16,000
	FROM TOBACCO SETTLEMENT TRUST FUND		37,856
421	EXPENSES		
	FROM GENERAL REVENUE FUND	1,124,607	
	FROM ADMINISTRATIVE TRUST FUND		152,747
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		122,592
	FROM TOBACCO SETTLEMENT TRUST FUND		39,125
	FROM FEDERAL GRANTS TRUST FUND		43,032

From the funds in Specific Appropriation 421, \$166,794 from recurring General Revenue and \$85,924 from the Administrative Trust Fund are provided to implement the provisions of Senate Bill 1258 or similar legislation which becomes law.

422	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,818	
	FROM ADMINISTRATIVE TRUST FUND		17
423	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	48,785	

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

	FROM GENERAL REVENUE FUND	7,999,522	
	FROM TRUST FUNDS		1,244,283
	TOTAL POSITIONS	145	
	TOTAL ALL FUNDS		9,243,805

PROGRAM: SUBSTANCE ABUSE PROGRAM

From the funds in Specific Appropriation 424 through 431B, the Substance Abuse Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====		
Performance	FY 2001-2002	
Measures-Outcomes	Standards	

OUTCOMES:		

1. Percent of children with substance abuse who are drug free		
during 12 months following completion of treatment.....	52%	
2. Percent of adults who are drug free during the.....	54%	
12 months following completion of treatment		

Additional approved measures and standards are		
established in the FY 2001-2002 Implementing Bill and are		
incorporated herein by reference.		
=====		

PROGRAM MANAGEMENT AND COMPLIANCE

424	SALARIES AND BENEFITS	POSITIONS	70
	FROM GENERAL REVENUE FUND		1,876,784
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		896,264
	FROM FEDERAL GRANTS TRUST FUND		457,841
425	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	39,774	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		505,845
	FROM FEDERAL GRANTS TRUST FUND		6,000

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426	EXPENSES		
	FROM GENERAL REVENUE FUND	308,260	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		198,774
	FROM FEDERAL GRANTS TRUST FUND		291,590
427	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,554	
428	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	170,840	
	FROM GRANTS AND DONATIONS TRUST FUND		11,859
429	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	25,458	

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

	FROM GENERAL REVENUE FUND	2,424,670	
	FROM TRUST FUNDS		2,368,173
	TOTAL POSITIONS	70	
	TOTAL ALL FUNDS		4,792,843

CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

430	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	24,476,388	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		26,748,873
	FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		9,584,987
	FROM TOBACCO SETTLEMENT TRUST FUND		3,012,920
	FROM FEDERAL GRANTS TRUST FUND		640,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		90,000

From the funds in Specific Appropriations 430 and 431, the department may not make payment to a private provider for alcohol, drug abuse and mental health services, unless standard client demographic, service, and outcome information required for the department's Mental Health and Substance Abuse Data System is submitted to the department by the provider within the due date specified in the provider contract. The Mental Health and Substance Abuse Measures Guide specifies the requirements for client demographic, service, and outcome information.

From the funds in Specific Appropriation 430, the following projects are funded from recurring General Revenue unless specifically noted:

Roots N' Wings - Broward County.....	25,000
Disc Village, Inc. Adolescent Treatment Program.- Big Bend..	125,000
The Compass Program - Dade County (Non-Recurring).....	200,000

TOTAL: CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

	FROM GENERAL REVENUE FUND	24,476,388	
	FROM TRUST FUNDS		40,076,780
	TOTAL ALL FUNDS		64,553,168

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

431	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	23,341,191	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL		

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HEALTH TRUST FUND	59,744,993
FROM TOBACCO SETTLEMENT TRUST FUND	6,418,998
FROM FEDERAL GRANTS TRUST FUND	16,097,500
FROM GRANTS AND DONATIONS TRUST FUND . . .	637,300
FROM OPERATIONS AND MAINTENANCE TRUST FUND	290,880

From the funds in Specific Appropriation 431, \$500,000 is provided in recurring Federal Grants Trust Funds (Temporary Assistance to Needy Families) to continue to expand the Center for Drug Free Living's Women and Infant's Residential Program in Brevard County. \$725,000 in recurring Federal Grants Trust Fund is provided to Gateway Community Services - Duval County, and \$362,500 in recurring Federal Grants Trust Fund is provided to the Center for Drug Free Living - Brevard, Orange, Osceola and Seminole Counties.

From the funds in Specific Appropriation 431, the following issues are from recurring General Revenue:

New Horizons Dual Diagnosis Aftercare - Dade County.....	100,000
Addiction Treatment Services - District 12.....	91,000
New Beginnings Program Renewal - District 12.....	150,000
Stewart Marchman Center - Flagler and Volusia Counties.....	1,043,217

431A SPECIAL CATEGORIES
SUBSTANCE ABUSE PROGRAMS
FROM GENERAL REVENUE FUND 3,550,000

The following projects from Specific Appropriation 431A, are funded from recurring General Revenue Funds unless specifically noted:

Adolescent Residential Substance Abuse Treatment Facility - Charlotte, Desoto, Manatee and Sarasota Counties.....	1,000,000
The Starting Place - Broward, Dade And Palm Beach Counties..	450,000
Passage Way Aftercare Project - Volusia County.....	200,000
Here's Help - Dade County.....	100,000
Joshua House/Transitional Housing for Recovering Addicts (Non-Recurring).....	100,000
Safeport - Key West (Non-Recurring).....	50,000
STEPS Women with Children Program - Residential for Substance Abusing Women with Co-occurring Disorders and other stressors-Orange, Osceola, Seminole/Brevard Counties (Non-Recurring).....	150,000
Coconut Grove Behavioral Center - Dade County.....	200,000
Village Adolescent Treatment Program for Dually Diagnosed Girls - Dade County.....	500,000
Informed Families of Florida - Statewide (Non-Recurring)....	800,000

431B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
MENTAL HEALTH/SUBSTANCE ABUSE FACILITIES
FROM GENERAL REVENUE FUND 553,000

The following projects from Specific Appropriation 431B, are funded from nonrecurring General Revenue Funds:

Human Services Associates - Orange County.....	422,000
Crawford/Monarch Houses - Broward County.....	131,000

Funds in Specific Appropriation 431B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES FROM GENERAL REVENUE FUND	27,444,191
FROM TRUST FUNDS	83,189,671

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TOTAL ALL FUNDS	110,633,862
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PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

From the funds in Specific Appropriation 432 through 466, the Economic Self-Sufficiency Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====		
Performance		FY 2001-2002
Measures - Outcomes		Standards

OUTCOMES:		

1. Percent of all applications processed within time		
standards.....	99.0%	
2. Percent of suspected fraud cases referred that result		
in front-end fraud prevention savings.....	70.0%	

Additional approved measures and standards are established in the FY		
2001-2002 Implementing Bill and are incorporated herein by reference.		
=====		

COMPREHENSIVE ELIGIBILITY SERVICES

432 SALARIES AND BENEFITS	POSITIONS	7,278	
FROM GENERAL REVENUE FUND		130,530,072	
FROM ADMINISTRATIVE TRUST FUND			107,060,630
433 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		2,452,743	
FROM ADMINISTRATIVE TRUST FUND			2,193,431
434 EXPENSES			
FROM GENERAL REVENUE FUND		24,333,804	
FROM ADMINISTRATIVE TRUST FUND			21,252,827
435 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		5,162	
FROM ADMINISTRATIVE TRUST FUND			154,025
436 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		1,405,462	
FROM ADMINISTRATIVE TRUST FUND			1,038,393
437 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		1,470,309	
FROM ADMINISTRATIVE TRUST FUND			1,465,127

TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES

FROM GENERAL REVENUE FUND	160,197,552	
FROM TRUST FUNDS		133,164,433
TOTAL POSITIONS	7,278	
TOTAL ALL FUNDS		293,361,985

PROGRAM MANAGEMENT AND COMPLIANCE

438 SALARIES AND BENEFITS	POSITIONS	279	
FROM GENERAL REVENUE FUND		7,684,828	
FROM ADMINISTRATIVE TRUST FUND			5,465,560
FROM FEDERAL GRANTS TRUST FUND			35,429
FROM REFUGEE ASSISTANCE TRUST FUND			4,380
439 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		23,466	
FROM ADMINISTRATIVE TRUST FUND			97,039

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440	EXPENSES		
	FROM GENERAL REVENUE FUND	4,559,765	
	FROM ADMINISTRATIVE TRUST FUND		3,721,563
	FROM FEDERAL GRANTS TRUST FUND		20,835
441	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,574	
	FROM ADMINISTRATIVE TRUST FUND		14,233
442	LUMP SUM		
	HOMELESS PROGRAM		
	POSITIONS	2	
	FROM GENERAL REVENUE FUND	5,000,000	

From the recurring General Revenue funds in Specific Appropriation 442, \$177,332 shall be retained by the Department of Children and Family Services to fund two full-time administrative positions to support the Homeless Program; \$625,000 shall be utilized to fund one full-time position in each of the Local Coalitions for the Homeless, and \$197,668 shall be used to fund an increase in the homeless grant-in-aid program annual appropriation. The remaining sum of \$4 million shall be used to provide additional services to the homeless pursuant to the "Challenge Grants" program authorized in s. 420.622, Florida Statutes.

443	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	725,000	
	FROM ADMINISTRATIVE TRUST FUND		3,294,394

Funds in Specific Appropriation 443 include recurring General Revenue for the following projects:

Clearwater Homeless Intervention.....	100,000
Goodwill Industries of South Florida - Clothing.....	500,000
Broward Partnership for the Homeless.....	100,000

Specific Appropriation 443 also includes non-recurring General Revenue for the following project:

Opening Doors (Abriendo Puertas).....	25,000
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444	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	148,352	
	FROM ADMINISTRATIVE TRUST FUND		148,352

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	18,156,985	
FROM TRUST FUNDS		12,801,785
TOTAL POSITIONS	281	
TOTAL ALL FUNDS		30,958,770

FRAUD PREVENTION AND BENEFIT RECOVERY

445	SALARIES AND BENEFITS	POSITIONS	200	
	FROM GENERAL REVENUE FUND		2,182,416	
	FROM ADMINISTRATIVE TRUST FUND			4,642,783
446	EXPENSES			
	FROM GENERAL REVENUE FUND		506,154	
	FROM ADMINISTRATIVE TRUST FUND			1,758,687
447	SPECIAL CATEGORIES			
	PUBLIC ASSISTANCE FRAUD CONTRACT			
	FROM GENERAL REVENUE FUND		47,752	
	FROM ADMINISTRATIVE TRUST FUND			4,447,752
448	SPECIAL CATEGORIES			
	FOOD STAMP REINVESTMENT			
	FROM GRANTS AND DONATIONS TRUST FUND			3,000,000

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TOTAL: FRAUD PREVENTION AND BENEFIT RECOVERY			
	FROM GENERAL REVENUE FUND	2,736,322	
	FROM TRUST FUNDS		13,849,222
	TOTAL POSITIONS	200	
	TOTAL ALL FUNDS		16,585,544

SPECIAL ASSISTANCE PAYMENTS

449	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL EMERGENCY		
	SHELTER GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	988,322	
	FROM ADMINISTRATIVE TRUST FUND		1,800,000
	FROM FEDERAL GRANTS TRUST FUND		3,034,474

450	FINANCIAL ASSISTANCE PAYMENTS		
	ADULT CONGREGATE LIVING FACILITY CARE		
	SUPPLEMENT		
	FROM GENERAL REVENUE FUND	24,403,695	

Funds in Specific Appropriations 450 and 451 may be expended by the department to increase the Optional State Supplementation personal needs allowance from \$43 per month per client to \$54 per month per client. The increase in personal needs allowance is contingent upon federal approval of a Medicaid state plan amendment authorized for Specific Appropriations 450 and 451.

451	FINANCIAL ASSISTANCE PAYMENTS		
	FOSTER HOME CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	2,129,325	

From the funds in Specific Appropriations 450 and 451, the Department of Children and Family Services is authorized to transfer funds necessary to implement Medicaid coverage for assistive care services. These funds are contingent upon the availability of state match being provided in accordance with Specific Appropriation 281. This transfer is contingent upon federal approval of a Medicaid state plan amendment to allow coverage of assistive care services for Medicaid beneficiaries residing in licensed assisted living facilities, adult family care homes, or residential treatment facilities with 16 beds or less, and are eligible for the state's Optional State Supplementation Program.

452	FINANCIAL ASSISTANCE PAYMENTS		
	PERSONAL CARE ALLOWANCE		
	FROM GENERAL REVENUE FUND	314,456	

TOTAL: SPECIAL ASSISTANCE PAYMENTS

FROM GENERAL REVENUE FUND	27,835,798	
FROM TRUST FUNDS		4,834,474
TOTAL ALL FUNDS		32,670,272

WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)
AND EMPLOYMENT SUPPORTS

453	SALARIES AND BENEFITS	POSITIONS	5	
	FROM ADMINISTRATIVE TRUST FUND			274,810
454	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			139,275
455	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND			438,225
456	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND			5,153
458	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES			

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FROM ADMINISTRATIVE TRUST FUND	4,342,712
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	2,105,274
459 SPECIAL CATEGORIES	
RESPIRE CHILD CARE FOR WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) CLIENTS FROM FEDERAL GRANTS TRUST FUND	2,000,000

From the funds appropriated in Specific Appropriation 459, up to \$2 million may be used to purchase respite child care services for up to 30 days for children eligible for subsidized child care whose families need short-term emergency child care for reasons such as family illness, crisis intervention, hospital stays, and other respite situations. Settings may include, but are not limited to hospital-based mildly ill child care programs. The department is authorized to pay the private pay rate for the hospital-based care. If the child is already enrolled in subsidized child care, payments to the regular subsidized provider may also be made for up to five days per month while the child is receiving services in the hospital-based program.

459A SPECIAL CATEGORIES	
GRANTS AND AIDS - CHILD CARE - WAGES	
FROM GENERAL REVENUE FUND	80,813,336
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	35,584,384
FROM FEDERAL GRANTS TRUST FUND	95,496,924

Funds in Specific Appropriation 459A are provided for child care services to WAGES recipients; however, by September 30, 2001, the Social Services Estimating Conference shall determine projected utilization rates for WAGES and working poor child care. In the event a surplus is projected and there is a determined need in the working poor child care category, the Executive Office of the Governor may transfer, pursuant to the provisions of Chapter 216, Florida Statutes, the surplus funding to address the shortfall. In no instance shall this transfer create an annualization cost in the working poor child care category. The transfer of these funds shall provide for the maximum utilization of child care slots for all populations served.

From funds in Specific Appropriation 459A, up to \$1,500,000 is provided for the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

Funds in Specific Appropriation 459A may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

459B SPECIAL CATEGORIES	
GRANTS AND AIDS - CHILD CARE - WORKING POOR AND AT-RISK FAMILIES	
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	273,309,533
FROM FEDERAL GRANTS TRUST FUND	60,472,784
FROM GRANTS AND DONATIONS TRUST FUND . . .	4,700,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	5,000

From funds in Specific Appropriation 459B, up to \$1,500,000 is provided for the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

From funds in Specific Appropriation 459B, up to \$15 million may be used as match to provide services to low income families at or below 200 percent of poverty who participate in the Child Care Executive Partnership Program as defined in s. 409.178, Florida Statutes. Up to 25 percent of the \$15 million may be used by the Child Care Executive Partnership to match funds on a statewide basis, administered through the statewide resource and referral agency.

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Funds in Specific Appropriation 459B may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

Funds in Specific Appropriation 459B shall require a six percent match from local sources. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding for child care services directed for WAGES participants, Transitional Child Care participants, or children at risk of abuse and neglect.

460 FINANCIAL ASSISTANCE PAYMENTS		
CASH ASSISTANCE		
FROM GENERAL REVENUE FUND	210,141,212	
FROM ADMINISTRATIVE TRUST FUND		10,000,000
TOTAL: WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) AND EMPLOYMENT SUPPORTS		
FROM GENERAL REVENUE FUND	290,954,548	
FROM TRUST FUNDS		488,874,074
TOTAL POSITIONS	5	
TOTAL ALL FUNDS		779,828,622

REFUGEES

461 SALARIES AND BENEFITS	POSITIONS	21	
FROM ADMINISTRATIVE TRUST FUND			963,889
462 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND			165,272
463 EXPENSES			
FROM ADMINISTRATIVE TRUST FUND			301,190
464 SPECIAL CATEGORIES			
GRANTS AND AIDS - LOCAL SERVICES PROGRAM			
FROM FEDERAL GRANTS TRUST FUND			39,809,114
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			60,706
465 SPECIAL CATEGORIES			
SERVICES TO REPATRIATED AMERICANS			
FROM FEDERAL GRANTS TRUST FUND			40,380
466 FINANCIAL ASSISTANCE PAYMENTS			
REFUGEE/ENTRANT ASSISTANCE			
FROM REFUGEE ASSISTANCE TRUST FUND			5,590,195

TOTAL: REFUGEES

FROM TRUST FUNDS		46,930,746
TOTAL POSITIONS	21	
TOTAL ALL FUNDS		46,930,746

ELDER AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 467 through 502, the Services to Elders Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====		
Performance	FY 2001-2002	
Measures - Outcomes	Standards	

OUTCOMES:		

1. Percent of elders the CARES program determined eligible for		
nursing home placement who are diverted into the		

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community.....	19.7%
2. Percent of most frail elders who remain at home or in the community instead of going into a nursing home.....	93.0%

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PROGRAM: SERVICES TO ELDERLY PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

467 SALARIES AND BENEFITS	POSITIONS	197	
FROM GENERAL REVENUE FUND		2,357,871	
FROM TOBACCO SETTLEMENT TRUST FUND			145,971
FROM FEDERAL GRANTS TRUST FUND			40,912
FROM OPERATIONS AND MAINTENANCE TRUST FUND			5,932,350
468 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		151,887	
FROM OPERATIONS AND MAINTENANCE TRUST FUND			473,378
469 EXPENSES			
FROM GENERAL REVENUE FUND		436,892	
FROM TOBACCO SETTLEMENT TRUST FUND			43,094
FROM OPERATIONS AND MAINTENANCE TRUST FUND			1,437,759
470 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		11,951	
FROM OPERATIONS AND MAINTENANCE TRUST FUND			35,854
471 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		17,715	
FROM TOBACCO SETTLEMENT TRUST FUND			4,011
FROM OPERATIONS AND MAINTENANCE TRUST FUND			5,654
TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES			
FROM GENERAL REVENUE FUND		2,976,316	
FROM TRUST FUNDS			8,118,983
TOTAL POSITIONS		197	
TOTAL ALL FUNDS			11,095,299

HOME AND COMMUNITY SERVICES

473 SALARIES AND BENEFITS	POSITIONS	71	
FROM GENERAL REVENUE FUND		1,360,784	
FROM ADMINISTRATIVE TRUST FUND			137,297
FROM FEDERAL GRANTS TRUST FUND			1,645,736
FROM GRANTS AND DONATIONS TRUST FUND			44,418
FROM OPERATIONS AND MAINTENANCE TRUST FUND			413,314
474 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		34,074	
FROM FEDERAL GRANTS TRUST FUND			77,992
475 EXPENSES			
FROM GENERAL REVENUE FUND		75,385	
FROM ADMINISTRATIVE TRUST FUND			44,225
FROM FEDERAL GRANTS TRUST FUND			263,282
FROM GRANTS AND DONATIONS TRUST FUND			99,594
FROM OPERATIONS AND MAINTENANCE TRUST FUND			43,114

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476 LUMP SUM	
HOME AND COMMUNITY SERVICES LONG TERM CARE OPTIONS	
FROM GENERAL REVENUE FUND	7,750,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND	10,045,637

Funds in Specific Appropriation 476 shall be used for the Home and Community Based Services Waiver, the Assisted Living for the Elderly Medicaid Waiver, and the Nursing Home Diversion Waiver and shall be allotted as determined by the department pursuant to the provisions of Chapter 216, Florida Statutes.

From funds in Specific Appropriation 476 and 486, the department may give priority consideration in allocating funds for Medicaid qualified facilities coordinated through public housing programs and demonstration projects for assisted living for the elderly Medicaid waivers. The department may contract directly with these facilities for the Medicaid eligible residents at high risk for nursing home placement.

477 SPECIAL CATEGORIES		
AGING AND ADULT SERVICES TRAINING AND EDUCATION		
FROM FEDERAL GRANTS TRUST FUND		119,493
478 SPECIAL CATEGORIES		
GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES		
FROM GENERAL REVENUE FUND	4,034,824	
FROM TOBACCO SETTLEMENT TRUST FUND		189,000

From the funds in Specific Appropriation 478, \$800,000 in recurring General Revenue funds is provided for the Alzheimer's Community Care Association in Palm Beach and Martin Counties.

479 SPECIAL CATEGORIES		
GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES		
FROM GENERAL REVENUE FUND	7,301,939	
FROM TOBACCO SETTLEMENT TRUST FUND		500,000
480 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY		
FROM GENERAL REVENUE FUND	47,142,591	
FROM TOBACCO SETTLEMENT TRUST FUND		9,901,184
FROM FEDERAL GRANTS TRUST FUND		249,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND		750,000

From funds in Specific Appropriation 480, a minimum of \$35,000 from General Revenue may be retained by each Area Agency on Aging for administrative costs associated with Community Care for the Elderly, except for those Area Agencies on Aging who competitively procure Community Care for the Elderly services through the request for proposal process directed in Chapter 430, Florida Statutes, where the department may contractually negotiate a higher amount not to exceed \$70,000 per Area Agency on Aging to address workload issues related to contract management.

Of the funds in Specific Appropriation 480, the department may allocate funds in Planning and Service Areas (PSA) to support CCE caseload growth produced by placing CARES pre-admission screening staff in local hospitals. These funds shall be distributed proportionately based on the number of referrals in each PSA.

From the funds in Specific Appropriation 480, \$500,000 from recurring General Revenue shall continue to be provided for the Department of Elder Affairs Dementia Caregivers Initiative. This initiative continues the contract with the University of Florida Health Science Center for a Dementia Caregivers Telehealth Pilot Project that will provide statewide information and a support hotline for caregivers of the elderly with dementia and provides for the Stroke and Neurobehavioral Rehabilitation Project, which focuses on prevention, treatment, rehabilitation and community reintegration following strokes.

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481	SPECIAL CATEGORIES GRANTS AND AIDS - HOME ENERGY ASSISTANCE FROM FEDERAL GRANTS TRUST FUND		1,000,758
482	SPECIAL CATEGORIES GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM FROM GENERAL REVENUE FUND FROM FEDERAL GRANTS TRUST FUND	346,998	79,001,460
483	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND FROM TOBACCO SETTLEMENT TRUST FUND FROM FEDERAL GRANTS TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND	1,628,868	600,000 7,664,449 277,375 213,376

Of the funds in Specific Appropriation 483, the following shall apply to the RELIEF respite program. The maximum hourly rate for respite services shall not exceed an amount equal to the federal minimum wage and shall be considered a stipend. The department shall continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program, not to exceed \$40,000 per Planning and Service Area.

From the funds in Specific Appropriation 483, \$40,000 in General Revenue is provided for each Planning and Service Area (PSA) to continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program.

484	SPECIAL CATEGORIES ASSISTED LIVING FACILITY STAFF TRAINING FROM ADMINISTRATIVE TRUST FUND		617,500
485	SPECIAL CATEGORIES HOME AND COMMUNITY BASED SERVICES WAIVER FROM GENERAL REVENUE FUND FROM TOBACCO SETTLEMENT TRUST FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND	22,837,925	8,000,000 39,072,998

Of the funds in Specific Appropriation 485, the department may allocate funds in Planning and Service Areas (PSA) to support Medicaid waiver caseload growth produced by placing CARES pre-admission screening staff in local hospitals. These funds shall be distributed proportionately based on the number of referrals in each PSA.

Of the funds in Specific Appropriation 485, up to \$4,039,000 may be used to implement a consumer directed care project, subject to the approval of a waiver by the Federal Health Care Financing Administration.

From the funds in Specific Appropriation 485, \$6,000,000 in recurring Tobacco Settlement Trust Funds are proceeds from the Lawton Chiles Endowment Fund and are to be used to expand the Home and Community Based Services Waiver serving the elderly.

From the funds in Specific Appropriation 485 for the Home and Community Based Services Medicaid Waiver program, and after consultation and approval of the affected Area Agencies on Aging, the department may contract with public or private entities for any authorized demonstration project to demonstrate the effectiveness of comprehensive day treatment services to seniors as provided in Section 430.6001, Florida Statutes.

486	SPECIAL CATEGORIES ASSISTED LIVING FACILITY WAIVER FROM GENERAL REVENUE FUND FROM TOBACCO SETTLEMENT TRUST FUND FROM FEDERAL GRANTS TRUST FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND	5,516,149	5,000,000 1,294,321 12,168,409
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From the funds in Specific Appropriation 486, \$3,000,000 in recurring Tobacco Settlement Trust Funds are proceeds from the Lawton Chiles Endowment Fund and are to be used to expand the Assisted Living Facility Waiver serving the elderly.

From the funds in Specific Appropriation 476 and/or 486, the department may give priority consideration in allocating funds for Medicaid Qualified facilities coordinated through public housing programs and demonstration projects for assisted living for the Elderly Medicaid Waivers. The department may contract directly with these facilities for the Medicaid eligible residents at high risk for nursing home placement.

487	SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL SERVICES PROGRAMS FROM GENERAL REVENUE FUND		3,433,443
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From the funds in Specific Appropriation 487, \$227,188 in recurring General Revenue is provided to the Jewish Community Services - Miami Beach Senior Center for local services programs.

From the funds in Specific Appropriation 487, elderly care services shall be provided to the following counties and funded from recurring General Revenue:

Pasco/Pinellas.....	1,251,033
Broward.....	814,224
Dade.....	797,860
Hillsborough.....	135,093

488	SPECIAL CATEGORIES COMMUNITY CARE PROGRAMS FOR THE ELDERLY FROM GENERAL REVENUE FUND FROM TOBACCO SETTLEMENT TRUST FUND	5,245,046	200,000
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From the funds in Specific Appropriation 488, the following Community Care Programs for the Elderly are from recurring General Revenue unless specifically noted:

Dunedin Senior Center Furnishings and Equipment (Non-Recurring).....	190,000
Transportation Services for the Elderly and Disabled - Palm Beach County.....	175,000
Conversion of Hill Burton Hospital - Extended Congregate Care - Walton County.....	357,000
Alzheimer's Mobile Services for Rural Areas - Alzheimer's Associates - Charlotte and Desoto Chapter.....	200,000
Senior Wellness Project - Dade County.....	200,000
Prime Time Seniors - Dade County.....	25,000
Austin Hepburn Senior Mini-Center - Broward County.....	100,000
Alzheimer's Services - Dade and Monroe Counties.....	200,000
Senior Citizen Advocacy - Duval County.....	60,000
Alzheimer's Caregiver Program - Dade County.....	200,000
Elder-Ready Nutrition Program - Dade County (nonrecurring)..	260,000
Southwest Social Services Program - Dade County (nonrecurring).....	485,000
Additional Congregate and Homebound Meals for At-Risk Elderly Non-Ambulatory and Handicapped Residents of the Allapattah - Dade County (nonrecurring).....	312,000
Safe Communities Lifelong Mobility Center Elder Mobility Project in Palm Beach County (nonrecurring).....	120,606
City of Sweetwater Elderly Activities Center - Dade (non- recurring).....	550,000
Immigration Assistance Program (nonrecurring).....	50,000
Homebound Diabetics Services - Dade (nonrecurring).....	250,000
High Risk Nutritional Program for Elders - Dade (nonrecurring).....	1,340,440
Senior Community Outreach - Sarasota County.....	170,000

489A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SENIOR CITIZEN CENTERS FROM GENERAL REVENUE FUND FROM TOBACCO SETTLEMENT TRUST FUND	900,000	2,000,000
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SECTION 3
SPECIFIC
APPROPRIATION

The nonrecurring General Revenue funds and Tobacco Settlement Trust funds in Specific Appropriation 489A provided for senior centers shall be allocated as follows:

Regional Senior Resource Center of Manatee County (Tobacco Settlement Funds).....	2,000,000	
St. Johns County Council on Aging Senior Center.....	100,000	
Alzheimer's Care Center of Titusville - Brevard County.....	300,000	
Autumn House Renovation - Okaloosa.....	250,000	
Hudson-Bayonet Point Senior Enrichment.....	250,000	

Funds in Specific Appropriation 489A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: HOME AND COMMUNITY SERVICES		
FROM GENERAL REVENUE FUND	107,608,026	
FROM TRUST FUNDS		181,633,957
TOTAL POSITIONS	71	
TOTAL ALL FUNDS		289,241,983

EXECUTIVE DIRECTION AND SUPPORT SERVICES

490 SALARIES AND BENEFITS POSITIONS	78	
FROM GENERAL REVENUE FUND	1,452,173	
FROM FEDERAL GRANTS TRUST FUND		1,946,852
FROM GRANTS AND DONATIONS TRUST FUND		141,493
FROM OPERATIONS AND MAINTENANCE TRUST FUND		428,354

From the funds in Specific Appropriation 490, the Department of Elder Affairs in conjunction with the Agency for Health Care Administration shall review and evaluate the effectiveness of nursing home diversion programs. A report shall be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2001.

491 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	63,860	
492 EXPENSES		
FROM GENERAL REVENUE FUND	314,657	
FROM ADMINISTRATIVE TRUST FUND		33,564
FROM FEDERAL GRANTS TRUST FUND		917,728
493 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM FEDERAL GRANTS TRUST FUND		1,602,462
494 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,377	
FROM ADMINISTRATIVE TRUST FUND		1,825
494A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,288

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	1,850,067	
FROM TRUST FUNDS		5,077,566
TOTAL POSITIONS	78	
TOTAL ALL FUNDS		6,927,633

SECTION 3
SPECIFIC
APPROPRIATION
CONSUMER ADVOCATE SERVICES

496 SALARIES AND BENEFITS POSITIONS	28	
FROM GENERAL REVENUE FUND	653,700	
FROM TOBACCO SETTLEMENT TRUST FUND		141,319
FROM FEDERAL GRANTS TRUST FUND		404,317
497 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	58,000	
498 EXPENSES		
FROM GENERAL REVENUE FUND	111,712	
FROM TOBACCO SETTLEMENT TRUST FUND		138,354
FROM FEDERAL GRANTS TRUST FUND		860
499 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM FEDERAL GRANTS TRUST FUND		800,000

500 SPECIAL CATEGORIES		
PUBLIC GUARDIANSHIP CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	652,286	
FROM TOBACCO SETTLEMENT TRUST FUND		23,476
501 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	1,474	
FROM FEDERAL GRANTS TRUST FUND		2,458

502 SPECIAL CATEGORIES		
LONG TERM CARE OMBUDSMAN COUNCIL		
FROM GENERAL REVENUE FUND	33,203	
TOTAL: CONSUMER ADVOCATE SERVICES		
FROM GENERAL REVENUE FUND	1,510,375	
FROM TRUST FUNDS		1,510,784
TOTAL POSITIONS	28	
TOTAL ALL FUNDS		3,021,159

HEALTH, DEPARTMENT OF

From the funds in Specific Appropriations 503 through 637 any expenditures from the Temporary Assistance for Needy Families block grant shall be in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall certify to the department the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 503 through 637 any expenditures of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or her designee to be planned expenditures as Qualified State Expenditures to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of Part A of Title IV of the Social Security Act, as amended. The secretary or her designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES		
503 SALARIES AND BENEFITS POSITIONS	381	
FROM GENERAL REVENUE FUND	10,749,490	

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SPECIFIC
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FROM ADMINISTRATIVE TRUST FUND	3,112,648
FROM TOBACCO SETTLEMENT TRUST FUND	1,410,305
FROM FEDERAL GRANTS TRUST FUND	796,750
FROM MEDICAL QUALITY ASSURANCE TRUST FUND	349,233
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND	334,896
504 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	489,194
FROM ADMINISTRATIVE TRUST FUND	105,013
FROM TOBACCO SETTLEMENT TRUST FUND	320,357
FROM FEDERAL GRANTS TRUST FUND	165,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND	21,114
505 EXPENSES	
FROM GENERAL REVENUE FUND	3,804,525
FROM ADMINISTRATIVE TRUST FUND	575,537
FROM TOBACCO SETTLEMENT TRUST FUND	671,364
FROM FEDERAL GRANTS TRUST FUND	352,697
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND	95,427
506 AID TO LOCAL GOVERNMENTS COMMUNITY HEALTH INITIATIVES	
FROM TOBACCO SETTLEMENT TRUST FUND	150,000
507 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND	238,091
507A SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND	100,000

The recurring funds in Specific Appropriation 507A, are provided to the College of Public Health's Leadership Institute at the University of South Florida.

Funds in Specific Appropriation 508A include \$295,500 in recurring funds for a respite program in Dade County.

508 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND	320,980
508A SPECIAL CATEGORIES	
NATIONAL PARKINSON'S FOUNDATION	
FROM GENERAL REVENUE FUND	1,046,000

Funds in Specific Appropriation 509 shall be used to retain the services of an advertising agency with extensive experience in producing ads addressing public policy issues. The advertising agency should have produced ads for statewide TV campaigns in no fewer than ten states with advertising budgets of no less than \$1 million in each state. The advertising agency must have recent experience in Florida. The advertising agency must have produced TV ads and implemented a statewide ad campaign in Florida since 1995, and the budget for the TV ad campaign(s) must have exceeded \$5 million. The advertising agency must have extensive experience producing TV ads related to health care and must have extensive experience producing TV ads related to health care and must have extensive experience working with experts in polling data.

Funds in Specific Appropriations 509 through 513 shall be expended by the Department of Health in coordination with the Office of Drug Control Policy in the Executive Office of the Governor.

SECTION 3
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510 SPECIAL CATEGORIES	
FLORIDA TOBACCO PILOT - EDUCATION AND TRAINING	
FROM TOBACCO SETTLEMENT TRUST FUND	9,122,000
From the funds in Specific Appropriation 510, \$1,620,000 in nonrecurring funds from the Tobacco Settlement Trust Fund is provided for the enhancement of traffic law and substance abuse education courses to include a tobacco education component. Pursuant to guidelines established by the department, each provider shall be paid \$270,000 for providing these courses.	
From the funds in Specific Appropriation 510, \$500,000 in nonrecurring funds from the Tobacco Settlement Trust Fund shall be provided to the D-FY-IT Program in Dade County.	
From funds in Specific Appropriation 510, up to \$2,000,000 from the Tobacco Settlement Trust Fund shall be used to distribute the Q-U curriculum through collaboration with 1st year Florida State Medical students. Q-U will be distributed to secondary schools in areas defined in the West Florida Area Health Education Center as defined in Chapter 94-484, Laws of Florida. The Q-U Program is a multi-disciplinary, science-based, interactive program, Q-U is modeled after the current Science, Tobacco and You program for elementary school students.	
From the funds in Specific Appropriation 510, \$177,000 shall be provided to Fairchild Tropical Gardens for the administration of an education program regarding tobacco and the long-term health effects of smoking.	
511 SPECIAL CATEGORIES	
FLORIDA TOBACCO PILOT - EVALUATION AND RESEARCH	
FROM TOBACCO SETTLEMENT TRUST FUND	2,500,000
512 SPECIAL CATEGORIES	
FLORIDA TOBACCO PILOT - YOUTH PROGRAMS AND COMMUNITY PARTNERSHIPS	
FROM TOBACCO SETTLEMENT TRUST FUND	9,523,000
513 SPECIAL CATEGORIES	
FLORIDA TOBACCO PILOT - STATEWIDE MINORITY NETWORK	
FROM TOBACCO SETTLEMENT TRUST FUND	1,000,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES	
FROM GENERAL REVENUE FUND	16,748,280
FROM TRUST FUNDS	45,605,341
TOTAL POSITIONS	381
TOTAL ALL FUNDS	62,353,621
INFORMATION TECHNOLOGY	
514A SALARIES AND BENEFITS	POSITIONS 71
FROM GENERAL REVENUE FUND	1,642,267
FROM ADMINISTRATIVE TRUST FUND	1,203,260
FROM TOBACCO SETTLEMENT TRUST FUND	243,867
FROM FEDERAL GRANTS TRUST FUND	116,806
FROM MEDICAL QUALITY ASSURANCE TRUST FUND	926,153
514B OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	55,000
FROM ADMINISTRATIVE TRUST FUND	231,000
514C EXPENSES	
FROM GENERAL REVENUE FUND	409,595
FROM ADMINISTRATIVE TRUST FUND	9,945,505
FROM TOBACCO SETTLEMENT TRUST FUND	1,132,466
FROM FEDERAL GRANTS TRUST FUND	1,513,231
FROM MEDICAL QUALITY ASSURANCE TRUST FUND	2,502,911

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514D OPERATING CAPITAL OUTLAY	
FROM ADMINISTRATIVE TRUST FUND	1,948,143
FROM FEDERAL GRANTS TRUST FUND	237,730

From the funds in Specific Appropriations 514C and 514D, \$200,000 shall be transferred to the Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S. to monitor the Integrated Health Information Systems project. This project shall be subject to monitoring as a critical information resources management project under section 282.322, F.S. The project monitor shall also provide copies of their findings and reports to the State Technology Office to facilitate corrective action as necessary.

515 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND	6,691

515A DATA PROCESSING SERVICES	
CHILDREN AND FAMILIES DATA CENTER	
FROM GENERAL REVENUE FUND	2,839
FROM ADMINISTRATIVE TRUST FUND	5,301,305

515B DATA PROCESSING SERVICES	
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF	
MANAGEMENT SERVICES	
FROM MEDICAL QUALITY ASSURANCE TRUST	
FUND	102,713

TOTAL: INFORMATION TECHNOLOGY	
FROM GENERAL REVENUE FUND	2,116,392
FROM TRUST FUNDS	25,405,090

TOTAL POSITIONS	71
TOTAL ALL FUNDS	27,521,482

PROGRAM: COMMUNITY PUBLIC HEALTH

From the funds in Specific Appropriations 517 through 587, the Community Public Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. AIDS case rate per 100,000 population.....	33.18
2. Food and waterborne disease outbreaks per 10,000 facilities regulated by the Department of Health.....	3.5%
3. Infant mortality rate per 1,000 live births.....	6.7
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

FAMILY HEALTH SERVICES

517 SALARIES AND BENEFITS	POSITIONS	161
FROM GENERAL REVENUE FUND		2,158,062
FROM ADMINISTRATIVE TRUST FUND		123,064
FROM FEDERAL GRANTS TRUST FUND		4,863,271
FROM GRANTS AND DONATIONS TRUST FUND		2,388
FROM PREVENTIVE HEALTH SERVICES BLOCK		
GRANT TRUST FUND		604,900

518 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	55,649
FROM FEDERAL GRANTS TRUST FUND	207,321
FROM MATERNAL AND CHILD HEALTH BLOCK	
GRANT TRUST FUND	102,074
FROM PREVENTIVE HEALTH SERVICES BLOCK	
GRANT TRUST FUND	93,482

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519 EXPENSES	
FROM GENERAL REVENUE FUND	732,683
FROM ADMINISTRATIVE TRUST FUND	2,195,863
FROM TOBACCO SETTLEMENT TRUST FUND	223,421
FROM FEDERAL GRANTS TRUST FUND	6,616,151
FROM GRANTS AND DONATIONS TRUST FUND	5,273
FROM MATERNAL AND CHILD HEALTH BLOCK	
GRANT TRUST FUND	866,632
FROM PREVENTIVE HEALTH SERVICES BLOCK	
GRANT TRUST FUND	3,055,335

520 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - FAMILY PLANNING SERVICES	
FROM GENERAL REVENUE FUND	5,769,168
FROM FEDERAL GRANTS TRUST FUND	1,094,283

From the recurring General Revenue Funds in Specific Appropriation 520, \$22,140 is provided for a Colposcopy contract with the Alachua County Health Department and \$115,759 is provided for the Northeast Florida Planned Parenthood.

521 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - EPILEPSY SERVICES	
FROM GENERAL REVENUE FUND	2,438,870
FROM FEDERAL GRANTS TRUST FUND	300,000

522 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - EPILEPSY PREVENTION AND	
EDUCATION ACTIVITIES	
FROM EPILEPSY SERVICES TRUST FUND	1,340,000

From the Epilepsy Services Trust Fund in Specific Appropriation 522 and from any revenues of the Epilepsy Services Trust Fund, the Department of Health shall limit administrative expenditures to 5% of annual receipts.

523 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - PROJECTS, CONTRACTS AND	
GRANTS	
FROM FEDERAL GRANTS TRUST FUND	68,802,986

524 AID TO LOCAL GOVERNMENTS	
CONTRIBUTION TO COUNTY HEALTH UNITS	
FROM GENERAL REVENUE FUND	5,280,749
FROM TOBACCO SETTLEMENT TRUST FUND	539,221

From the recurring General Revenue Funds in Specific Appropriation 524, \$187,084 is provided for Planned Parenthood contracts in Collier and Sarasota Counties.

525 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - PRIMARY CARE PROGRAM	
FROM GENERAL REVENUE FUND	23,027,692
FROM COUNTY HEALTH DEPARTMENT TRUST FUND	500,000

526 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - FLUORIDATION PROJECT	
FROM PREVENTIVE HEALTH SERVICES BLOCK	
GRANT TRUST FUND	366,747

527 AID TO LOCAL GOVERNMENTS	
IMPROVED PREGNANCY OUTCOME PROGRAM	
FROM GENERAL REVENUE FUND	28,165,230
FROM FEDERAL GRANTS TRUST FUND	13,000,000
FROM MATERNAL AND CHILD HEALTH BLOCK	
GRANT TRUST FUND	2,719,492

From the recurring General Revenue Funds in Specific Appropriation 527, \$70,000 is provided for a Midwifery contract with the University of Florida, and \$80,000 is provided for a Midwifery contract with the University of South Florida.

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528	AID TO LOCAL GOVERNMENTS MATERNAL AND CHILD HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	901,969	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		4,500,265
529	AID TO LOCAL GOVERNMENTS SCHOOL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	18,521,881	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,000,000
	FROM FEDERAL GRANTS TRUST FUND		1,000,000

From the recurring General Revenue Funds in Specific Appropriation 529, \$500,000 is provided for a School Health Volunteerism Program.

530	SPECIAL CATEGORIES GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER		
	FROM GENERAL REVENUE FUND	1,000,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		309,300
531	SPECIAL CATEGORIES GRANTS AND AIDS - OUNCE OF PREVENTION		
	FROM GENERAL REVENUE FUND	928,412	
	FROM FEDERAL GRANTS TRUST FUND		3,571,588

532	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	3,528,145	
	FROM ADMINISTRATIVE TRUST FUND		300,000
	FROM TOBACCO SETTLEMENT TRUST FUND		6,199,499
	FROM FEDERAL GRANTS TRUST FUND		8,767,435
	FROM GRANTS AND DONATIONS TRUST FUND		423,856
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,652,849

From the recurring General Revenue Funds in Specific Appropriation 532, \$2,945,640 shall be allocated as follows:

Project Warm (Women Assisting Recovering Mothers).....	375,000
Isabel Collier Read Contracted Services.....	570,640
VisionQuest.....	1,000,000
La Liga El Contra.....	1,000,000

For the purposes of expanding KidCare and Medicaid outreach, a local governmental entity may certify local matching funds to serve as the state matching requirement to expand KidCare and Medicaid outreach.

From the funds in Specific Appropriation 532, \$100,000 from the Administrative Trust Fund is provided for outreach for the abandoned baby program.

533	SPECIAL CATEGORIES GRANTS AND AIDS - HEALTHY START COALITIONS		
	FROM GENERAL REVENUE FUND	3,014,217	
	FROM FEDERAL GRANTS TRUST FUND		2,388,004

534	SPECIAL CATEGORIES HEALTH EDUCATION RISK REDUCTION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		12,686

534A	SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM		
	FROM TOBACCO SETTLEMENT TRUST FUND		200,000

535	SPECIAL CATEGORIES FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION		
	FROM TOBACCO SETTLEMENT TRUST FUND	10,000,000	
	FROM FEDERAL GRANTS TRUST FUND		1,000,000

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Funds in Specific Appropriation 535 shall be used to provide health services in schools and must be integrated with other school health services and included in the annual school health services plan.

536	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		21,423
537	SPECIAL CATEGORIES WOMEN, INFANTS AND CHILDREN (WIC)		
	FROM FEDERAL GRANTS TRUST FUND		212,687,145
538	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF EDUCATION		
	FROM TOBACCO SETTLEMENT TRUST FUND		600,000

539	SPECIAL CATEGORIES MEDICALLY FRAGILE ENHANCEMENT PAYMENT		
	FROM GENERAL REVENUE FUND		610,020

TOTAL:	FAMILY HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	96,154,170	
	FROM TRUST FUNDS		364,234,531
	TOTAL POSITIONS	161	
	TOTAL ALL FUNDS		460,388,701

INFECTIOUS DISEASE PREVENTION AND CONTROL

541	SALARIES AND BENEFITS	POSITIONS	380
	FROM GENERAL REVENUE FUND		5,006,901
	FROM FEDERAL GRANTS TRUST FUND		7,069,624
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,546,822
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		149,734

542	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	53,346	
	FROM FEDERAL GRANTS TRUST FUND		623,226
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		57,211

543	EXPENSES		
	FROM GENERAL REVENUE FUND	3,105,028	
	FROM TOBACCO SETTLEMENT TRUST FUND		634,116
	FROM FEDERAL GRANTS TRUST FUND		6,156,021
	FROM GRANTS AND DONATIONS TRUST FUND		185,537
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		811,742
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		208,068

544	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - AIDS PATIENT CARE		
	FROM GENERAL REVENUE FUND	11,793,792	
	FROM FEDERAL GRANTS TRUST FUND		7,133,137

From the recurring General Revenue funds in Specific Appropriation 544, \$400,000 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

From the funds in Specific Appropriation 544, \$400,000 in recurring General Revenue for HIV/AIDS awareness, prevention and treatment services in Pinellas County.

From the funds in Specific Appropriation 544, \$50,000 in recurring General Revenue is provided for the Dade Hospice Program - AIDS Network.

From the funds in Specific Appropriation 544, \$200,000 in recurring General Revenue is provided for HIV/AIDS - North Broward Hospital District.

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545 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA
FROM FEDERAL GRANTS TRUST FUND 17,930,745

Funds in Specific Appropriation 545 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for Florida's entire federal Ryan White grant award. The Department of Children and Family Services and the Department of Corrections shall collaborate in determining the amount of state General Revenue funds expended by the Department of Corrections for AIDS related activities and services that qualify as state matching funds for the federal Ryan White grant.

546 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED
IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS
FROM GENERAL REVENUE FUND 10,745,449

From the funds in Specific Appropriation 546, \$300,000 in recurring General Revenue is provided to Acquired Immune Deficiency Syndrome (AIDS) Help, Inc. in Monroe County.

547 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 14,555,795
FROM TOBACCO SETTLEMENT TRUST FUND 2,601,849

548 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ACQUIRED IMMUNE
DEFICIENCY SYNDROME (AIDS) NETWORK - DADE
COUNTY HOSPICE
FROM GENERAL REVENUE FUND 407,009

549 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,295

550 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 92,548
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 431,313

551 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,067,770
FROM FEDERAL GRANTS TRUST FUND 9,561,955
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 7,658

From the recurring General Revenue funds in Specific Appropriation 551, \$997,710 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

552 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL
SERVICES
FROM GENERAL REVENUE FUND 259,540

553 SPECIAL CATEGORIES
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
INSURANCE CONTINUATION PROGRAM
FROM GENERAL REVENUE FUND 1,803,422
FROM TOBACCO SETTLEMENT TRUST FUND 640,800
FROM FEDERAL GRANTS TRUST FUND 2,148,794

554 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 199,751

555 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT
FROM GENERAL REVENUE FUND 452,801

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556 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 161,599

557 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 116,750

558 SPECIAL CATEGORIES
OUTREACH FOR PREGNANT WOMEN
FROM GENERAL REVENUE FUND 250,000
FROM TOBACCO SETTLEMENT TRUST FUND 250,000

TOTAL: INFECTIOUS DISEASE PREVENTION AND CONTROL
FROM GENERAL REVENUE FUND 50,910,045
FROM TRUST FUNDS 60,348,103

TOTAL POSITIONS 380
TOTAL ALL FUNDS 111,258,148

ENVIRONMENTAL HEALTH SERVICES

560 SALARIES AND BENEFITS POSITIONS 211
FROM GENERAL REVENUE FUND 1,490,467
FROM ADMINISTRATIVE TRUST FUND 2,580,935
FROM FEDERAL GRANTS TRUST FUND 507,118
FROM GRANTS AND DONATIONS TRUST FUND 169,229
FROM RADIATION PROTECTION TRUST FUND 5,495,726

561 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,543
FROM ADMINISTRATIVE TRUST FUND 71,060
FROM FEDERAL GRANTS TRUST FUND 105,487
FROM GRANTS AND DONATIONS TRUST FUND 130,415
FROM RADIATION PROTECTION TRUST FUND 33,393

562 EXPENSES
FROM GENERAL REVENUE FUND 823,061
FROM ADMINISTRATIVE TRUST FUND 1,310,042
FROM FEDERAL GRANTS TRUST FUND 557,788
FROM GRANTS AND DONATIONS TRUST FUND 252,911
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 13,608
FROM RADIATION PROTECTION TRUST FUND 1,823,768

563 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 4,179,722
FROM ADMINISTRATIVE TRUST FUND 1,722,436
FROM GRANTS AND DONATIONS TRUST FUND 1,004,571

564 OPERATING CAPITAL OUTLAY
FROM RADIATION PROTECTION TRUST FUND 56,997

565 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM RADIATION PROTECTION TRUST FUND 210,856

566 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 33,438
FROM RADIATION PROTECTION TRUST FUND 2,885

567 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL
RESPONSE (SUPER) ACT REIMBURSEMENT
FROM ADMINISTRATIVE TRUST FUND 434,775

TOTAL: ENVIRONMENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 6,529,231
FROM TRUST FUNDS 16,484,000

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TOTAL POSITIONS	211	
TOTAL ALL FUNDS		23,013,231

COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS		
569	SALARIES AND BENEFITS FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	380,845,090
570	OTHER PERSONAL SERVICES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	30,814,671
571	EXPENSES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	128,297,356
572	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	2,200,000
573	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - AIDS PATIENT CARE FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	3,073,996
574	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	7,533,960
575	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - MINORITY HEALTH INITIATIVES FROM GENERAL REVENUE FUND 5,000,000 FROM FEDERAL GRANTS TRUST FUND	3,600,000

From the funds in Specific Appropriation 575, \$300,000 in recurring General Revenue is provided for the Jessie Trice Cancer Prevention Project, \$300,000 in recurring General Revenue is provided for the statewide Sickel Cell Outreach Program, \$100,000 in recurring General Revenue is provided for the Community Environmental Health Advisory Board (CEHAB) and its pilot projects, and \$500,000 in recurring General Revenue is provided for the Minority Outreach Program at the Rafael Penalver Clinic, Inc.

From the funds in Specific Appropriation 575, \$150,000 from the General Revenue Fund is provided for the Economic Opportunity Family Health Center in Dade County.

576	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS FROM GENERAL REVENUE FUND 115,386,217 FROM TOBACCO SETTLEMENT TRUST FUND	4,000,000
577	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	11,548,687
577A	AID TO LOCAL GOVERNMENTS COMMUNITY HEALTH INITIATIVES FROM GENERAL REVENUE FUND 10,101,210 FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	2,250,000

General Revenue Funds in Specific Appropriation 577A are provided for community health initiatives. Unless otherwise specified these funds are recurring and shall be allocated as follows:

Medivan Project/Elderly Interest - Broward County.....	25,000
Alpha One Program - Alachua County.....	500,000
Rural Midwifery Service - Madison County.....	50,000
CATE - Environmental Community Health Project - Escambia County.....	300,000
Hospice Foundation of America - Dade County.....	350,000
Kidney Disease Program - Statewide.....	25,000
Manatee County Rural Health Services.....	150,000

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Greenwood Community Health Resources Center in Pinellas County.....		50,000
New Horizons Family Intervention/Support Program - Dade Co..		50,000
Roosevelt Sands Community Healthcare Center Monroe County.....		100,000
Interdisciplinary Managed Care Initiative Serenity House-Flagler and Volusia Counties.....		250,000
Traumatic Brain Injury Association of Florida Statewide.....		300,000
Southwest Alachua County Primary and Community Health Care Clinic - Alachua County.....		200,000
Isabel Collier Read Prenatal Care Clinic Collier and Lee Counties.....		300,000
Islet Cell Transplantation to Cure Diabetes Statewide.....		500,000
Primary Care Outreach Program (Sun Coast Hospital) Pinellas County.....		300,000
Gem and End of Life Care Project - Mt. Sinai.....		100,000
Central Florida Health Care Inc - Hardee, Highlands, Polk...		463,000
Rural Perinatal Care, Social Worker - Full Circle - Madison.		250,000
Prescription Access For The Underserved - Suncoast CHC - Hillsborough.....		100,000
Manatee Rural Health Services - Dental Program.....		200,000
Manatee Rural Health Services - Prescription Drugs.....		500,000
Manatee Rural Health Services - Obstetrics.....		320,000
First Step - Mothers And Infants Program - Manatee, Sarasota, Desoto.....		618,000
Medi Minder Program - Edward Waters College.....		220,000
Telehospice - Hope Hospice - Lee County.....		150,000
Early Detention and Screening Of Breast And Cervical Cancer In The Haitian-American-Dade County.....		200,000
Prevention and Intervention Center - River Region Human Services - Duval.....		250,000
Primary Care Center - Dania Beach - Memorial Health Care Systems.....		100,000
University of Florida Dental Clinics - Statewide.....		850,000

Non-recurring General Revenue Funds in Specific Appropriation 577A are provided for the following community health initiatives:

Police Defibrillators - City Of Sunny Isles Beach.....	100,000
Borinquen Health Care Center - Dade.....	230,210
Community Medical Care Center - Lake.....	250,000
Lakeland Volunteers in Medicine.....	500,000
Primary Care Services - Hollywood Area.....	100,000
Primary Care Services - Miramar Area.....	100,000
Escambia Community Clinic.....	850,000
Rural Health Network of Monroe County.....	50,000
Santa Rosa Community Clinic.....	100,000
Partnership for Healthy Communities - Escambia.....	50,000

From the County Health Department Trust Fund in Specific Appropriation 577A, \$500,000 shall be used to establish an emergency fund to address local emergency needs as defined by the Secretary of the Department of Health.

From the funds in Specific Appropriation 577A, \$1,750,000 in non-recurring County Health Department Trust Funds is provided for the following:

School Health - Hillsborough County.....	550,000
School Health - Brevard County.....	500,000
School Health - Escambia County.....	200,000
School Health - Monroe County.....	200,000
School Health - Dade County.....	300,000

578	OPERATING CAPITAL OUTLAY FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	11,179,668
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579	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	445,800
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Table with 2 columns: Description and Amount. Rows include 580 SPECIAL CATEGORIES (GRANTS AND AIDS - CONTRACTED SERVICES) and 580A FIXED CAPITAL OUTLAY (CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS).

From the funds in Specific Appropriation 580A, \$2,300,000 is for Miami 80th Terrace Clinic, \$500,000 is for the West Perrine County Health Department, \$500,000 is for the Gulf County Health Department, and \$500,000 is for the Walton County Health Department/Defuniak Springs Facility.

Table with 2 columns: Description and Amount. Row includes 580B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY (FAMILY HEALTH FACILITIES).

The nonrecurring General Revenue Funds in Specific Appropriation 580B, shall be allocated for family health facilities as follows:

Table with 2 columns: Facility Name and Amount. Lists various health centers and projects such as Community Outreach/Preventive Health Center - CFCC - Marion, Special Needs Evacuation Shelter - ARC - St. Johns, etc.

The nonrecurring Tobacco Settlement Trust Funds in Specific Appropriation 580B, shall be allocated for family health facilities as follows:

Table with 2 columns: Facility Name and Amount. Lists Dover Community Health Center - Hillsborough and Madison Hospital.

Funds in Specific Appropriation 580B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

Summary table for STATEWIDE HEALTH SUPPORT SERVICES. Rows include TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS and TOTAL ALL FUNDS.

STATEWIDE HEALTH SUPPORT SERVICES

Table with 2 columns: Description and Amount. Rows include 581 SALARIES AND BENEFITS (POSITIONS) and 582 OTHER PERSONAL SERVICES.

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Table with 2 columns: Description and Amount. Rows include FROM ADMINISTRATIVE TRUST FUND, FROM DRUGS, DEVICES AND COSMETIC TRUST FUND, FROM FEDERAL GRANTS TRUST FUND, FROM GRANTS AND DONATIONS TRUST FUND, FROM PLANNING AND EVALUATION TRUST FUND.

Table with 2 columns: Description and Amount. Row includes 584 OPERATING CAPITAL OUTLAY (FROM GENERAL REVENUE FUND, FROM PLANNING AND EVALUATION TRUST FUND).

Table with 2 columns: Description and Amount. Row includes 585 SPECIAL CATEGORIES (DRUGS, VACCINES AND OTHER BIOLOGICALS) (FROM GENERAL REVENUE FUND, FROM TOBACCO SETTLEMENT TRUST FUND, FROM FEDERAL GRANTS TRUST FUND).

Table with 2 columns: Description and Amount. Row includes 586 SPECIAL CATEGORIES (RISK MANAGEMENT INSURANCE) (FROM GENERAL REVENUE FUND).

Table with 2 columns: Description and Amount. Row includes 587 SPECIAL CATEGORIES (GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS) (FROM FEDERAL GRANTS TRUST FUND).

Summary table for STATEWIDE HEALTH SUPPORT SERVICES. Rows include TOTAL: STATEWIDE HEALTH SUPPORT SERVICES (FROM GENERAL REVENUE FUND, FROM TRUST FUNDS).

Summary table for STATEWIDE HEALTH SUPPORT SERVICES. Rows include TOTAL POSITIONS and TOTAL ALL FUNDS.

PROGRAM: CHILDREN'S MEDICAL SERVICES

From the funds in Specific Appropriation 589 through 610A, the Children's Medical Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures - Outcomes and FY 2001-2002 Standards. Row includes 1. Percent of families served with a positive evaluation of care (95.0%).

CHILDREN'S SPECIAL HEALTH CARE

The department shall certify as a health care provider in the Children's Medical Services Network all programs of any children's hospital owned or operated by the state, a county, or special district that is located in a county with a population greater than 1 million persons. The department shall issue said certification not later than 30 days after the receipt of written request from a children's hospital.

Table with 2 columns: Description and Amount. Rows include 589 SALARIES AND BENEFITS (POSITIONS) (FROM GENERAL REVENUE FUND, FROM TOBACCO SETTLEMENT TRUST FUND, FROM DONATIONS TRUST FUND, FROM FEDERAL GRANTS TRUST FUND, FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND, FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND).

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590	OTHER PERSONAL SERVICES				
	FROM GENERAL REVENUE FUND	1,854,361			
	FROM DONATIONS TRUST FUND		89,063		
	FROM FEDERAL GRANTS TRUST FUND		388,687		
591	EXPENSES				
	FROM GENERAL REVENUE FUND	2,426,242			
	FROM TOBACCO SETTLEMENT TRUST FUND		214,046		
	FROM DONATIONS TRUST FUND		3,062,719		
	FROM FEDERAL GRANTS TRUST FUND		4,025,122		
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		201,423		
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		548,013		
592	OPERATING CAPITAL OUTLAY				
	FROM GENERAL REVENUE FUND	56,970			
592A	SPECIAL CATEGORIES				
	GRANTS AND AIDS - CHILD ABUSE PROGRAM				
	FROM GENERAL REVENUE FUND	190,168			
593	SPECIAL CATEGORIES				
	CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM				
	FROM GENERAL REVENUE FUND	975,153			
	FROM TOBACCO SETTLEMENT TRUST FUND		350,000		
594	SPECIAL CATEGORIES				
	REGIONAL GENETICS PROGRAM				
	FROM GENERAL REVENUE FUND	1,016,084			
	FROM DONATIONS TRUST FUND		194,926		
595	SPECIAL CATEGORIES				
	SICKLE CELL EDUCATION AND SCREENING				
	FROM GENERAL REVENUE FUND	790,686			
	FROM TOBACCO SETTLEMENT TRUST FUND		250,000		
596	SPECIAL CATEGORIES				
	GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN				
	FROM GENERAL REVENUE FUND	9,881,414			
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,479,138		
597	SPECIAL CATEGORIES				
	GRANTS AND AIDS - PRIMARY CARE PROGRAM				
	FROM GENERAL REVENUE FUND	3,875,809			
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787		
598	SPECIAL CATEGORIES				
	CONTRACTED SERVICES				
	FROM GENERAL REVENUE FUND	3,762,495			
	FROM TOBACCO SETTLEMENT TRUST FUND		1,915,683		
	FROM DONATIONS TRUST FUND		1,000,000		
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704		
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539		

The recurring General Revenue Funds in Specific Appropriation 598 shall be allocated as follows:

Developmental Center for Infants and Children.....	250,000
Mailman Training Center.....	808,569
Joe Dimaggio Children's Hospital Pediatric	
Emergency Services.....	350,000
Echocardiography Telecommunications Network.....	500,000
Foundation for Dreams - Manatee County.....	80,000
Seizure Disorder Clinic - Statewide.....	250,000

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	FROM GENERAL REVENUE FUND	1,470,500			
	FROM TOBACCO SETTLEMENT TRUST FUND		3,492,649		
	FROM DONATIONS TRUST FUND		500,000		
600	SPECIAL CATEGORIES				
	GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN				
	FROM GENERAL REVENUE FUND	602,673			
601	SPECIAL CATEGORIES				
	KIDNEY DISEASE PROGRAM FOR CHILDREN				
	FROM GENERAL REVENUE FUND	813,077			
	FROM TOBACCO SETTLEMENT TRUST FUND		350,000		
602	SPECIAL CATEGORIES				
	CHILDREN'S MEDICAL SERVICES NETWORK				
	FROM DONATIONS TRUST FUND		199,828,945		
603	SPECIAL CATEGORIES				
	PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS				
	FROM GENERAL REVENUE FUND	98,172			
	FROM TOBACCO SETTLEMENT TRUST FUND		6,700,000		
	FROM DONATIONS TRUST FUND		1,441,009		
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		5,075,593		
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,519,724		
604	SPECIAL CATEGORIES				
	POISON CONTROL CENTER				
	FROM GENERAL REVENUE FUND	2,000,000			
	FROM DONATIONS TRUST FUND		1,795,564		
604A	SPECIAL CATEGORIES				
	RHEUMATIC FEVER				
	FROM GENERAL REVENUE FUND	78,409			
605	SPECIAL CATEGORIES				
	RISK MANAGEMENT INSURANCE				
	FROM GENERAL REVENUE FUND	169,239			
	FROM DONATIONS TRUST FUND		37,115		
605A	SPECIAL CATEGORIES				
	PEDIATRIC LIVER TRANSPLANT PROGRAM				
	FROM GENERAL REVENUE FUND	500,441			
606	SPECIAL CATEGORIES				
	GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES				
	FROM GENERAL REVENUE FUND	13,017,599			
	FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000		
	FROM DONATIONS TRUST FUND		334,159		
	FROM FEDERAL GRANTS TRUST FUND		6,650,185		

Funds in Specific Appropriation 606 are contingent upon the department ensuring that no early intervention provider participating in the Part C program shall provide both core and required Part C services without a waiver from the deputy secretary and deputy state health officer for Children's Medical Services. For purposes of this paragraph, core services are limited to child find and referral, family support planning, service coordination, and the multi-disciplinary evaluation.

607	SPECIAL CATEGORIES				
	GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART C				
	FROM GENERAL REVENUE FUND	1,641,322			
	FROM FEDERAL GRANTS TRUST FUND		15,502,104		

From the funds in Specific Appropriation 607, the Department of Health, jointly with the Department of Education, is authorized to prepare a fourteenth year grant application to the United States

599 SPECIAL CATEGORIES
MASTER CONTRACTS

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Department of Education (USDOE) for Subchapter VIII of the Individuals with Disabilities Education Act (I.D.E.A.) funding for early intervention services for children with disabilities age birth through 36 months and their families. The application shall commit the state to meeting only the minimum service and eligibility requirements of the federal law and shall be implemented only if the federal grant is awarded. The application may be submitted to USDOE by the Governor only upon determination that required state funds can be made available from those portions of the current year's appropriation being spent on I.D.E.A. services and following consultation pursuant to s. 216.177, Florida Statutes.

In addition, \$1,641,322 in General Revenue is provided for the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 247. If the state match for the Medicaid early intervention services is either too much or insufficient to cover the cost of the entitlement, the Department of Health is authorized to transfer the necessary amount in General Revenue between Specific Appropriation 566, and Specific Appropriation 567.

Since Part C is an optional program, the department shall not redirect funds from other populations and programs to serve people under Part C.

608	SPECIAL CATEGORIES GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	1,421,183	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		266,301
608A	SPECIAL CATEGORIES CHILDREN'S CARDIAC PROGRAM		
	FROM GENERAL REVENUE FUND	1,087,163	
609	SPECIAL CATEGORIES GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK		
	FROM GENERAL REVENUE FUND	2,119,231	
610A	FIXED CAPITAL OUTLAY CONSTRUCTION, RENOVATION, EQUIPMENT - CHILDREN'S MEDICAL SERVICES FACILITIES		
	FROM FEDERAL GRANTS TRUST FUND		816,000

From the funds in Specific Appropriation 610A, \$816,000 in nonrecurring Federal Grants Trust Fund shall be allocated to the CMS Clinic in Alachua County.

TOTAL:	CHILDREN'S SPECIAL HEALTH CARE		
	FROM GENERAL REVENUE FUND	69,003,807	
	FROM TRUST FUNDS		281,155,982
	TOTAL POSITIONS	759	
	TOTAL ALL FUNDS		350,159,789

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

From the funds in Specific Appropriations 611 through 632A, the Health Care Practitioner and Access Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002	
Measures - Outcomes	Standards	

OUTCOMES:		
1. Percent of health care practitioners' applications for licensure completed within 90 days.....	100.0%	
2. Number of medical students who do a rotation in a medically underserved area.....	730	

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Additional approved measures and standards are established in the FY
2001-2002 Implementing Bill and are incorporated herein by reference.

MEDICAL QUALITY ASSURANCE

611	SALARIES AND BENEFITS	POSITIONS	305
	FROM GENERAL REVENUE FUND		81,558
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		11,119,564
612	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		7,280
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		2,925,866
613	EXPENSES		
	FROM GENERAL REVENUE FUND		36,979
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		12,930,668
614	OPERATING CAPITAL OUTLAY		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		29,239
615	SPECIAL CATEGORIES EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		2,493,407
616	SPECIAL CATEGORIES UNLICENSED ACTIVITIES		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		2,458,415
617	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		996,615
618	SPECIAL CATEGORIES DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		52,600
619	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		25,435
619A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		124,387

TOTAL:	MEDICAL QUALITY ASSURANCE		
	FROM GENERAL REVENUE FUND	125,817	
	FROM TRUST FUNDS		33,156,196
	TOTAL POSITIONS	305	
	TOTAL ALL FUNDS		33,282,013

COMMUNITY HEALTH RESOURCES

621	SALARIES AND BENEFITS	POSITIONS	136
	FROM GENERAL REVENUE FUND		241,365
	FROM TOBACCO SETTLEMENT TRUST FUND		41,273

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	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	3,220,129
	FROM FEDERAL GRANTS TRUST FUND	154,159
	FROM GRANTS AND DONATIONS TRUST FUND	188,685
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND	2,177,409
622	OTHER PERSONAL SERVICES	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	159,583
623	EXPENSES	
	FROM GENERAL REVENUE FUND	9,854
	FROM TOBACCO SETTLEMENT TRUST FUND	18,419
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	1,702,193
	FROM FEDERAL GRANTS TRUST FUND	155,535
	FROM GRANTS AND DONATIONS TRUST FUND	41,440
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND	2,589
624	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - LOCAL HEALTH COUNCILS	
	FROM GRANTS AND DONATIONS TRUST FUND	1,650,000
625	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	3,274,049
626	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	3,310,330
627	OPERATING CAPITAL OUTLAY	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	1,932
627A	LUMP SUM	
	VOCATIONAL REHABILITATION PROGRAM	
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND	11,779,244
628	SPECIAL CATEGORIES	
	AREA HEALTH EDUCATION CENTERS	
	FROM GENERAL REVENUE FUND	3,354,612
	FROM TOBACCO SETTLEMENT TRUST FUND	1,431,509
	FROM GRANTS AND DONATIONS TRUST FUND	7,322,789
628A	SPECIAL CATEGORIES	
	COMMUNITY HOSPITAL EDUCATION PROGRAM	
	FROM GENERAL REVENUE FUND	14,500,000
629	SPECIAL CATEGORIES	
	GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS	
	FROM GENERAL REVENUE FUND	500,000
629A	SPECIAL CATEGORIES	
	GRANTS AND AIDS - SHANDS TEACHING HOSPITAL	
	FROM GENERAL REVENUE FUND	9,786,979

Funds in Specific Appropriation 629A continue funding from recurring general revenue to the Shands Teaching Hospital. These funds may be used as state matching funds for Shands' participation in the Special Medicaid Payment program, which provides payments to hospitals that

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	provide enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the Shands Teaching Hospital to continue the original purpose of providing health care services to indigents through Shands Healthcare.	
	Any Florida resident who is a student at, or graduate of, any of the four United States Military Academies who qualifies for assignment to the Medical Corps of the United States Military, shall be admitted to any Medical School in the State University System.	
629B	SPECIAL CATEGORIES	
	PURCHASED CLIENT SERVICES	
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND	1,500,000
630	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND	881
631	SPECIAL CATEGORIES	
	GRANTS AND AIDS - TRAUMA CARE	
	FROM GENERAL REVENUE FUND	1,622,601
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	93,747
631A	DATA PROCESSING SERVICES	
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY	
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND	75,703
632A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY RURAL HOSPITALS	
	FROM GENERAL REVENUE FUND	7,000,000

Funds in Specific Appropriation 632A, from non-recurring General Revenue are provided for the rural hospital capital improvement grant program and shall be allocated in accordance with the grant process outlined in s. 395.6061, Florida Statutes.

Funds in Specific Appropriation 632A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: COMMUNITY HEALTH RESOURCES		
FROM GENERAL REVENUE FUND	37,015,411	
FROM TRUST FUNDS		38,301,598
TOTAL POSITIONS	136	
TOTAL ALL FUNDS		75,317,009

PROGRAM: DISABILITY DETERMINATIONS

From the funds in Specific Appropriation 633 through 637, the Disability Determinations Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
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OUTCOMES:	
-----	-----
1. Percent of disability determinations completed accurately as determined by the Social Security Administration.....	94.1%
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Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DISABILITY BENEFITS DETERMINATION

Table with 4 columns: Line Item, Description, Positions, Amount. Includes items 633-637 and a TOTAL row for Disability Benefits Determination.

VETERANS' AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 639 through 668, the Services to Veterans Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Table with 3 columns: Performance Measures - Outcomes, FY 2001-2002 Standards, and a column for the standard value. Includes items 1 and 2 regarding occupancy rate and claims processing.

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

Table with 4 columns: Line Item, Description, Positions, Amount. Includes items 639 and 640.

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Table with 2 columns: Line Item, Amount. Includes item 641 EXPENSES FROM OPERATIONS AND MAINTENANCE TRUST FUND.

From the funds in Specific Appropriation 641, the department shall evaluate the effectiveness of services outsourced in the Pembroke Pines Veterans' Home. A report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than March 1, 2002.

Table with 2 columns: Line Item, Amount. Includes items 642-646 covering various outlays and categories.

From the funds in Specific Appropriation 646, \$4,000,000 in nonrecurring General Revenue is provided for the state share of construction for veterans' nursing home number four in Bay County and number five in Charlotte County.

Table with 2 columns: Line Item, Amount. Includes items 647-652 covering fixed capital outlays for safety, drainage, and repair projects.

SECTION 3		
SPECIFIC		
APPROPRIATION		
	STATEWIDE - DMS MGD	
	FROM STATE HOMES FOR VETERANS TRUST FUND .	28,000
653	FIXED CAPITAL OUTLAY	
	BUILDING INTERIOR MAINTENANCE AND REPAIR	
	STATEWIDE - DMS MGD	
	FROM STATE HOMES FOR VETERANS TRUST FUND .	294,922
654	FIXED CAPITAL OUTLAY	
	MECHANICAL SYSTEMS MAINTENANCE AND REPAIR	
	STATEWIDE - DMS MGD	
	FROM STATE HOMES FOR VETERANS TRUST FUND .	23,500
655	FIXED CAPITAL OUTLAY	
	SPECIALIZED BUILDING EQUIPMENT MAINTENANCE	
	AND REPAIR STATEWIDE - DMS MGD	
	FROM STATE HOMES FOR VETERANS TRUST FUND .	31,850
656	FIXED CAPITAL OUTLAY	
	SECURITY FENCE - BRIDGE MAINTENANCE OFFICE	
	- JACKSONVILLE (DISTRICT TWO)	
	FROM STATE HOMES FOR VETERANS TRUST FUND .	29,500
657	FIXED CAPITAL OUTLAY	
	BUILDING STRUCTURAL SYSTEMS MAINTENANCE	
	AND REPAIR STATEWIDE - DMS MGD	
	FROM STATE HOMES FOR VETERANS TRUST FUND .	35,000
TOTAL:	VETERANS' HOMES	
	FROM GENERAL REVENUE FUND	4,950,914
	FROM TRUST FUNDS	28,799,247
	TOTAL POSITIONS	351
	TOTAL ALL FUNDS	33,750,161

VETERANS' CLAIMS		
658	SALARIES AND BENEFITS	POSITIONS
	FROM GENERAL REVENUE FUND	18
		797,825
659	EXPENSES	
	FROM GENERAL REVENUE FUND	19,233
660	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	8,367
TOTAL:	VETERANS' CLAIMS	
	FROM GENERAL REVENUE FUND	825,425
	TOTAL POSITIONS	18
	TOTAL ALL FUNDS	825,425

VETERANS' FIELD SERVICES		
661	SALARIES AND BENEFITS	POSITIONS
	FROM GENERAL REVENUE FUND	41
		1,918,191
662	EXPENSES	
	FROM GENERAL REVENUE FUND	39,050
663	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	4,383
TOTAL:	VETERANS' FIELD SERVICES	
	FROM GENERAL REVENUE FUND	1,961,624
	TOTAL POSITIONS	41
	TOTAL ALL FUNDS	1,961,624

SECTION 3		
SPECIFIC		
APPROPRIATION		
EXECUTIVE DIRECTION AND SUPPORT SERVICES		
664	SALARIES AND BENEFITS	POSITIONS
	FROM GENERAL REVENUE FUND	43
		1,742,467
	FROM FEDERAL GRANTS TRUST FUND	367,961
	FROM OPERATIONS AND MAINTENANCE TRUST	
	FUND	58,253
665	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	19,765
666	EXPENSES	
	FROM GENERAL REVENUE FUND	547,869
	FROM FEDERAL GRANTS TRUST FUND	78,417
	FROM FLORIDA WORLD WAR II VETERANS	
	MEMORIAL MATCHING TRUST FUND	2,000,000
	From the funds in Specific Appropriation 666, \$200,000 in nonrecurring General Revenue is provided for the Jacksonville Veterans' Homeless Employment and Training Program.	
667	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	53,302
	FROM OPERATIONS AND MAINTENANCE TRUST	
	FUND	38,200
668	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	4,383
	FROM FEDERAL GRANTS TRUST FUND	695
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES	
	FROM GENERAL REVENUE FUND	2,367,786
	FROM TRUST FUNDS	2,543,526
	TOTAL POSITIONS	43
	TOTAL ALL FUNDS	4,911,312

TOTAL OF SECTION 3		
	POSITIONS	32,546
	FROM GENERAL REVENUE FUND	5220,680,405
	FROM TRUST FUNDS	11765,331,190
	TOTAL ALL FUNDS	16986,011,595

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and the Justice Administration as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

The agencies receiving appropriations from the Criminal Justice and Corrections section of this act must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget by November 1, 2001 detailing the following for FY 2000-01:

1. Number and percentage of employees who separate from the agency during the fiscal year (including the position numbers for vacated positions);
2. Total salaries and benefits lapse funding generated by vacancies that exceed the appropriated lapse;
3. Amount of salaries and benefits lapse funding spent from the salaries and benefits category for legislatively authorized bonuses and/or special pay increases;

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4. Amount of salaries and benefits lapse funding transferred to cover expenditures other than salaries and benefits, such as expense, OPS, etc., and an explanation why such expenditures were necessary; and

5. Management plan to reduce employee turnover and resulting vacancy rates for FY 02-03.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 669 through 848, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

The Department of Corrections may allow the public to use the department's shooting ranges when the following conditions are met: use is limited to members of organized gun clubs who sign a waiver of liability and are supervised by a National Rifle Association certified instructor. Public use of the department's shooting ranges shall not interfere with any department or law enforcement agency use of the ranges.

Subject to all applicable provisions of Chapter 216, F.S., the Department of Corrections may transfer funds, positions and salary rate among budget entities and programs within Specific Appropriations 669 through 848 if necessary to ensure public safety and avoid adversely affecting current employees due to the elimination of vacant positions and other approved reductions.

From the funds provided in specific appropriations 669 through 848, the Department of Corrections is authorized to implement a Close Management Consolidation Plan beginning July 1, 2001 and is authorized to utilize up to \$5,583,827 from appropriated funds in order to maximize access to appropriate health care and enhanced program activities for the close management population. Beginning October 1, 2001 and quarterly thereafter, the Department must provide reports to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget detailing its progress in implementing the consolidation plan. At a minimum, these reports should include: (a) the number of additional positions filled, (b) the cost to date of implementing the plan, (c) the projected cost of implementing the plan for Fiscal Year 2001-2002, (d) the total projected operating expenditures for the Department of Corrections for Fiscal Year 2001-2002, and (e) the Department's plan to avoid incurring a deficit if the Department's total projected operating expenditures for Fiscal Year 2001-2002 exceed the amount appropriated.

From the funds in Specific Appropriations 669 through 788F, the Department of Corrections shall maintain accurate records related to motor vehicle inventory, vehicle maintenance, miles traveled, the number of inmates transported and all costs associated with inmate transportation. This information shall be reported semiannually to the House Fiscal Responsibility Council and the Senate Appropriations Committee and shall be sufficient to allow for the examination and evaluation of options to outsource inmate transportation services. These reports shall also include the status of actions taken by the department to correct deficiencies related to fleet management noted by the Auditor General in report number 01-065 and the Office of Program Policy Analysis and Government Accountability in report number 00-23.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

669	SALARIES AND BENEFITS	POSITIONS	700
	FROM GENERAL REVENUE FUND		28,199,254
	FROM GRANTS AND DONATIONS TRUST FUND		134,538
	FROM INMATE WELFARE TRUST FUND		1,558,658

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671	EXPENSES		
	FROM GENERAL REVENUE FUND	5,396,129	
	FROM INMATE WELFARE TRUST FUND		148,711

TOTAL:	BUSINESS SERVICE CENTERS		
	FROM GENERAL REVENUE FUND	33,595,383	
	FROM TRUST FUNDS		1,841,907

	TOTAL POSITIONS	700	
	TOTAL ALL FUNDS		35,437,290

EXECUTIVE DIRECTION AND SUPPORT SERVICES

672	SALARIES AND BENEFITS	POSITIONS	234
	FROM GENERAL REVENUE FUND		8,151,682
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		78,725
	FROM GRANTS AND DONATIONS TRUST FUND		573,491
	FROM OPERATING TRUST FUND		1,600,853
	FROM INMATE WELFARE TRUST FUND		228,525

673	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	30,501	
	FROM GRANTS AND DONATIONS TRUST FUND		40,000

674	EXPENSES		
	FROM GENERAL REVENUE FUND	3,573,086	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		977,605
	FROM GRANTS AND DONATIONS TRUST FUND		58,975
	FROM OPERATING TRUST FUND		127,101
	FROM INMATE WELFARE TRUST FUND		30,489

From the funds provided in Specific Appropriation 674, the department must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budgetting by September 1, 2001, detailing for FY 2000-01 the following: (a) the names of the employees trained as correctional officers and correctional probation officers at the department's expense during the fiscal year; (b) the amount of money spent by the department to train those employees (including, but not limited to, tuition costs, salaries and benefits, and expense); (c) the employees who voluntarily terminated their employment within the year; (d) the employing agency that hired the employee to fill a correctional officer position (if known); (e) the number of civil actions commenced during the year to recover the cost of the employee's participation in the training program; and (f) the amount recovered during the year from employees under the provisions of section 943.16, Florida Statutes.

675	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	27,928	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		21,280
	FROM GRANTS AND DONATIONS TRUST FUND		27,500

675A	LUMP SUM		
	CRITICAL MANAGEMENT AND ADMINISTRATIVE INFRASTRUCTURE - DEPARTMENT OF CORRECTIONS		
		POSITIONS	14
	FROM GENERAL REVENUE FUND		1,114,627

Funds in Specific Appropriation 675A are provided for critical administrative and management infrastructure needs. Prior to release of these funds, the Department of Corrections shall submit a plan to the Governor's Office of Policy and Budget, the House Fiscal Responsibility Council, the Senate Appropriations Committee, the Speaker of the House, the Senate President and the minority offices of the House and Senate to reduce administrative duplication and increase management efficiency. This plan must result in the reduction of at least seven FTE from Senior Management or Select Exempt Service. Funds in Specific Appropriation 675A may be released upon certification by the Legislative Budget Commission that the plan meets the intent of the Legislature that the department streamline its management structure and improve administrative efficiency.

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676	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND	7,591
676A	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	252,988
The funds in Specific Appropriation 676A, from nonrecurring General Revenue are allocated as follows:		
	Homeless Assessment Referral and Tracking (CBIR 1512).....	252,988
677	SPECIAL CATEGORIES OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY FROM GENERAL REVENUE FUND	9,649
677A	SPECIAL CATEGORIES TRANSFER TO GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	24,000,000

The funds in Specific Appropriations 677A and 810 from the Grants and Donations Trust Fund are reimbursements from the United States Government for incarcerating aliens in Florida's prisons and are specifically appropriated as follows: \$24,000,000 is transferred to the General Revenue fund and \$2,000,000 is provided for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds. Funding for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds is contingent upon receipt of sufficient federal reimbursements for the incarceration of aliens above the \$24,000,000 transferred to General Revenue in Specific Appropriation 677A. If total reimbursements exceed \$26,000,000, the department shall submit a budget amendment in accordance with all applicable provisions of Chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue fund.

678	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	1,136,861
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	14,304,913
	FROM TRUST FUNDS	27,764,544
	TOTAL POSITIONS	248
	TOTAL ALL FUNDS	42,069,457

FLORIDA CORRECTIONS COMMISSION

From the funds in Specific Appropriations 678A and 678B, the Florida Corrections Commission shall conduct a review of the organizational and management structure of the Department of Juvenile Justice for the purpose of recommending efficiency improvements and opportunities to achieve savings. The Commission shall examine supervisory span-of-control, potential duplication of administrative functions, job classification of administrative and supervisory personnel, and any other areas identified by the Commission. The Commission shall report its findings, including recommendations to achieve savings and enhance administrative efficiency, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002.

678A	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	253,697
678B	SPECIAL CATEGORIES FLORIDA CORRECTIONS COMMISSION FROM GENERAL REVENUE FUND	110,692
TOTAL: FLORIDA CORRECTIONS COMMISSION		
	FROM GENERAL REVENUE FUND	364,389

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TOTAL POSITIONS	4
TOTAL ALL FUNDS	364,389

INFORMATION TECHNOLOGY

679	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	160	7,247,437
679A	EXPENSES FROM GENERAL REVENUE FUND	39,503	
TOTAL: INFORMATION TECHNOLOGY			
	FROM GENERAL REVENUE FUND	7,286,940	
	TOTAL POSITIONS	160	
	TOTAL ALL FUNDS		7,286,940

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

Funds provided in Specific Appropriations 696, 712, and 725 shall be used for the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contracts and Lease-Purchase Agreements. The Department of Corrections shall not utilize the provisions of Chapter 216, Florida Statutes, to transfer funds from this appropriation category.

From the funds provided in Specific Appropriations 696 and 725, \$974,362 from General Revenue is provided to pay local property tax assessments for the following correctional facilities under contract with the Correctional Privatization Commission: Moore Haven, South Bay, and Bay adult correctional facilities and the Lake City youthful offender correctional facility. In the event that it is determined that these properties are not subject to local property tax assessments, these funds shall be provided as payments in lieu of taxes to the local governments in an amount equal to the property taxes that would have been assessed if the properties were determined to be subject to assessment for local property taxes.

Funds and FTE are provided in Specific Appropriations 681 through 788F to operate the correctional system at a capacity of 74,542 prison beds and to increase funding for variable expenses to accommodate an average projected daily population of 73,641 inmates. The funds and FTE in Specific Appropriations 685, 707A, and 776A are appropriated for the anticipated increase in the inmate population from January 1 through June 30, 2002 and are based on the projections of the Criminal Justice Estimating Conference of February 16, 2001. These funds and FTE shall be placed initially in reserve and may be released only if the actual prison population is substantially similar to the projections of the Criminal Justice Estimating Conference.

From the positions appropriated in Specific Appropriations 681, 704, 717, 730, and 743, the Executive Office of the Governor shall place a total of 280 FTE in EOG Reserve if a contract for outsourcing food services in the Department of Corrections is executed.

From the funds in Specific Appropriations 681 through 788F, the Security and Institutional Operations Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of escapes from the secure perimeter of major institutions.....	0
Percentage of random inmate drug tests that are negative.....	98.5%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

SECTION 4 SPECIFIC APPROPRIATION ADULT MALE CUSTODY OPERATIONS			
681	SALARIES AND BENEFITS	POSITIONS	8,480
	FROM GENERAL REVENUE FUND		311,066,110
	FROM GRANTS AND DONATIONS TRUST FUND		259,278
	FROM INMATE WELFARE TRUST FUND		3,856,634
681A	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		91,000
682	EXPENSES		
	FROM GENERAL REVENUE FUND		19,268,634
	FROM GRANTS AND DONATIONS TRUST FUND		746,260
	FROM INMATE WELFARE TRUST FUND		714,224
From the funds provided in Specific Appropriation 682, the Department of Corrections may spend up to \$400,000 from the General Revenue fund for a public awareness campaign describing penalties for "10-20-Life" offenses and other criminal offenses.			
683	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		395,114
	FROM GRANTS AND DONATIONS TRUST FUND		2,100,000
	FROM OPERATING TRUST FUND		279,000
	FROM INMATE WELFARE TRUST FUND		767,953
684	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		32,019,824
	FROM GRANTS AND DONATIONS TRUST FUND		83,421
685	LUMP SUM		
	CJEC INMATE POPULATION INCREASE		
	POSITIONS		63
	FROM GENERAL REVENUE FUND		3,302,375
687	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		420,258
688	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND		3,510,030
	FROM GRANTS AND DONATIONS TRUST FUND		118,172
689	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND		3,039,857
691	SPECIAL CATEGORIES		
	RETURN OF PAROLE VIOLATORS		
	FROM GENERAL REVENUE FUND		131,313
692	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		13,251,285
	FROM GRANTS AND DONATIONS TRUST FUND		1,082,045
693	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		6,134,065
694	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND		2,000
695	SPECIAL CATEGORIES		
	TUITION PAYMENTS		
	FROM GENERAL REVENUE FUND		355,360
696	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND		50,523,924

SECTION 4 SPECIFIC APPROPRIATION FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND				1,007,295
697	FINANCIAL ASSISTANCE PAYMENTS			
	DISCHARGE AND TRAVEL PAY			
	FROM GENERAL REVENUE FUND			858,996
698A	FIXED CAPITAL OUTLAY			
	CONTRACTED CORRECTIONAL INSTITUTIONS - LEASE PURCHASE			
	FROM GENERAL REVENUE FUND			4,305,123
699	FIXED CAPITAL OUTLAY			
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE			
	FROM GENERAL REVENUE FUND			8,024,963
TOTAL: ADULT MALE CUSTODY OPERATIONS				
	FROM GENERAL REVENUE FUND			456,609,231
	FROM TRUST FUNDS			11,105,282
	TOTAL POSITIONS			8,543
	TOTAL ALL FUNDS			467,714,513
ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS				
704	SALARIES AND BENEFITS	POSITIONS	534	
	FROM GENERAL REVENUE FUND			20,404,972
	FROM GRANTS AND DONATIONS TRUST FUND			93,510
	FROM INMATE WELFARE TRUST FUND			227,825
704A	OTHER PERSONAL SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND			232,884
705	EXPENSES			
	FROM GENERAL REVENUE FUND			1,644,897
	FROM GRANTS AND DONATIONS TRUST FUND			50,703
	FROM INMATE WELFARE TRUST FUND			43,286
707	FOOD PRODUCTS			
	FROM GENERAL REVENUE FUND			1,951,892
	FROM GRANTS AND DONATIONS TRUST FUND			15,841
707A	LUMP SUM			
	CJEC INMATE POPULATION INCREASE			
	POSITIONS		18	
	FROM GENERAL REVENUE FUND			412,789
708	SPECIAL CATEGORIES			
	FOOD SERVICE AND PRODUCTION			
	FROM GENERAL REVENUE FUND			128,536
	FROM GRANTS AND DONATIONS TRUST FUND			22,509
709	SPECIAL CATEGORIES			
	OVERTIME			
	FROM GENERAL REVENUE FUND			169,441
710	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND			386,957
712	SPECIAL CATEGORIES			
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION			
	FROM GENERAL REVENUE FUND			16,276,537
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND			448,269
713	FINANCIAL ASSISTANCE PAYMENTS			
	DISCHARGE AND TRAVEL PAY			
	FROM GENERAL REVENUE FUND			92,816

SECTION 4			
SPECIFIC			
APPROPRIATION			
715	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION -		
	LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	1,622,935	
TOTAL: ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS			
	FROM GENERAL REVENUE FUND	43,091,772	
	FROM TRUST FUNDS		1,134,827
	TOTAL POSITIONS	552	
	TOTAL ALL FUNDS		44,226,599

MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS			
717	SALARIES AND BENEFITS	POSITIONS	810
	FROM GENERAL REVENUE FUND		32,534,414
	FROM GRANTS AND DONATIONS TRUST FUND		285,976
	FROM INMATE WELFARE TRUST FUND		396,415
718	EXPENSES		
	FROM GENERAL REVENUE FUND	2,310,524	
	FROM INMATE WELFARE TRUST FUND		86,572
719	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	24,000	
	FROM GRANTS AND DONATIONS TRUST FUND		500,000
720	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,744,480	
	FROM GRANTS AND DONATIONS TRUST FUND		483,667
721	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	217,664	
	FROM GRANTS AND DONATIONS TRUST FUND		191,046
722	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	287,737	
723	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	856,563	
725	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL		
	PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	9,507,898	
	FROM PRIVATELY OPERATED INSTITUTIONS		
	INMATE WELFARE TRUST FUND		158,486
726	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	82,569	
728	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION -		
	LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	949,666	
TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS			
	FROM GENERAL REVENUE FUND	49,515,515	
	FROM TRUST FUNDS		2,102,162
	TOTAL POSITIONS	810	
	TOTAL ALL FUNDS		51,617,677

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS			
730	SALARIES AND BENEFITS	POSITIONS	4,345
	FROM GENERAL REVENUE FUND		174,460,781
	FROM OPERATING TRUST FUND		152,561
	FROM INMATE WELFARE TRUST FUND		1,826,442

SECTION 4			
SPECIFIC			
APPROPRIATION			
731	EXPENSES		
	FROM GENERAL REVENUE FUND	13,417,877	
	FROM OPERATING TRUST FUND		13,157
	FROM INMATE WELFARE TRUST FUND		86,572
733	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	14,511,405	
734	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	1,416,828	
735	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	1,527,756	
736	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,390,776	
738	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	106,844	
TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS			
	FROM GENERAL REVENUE FUND	207,832,267	
	FROM TRUST FUNDS		2,078,732
	TOTAL POSITIONS	4,345	
	TOTAL ALL FUNDS		209,910,999

RECEPTION CENTER OPERATIONS			
743	SALARIES AND BENEFITS	POSITIONS	1,465
	FROM GENERAL REVENUE FUND		59,860,983
	FROM GRANTS AND DONATIONS TRUST FUND		48,899
	FROM INMATE WELFARE TRUST FUND		719,398
744	EXPENSES		
	FROM GENERAL REVENUE FUND	4,094,981	
	FROM GRANTS AND DONATIONS TRUST FUND		31,090
	FROM INMATE WELFARE TRUST FUND		43,286
745	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		250,000
746	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	4,724,919	
	FROM GRANTS AND DONATIONS TRUST FUND		32,449
748	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	370,703	
	FROM GRANTS AND DONATIONS TRUST FUND		46,893
749	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	514,239	
750	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,738,775	
751	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	102,840	
TOTAL: RECEPTION CENTER OPERATIONS			
	FROM GENERAL REVENUE FUND	71,407,440	
	FROM TRUST FUNDS		1,172,015
	TOTAL POSITIONS	1,465	
	TOTAL ALL FUNDS		72,579,455

SECTION 4
SPECIFIC
APPROPRIATION
PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION

755	SALARIES AND BENEFITS	POSITIONS	909	
	FROM GENERAL REVENUE FUND		21,809,976	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			12,680,429
	FROM GRANTS AND DONATIONS TRUST FUND			37,069
	FROM INMATE WELFARE TRUST FUND			78,839
756	EXPENSES			
	FROM GENERAL REVENUE FUND		3,159,715	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			1,467,880
	FROM GRANTS AND DONATIONS TRUST FUND			32,776
	FROM INMATE WELFARE TRUST FUND			118,383
757	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		113,907	
758	FOOD PRODUCTS			
	FROM GENERAL REVENUE FUND		1,235,487	
759	LUMP SUM			
	CORRECTIONAL WORK PROGRAMS			
		POSITIONS	27	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			3,146,499

The funds and positions in Specific Appropriation 759 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contract(s).

760	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			2,193,000
761	SPECIAL CATEGORIES			
	FOOD SERVICE AND PRODUCTION			
	FROM GENERAL REVENUE FUND		504,143	
	FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND			87,962
762	SPECIAL CATEGORIES			
	OVERTIME			
	FROM GENERAL REVENUE FUND		340,970	
763	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		1,772,501	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			124,926
TOTAL:	PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION			
	FROM GENERAL REVENUE FUND		28,936,699	
	FROM TRUST FUNDS			19,967,763
	TOTAL POSITIONS		936	
	TOTAL ALL FUNDS			48,904,462

ROAD PRISON OPERATIONS

765	SALARIES AND BENEFITS	POSITIONS	98	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			4,498,558
766	EXPENSES			
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			908,000

SECTION 4
SPECIFIC
APPROPRIATION

767	FOOD PRODUCTS			
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			543,729
768	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			122,500
769	SPECIAL CATEGORIES			
	FOOD SERVICE AND PRODUCTION			
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			53,567
770	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		107,641	
771	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		31,039	
TOTAL:	ROAD PRISON OPERATIONS			
	FROM GENERAL REVENUE FUND		138,680	
	FROM TRUST FUNDS			6,126,354
	TOTAL POSITIONS		98	
	TOTAL ALL FUNDS			6,265,034

OFFENDER MANAGEMENT AND CONTROL

773	SALARIES AND BENEFITS	POSITIONS	1,305	
	FROM GENERAL REVENUE FUND		49,419,394	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			92,026
774	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		76,454	
775	EXPENSES			
	FROM GENERAL REVENUE FUND		2,069,841	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			13,959
	FROM INMATE WELFARE TRUST FUND			97,073
776	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		38,906	
776A	LUMP SUM			
	CJEC INMATE POPULATION INCREASE			
		POSITIONS	2	
	FROM GENERAL REVENUE FUND		61,656	
777	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		1,489,496	
TOTAL:	OFFENDER MANAGEMENT AND CONTROL			
	FROM GENERAL REVENUE FUND		53,155,747	
	FROM TRUST FUNDS			203,058
	TOTAL POSITIONS		1,307	
	TOTAL ALL FUNDS			53,358,805

EXECUTIVE DIRECTION AND SUPPORT SERVICES

778	SALARIES AND BENEFITS	POSITIONS	230	
	FROM GENERAL REVENUE FUND		9,137,729	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND			35,922
779	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		50,970	

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SPECIFIC
APPROPRIATION

	FROM GRANTS AND DONATIONS TRUST FUND . . .	75,000	
	FROM INMATE WELFARE TRUST FUND	815,828	
780	EXPENSES		
	FROM GENERAL REVENUE FUND	5,614,316	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND	5,952	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	351,785	

From the funds in Specific Appropriation 780, \$1,000,000 from General Revenue is provided to implement a victim notification system (VINE). The department shall issue a request for proposals for the system by September 1, 2001.

781	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	308,200	
782	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND	122,500	
783	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	297,899	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	15,409,114	
	FROM TRUST FUNDS		1,406,987
	TOTAL POSITIONS	230	
	TOTAL ALL FUNDS		16,816,101

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

784	SALARIES AND BENEFITS	POSITIONS	465	
	FROM GENERAL REVENUE FUND		19,429,908	
785	EXPENSES			
	FROM GENERAL REVENUE FUND		51,849,058	
786	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		585,513	
787	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		131,028	
788	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM GENERAL REVENUE FUND		475,000	
TOTAL:	CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR			
	FROM GENERAL REVENUE FUND		72,470,507	
	TOTAL POSITIONS	465		
	TOTAL ALL FUNDS		72,470,507	

INFORMATION TECHNOLOGY

788A	SALARIES AND BENEFITS	POSITIONS	21	
	FROM GENERAL REVENUE FUND		1,137,546	
788B	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		15,000	
788C	EXPENSES			
	FROM GENERAL REVENUE FUND		6,688,639	
788D	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		964,920	
	FROM INMATE WELFARE TRUST FUND		534,323	

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788E	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND		226,334
788F	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND		234,355
	FROM INMATE WELFARE TRUST FUND		390,677

TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND	9,266,794	
	FROM TRUST FUNDS		925,000
	TOTAL POSITIONS	21	
	TOTAL ALL FUNDS		10,191,794

PROGRAM: COMMUNITY CORRECTIONS

From the funds in Specific Appropriations 790 through 818, the Community Corrections Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number/percentage of offenders who abscond within 2 years.....	3,450/4.0%
Number/percentage of offenders who had their supervision revoked within two years.....	35,656/42.0%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PROBATION SUPERVISION

790	SALARIES AND BENEFITS	POSITIONS	2,225	
	FROM GENERAL REVENUE FUND		97,064,112	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		192,730	
	FROM INMATE WELFARE TRUST FUND		1,219	
791	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		49,138	
792	EXPENSES			
	FROM GENERAL REVENUE FUND		8,501,383	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,108	
	FROM OPERATING TRUST FUND		2,238,167	
793	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		88,877	
	FROM OPERATING TRUST FUND		284,640	
794	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		851,161	
795	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		128,010	
TOTAL:	PROBATION SUPERVISION			
	FROM GENERAL REVENUE FUND		106,682,681	
	FROM TRUST FUNDS		2,730,864	
	TOTAL POSITIONS	2,225		
	TOTAL ALL FUNDS		109,413,545	

SECTION 4			
SPECIFIC			
APPROPRIATION			
DRUG OFFENDER PROBATION SUPERVISION			
796	SALARIES AND BENEFITS	POSITIONS	585
	FROM GENERAL REVENUE FUND		26,406,302
797	EXPENSES		
	FROM GENERAL REVENUE FUND		3,868,406
	FROM OPERATING TRUST FUND		656,946
798	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		21,370
799	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		238,579
TOTAL: DRUG OFFENDER PROBATION SUPERVISION			
	FROM GENERAL REVENUE FUND		30,534,657
	FROM TRUST FUNDS		656,946
	TOTAL POSITIONS		585
	TOTAL ALL FUNDS		31,191,603
PRE TRIAL INTERVENTION SUPERVISION			
799A	SALARIES AND BENEFITS	POSITIONS	123
	FROM GENERAL REVENUE FUND		4,118,814
799B	EXPENSES		
	FROM GENERAL REVENUE FUND		268,997
TOTAL: PRE TRIAL INTERVENTION SUPERVISION			
	FROM GENERAL REVENUE FUND		4,387,811
	TOTAL POSITIONS		123
	TOTAL ALL FUNDS		4,387,811
COMMUNITY CONTROL SUPERVISION			
800	SALARIES AND BENEFITS	POSITIONS	506
	FROM GENERAL REVENUE FUND		23,153,141
	FROM GRANTS AND DONATIONS TRUST FUND . . .		699,734
801	EXPENSES		
	FROM GENERAL REVENUE FUND		2,154,827
	FROM GRANTS AND DONATIONS TRUST FUND . . .		120,117
	FROM OPERATING TRUST FUND		681,593
802	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		273,150
803	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,030
804	SPECIAL CATEGORIES		
	ELECTRONIC MONITORING		
	FROM GENERAL REVENUE FUND		2,349,375
	FROM OPERATING TRUST FUND		114,700
TOTAL: COMMUNITY CONTROL SUPERVISION			
	FROM GENERAL REVENUE FUND		27,930,493
	FROM TRUST FUNDS		1,646,174
	TOTAL POSITIONS		506
	TOTAL ALL FUNDS		29,576,667
POST PRISON RELEASE SUPERVISION			
805	SALARIES AND BENEFITS	POSITIONS	310
	FROM GENERAL REVENUE FUND		12,207,279
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,367,994

SECTION 4			
SPECIFIC			
APPROPRIATION			
806	EXPENSES		
	FROM GENERAL REVENUE FUND		2,522,459
	FROM GRANTS AND DONATIONS TRUST FUND . . .		212,243
	FROM OPERATING TRUST FUND		109,017
806A	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND		650,000
The funds in Specific Appropriation 806A, from recurring General Revenue are allocated as follows:			
	Community Re-Entry Program (CBIR 1896).....		250,000
	L.A.P. "Life After Prison" (CBIR 481).....		300,000
	C.O.U.R.T. Project/Cottages in the Pines (CBIR 828).....		100,000
807	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		43,689
TOTAL: POST PRISON RELEASE SUPERVISION			
	FROM GENERAL REVENUE FUND		15,423,427
	FROM TRUST FUNDS		2,689,254
	TOTAL POSITIONS		310
	TOTAL ALL FUNDS		18,112,681
ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
808	EXPENSES		
	FROM GENERAL REVENUE FUND		5,639,534
	FROM INMATE WELFARE TRUST FUND		150,000
809	LUMP SUM		
	INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY VIOLENT PREDATORS' TREATMENT AND CARE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,500,000
809A	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND		1,490,000
The funds in Specific Appropriation 809A, from recurring General Revenue are allocated as follows:			
	Seminole County Drug Abuse Services (CBIR 402).....		200,000
	Bridges of America.....		500,000
	Freedom House (CBIR 793).....		400,000
	Bridges of America Post-Release Transitional Housing Program.....		390,000
810	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS		
	FROM GENERAL REVENUE FUND		22,593,488
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,000,000
The funds in Specific Appropriations 677A and 810 from the Grants and Donations Trust Fund are reimbursements from the United States Government for incarcerating aliens in Florida's prisons and are specifically appropriated as follows: \$24,000,000 is transferred to the General Revenue fund and \$2,000,000 is for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds. Funding for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds is contingent upon receipt of sufficient federal reimbursements for the incarceration of aliens above the \$24,000,000 transferred to General Revenue in Specific Appropriation 677A. If total reimbursements exceed \$26,000,000, the department shall submit a budget amendment in accordance with all applicable provisions of Chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue fund.			

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From the funds in Specific Appropriation 810, up to \$600,000 may be used to contract with the Bridges of America facility in St. Petersburg for up to 75 substance abuse treatment beds provided that there is no negative impact on other contract providers or the availability of services in other areas of the state. The department may utilize its authority pursuant to Chapter 216, Florida Statutes, to transfer funds, if necessary to avoid negatively impacting other providers or areas of the state, if it chooses to exercise the authority granted in this paragraph.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES		
FROM GENERAL REVENUE FUND	29,723,022	
FROM TRUST FUNDS		3,650,000
TOTAL ALL FUNDS		33,373,022

OFFENDER MANAGEMENT AND CONTROL

811 SALARIES AND BENEFITS	POSITIONS	37	
FROM GENERAL REVENUE FUND			869,266
812 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		20,545	
813 EXPENSES			
FROM GENERAL REVENUE FUND		383,437	
TOTAL: OFFENDER MANAGEMENT AND CONTROL			
FROM GENERAL REVENUE FUND	1,273,248		
TOTAL POSITIONS	37		
TOTAL ALL FUNDS		1,273,248	

INFORMATION TECHNOLOGY

813A SALARIES AND BENEFITS	POSITIONS	20	
FROM GENERAL REVENUE FUND			1,016,812
813B EXPENSES			
FROM GENERAL REVENUE FUND		2,785,093	
FROM OPERATING TRUST FUND			424,010
813C OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND	1,393,709		
FROM OPERATING TRUST FUND		519,737	
FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND			1,402,763
813D DATA PROCESSING SERVICES			
OTHER DATA PROCESSING SERVICES			
FROM OPERATING TRUST FUND		244,901	
TOTAL: INFORMATION TECHNOLOGY			
FROM GENERAL REVENUE FUND	5,195,614		
FROM TRUST FUNDS		2,591,411	
TOTAL POSITIONS	20		
TOTAL ALL FUNDS		7,787,025	

COMMUNITY FACILITY OPERATIONS

815 SALARIES AND BENEFITS	POSITIONS	109	
FROM GENERAL REVENUE FUND		1,395,327	
FROM OPERATING TRUST FUND			3,616,415
816 EXPENSES			
FROM GENERAL REVENUE FUND		1,125,432	
817 FOOD PRODUCTS			
FROM GENERAL REVENUE FUND		336,437	

SECTION 4
SPECIFIC
APPROPRIATION

817A SPECIAL CATEGORIES		
LOCAL COMMUNITY CORRECTIONS PROJECT		
FROM GENERAL REVENUE FUND	500,000	

The funds in Specific Appropriation 817A, from recurring General Revenue are allocated as follows:

Jail Diversion Initiative-Volusia/Flagler Cnty (CBIR 470)...	500,000
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818 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	45,788	

TOTAL: COMMUNITY FACILITY OPERATIONS		
FROM GENERAL REVENUE FUND	3,402,984	
FROM TRUST FUNDS		3,616,415
TOTAL POSITIONS	109	
TOTAL ALL FUNDS		7,019,399

PROGRAM: HEALTH SERVICES

Funds and FTE are provided in Specific Appropriations 819 through 832 to provide inmate health services in the correctional system at a capacity of 74,542 prison beds and to increase funding for health care services to accommodate an average projected daily population of 73,641 inmates.

From the funds in Specific Appropriations 819 through 832, the Health Services Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of health care grievances upheld.....	1.4%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

INMATE HEALTH SERVICES

819 SALARIES AND BENEFITS	POSITIONS	1,947	
FROM GENERAL REVENUE FUND			94,108,550
820 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		1,637,743	
821 EXPENSES			
FROM GENERAL REVENUE FUND		7,224,382	
822 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		276,921	
822A LUMP SUM			
CJEC INMATE POPULATION INCREASE			
FROM GENERAL REVENUE FUND	POSITIONS	3	1,325,062

The funds in Specific Appropriation 822A are appropriated for the anticipated increase in the inmate population from January 1 through June 30, 2002 and are based on the projections of the Criminal Justice Estimating Conference of February 16, 2001. These funds shall be placed initially in reserve and may be released only if the actual prison population is substantially similar to the projections of the Criminal Justice Estimating Conference.

823 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,243,208	

SECTION 4			
SPECIFIC			
APPROPRIATION			
824	SPECIAL CATEGORIES		
	INMATE HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	80,376,764	
825	SPECIAL CATEGORIES		
	TREATMENT OF INMATES - GENERAL DRUGS		
	FROM GENERAL REVENUE FUND	16,099,398	
826	SPECIAL CATEGORIES		
	TREATMENT OF INMATES - PSYCHOTROPIC DRUGS		
	FROM GENERAL REVENUE FUND	9,918,987	
TOTAL: INMATE HEALTH SERVICES			
	FROM GENERAL REVENUE FUND	213,211,015	
	TOTAL POSITIONS	1,950	
	TOTAL ALL FUNDS	213,211,015	

TREATMENT OF INMATES WITH INFECTIOUS DISEASES			
827	SALARIES AND BENEFITS	POSITIONS	9
	FROM GENERAL REVENUE FUND		83,592
	FROM GRANTS AND DONATIONS TRUST FUND		274,755
828	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		184,207
829	EXPENSES		
	FROM GENERAL REVENUE FUND	200,000	
	FROM GRANTS AND DONATIONS TRUST FUND		562,725
830	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		27,019
831	SPECIAL CATEGORIES		
	INMATE HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	5,252,405	
832	SPECIAL CATEGORIES		
	TREATMENT OF INMATES - INFECTIOUS DISEASE		
	DRUGS		
	FROM GENERAL REVENUE FUND	27,966,581	
TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES			
	FROM GENERAL REVENUE FUND	33,502,578	
	FROM TRUST FUNDS		1,048,706
	TOTAL POSITIONS	9	
	TOTAL ALL FUNDS	34,551,284	

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

From the funds in Specific Appropriations 833 through 848, the Education and Rehabilitation Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of inmates who successfully complete GED Education Programs.....	11.0%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

SECTION 4			
SPECIFIC			
APPROPRIATION			
833	SALARIES AND BENEFITS	POSITIONS	36
	FROM GENERAL REVENUE FUND		630,158
	FROM GRANTS AND DONATIONS TRUST FUND		966,454
834	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		188,561
835	EXPENSES		
	FROM GENERAL REVENUE FUND	46,621	
	FROM GRANTS AND DONATIONS TRUST FUND		622,865
836	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		73,600
837	SPECIAL CATEGORIES		
	CONTRACT DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	7,344,839	
	FROM GRANTS AND DONATIONS TRUST FUND		1,718,153
	FROM INMATE WELFARE TRUST FUND		4,000,000
TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
	FROM GENERAL REVENUE FUND	8,021,618	
	FROM TRUST FUNDS		7,569,633
	TOTAL POSITIONS	36	
	TOTAL ALL FUNDS		15,591,251

BASIC EDUCATION SKILLS

838	SALARIES AND BENEFITS	POSITIONS	607
	FROM GENERAL REVENUE FUND		15,794,101
	FROM GRANTS AND DONATIONS TRUST FUND		2,118,016
	FROM INMATE WELFARE TRUST FUND		7,132,233
839	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		666,172
	FROM INMATE WELFARE TRUST FUND		2,169,812
840	EXPENSES		
	FROM GENERAL REVENUE FUND	568,306	
	FROM GRANTS AND DONATIONS TRUST FUND		2,134,581
	FROM INMATE WELFARE TRUST FUND		4,298,098
841	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,093	
	FROM GRANTS AND DONATIONS TRUST FUND		469,386
842	SPECIAL CATEGORIES		
	GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT		
	FROM GRANTS AND DONATIONS TRUST FUND		494,974
843	SPECIAL CATEGORIES		
	MAJOR INSTITUTIONS LAW LIBRARY		
	FROM GENERAL REVENUE FUND	69,229	
844	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	135,745	
TOTAL: BASIC EDUCATION SKILLS			
	FROM GENERAL REVENUE FUND	16,570,474	
	FROM TRUST FUNDS		19,483,272
	TOTAL POSITIONS	607	
	TOTAL ALL FUNDS		36,053,746

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

845	SALARIES AND BENEFITS	POSITIONS	214
	FROM GENERAL REVENUE FUND		5,343,502

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	FROM GRANTS AND DONATIONS TRUST FUND . . .	268,818	
	FROM INMATE WELFARE TRUST FUND	2,661,964	
846	OTHER PERSONAL SERVICES		
	FROM INMATE WELFARE TRUST FUND	202,544	
847	EXPENSES		
	FROM GENERAL REVENUE FUND	1,954,802	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	634,228	
	FROM INMATE WELFARE TRUST FUND	761,178	
848	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	36,084	
TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT			
	FROM GENERAL REVENUE FUND	7,334,388	
	FROM TRUST FUNDS	4,528,732	
	TOTAL POSITIONS	214	
	TOTAL ALL FUNDS	11,863,120	

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

849	SALARIES AND BENEFITS	POSITIONS	32	
	FROM GENERAL REVENUE FUND		1,317,623	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		29,920	
850	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		20,600	
851	EXPENSES			
	FROM GENERAL REVENUE FUND		260,019	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,825	
852	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		16,354	
853	LUMP SUM			
	STATE ATTORNEY, PUBLIC DEFENDER CONTRACT/ GRANT POSITIONS	POSITIONS	60	

The positions in Specific Appropriation 853 are provided for State Attorneys and Public Defenders to utilize with grants received during the 2001-2002 Fiscal Year that will recur for a minimum of 3 years. The commission may request the transfer of these positions to the offices of the State Attorneys and Public Defenders as needed. Such transfer is contingent upon the commission notifying and providing documentation of the grant received to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting. Such notification is subject to the legislative objection provisions of Chapter 216, Florida Statutes.

854	LUMP SUM			
	REPLACEMENT OF INFORMATION TECHNOLOGY EQUIPMENT			
	FROM GENERAL REVENUE FUND		138,000	
855	SPECIAL CATEGORIES			
	SEXUAL PREDATOR CIVIL COMMITMENT LITIGATION COSTS			
	FROM GENERAL REVENUE FUND		1,079,194	

Funds in Specific Appropriation 855 are provided for case-related expenses associated with prosecuting and defending sexual predator civil commitment cases including, but not limited to, expert witness fees and

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	court reporter costs. These funds shall not be used to compensate court appointed attorneys. The Justice Administrative Commission is authorized to pay up to \$5,000 per case for case-related expenses incurred by the State Attorney and the Public Defender, for a combined maximum of \$10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports to the Senate Appropriations Committee and the House Fiscal Responsibility Council describing, by judicial circuit, requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.		
856	SPECIAL CATEGORIES		
	DEPENDENCY COUNSEL		
	FROM GENERAL REVENUE FUND		3,500,000
857	SPECIAL CATEGORIES		
	CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPEs		
	FROM GENERAL REVENUE FUND		90,125
858	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		12,174
859	SPECIAL CATEGORIES		
	STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT		
	FROM GENERAL REVENUE FUND		133,840
860	SPECIAL CATEGORIES		
	STATE ATTORNEY AND PUBLIC DEFENDER TRAINING		
	FROM GENERAL REVENUE FUND		35,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		125,000
861	SPECIAL CATEGORIES		
	TRANSFER TO THE DEPARTMENT OF BANKING AND FINANCE FOR THE POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS		
	FROM GENERAL REVENUE FUND		1,000,000
861A	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND		10,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND		7,612,929
	FROM TRUST FUNDS		159,745
	TOTAL POSITIONS		92
	TOTAL ALL FUNDS		7,772,674

STATE ATTORNEYS

The Prosecution Coordination Office's budgeting, training, and education needs may be shared by each State Attorney's office within the funds provided in Specific Appropriations 862 through 1003. Funding for this office shall not exceed \$338,250.

PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

862	SALARIES AND BENEFITS	POSITIONS	197	
	FROM GENERAL REVENUE FUND		9,354,836	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		336,798	
863	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		17,213	
865A	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		60,000	

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865B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	382,215	
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND	59,357	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	501,352	
866	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	34,148	
867	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,998	
TOTAL: PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	9,798,410	
	FROM TRUST FUNDS	957,507	
	TOTAL POSITIONS	197	
	TOTAL ALL FUNDS	10,755,917	
PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT			
869	SALARIES AND BENEFITS POSITIONS 114		
	FROM GENERAL REVENUE FUND	5,497,653	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	316,808	
870	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	18,386	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	141,480	
872A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	60,000	
872B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	281,535	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	266,477	
873	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	45,472	
874	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,195	
TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	5,851,241	
	FROM TRUST FUNDS	784,765	
	TOTAL POSITIONS	114	
	TOTAL ALL FUNDS	6,636,006	
PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT			
876	SALARIES AND BENEFITS POSITIONS 63		
	FROM GENERAL REVENUE FUND	3,135,911	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	114,146	
877	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,605	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	11,440	
879A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	80,000	
879B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		

SECTION 4			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND	224,763	
	FROM CIVIL RICO TRUST FUND		11,946
	FROM GRANTS AND DONATIONS TRUST FUND . . .		127,783
880	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,861	
881	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,110	
TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,385,250	
	FROM TRUST FUNDS		345,315
	TOTAL POSITIONS	63	
	TOTAL ALL FUNDS		3,730,565
PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT			
883	SALARIES AND BENEFITS POSITIONS 345		
	FROM GENERAL REVENUE FUND	15,675,775	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		961,474
884	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	147,500	
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		63,815
	FROM GRANTS AND DONATIONS TRUST FUND . . .		351,795
886A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		120,000
886B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	169,128	
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		47,146
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,258,149
887	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	64,269	
888	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	11,547	
TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	16,068,219	
	FROM TRUST FUNDS		2,802,379
	TOTAL POSITIONS	345	
	TOTAL ALL FUNDS		18,870,598
PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT			
890	SALARIES AND BENEFITS POSITIONS 202		
	FROM GENERAL REVENUE FUND	9,409,124	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		203,861
891	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,732	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		79,194
893A	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	393,376	
	FROM CIVIL RICO TRUST FUND		1,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		111,037

SECTION 4			
SPECIFIC			
APPROPRIATION			
894	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	55,231	
895	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	15,938	
TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	9,884,401	
	FROM TRUST FUNDS		395,092
	TOTAL POSITIONS	202	
	TOTAL ALL FUNDS		10,279,493
PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT			
897	SALARIES AND BENEFITS	POSITIONS 459	
	FROM GENERAL REVENUE FUND	19,419,997	
	FROM GRANTS AND DONATIONS TRUST FUND		2,565,423
898	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	64,204	
	FROM GRANTS AND DONATIONS TRUST FUND		56,662
900A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		60,000
900B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	460,640	
	FROM GRANTS AND DONATIONS TRUST FUND		1,004,292
901	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	93,828	
902	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	23,009	
TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	20,061,678	
	FROM TRUST FUNDS		3,686,377
	TOTAL POSITIONS	459	
	TOTAL ALL FUNDS		23,748,055
PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT			
904	SALARIES AND BENEFITS	POSITIONS 219	
	FROM GENERAL REVENUE FUND	10,270,648	
	FROM GRANTS AND DONATIONS TRUST FUND		583,591
905	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,264	
	FROM GRANTS AND DONATIONS TRUST FUND		83,867
907A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		140,000
907B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	261,184	
	FROM GRANTS AND DONATIONS TRUST FUND		863,012
908	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	63,608	

SECTION 4			
SPECIFIC			
APPROPRIATION			
909	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,171	
	FROM GRANTS AND DONATIONS TRUST FUND		20,000
TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	10,626,875	
	FROM TRUST FUNDS		1,690,470
	TOTAL POSITIONS	219	
	TOTAL ALL FUNDS		12,317,345
PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT			
911	SALARIES AND BENEFITS	POSITIONS 158	
	FROM GENERAL REVENUE FUND	5,930,210	
	FROM GRANTS AND DONATIONS TRUST FUND		1,587,824
912	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,640	
	FROM GRANTS AND DONATIONS TRUST FUND		88,934
914A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		60,000
914B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	267,794	
	FROM GRANTS AND DONATIONS TRUST FUND		733,924
915	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	31,627	
916	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,676	
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	6,251,947	
	FROM TRUST FUNDS		2,470,682
	TOTAL POSITIONS	158	
	TOTAL ALL FUNDS		8,722,629
PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT			
918	SALARIES AND BENEFITS	POSITIONS 301	
	FROM GENERAL REVENUE FUND	14,200,428	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		126,283
	FROM GRANTS AND DONATIONS TRUST FUND		243,689
919	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	92,265	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,000
	FROM GRANTS AND DONATIONS TRUST FUND		1,000
921A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		20,000
921B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	325,311	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		94,838
	FROM GRANTS AND DONATIONS TRUST FUND		207,682

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SPECIFIC			
APPROPRIATION			
922	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	109,009	
923	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	27,936	
TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	14,754,949	
	FROM TRUST FUNDS		756,492
	TOTAL POSITIONS	301	
	TOTAL ALL FUNDS		15,511,441

PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT			
925	SALARIES AND BENEFITS	POSITIONS	202
	FROM GENERAL REVENUE FUND	8,819,778	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		686,998
926	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,871	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		97,580
928A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
928B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	275,501	
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		14,408
	FROM GRANTS AND DONATIONS TRUST FUND . . .		428,918
929	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	52,781	
930	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,545	
TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	9,180,476	
	FROM TRUST FUNDS		1,267,904
	TOTAL POSITIONS	202	
	TOTAL ALL FUNDS		10,448,380

PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT			
932	SALARIES AND BENEFITS	POSITIONS	1,196
	FROM GENERAL REVENUE FUND	37,018,310	
	FROM CHILD SUPPORT TRUST FUND		14,220,709
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,663,696
933	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	243,644	
	FROM CHILD SUPPORT TRUST FUND		904,900
	FROM GRANTS AND DONATIONS TRUST FUND . . .		45,914
935A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		80,000
935B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	768,360	

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SPECIFIC			
APPROPRIATION			
	FROM CHILD SUPPORT TRUST FUND		3,318,503
	FROM CIVIL RICO TRUST FUND		82,000
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		676,445
	FROM GRANTS AND DONATIONS TRUST FUND . . .		676,318
936	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	388,173	
	FROM CHILD SUPPORT TRUST FUND		37,210

937	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,500	
TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	38,440,987	
	FROM TRUST FUNDS		21,705,695
	TOTAL POSITIONS	1,196	
	TOTAL ALL FUNDS		60,146,682

PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT			
939	SALARIES AND BENEFITS	POSITIONS	174
	FROM GENERAL REVENUE FUND	8,516,741	
940	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,375	
942A	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	397,389	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		194,669
943	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	41,636	
944	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	8,976,721	
	FROM TRUST FUNDS		194,669
	TOTAL POSITIONS	174	
	TOTAL ALL FUNDS		9,171,390

PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT			
946	SALARIES AND BENEFITS	POSITIONS	323
	FROM GENERAL REVENUE FUND	15,339,707	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		541,827
947	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	100,177	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,838
949A	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	286,197	
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		16,293
	FROM GRANTS AND DONATIONS TRUST FUND . . .		281,408
950	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	85,343	

SECTION 4			
SPECIFIC APPROPRIATION			
951	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	
TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	15,818,337	
	FROM TRUST FUNDS		888,366
	TOTAL POSITIONS	323	
	TOTAL ALL FUNDS		16,706,703
PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT			
953	SALARIES AND BENEFITS	POSITIONS 92	
	FROM GENERAL REVENUE FUND	4,539,343	
	FROM GRANTS AND DONATIONS TRUST FUND		219,328
954	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,721	
	FROM GRANTS AND DONATIONS TRUST FUND		29,900
956A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		41,052
956B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	217,870	
	FROM GRANTS AND DONATIONS TRUST FUND		100,119
957	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,486	
958	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	4,776,214	
	FROM TRUST FUNDS		390,399
	TOTAL POSITIONS	92	
	TOTAL ALL FUNDS		5,166,613
PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT			
960	SALARIES AND BENEFITS	POSITIONS 311	
	FROM GENERAL REVENUE FUND	14,759,328	
	FROM GRANTS AND DONATIONS TRUST FUND		719,067
961	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	56,629	
	FROM GRANTS AND DONATIONS TRUST FUND		27,120
963A	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	535,518	
	FROM GRANTS AND DONATIONS TRUST FUND		533,281
964	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	63,960	
965	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	10,702	
	FROM GRANTS AND DONATIONS TRUST FUND		1,000

SECTION 4			
SPECIFIC APPROPRIATION			
TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	15,426,137	
	FROM TRUST FUNDS		1,280,468
	TOTAL POSITIONS	311	
	TOTAL ALL FUNDS		16,706,605
PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT			
967	SALARIES AND BENEFITS	POSITIONS 59	
	FROM GENERAL REVENUE FUND	2,884,488	
	FROM GRANTS AND DONATIONS TRUST FUND		278,790
968	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,684	
	FROM GRANTS AND DONATIONS TRUST FUND		176,054
970A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		20,000
	FROM GRANTS AND DONATIONS TRUST FUND		40,000
970B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	158,719	
	FROM GRANTS AND DONATIONS TRUST FUND		221,884
971	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	27,484	
972	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,129	
TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,093,504	
	FROM TRUST FUNDS		736,728
	TOTAL POSITIONS	59	
	TOTAL ALL FUNDS		3,830,232
PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT			
974	SALARIES AND BENEFITS	POSITIONS 454	
	FROM GENERAL REVENUE FUND	21,925,328	
	FROM GRANTS AND DONATIONS TRUST FUND		278,441
975	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	90,566	
	FROM GRANTS AND DONATIONS TRUST FUND		94,632
978A	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	815,572	
	FROM GRANTS AND DONATIONS TRUST FUND		359,752
979	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	168,385	
980	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	23,786	
TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	23,023,637	
	FROM TRUST FUNDS		732,825

SECTION 4		
SPECIFIC		
APPROPRIATION		
TOTAL POSITIONS	454	
TOTAL ALL FUNDS		23,756,462

PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

983	SALARIES AND BENEFITS	POSITIONS	275	
	FROM GENERAL REVENUE FUND		12,295,731	
	FROM GRANTS AND DONATIONS TRUST FUND			747,964
984	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		19,868	
	FROM GRANTS AND DONATIONS TRUST FUND			92,500
986A	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GRANTS AND DONATIONS TRUST FUND			79,932
986B	SPECIAL CATEGORIES			
	STATE ATTORNEY OPERATING EXPENDITURES			
	FROM GENERAL REVENUE FUND		484,352	
	FROM CONSUMER FRAUDS TRUST FUND			1,028
	FROM GRANTS AND DONATIONS TRUST FUND			186,076
987	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		41,870	
988	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		9,707	
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT				
	FROM GENERAL REVENUE FUND		12,851,528	
	FROM TRUST FUNDS			1,107,500
	TOTAL POSITIONS		275	
	TOTAL ALL FUNDS			13,959,028

PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

990	SALARIES AND BENEFITS	POSITIONS	144	
	FROM GENERAL REVENUE FUND		6,358,758	
	FROM GRANTS AND DONATIONS TRUST FUND			275,000
991	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		19,658	
994	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND			16,300
994A	SPECIAL CATEGORIES			
	STATE ATTORNEY OPERATING EXPENDITURES			
	FROM GENERAL REVENUE FUND		261,217	
	FROM GRANTS AND DONATIONS TRUST FUND			10,704
995	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		35,816	
996	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		8,874	
TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT				
	FROM GENERAL REVENUE FUND		6,684,323	
	FROM TRUST FUNDS			302,004

SECTION 4		
SPECIFIC		
APPROPRIATION		
TOTAL POSITIONS	144	
TOTAL ALL FUNDS		6,986,327

PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT

998	SALARIES AND BENEFITS	POSITIONS	237	
	FROM GENERAL REVENUE FUND		10,840,994	
	FROM CIVIL RICO TRUST FUND			253,968
	FROM GRANTS AND DONATIONS TRUST FUND			313,243
999	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		14,574	
	FROM GRANTS AND DONATIONS TRUST FUND			89,749
1001A	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM CIVIL RICO TRUST FUND			20,000
1001B	SPECIAL CATEGORIES			
	STATE ATTORNEY OPERATING EXPENDITURES			
	FROM GENERAL REVENUE FUND		313,927	
	FROM CIVIL RICO TRUST FUND			57,102
	FROM GRANTS AND DONATIONS TRUST FUND			389,014
1002	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		321,006	
1003	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		21,288	
	FROM GRANTS AND DONATIONS TRUST FUND			480
TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT				
	FROM GENERAL REVENUE FUND		11,511,789	
	FROM TRUST FUNDS			1,123,556
	TOTAL POSITIONS		237	
	TOTAL ALL FUNDS			12,635,345

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgeting needs may be shared by each Public Defender's office within the funds provided in Specific Appropriations 1005 through 1151A. The total funding for this office shall not exceed \$338,250.

From the funds provided in Specific Appropriations 1005 through 1151A, the Public Defenders' Coordination Office shall submit a quarterly report to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting detailing the number of appellate and trial level conflict cases in each judicial circuit. Such reports must specify the number of "ethical" conflicts and "overload" conflict cases (as described in ss. 27.53(3) and 27.54(2)(b), Florida Statutes, respectively).

From the funds in Specific Appropriations 1005 through 1151A, a Public Defender may reimburse any employee who purchased, at his or her own expense, additional retirement credit in the elected state and county officers class, for time spent as an employee of the Public Defender, in the Florida Retirement System up to the amount actually spent by the employee.

PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT				
1005	SALARIES AND BENEFITS	POSITIONS	113	
	FROM GENERAL REVENUE FUND		5,537,336	
1006	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		22,888	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			30,000

SECTION 4 SPECIFIC APPROPRIATION			
1008A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	40,000	
1009A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	177,119 62,142 99,215	
1010	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	10,191	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND FROM TRUST FUNDS		5,747,534 231,357	
	TOTAL POSITIONS TOTAL ALL FUNDS	113 5,978,891	
PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT			
1011	SALARIES AND BENEFITS POSITIONS 81 FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	3,821,867 24,504	
1012	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	20,744 13,750	
1015A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	181,198 45,117 54,050	
1016	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	6,011	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND FROM TRUST FUNDS		4,029,820 137,421	
	TOTAL POSITIONS TOTAL ALL FUNDS	81 4,167,241	
PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT			
1017	SALARIES AND BENEFITS POSITIONS 30 FROM GENERAL REVENUE FUND	1,764,327	
1018	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	8,887 10,000	
1020A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	19,000	
1021A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	115,100 20,416	

SECTION 4 SPECIFIC APPROPRIATION			
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		28,785
1022	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		1,676
TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND FROM TRUST FUNDS			1,889,990 78,201
	TOTAL POSITIONS TOTAL ALL FUNDS		30 1,968,191
PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT			
1023	SALARIES AND BENEFITS POSITIONS 150 FROM GENERAL REVENUE FUND		7,556,494
1024	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		22,277 71,000
1026A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,000
1027A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		224,088 101,105 62,195
1028	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		32,003
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND FROM TRUST FUNDS			7,834,862 253,300
	TOTAL POSITIONS TOTAL ALL FUNDS		150 8,088,162
PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
1029	SALARIES AND BENEFITS POSITIONS 79 FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND		3,757,229 74,746
1030	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		22,000
1032A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		18,442
1033A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		140,685 42,555 240,382
1034	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		5,002

SECTION 4			
SPECIFIC APPROPRIATION			
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,924,916	
	FROM TRUST FUNDS		376,125
	TOTAL POSITIONS	79	
	TOTAL ALL FUNDS		4,301,041
PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
1035	SALARIES AND BENEFITS POSITIONS	199	
	FROM GENERAL REVENUE FUND	9,782,462	
1036	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		82,867
1039A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	408,006	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		111,667
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		223,047
1040	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	45,153	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	10,318,488	
	FROM TRUST FUNDS		334,714
	TOTAL POSITIONS	199	
	TOTAL ALL FUNDS		10,653,202
PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT			
1041	SALARIES AND BENEFITS POSITIONS	112	
	FROM GENERAL REVENUE FUND	5,370,955	
1042	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		34
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		3,230
1045A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	127,306	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		59,633
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		161,107
1046	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	20,855	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	5,519,150	
	FROM TRUST FUNDS		223,970
	TOTAL POSITIONS	112	
	TOTAL ALL FUNDS		5,743,120
PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT			
1047	SALARIES AND BENEFITS POSITIONS	68	
	FROM GENERAL REVENUE FUND	3,368,112	
1048	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,919	
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		23,000

SECTION 4			
SPECIFIC APPROPRIATION			
1050A SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		18,000
1051A SPECIAL CATEGORIES			
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	86,714	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		37,564
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		85,676
1052	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,709	
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,472,454	
	FROM TRUST FUNDS		164,240
	TOTAL POSITIONS	68	
	TOTAL ALL FUNDS		3,636,694
PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT			
1053	SALARIES AND BENEFITS POSITIONS	136	
	FROM GENERAL REVENUE FUND	6,505,874	
1054	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		25,000
1056A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		72,000
1057A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	176,140	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		74,048
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		647,304
1058	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	37,545	
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	6,744,559	
	FROM TRUST FUNDS		793,352
	TOTAL POSITIONS	136	
	TOTAL ALL FUNDS		7,537,911
PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT			
1059	SALARIES AND BENEFITS POSITIONS	107	
	FROM GENERAL REVENUE FUND	5,198,766	
1060	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,580	
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		6,200
1063A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	138,689	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,135
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		148,160

SECTION 4 SPECIFIC APPROPRIATION			
1064	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		31,560
TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	5,381,595	
	FROM TRUST FUNDS		212,495
	TOTAL POSITIONS	107	
	TOTAL ALL FUNDS		5,594,090
PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT			
1065	SALARIES AND BENEFITS POSITIONS 374 FROM GENERAL REVENUE FUND 17,247,579 FROM GRANTS AND DONATIONS TRUST FUND		1,947,251
1066	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 95,217 FROM GRANTS AND DONATIONS TRUST FUND 40,000 FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 120,000		
1069A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND 448,362 FROM GRANTS AND DONATIONS TRUST FUND 197,791 FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 382,693		
1070	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 95,660		
TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND 17,886,818		2,687,735
	FROM TRUST FUNDS		
	TOTAL POSITIONS 374		
	TOTAL ALL FUNDS	20,574,553	
PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT			
1071	SALARIES AND BENEFITS POSITIONS 89 FROM GENERAL REVENUE FUND 4,340,806		
1072	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 38,699		
1075A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND 304,148 FROM GRANTS AND DONATIONS TRUST FUND 50,622 FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 116,646		
1076	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 5,323		
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND 4,688,976		167,268
	FROM TRUST FUNDS		
	TOTAL POSITIONS 89		
	TOTAL ALL FUNDS	4,856,244	

PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT

SECTION 4 SPECIFIC APPROPRIATION			
1077	SALARIES AND BENEFITS POSITIONS 186 FROM GENERAL REVENUE FUND		8,932,186
1078	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		48,954
1080A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		40,000
1081A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND 585,244 FROM GRANTS AND DONATIONS TRUST FUND 103,774 FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 126,159		
1082	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		36,951
TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND 9,603,335		269,933
	FROM TRUST FUNDS		
	TOTAL POSITIONS 186		
	TOTAL ALL FUNDS	9,873,268	
PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT			
1083	SALARIES AND BENEFITS POSITIONS 44 FROM GENERAL REVENUE FUND		2,610,215
1084	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 7,101 FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 43,103		
1087A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND 140,570 FROM GRANTS AND DONATIONS TRUST FUND 29,858 FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 128,292		
1088	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		3,754
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND 2,761,640		201,253
	FROM TRUST FUNDS		
	TOTAL POSITIONS 44		
	TOTAL ALL FUNDS	2,962,893	
PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT			
1089	SALARIES AND BENEFITS POSITIONS 188 FROM GENERAL REVENUE FUND		8,649,923
1090	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 248,199 FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 93,620		
1093A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES		

SECTION 4 SPECIFIC APPROPRIATION		
FROM GENERAL REVENUE FUND	151,238	
FROM GRANTS AND DONATIONS TRUST FUND . . .		98,831
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		246,397
1094 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	55,385	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,104,745	
FROM TRUST FUNDS		438,848
TOTAL POSITIONS	188	
TOTAL ALL FUNDS		9,543,593
PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT		
1095 SALARIES AND BENEFITS POSITIONS 41		
FROM GENERAL REVENUE FUND	1,995,265	
1096 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	13,468	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		10,000
1099A SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	134,755	
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,112
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		13,005
1100 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,498	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	2,145,986	
FROM TRUST FUNDS		46,117
TOTAL POSITIONS	41	
TOTAL ALL FUNDS		2,192,103
PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT		
1102 SALARIES AND BENEFITS POSITIONS 203		
FROM GENERAL REVENUE FUND	10,434,319	
1103 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	86,757	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		36,000
1105A SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		190,000
1106A SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	344,107	
FROM GRANTS AND DONATIONS TRUST FUND . . .		118,533
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		200,375
1107 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	28,344	

SECTION 4 SPECIFIC APPROPRIATION		
TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	10,893,527	
FROM TRUST FUNDS		544,908
TOTAL POSITIONS	203	
TOTAL ALL FUNDS		11,438,435
PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT		
1108 SALARIES AND BENEFITS POSITIONS 96		
FROM GENERAL REVENUE FUND	4,585,511	
1109 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,953	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		24,000
1111A SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		80,000
1112A SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	204,675	
FROM GRANTS AND DONATIONS TRUST FUND . . .		52,274
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		241,340
1113 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,810	
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	4,809,949	
FROM TRUST FUNDS		397,614
TOTAL POSITIONS	96	
TOTAL ALL FUNDS		5,207,563
PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT		
1114 SALARIES AND BENEFITS POSITIONS 69		
FROM GENERAL REVENUE FUND	3,271,740	
1115 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,893	
1118A SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	188,356	
FROM GRANTS AND DONATIONS TRUST FUND . . .		38,084
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		188,767
1119 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	47,754	
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,518,743	
FROM TRUST FUNDS		226,851
TOTAL POSITIONS	69	
TOTAL ALL FUNDS		3,745,594
PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT		

SECTION 4 SPECIFIC APPROPRIATION			
1121	SALARIES AND BENEFITS	POSITIONS	88
	FROM GENERAL REVENUE FUND		3,939,245
	FROM GRANTS AND DONATIONS TRUST FUND		194,358
1122	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		15,287
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		53,000
1125A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		195,557
	FROM GRANTS AND DONATIONS TRUST FUND		44,945
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		124,026
1126	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		5,143
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		4,155,232
	FROM TRUST FUNDS		416,326
	TOTAL POSITIONS		88
	TOTAL ALL FUNDS		4,571,558
PUBLIC DEFENDERS APPELLATE DIVISION			
PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT			
1127	SALARIES AND BENEFITS	POSITIONS	35
	FROM GENERAL REVENUE FUND		1,943,058
1128	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		7,500
1131A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		191,366
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		2,141,924
	TOTAL POSITIONS		35
	TOTAL ALL FUNDS		2,141,924
PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT			
1132	SALARIES AND BENEFITS	POSITIONS	33
	FROM GENERAL REVENUE FUND		1,799,056
1133	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		2,400
1136A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		204,414
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		2,005,870
	TOTAL POSITIONS		33
	TOTAL ALL FUNDS		2,005,870
PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT			

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1137	SALARIES AND BENEFITS	POSITIONS	51
	FROM GENERAL REVENUE FUND		2,727,882
1138	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		305,744
1141A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		203,986
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		3,237,612
	TOTAL POSITIONS		51
	TOTAL ALL FUNDS		3,237,612
PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT			
1142	SALARIES AND BENEFITS	POSITIONS	24
	FROM GENERAL REVENUE FUND		1,690,390
1143	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		9,165
1146A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		127,754
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		1,827,309
	TOTAL POSITIONS		24
	TOTAL ALL FUNDS		1,827,309
PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT			
1147	SALARIES AND BENEFITS	POSITIONS	38
	FROM GENERAL REVENUE FUND		2,759,231
1148	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		7,837
1151A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		166,462
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		2,933,530
	TOTAL POSITIONS		38
	TOTAL ALL FUNDS		2,933,530
CAPITAL COLLATERAL REGIONAL COUNSELS			
PROGRAM: NORTHERN REGIONAL COUNSEL			
CAPITAL JUSTICE REPRESENTATION - NORTHERN REGIONAL COUNSEL			
1152	SALARIES AND BENEFITS	POSITIONS	29
	FROM GENERAL REVENUE FUND		1,502,428
1153	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		31,218
1154	EXPENSES		
	FROM GENERAL REVENUE FUND		368,708

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	FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND	41,222
1155	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	13,549
1155A	SPECIAL CATEGORIES CASE RELATED COSTS FROM GENERAL REVENUE FUND	541,280
1156	SPECIAL CATEGORIES OVERTIME FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND	40,672
1157	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	15,784
1158	SPECIAL CATEGORIES CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY FROM GENERAL REVENUE FUND	6,500
TOTAL: CAPITAL JUSTICE REPRESENTATION - NORTHERN REGIONAL COUNSEL		
	FROM GENERAL REVENUE FUND	2,479,467
	FROM TRUST FUNDS	81,894
	TOTAL POSITIONS	29
	TOTAL ALL FUNDS	2,561,361
PROGRAM: MIDDLE REGIONAL COUNSEL		
CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL COUNSEL		
1159	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	39 2,108,170
1160	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	47,307
1161	EXPENSES FROM GENERAL REVENUE FUND FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND	524,663 32,159
1162	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	3,321
1162A	SPECIAL CATEGORIES CASE RELATED COSTS FROM GENERAL REVENUE FUND	610,244
1163	SPECIAL CATEGORIES OVERTIME FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND	31,327
1164	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	6,136
1165	SPECIAL CATEGORIES CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY FROM GENERAL REVENUE FUND	10,963
1166	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	1,500

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SPECIFIC APPROPRIATION		
TOTAL: CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL COUNSEL		
	FROM GENERAL REVENUE FUND	3,312,304
	FROM TRUST FUNDS	63,486
	TOTAL POSITIONS	39
	TOTAL ALL FUNDS	3,375,790
PROGRAM: SOUTHERN REGIONAL COUNSEL		
CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL COUNSEL		
1167	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	30 1,653,621
1168	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	41,544
1169	EXPENSES FROM GENERAL REVENUE FUND FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND	429,217 28,241
1170	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	3,038
1170A	SPECIAL CATEGORIES CASE RELATED COSTS FROM GENERAL REVENUE FUND	814,303
1171	SPECIAL CATEGORIES OVERTIME FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND	27,510
1172	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	2,058
1173	SPECIAL CATEGORIES CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY FROM GENERAL REVENUE FUND	7,475
1174	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	1,500
TOTAL: CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL COUNSEL		
	FROM GENERAL REVENUE FUND	2,952,756
	FROM TRUST FUNDS	55,751
	TOTAL POSITIONS	30
	TOTAL ALL FUNDS	3,008,507
JUVENILE JUSTICE, DEPARTMENT OF		
From the funds in Specific Appropriations 1175 through 1235, the Department of Juvenile Justice shall develop a plan to improve the performance of the department in meeting statutory reporting requirements, improve the accuracy and reliability of other data provided by the department to the Legislature, the Governor and the public, and to correct deficiencies noted by the Auditor General in report number 01-060. A copy of the plan shall be delivered to the Governor, the President of the Senate, and to the Speaker of the House of Representatives by October 1, 2001.		
From the funds in Specific Appropriations 1175 through 1235, the Department of Juvenile Justice shall maintain accurate records related to motor vehicle inventory, vehicle maintenance, miles traveled, the		

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number of youth transported and all costs associated with youth transportation. This information shall be reported semi-annually to the House Fiscal Responsibility Council and the Senate Appropriations Committee and shall be sufficient to allow for the examination and evaluation of options to outsource youth transportation services. The first report shall be delivered by February 1, 2002.

From the funds in Specific Appropriations 1175 through 1235, each provider who contracts with the Department of Juvenile Justice must provide the Department of Juvenile Justice with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

In implementing any reductions, the department shall target programs operating below statewide performance outcomes as measured by non-recidivism rates, quality assurance scores and costs and may reallocate funds across budget entities as appropriate to accomplish such targeting.

PROGRAM: JUVENILE DETENTION PROGRAM

From the funds in Specific Appropriations 1175 through 1187A, the Juvenile Detention Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of escapes from secure detention facilities.....	0
Percent of successful completions of home detention without committing a new law or contract violation, failure to appear, an abscond or contempt of court.....	75%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

DETENTION CENTERS

From the funds in Specific Appropriation 1181, the department shall outsource detention center food services and maintenance functions. The positions in Specific Appropriation 1175 reflect a reduction of 159 full time equivalent positions. The Executive Office of the Governor will adjust the initial 2001-02 Position and Rate Ledger to temporarily restore the 159 positions which are to be deleted by January 1, 2002.

1175	SALARIES AND BENEFITS	POSITIONS	2,268	
	FROM GENERAL REVENUE FUND		77,384,329	
	FROM GRANTS AND DONATIONS TRUST FUND			39,104
1176	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		2,330,332	
	FROM GRANTS AND DONATIONS TRUST FUND			106,204
1177	EXPENSES			
	FROM GENERAL REVENUE FUND		9,156,852	
	FROM GRANTS AND DONATIONS TRUST FUND			1,259,074
1178	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		252,415	
	FROM GRANTS AND DONATIONS TRUST FUND			7,293
1179	FOOD PRODUCTS			
	FROM GENERAL REVENUE FUND		2,048,312	
	FROM GRANTS AND DONATIONS TRUST FUND			1,727,806

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1180	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		56,546
1180A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND		595,524

The funds in Specific Appropriation 1180A, from recurring General Revenue, are allocated as follows:

Mental Health Overlay for Orange Co. Det. Ctr.(CBIR 2164)...	183,024
Village Inn for Girls.....	300,000
Mental Health Overlay Services at Osceola Regional(CBIR 826)	112,500

1181	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	6,224,165	
	FROM GRANTS AND DONATIONS TRUST FUND		1,087,326
1182	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,927,551	
1183	FIXED CAPITAL OUTLAY		
	MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
	FROM GENERAL REVENUE FUND	82,915	
	FROM GRANTS AND DONATIONS TRUST FUND		987,357
TOTAL: DETENTION CENTERS			
	FROM GENERAL REVENUE FUND	101,058,941	
	FROM TRUST FUNDS		5,214,164
	TOTAL POSITIONS	2,268	
	TOTAL ALL FUNDS		106,273,105

HOME DETENTION

From the funds in Specific Appropriation 1187, the department shall outsource home detention community supervision functions. The positions in Specific Appropriation 1184 reflect a reduction of 173 full time equivalent positions. The Executive Office of the Governor will adjust the initial 2001-02 Position and Rate Ledger to temporarily restore the 173 positions which are to be deleted by January 1, 2002.

1184	SALARIES AND BENEFITS	POSITIONS	6
	FROM GENERAL REVENUE FUND		2,963,980
	FROM GRANTS AND DONATIONS TRUST FUND		10,000
1185	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		147,782
1186	EXPENSES		
	FROM GENERAL REVENUE FUND		414,917
	FROM GRANTS AND DONATIONS TRUST FUND		77,675
1186A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND		750,000

The funds in Specific Appropriation 1186A, from recurring General Revenue, are allocated as follows:

Secrets of Success (CBIR 1440).....	750,000
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1187	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	4,696,830	

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APPROPRIATION			
1187A SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	220,419		
TOTAL: HOME DETENTION			
FROM GENERAL REVENUE FUND	9,193,928		
FROM TRUST FUNDS		87,675	
TOTAL POSITIONS	6		
TOTAL ALL FUNDS		9,281,603	

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS
PROGRAM

From the funds in Specific Appropriations 1118 through 1199A, the Probation and Community Corrections program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of youth who remain crime free during aftercare supervision.....	67%
Percentage of youth who remain crime free one year after release from aftercare.....	60%
Percentage of youth who remain crime free one year after release from probation.....	80%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

AFTERCARE SERVICES - CONDITIONAL RELEASE

1188 SALARIES AND BENEFITS	POSITIONS	25	
FROM GENERAL REVENUE FUND		831,625	
1189 EXPENSES			
FROM GENERAL REVENUE FUND		138,188	
1189A SPECIAL CATEGORIES			
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME			
FROM GENERAL REVENUE FUND		1,350,000	
From the funds in Specific Appropriation 1189A, \$1,350,000 from General Revenue is provided for Eckerd Youth Alternatives, Inc. - Early Intervention and Aftercare program as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7.			
1190 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND	20,225,980		
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500,000	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			992
1190A SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		30,445	
TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE			
FROM GENERAL REVENUE FUND	22,576,238		
FROM TRUST FUNDS		2,500,992	
TOTAL POSITIONS	25		
TOTAL ALL FUNDS		25,077,230	

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APPROPRIATION			
JUVENILE PROBATION			
1191 SALARIES AND BENEFITS	POSITIONS	1,771	
FROM GENERAL REVENUE FUND		56,713,518	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			7,544,148
1192 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		1,891,000	
1193 EXPENSES			
FROM GENERAL REVENUE FUND		12,211,141	
FROM GRANTS AND DONATIONS TRUST FUND . . .			32,796
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			564,708
1194 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		82,993	

1195A SPECIAL CATEGORIES			
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME			
FROM GENERAL REVENUE FUND		1,180,000	
The funds in Specific Appropriation 1195A, from recurring General Revenue are allocated as follows:			
Juvenile Arrest and Monitor Unit (CBIR 235).....		750,000	
Sarasota Juvenile Assessment Center.....		210,000	
Lee County Juvenile Assessment Center.....		120,000	
Collier County Juvenile Assessment Center (CBIR 2765).....		100,000	

1196 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		13,556,363	
1196A SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		2,118,943	
TOTAL: JUVENILE PROBATION			
FROM GENERAL REVENUE FUND		87,753,958	
FROM TRUST FUNDS			8,141,652
TOTAL POSITIONS		1,771	
TOTAL ALL FUNDS			95,895,610

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1198A SPECIAL CATEGORIES			
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME			
FROM GENERAL REVENUE FUND		1,696,000	
The funds in Specific Appropriation 1198A, are allocated as follows:			
From recurring General Revenue Funds:			
New Horizons Youth Academy Day Treatment Program (CBIR 1921)		200,000	
IMPACT--AMI's Alternative Education Program for Juvenile Offenders (CBIR 1846).....		1,000,000	
From nonrecurring General Revenue Funds:			
Eckerd Youth Academy-Replace 19 Vans		446,000	
Restorative Justice (CBIR 795).....		50,000	
1199 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND	22,543,993		
FROM GRANTS AND DONATIONS TRUST FUND . . .			1,011,323
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			81,003

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From the funds in Specific Appropriation 1199, the department may contract for the provision of non-residential sex offender treatment services.

From the funds in Specific Appropriations 1199, the department may transfer up to \$2.3 million from General Revenue, if available due to program start-up delays or closures, to Specific Appropriation 1225 to fund the operating costs for new secure commitment beds in the event that new beds become available earlier than anticipated. The transfer of funds authorized by this paragraph shall be in accordance with all applicable provisions of Chapter 216, Florida Statutes, and may not result in reductions to ongoing service levels or payments to providers that meet or exceed contractually established performance standards.

1199A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LOCAL DELINQUENCY INTERVENTION FACILITIES
FROM GENERAL REVENUE FUND 1,080,000

Funds in Specific Appropriation 1199A from nonrecurring General Revenue are provided for the following projects:

New Port Richey Marine Institute Education Center (CBIR 513) 500,000
Eckerd Youth Academy Dorm Replacement..... 580,000

TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION
FROM GENERAL REVENUE FUND 25,319,993
FROM TRUST FUNDS 1,092,326
TOTAL ALL FUNDS 26,412,319

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT
SECRETARY FOR ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1200 SALARIES AND BENEFITS POSITIONS 314
FROM GENERAL REVENUE FUND 13,509,631
FROM GRANTS AND DONATIONS TRUST FUND 300,901
1201 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 846,098
FROM ADMINISTRATIVE TRUST FUND 72,341
FROM JUVENILE JUSTICE TRAINING TRUST
FUND 11,712
1202 EXPENSES
FROM GENERAL REVENUE FUND 4,411,226
FROM ADMINISTRATIVE TRUST FUND 210,000
FROM GRANTS AND DONATIONS TRUST FUND 423,392
FROM JUVENILE JUSTICE TRAINING TRUST
FUND 685,709
1203 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 39,836
1204 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 450,000
1205 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 18,653
1206 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 540,152
FROM JUVENILE JUSTICE TRAINING TRUST
FUND 2,190,645
1207 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 401,260

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 20,216,856
FROM TRUST FUNDS 3,894,700
TOTAL POSITIONS 314
TOTAL ALL FUNDS 24,111,556

INFORMATION TECHNOLOGY

1208A SALARIES AND BENEFITS POSITIONS 78
FROM GENERAL REVENUE FUND 3,603,316
1208B EXPENSES
FROM GENERAL REVENUE FUND 3,133,362
FROM ADMINISTRATIVE TRUST FUND 49,793
FROM GRANTS AND DONATIONS TRUST FUND 29,111
1208C OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 103,149
1208D SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 107,774
TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 6,947,601
FROM TRUST FUNDS 78,904
TOTAL POSITIONS 78
TOTAL ALL FUNDS 7,026,505

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1210 through 1227, the Residential Corrections Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures - Outcomes, FY 2001-2002 Standards. Row 1: Percentage of youth who remain crime free one year after release...56%. Row 2: Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

The funds in Specific Appropriations 1210 through 1227 include additional operations funding to bring a minimum of 1,152 newly constructed beds on-line during FY 2001-02. These funds shall be placed initially in reserve and may be released upon certification by the Department of Juvenile Justice and the Governor's Office of Policy and Budgeting that facilities are ready to open and that funds are not available from the closure of existing facilities or reductions to existing contracts to pay the costs of operating the new beds.

The department shall provide monthly reports identifying all residential commitment beds in operation on the last day of the month and a detailed listing of facilities that opened, closed, or increased or decreased capacity during the reporting period. The department may use up to \$300,000 from General Revenue to contract for the design, development and implementation of a new "bed management component" of the Juvenile Justice Information System (JJIS). This JJIS enhancement shall be designed and developed to improve the collection, reporting, and forecasting of residential commitment bed capacity and utilization. Prior to the expenditure of funds for the "bed management component" of the JJIS system, the department shall submit their business plan for JJIS enhancements to the State Technology Office and the Technology Review Workgroup for their review and approval before entering into any contract.

SECTION 4 SPECIFIC APPROPRIATION NON-SECURE RESIDENTIAL COMMITMENT			
1210	SALARIES AND BENEFITS	POSITIONS	491
	FROM GENERAL REVENUE FUND		13,893,591
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,627,148
1211	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		302,554
1212	EXPENSES		
	FROM GENERAL REVENUE FUND		3,206,772
	FROM GRANTS AND DONATIONS TRUST FUND . . .		307,147
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		451,327
1213	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		179,957
1214	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		884,428
	FROM GRANTS AND DONATIONS TRUST FUND . . .		159,862
1215	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		79,000
1215A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND		1,437,235
The funds in Specific Appropriation 1215A, from recurring General Revenue, are allocated as follows:			
	Project Craft/Orlando (CBIR 1276).....		162,235
	Project CRAFT/Tampa (CBIR 859).....		325,000
	DJJ Outreach Program @ Miami Children's Hospital (CBIR 1479)		950,000
1216	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		124,413,195
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,570,014
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,487,094
1216A	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		465,193
1217	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES		
	FROM GENERAL REVENUE FUND		6,637,248
TOTAL:	NON-SECURE RESIDENTIAL COMMITMENT		
	FROM GENERAL REVENUE FUND		151,499,173
	FROM TRUST FUNDS		8,602,592
	TOTAL POSITIONS		491
	TOTAL ALL FUNDS		160,101,765
SECURE RESIDENTIAL COMMITMENT			
1218	SALARIES AND BENEFITS	POSITIONS	823
	FROM GENERAL REVENUE FUND		21,314,751
	FROM GRANTS AND DONATIONS TRUST FUND . . .		185,706
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,220,760
1219	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		907,796

SECTION 4 SPECIFIC APPROPRIATION			
1220	EXPENSES		
	FROM GENERAL REVENUE FUND		4,398,926
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,969
1221	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		1,395,361
1222	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		405,154
	FROM GRANTS AND DONATIONS TRUST FUND . . .		124,565
1223	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES- DOZIER TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND		447,787
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
1224	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES- OKEECHOBEE TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND		5,786,439
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273
1225	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		66,913,368
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,859,364
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		30,808,311
From the funds in Specific Appropriation 1225, \$142,900 from recurring General Revenue is provided to the City of Pahokee as a payment in lieu of taxes.			
From the funds provided in Specific Appropriation 1225, the Department of Juvenile Justice shall fund the annual operation of the Polk Youth Development Center, a secure, 350-bed facility for high risk youth, at a per diem rate of \$78.29 times the minimum occupancy of 315 beds, plus \$34.50 per bed for each bed in excess of 315.			
1226	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		626,789
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,112
1227	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND		2,895,735
TOTAL:	SECURE RESIDENTIAL COMMITMENT		
	FROM GENERAL REVENUE FUND		105,092,106
	FROM TRUST FUNDS		42,910,335
	TOTAL POSITIONS		823
	TOTAL ALL FUNDS		148,002,441
PROGRAM: PREVENTION AND VICTIM SERVICES			
From the funds in Specific Appropriations 1228 through 1235, the Prevention and Victim Services program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:			
=====			
	Performance		FY 2001-2002
	Measures - Outcomes		Standards

	Percentage of youth who remain crime free six months		
	after completing a prevention program.....		85%

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DELINQUENCY PREVENTION AND DIVERSION

1228	SALARIES AND BENEFITS	POSITIONS	94	
	FROM GENERAL REVENUE FUND		4,468,642	
	FROM GRANTS AND DONATIONS TRUST FUND			790,803
1229	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		461,628	
	FROM GRANTS AND DONATIONS TRUST FUND			208,160
1230	EXPENSES			
	FROM GENERAL REVENUE FUND		407,423	
	FROM GRANTS AND DONATIONS TRUST FUND			380,948
1230A	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - INVEST IN CHILDREN			
	FROM GRANTS AND DONATIONS TRUST FUND			1,300,000
	FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND			502,000
1231	OPERATING CAPITAL OUTLAY			
	FROM GRANTS AND DONATIONS TRUST FUND			24,900
1233	SPECIAL CATEGORIES			
	PACE CENTERS			
	FROM GENERAL REVENUE FUND		10,210,627	

From the funds in Specific Appropriation 1233, \$235,000 from recurring General Revenue is provided for the following projects:

PACE Volusia-Flagler Reach (CBIR 488, 471)	60,000
PACE Broward Pre-Teen Program (CBIR 1671, 1680)	100,000
PACE - Monroe County (CBIR 3364)	75,000

1233A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND		9,874,852

The funds in Specific Appropriation 1233A, from recurring General Revenue are allocated as follows:

Boys & Girls Clubs of Hernando County (CBIR 404)	95,000
Targeted Outreach/Holly Hill (CBIR 1605)	20,000
Targeted Outreach/Oak Hill (CBIR 1818)	20,000
Targeted Outreach/Flagler (CBIR 1821)	20,000
Santa Rosa County Truancy Pick-Up Program (CBIR 732)	50,000
Suspension With a Purpose (S.W.A.P.) (CBIR 1961)	100,000
Boys and Girls Club of Citrus County, Inc (CBIR 317)	200,000
PRODIGY Program (CBIR 2641)	599,780
Believe & Achieve (CBIR 462)	100,000
CETARY Project (CBIR 184)	250,000
Hispanic Adolescents And Their Parents (HAAP) (CBIR 2331)	200,000
G.A.P. - Girls Advocacy Project (CBIR 3310)	150,000
City of Jacksonville, Truancy Interdiction Pgm (CBIR 3156)	200,000
Palm Beach County Truancy Interdiction Pgm (TIP) (CBIR 642)	250,000
South Side Boys and Girls Club (CBIR 2330)	100,000
ICYC After School Education & Recreation Program (CBIR 1211)	150,000
Project LIFT (CBIR 1355)	50,000
MAD DADS of Miami-Dade, Inc (CBIR 1299)	200,000
Boys and Girls Club/Escambia County Delinquency and Crime Prevention (CBIR 249)	18,000
St. Lucie Youth Intervention & Diversion Program (CBIR 577)	235,000
Youth Volunteer Corps (CBIR 648)	100,000
Southeast Florida Gang Activity Prevention (CBIR 377)	250,000
Cape Coral Youth Crime Intervention Program (CBIR 343)	50,000
Runaway / Youth Crisis Shelter (CBIR 3178)	150,000
Miami Love Youth-at-Risk (CBIR 1069)	200,000

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Community Coalition Prevention/Intervention Pgm (CBIR 1577)	385,000
Adult Mankind Org. Prevention/Intervention Pgm (CBIR 1787)	750,000
Youth Co-op (CBIR 1872)	100,000
Enhancement of Community Policing through Community Schooling (CBIR 1196)	100,000
Youth Crime Prevention Initiative (CBIR 2954)	50,000
PAR Adolescent Intervention Center (PAIC) - (CBIR 847) - Pasco County	725,000
The Phoenix Project - Dade	75,000
East Unit Of The Boys & Girls Club Of Pasco County	100,000
Saber's Assistance To Youth - Dade	100,000
Kids In Domestic Situations - Pasco	200,000
Eckerd Youth Alternatives, Inc. - Early Intervention Enhancement (Prevention)	450,000
SER Jobs For Progress - Dade	100,000
Escambia After School Education & Training Program	50,000
Putnam County Past Program	50,000
Boys & Girls' Club Of Monroe County	25,000
Boys & Girls' Club Of Nassau County	100,000
Miami Rivers Of Life/Renewing The Vision (CBIR 3266)	100,000
Multi-Systemic Therapy - Escambia	100,000
R.T.P.E.D.C Computer Education Lab - Dade (CBIR 826)	149,072
Early Truancy Prevention Project - Lee (CBIR 404)	100,000
Youth Challenge Center - Statewide	200,000
Big Brothers/Big Sisters Of NW Florida - Escambia, Okaloosa, Santa Rosa, Walton (CBIR 399)	8,000
Volusia Bridges (CBIR 918)	100,000
Volusia Class (CBIR 964)	100,000
Cross Creek Youth Commission - St. Johns (CBIR 3250)	50,000
Alternative Diversion And Prevention Training - Brevard (CBIR 35)	150,000
Florida Keys Juvenile Services - Monroe (CBIR 3322)	20,000
Faith In Families/Family Focused Juvenile Drug Court Services - Escambia (CBIR 228)	150,000
Monroe County Youth Challenge (CBIR 3327)	20,000
Broward Truancy Intervention Program	50,000

Funds in Specific Appropriation 1233A, from nonrecurring General Revenue are allocated as follows:

Quality Life Center of Southwest Florida, Inc (CBIR 189)	100,000
The Amer-I-Can Program - Broward & Dade	500,000
Melbourne Police Athletic League (CBIR 57)	150,000
Professional Opportunities Program For Students - Orange (CBIR 1403)	600,000
Monroe County At - Risk Youth	60,000
Brevard Sheriff's Police Athletic League	50,000

1234	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,460,772	
	FROM GRANTS AND DONATIONS TRUST FUND		12,528,259
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,639

1234A	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	116,907	

1235	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES		
	FROM GENERAL REVENUE FUND	32,834,601	
	FROM GRANTS AND DONATIONS TRUST FUND		4,000,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		383,858

From the funds in Specific Appropriation 1235, \$500,000 from nonrecurring General Revenue is provided to increase substance abuse and mental health treatment services (CBIR 2130).

Funds in Specific Appropriation 1235, from the Grants and Donations Trust Fund, are provided to continue CINS/FINS services. If Federal Title IV-E earnings do not materialize in the amount of \$2,400,000, the

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department is directed to transfer General Revenue from Specific Appropriation 1200 to Specific Appropriation 1235 to ensure that funding for services in the CINS/FINS program occurs is not reduced.

TOTAL: DELINQUENCY PREVENTION AND DIVERSION		
FROM GENERAL REVENUE FUND	59,835,452	
FROM TRUST FUNDS		20,121,567
TOTAL POSITIONS	94	
TOTAL ALL FUNDS		79,957,019

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: OFFICE OF EXECUTIVE DIRECTOR AND BUSINESS SUPPORT PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1248	SALARIES AND BENEFITS	POSITIONS	140	
	FROM GENERAL REVENUE FUND		5,962,671	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			213,807
	FROM GRANTS AND DONATIONS TRUST FUND . . .			404,308
	FROM OPERATING TRUST FUND			651,950
1249	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		38,190	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			426,848
	FROM OPERATING TRUST FUND			124,000
1250	EXPENSES			
	FROM GENERAL REVENUE FUND		1,145,441	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			43,235
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND			251,750
	FROM GRANTS AND DONATIONS TRUST FUND . . .			112,301
	FROM OPERATING TRUST FUND			150,453
	FROM REVOLVING TRUST FUND			1,000,000
1250A	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,118,106	
1250B	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		9,035,240	
1250C	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,683,102	
1250D	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,529,434	
1251	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		27,020	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			4,000
	FROM OPERATING TRUST FUND			250
1252	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GENERAL REVENUE FUND		10,052	
1252A	SPECIAL CATEGORIES			
	GRANTS AND AIDS - COMMUNITY AND STATEWIDE			

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	DRUG ABUSE PREVENTION PROGRAM			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			4,497,908
1252B	SPECIAL CATEGORIES			
	GRANTS AND AIDS - PROJECT DARE			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			508,302
1252C	SPECIAL CATEGORIES			
	TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			100,000
1253	SPECIAL CATEGORIES			
	OVERTIME			
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND			748
1254	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		15,075	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND			1,994
	FROM GRANTS AND DONATIONS TRUST FUND . . .			2,715
	FROM OPERATING TRUST FUND			2,406
1255	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		19,667	
1255A	SPECIAL CATEGORIES			
	GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			949,132
1255B	SPECIAL CATEGORIES			
	GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			1,907,847
1255C	SPECIAL CATEGORIES			
	GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			526,770
1255D	SPECIAL CATEGORIES			
	GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - STATE AGENCY			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			42,804,137
1256	SPECIAL CATEGORIES			
	VIOLENT CRIME INVESTIGATIVE EMERGENCIES			
	FROM GENERAL REVENUE FUND		2,500,000	
	FROM OPERATING TRUST FUND			500,000
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND		9,718,116	
	FROM TRUST FUNDS			87,550,743
	TOTAL POSITIONS		140	
	TOTAL ALL FUNDS			97,268,859

PROGRAM: CRIMINAL JUSTICE INVESTIGATIONS AND FORENSIC SCIENCE

From the funds in Specific Appropriations 1259 through 1280E, the Criminal Justice Investigations and Forensic Science Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

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Measures - Outcomes	Standards	

Number/percentage of criminal investigations closed resulting in an arrest.....	826/67%	
Number/percentage of closed criminal investigations resolved.....	1,069/87%	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.		
=====		

CRIME LABORATORY SERVICES

1259	SALARIES AND BENEFITS	POSITIONS	376	
	FROM GENERAL REVENUE FUND		18,779,892	
	FROM GRANTS AND DONATIONS TRUST FUND			225,022
1260	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		177,225	
	FROM GRANTS AND DONATIONS TRUST FUND			900,000
1261	EXPENSES			
	FROM GENERAL REVENUE FUND		4,165,130	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND			439,978
	FROM GRANTS AND DONATIONS TRUST FUND			324,729
1262	AID TO LOCAL GOVERNMENTS			
	CRIMINAL INVESTIGATIONS			
	FROM OPERATING TRUST FUND			2,379,702
1263	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		389,378	
	FROM GRANTS AND DONATIONS TRUST FUND			385,270
1264	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GENERAL REVENUE FUND		176,000	
	FROM GRANTS AND DONATIONS TRUST FUND			22,400
1265	SPECIAL CATEGORIES			
	PERFORMANCE ADJUSTMENTS			
	FROM GENERAL REVENUE FUND		418,646	
1266	SPECIAL CATEGORIES			
	OVERTIME			
	FROM GRANTS AND DONATIONS TRUST FUND			50,000
1267	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		126,371	
TOTAL:	CRIME LABORATORY SERVICES			
	FROM GENERAL REVENUE FUND		24,232,642	
	FROM TRUST FUNDS			4,727,101
	TOTAL POSITIONS		376	
	TOTAL ALL FUNDS			28,959,743

INVESTIGATIVE SERVICES

1268	SALARIES AND BENEFITS	POSITIONS	633	
	FROM GENERAL REVENUE FUND		37,844,285	
	FROM GRANTS AND DONATIONS TRUST FUND			1,320,989
	FROM OPERATING TRUST FUND			799,847
1269	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		751,271	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND			66,879
	FROM GRANTS AND DONATIONS TRUST FUND			359,460
	FROM OPERATING TRUST FUND			36,000

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1270	EXPENSES		
	FROM GENERAL REVENUE FUND		9,864,436
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		812,234
	FROM GRANTS AND DONATIONS TRUST FUND		1,052,985
	FROM OPERATING TRUST FUND		375,531

From the funds in Specific Appropriation 1270, \$75,000 from the Grants and Donations Trust Fund is provided to increase Byrne grant funding for the Operation Riverwalk Task Force.

From the funds provided in Specific Appropriation 1270 from the Forfeiture and Investigative Support Trust Fund, up to \$25,000 per case, but not exceeding \$150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1271	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		93,846
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		190,574
	FROM GRANTS AND DONATIONS TRUST FUND		64,509

1273	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		512,348
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		580,000

1274	SPECIAL CATEGORIES		
	PERFORMANCE ADJUSTMENTS		
	FROM GENERAL REVENUE FUND		117,000

1274A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SPECIAL PROJECTS		
	FROM GENERAL REVENUE FUND		260,000
	FROM GRANTS AND DONATIONS TRUST FUND		100,000

From the funds in Specific Appropriation 1274A, \$35,000 in nonrecurring General Revenue is appropriated for the City of Coconut Creek K-9 Training Field and Kennel(CBIR 549), \$125,000 in nonrecurring General Revenue is appropriated for the Firearms Range and Training Area for the City of Coconut Creek (CBIR 553), and \$100,000 from recurring General Revenue is provided for A Child Is Missing (CBIR 307).

From Specific Appropriation 1274A, \$100,000 from the Grants and Donations Trust Fund shall be used for the Northeast Florida Regional Investigative Support Center, provided such funds are received from counties in the FDLE Jacksonville Region.

1275	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GRANTS AND DONATIONS TRUST FUND		377,223
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		868,486

From the funds in Specific Appropriation 1275, \$177,223 from the Grants and Donations Trust Fund is provided to increase Byrne grant funding for overtime expenditures associated with the Operation Riverwalk Task Force.

1276	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		274,624
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		1,509
	FROM OPERATING TRUST FUND		1,133

1277	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		490,118
	FROM GRANTS AND DONATIONS TRUST FUND		3,120

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TOTAL: INVESTIGATIVE SERVICES			
FROM GENERAL REVENUE FUND	50,207,928		
FROM TRUST FUNDS		7,010,479	
TOTAL POSITIONS	633		
TOTAL ALL FUNDS		57,218,407	
MUTUAL AID AND PREVENTION SERVICES			
1278 SALARIES AND BENEFITS POSITIONS	17		
FROM GENERAL REVENUE FUND	1,058,113		
1279 EXPENSES			
FROM GENERAL REVENUE FUND	139,448		
1280 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	20,484		
TOTAL: MUTUAL AID AND PREVENTION SERVICES			
FROM GENERAL REVENUE FUND	1,218,045		
TOTAL POSITIONS	17		
TOTAL ALL FUNDS		1,218,045	
PUBLIC ASSISTANCE FRAUD INVESTIGATIONS			
1280A SALARIES AND BENEFITS POSITIONS	119		
FROM GENERAL REVENUE FUND	2,765,677		
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,858,512	
1280B OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND	16,406		
FROM GRANTS AND DONATIONS TRUST FUND . . .		544	
1280C EXPENSES			
FROM GENERAL REVENUE FUND	578,415		
FROM GRANTS AND DONATIONS TRUST FUND . . .		475,996	
1280D OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND	104,227		
1280E DATA PROCESSING SERVICES			
OTHER DATA PROCESSING SERVICES			
FROM GENERAL REVENUE FUND	114,204		
FROM GRANTS AND DONATIONS TRUST FUND . . .		109,722	
TOTAL: PUBLIC ASSISTANCE FRAUD INVESTIGATIONS			
FROM GENERAL REVENUE FUND	3,578,929		
FROM TRUST FUNDS		3,444,774	
TOTAL POSITIONS	119		
TOTAL ALL FUNDS		7,023,703	

PROGRAM: CRIMINAL JUSTICE INFORMATION

From the funds in Specific Appropriations 1281 through 1295A, the Criminal Justice Information Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

Percent of time FCIC is running and accessible.....	99.5%
Percentage response to criminal history record check	
customers within defined time frame.....	92%

Additional approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
=====	

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NETWORK SERVICES			
1281 SALARIES AND BENEFITS POSITIONS	108		
FROM GENERAL REVENUE FUND	3,877,642		
FROM CRIMINAL JUSTICE STANDARDS AND			
TRAINING TRUST FUND		81,968	
FROM OPERATING TRUST FUND		470,809	
1282 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND	1,816,000		
FROM GRANTS AND DONATIONS TRUST FUND . . .		780,835	
FROM OPERATING TRUST FUND		1,170,000	
Funds are provided in Specific Appropriation 1282 to continue the development of the Integrated Criminal History System which shall be subject to special monitoring under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 1282, \$150,000 from the General Revenue Fund is provided for the project monitoring contract. Funds equal to the project monitoring contract amount shall be transferred to the Technology Review Workgroup within the Legislature pursuant to the provisions of Chapter 216, Florida Statutes.			
1283 EXPENSES			
FROM GENERAL REVENUE FUND	3,861,991		
FROM CRIMINAL JUSTICE STANDARDS AND			
TRAINING TRUST FUND		4,008	
FROM GRANTS AND DONATIONS TRUST FUND . . .		82,459	
FROM OPERATING TRUST FUND		7,010,375	
1284 OPERATING CAPITAL OUTLAY			
FROM GRANTS AND DONATIONS TRUST FUND . . .		438,958	
FROM OPERATING TRUST FUND		5,362,992	
1285 SPECIAL CATEGORIES			
OVERTIME			
FROM OPERATING TRUST FUND		46,200	
1286 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	5,118		
FROM OPERATING TRUST FUND		2,464	
1287A DATA PROCESSING SERVICES			
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF			
MANAGEMENT SERVICES			
FROM OPERATING TRUST FUND		26,740	
TOTAL: NETWORK SERVICES			
FROM GENERAL REVENUE FUND	9,560,751		
FROM TRUST FUNDS		15,477,808	
TOTAL POSITIONS	108		
TOTAL ALL FUNDS		25,038,559	

PREVENTION AND CRIME INFORMATION SERVICES

Funds in Specific Appropriations 1289 through 1295A from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the vendors associated with the Departments of Children and Families, Juvenile Justice, and Elder Affairs shall not exceed \$8.

1289 SALARIES AND BENEFITS POSITIONS	269		
FROM GENERAL REVENUE FUND	1,735,067		
FROM GRANTS AND DONATIONS TRUST FUND . . .		317,473	
FROM OPERATING TRUST FUND		7,613,453	
1290 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND	56,000		
FROM GRANTS AND DONATIONS TRUST FUND . . .		365,275	
FROM OPERATING TRUST FUND		320,611	
1291 EXPENSES			
FROM GENERAL REVENUE FUND	963,274		

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	FROM GRANTS AND DONATIONS TRUST FUND . . .	415,435	
	FROM OPERATING TRUST FUND	1,094,464	
1292	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,557	
	FROM OPERATING TRUST FUND		294,022
1293	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	53,400	
	FROM OPERATING TRUST FUND		40,170
1294	SPECIAL CATEGORIES		
	OVERTIME		
	FROM OPERATING TRUST FUND		218,946
1295	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	25,098	
	FROM OPERATING TRUST FUND		34,411
1295A	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	5,160	
TOTAL:	PREVENTION AND CRIME INFORMATION SERVICES		
	FROM GENERAL REVENUE FUND	2,849,556	
	FROM TRUST FUNDS		10,714,260
	TOTAL POSITIONS	269	
	TOTAL ALL FUNDS		13,563,816

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

From the funds in Specific Appropriations 1296 through 1307, the Criminal Justice Professionalism Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====		
Performance	FY 2001-2002	
Measures - Outcomes	Standards	

Number/percentage of individuals who pass the basic		
professionalism certification examination for law		
enforcement officers, correctional officers, and		
correctional probation officers.....	4,500/75%	

Additional approved performance measures and standards are		
established in the FY 2001-2002 Implementing Bill and are		
incorporated herein by reference.		
=====		

LAW ENFORCEMENT STANDARDS COMPLIANCE

1296	SALARIES AND BENEFITS	POSITIONS	65	
	FROM GENERAL REVENUE FUND		710,217	
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			2,194,711
1297	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	18,000		
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			337,465
1298	EXPENSES			
	FROM GENERAL REVENUE FUND	164,516		
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND		288,716	
	FROM OPERATING TRUST FUND			500,000
1299	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE			

SECTION 4 SPECIFIC APPROPRIATION			
	HEARINGS		
	FROM CRIMINAL JUSTICE STANDARDS AND		
	TRAINING TRUST FUND		42,655
1300	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CRIMINAL JUSTICE STANDARDS AND		
	TRAINING TRUST FUND		13,586
1301	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SPECIAL EDUCATION AND		
	TECHNICAL TRAINING		
	FROM CRIMINAL JUSTICE STANDARDS AND		
	TRAINING TRUST FUND		7,434,460
TOTAL:	LAW ENFORCEMENT STANDARDS COMPLIANCE		
	FROM GENERAL REVENUE FUND	892,733	
	FROM TRUST FUNDS		10,811,593
	TOTAL POSITIONS	65	
	TOTAL ALL FUNDS		11,704,326

LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES

1302	SALARIES AND BENEFITS	POSITIONS	52	
	FROM GENERAL REVENUE FUND		183,526	
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			2,349,106
	FROM OPERATING TRUST FUND			53,011
1303	OTHER PERSONAL SERVICES			
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			1,042,618
	FROM OPERATING TRUST FUND			33,000
1304	EXPENSES			
	FROM GENERAL REVENUE FUND	21,368		
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			1,799,093
	FROM OPERATING TRUST FUND			52,208

From the funds provided in Specific Appropriations 1303 and 1304, the Department may spend up to \$50,000 from the Criminal Justice Standards and Training Trust Fund to evaluate the effectiveness of the Drug Abuse Resistance Education (DARE) Program. The department shall report the findings of their evaluation to the Senate Appropriations Committee and the House Fiscal Responsibility Council by January 1, 2002.

1305	OPERATING CAPITAL OUTLAY			
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			203,819
1306	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			7,486
1307	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND	4,290		
	FROM CRIMINAL JUSTICE STANDARDS AND			
	TRAINING TRUST FUND			5,070
TOTAL:	LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES			
	FROM GENERAL REVENUE FUND	209,184		
	FROM TRUST FUNDS			5,545,411
	TOTAL POSITIONS	52		
	TOTAL ALL FUNDS			5,754,595

SECTION 4
SPECIFIC
APPROPRIATION
LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

From the funds in Specific Appropriations 1313 through 1353, the Office of the Attorney General will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide civil representation and legal services on behalf of the State of Florida, and to assist crime victims and law enforcement agencies through associated support services:

Performance Measures - Outcomes	FY 2001-2002 Standards
Average number of days for opinion response.....	29
Percent of mediated open government cases resolved in 3 weeks or less.....	70%
Percent of lemon law cases resolved in less than 1 year.....	80%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CIVIL ENFORCEMENT

1313 SALARIES AND BENEFITS	POSITIONS	420	
FROM GENERAL REVENUE FUND		3,278,605	
FROM CONSUMER FRAUDS TRUST FUND			919,754
FROM GRANTS AND DONATIONS TRUST FUND			5,850,884
FROM LEGAL SERVICES TRUST FUND			6,600,962
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			2,739,810
FROM MOTOR VEHICLE WARRANTY TRUST FUND			1,142,212
1314 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND	44,720		
FROM GRANTS AND DONATIONS TRUST FUND			134,158
FROM LEGAL SERVICES TRUST FUND			249,901
FROM MOTOR VEHICLE WARRANTY TRUST FUND			150,000
1315 EXPENSES			
FROM GENERAL REVENUE FUND	330,870		
FROM CONSUMER FRAUDS TRUST FUND			2,562
FROM GRANTS AND DONATIONS TRUST FUND			1,178,657
FROM LEGAL SERVICES TRUST FUND			1,454,554
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			48,393
FROM MOTOR VEHICLE WARRANTY TRUST FUND			430,923
FROM REVOLVING ESCROW TRUST FUND			8,913

From the funds in Specific Appropriations 1313 and 1315, 3 FTE and \$181,015 from recurring General Revenue are provided to increase, and not supplant, the current level of funding and FTE presently allocated to the Office of Civil Rights within the Department of Legal Affairs. These additional FTE and resources shall focus on predatory mortgage lending and other types of economic discrimination, as well as accessible housing and bias crime prevention with particular attention paid to the discrimination of women, senior citizens and those with physical and mental handicaps. By January 1, 2002, the department shall report:

- 1) the total number of cases opened and closed for the period of July 1, 2001 through January 1, 2002,
- 2) the type of cases opened and the number of hours spent on civil rights case investigations, legal research, and legal representation.

1316 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND	57,883		
FROM CONSUMER FRAUDS TRUST FUND			11,940
FROM GRANTS AND DONATIONS TRUST FUND			304,458
FROM LEGAL SERVICES TRUST FUND			359,664
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			27,483
FROM MOTOR VEHICLE WARRANTY TRUST FUND			21,592

SECTION 4
SPECIFIC
APPROPRIATION

1318 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM GENERAL REVENUE FUND		48,942	
FROM GRANTS AND DONATIONS TRUST FUND			222,458
1318A SPECIAL CATEGORIES			
ANTITRUST INVESTIGATIONS			
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			1,470,011
1318B SPECIAL CATEGORIES			
CONSUMER FRAUD INVESTIGATIONS			
FROM CONSUMER FRAUDS TRUST FUND			528,290
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			134,126
1319 SPECIAL CATEGORIES			
ECONOMIC CRIME LITIGATION			
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			984,252
1319A SPECIAL CATEGORIES			
RICO INVESTIGATIONS			
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			737,055
1320 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GRANTS AND DONATIONS TRUST FUND			40,933
FROM LEGAL SERVICES TRUST FUND			68,274
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			19,263
FROM MOTOR VEHICLE WARRANTY TRUST FUND			12,039
1321 SPECIAL CATEGORIES			
SALARY INCENTIVE PAYMENTS			
FROM GRANTS AND DONATIONS TRUST FUND			46,343
1321A DATA PROCESSING SERVICES			
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			7,448
1322 DATA PROCESSING SERVICES			
OTHER DATA PROCESSING SERVICES			
FROM GENERAL REVENUE FUND		12,483	
FROM GRANTS AND DONATIONS TRUST FUND			35,000
FROM LEGAL SERVICES TRUST FUND			192,081
TOTAL: CIVIL ENFORCEMENT			
FROM GENERAL REVENUE FUND		3,773,503	
FROM TRUST FUNDS			26,134,393
TOTAL POSITIONS		420	
TOTAL ALL FUNDS			29,907,896
CONSTITUTIONAL LEGAL SERVICES			
1324 SALARIES AND BENEFITS	POSITIONS	14	
FROM GENERAL REVENUE FUND			907,629
FROM GRANTS AND DONATIONS TRUST FUND			77,305
1325 EXPENSES			
FROM GENERAL REVENUE FUND			157,142
1326 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND			16,510
TOTAL: CONSTITUTIONAL LEGAL SERVICES			
FROM GENERAL REVENUE FUND		1,081,281	
FROM TRUST FUNDS			77,305
TOTAL POSITIONS		14	
TOTAL ALL FUNDS			1,158,586

SECTION 4
SPECIFIC
APPROPRIATION
CRIMINAL AND CIVIL LITIGATION DEFENSE

1327	SALARIES AND BENEFITS	POSITIONS	435	
	FROM GENERAL REVENUE FUND		13,629,541	
	FROM LEGAL SERVICES TRUST FUND			8,003,592
1328	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		74,287	
	FROM LEGAL SERVICES TRUST FUND			2,956,211
1329	EXPENSES			
	FROM GENERAL REVENUE FUND		1,916,534	
	FROM LEGAL SERVICES TRUST FUND			1,967,143

From the Funds in Specific Appropriations 1327 and 1329, up to \$440,893 in the Legal Services Trust Fund shall be supported by a contract with the Department of Revenue for ongoing tax litigation defense.

1330	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		6,604	
	FROM LEGAL SERVICES TRUST FUND			261,174
1330A	LUMP SUM			
	ATTORNEY GENERAL RESERVE POSITIONS FOR			
	AGENCY CONTRACTS	POSITIONS	100	

The positions in Specific Appropriation 1330A shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.

1331	SPECIAL CATEGORIES			
	LITIGATION EXPENSES			
	FROM GENERAL REVENUE FUND		46,500	
1332	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM LEGAL SERVICES TRUST FUND			59,341
1333	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM LEGAL SERVICES TRUST FUND			30,972
TOTAL:	CRIMINAL AND CIVIL LITIGATION DEFENSE			
	FROM GENERAL REVENUE FUND		15,673,466	
	FROM TRUST FUNDS			13,278,433
	TOTAL POSITIONS		535	
	TOTAL ALL FUNDS			28,951,899

VICTIM SERVICES

1334	SALARIES AND BENEFITS	POSITIONS	85	
	FROM FLORIDA MOTOR VEHICLE THEFT			
	PREVENTION TRUST FUND		325,949	
	FROM CRIMES COMPENSATION TRUST FUND		3,970,933	
	FROM CRIME STOPPERS TRUST FUND		38,497	
	FROM FLORIDA CRIME PREVENTION TRAINING			
	INSTITUTE REVOLVING TRUST FUND			263,778
1335	OTHER PERSONAL SERVICES			
	FROM FLORIDA MOTOR VEHICLE THEFT			
	PREVENTION TRUST FUND		45,100	
	FROM CRIMES COMPENSATION TRUST FUND		40,851	
	FROM FLORIDA CRIME PREVENTION TRAINING			
	INSTITUTE REVOLVING TRUST FUND			140,573
1336	EXPENSES			
	FROM GENERAL REVENUE FUND		352	
	FROM FLORIDA MOTOR VEHICLE THEFT			
	PREVENTION TRUST FUND		170,057	
	FROM CRIMES COMPENSATION TRUST FUND		762,281	
	FROM CRIME STOPPERS TRUST FUND		6,712	

SECTION 4
SPECIFIC
APPROPRIATION

	FROM FLORIDA CRIME PREVENTION TRAINING			
	INSTITUTE REVOLVING TRUST FUND			217,179
1337	OPERATING CAPITAL OUTLAY			
	FROM FLORIDA MOTOR VEHICLE THEFT			
	PREVENTION TRUST FUND			5,380
	FROM CRIMES COMPENSATION TRUST FUND			67,721
	FROM FLORIDA CRIME PREVENTION TRAINING			
	INSTITUTE REVOLVING TRUST FUND			3,930
1338	SPECIAL CATEGORIES			
	AWARDS TO CLAIMANTS			
	FROM CRIMES COMPENSATION TRUST FUND			22,558,000

From the funds in Specific Appropriation 1338, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

1339	SPECIAL CATEGORIES			
	FAMILY VIOLENCE - LEGAL ASSISTANCE			
	FROM CRIMES COMPENSATION TRUST FUND			150,000
1340	SPECIAL CATEGORIES			
	GRANTS AND AIDS - MINORITY COMMUNITIES			
	CRIME PREVENTION PROGRAMS			
	FROM GENERAL REVENUE FUND		3,929,163	

1341	SPECIAL CATEGORIES			
	GRANTS AND AIDS - MOTOR VEHICLE THEFT			
	PREVENTION			
	FROM FLORIDA MOTOR VEHICLE THEFT			
	PREVENTION TRUST FUND			2,142,669

1342	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CRIME STOPPERS			
	FROM CRIME STOPPERS TRUST FUND			4,000,000

1343	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM CRIMES COMPENSATION TRUST FUND			28,894

1344	SPECIAL CATEGORIES			
	GRANTS AND AIDS - VICTIM ASSISTANCE			
	SERVICES			
	FROM CRIMES COMPENSATION TRUST FUND			19,399,000

TOTAL:	VICTIM SERVICES			
	FROM GENERAL REVENUE FUND		3,929,515	
	FROM TRUST FUNDS			54,337,504
	TOTAL POSITIONS		85	
	TOTAL ALL FUNDS			58,267,019

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1345	SALARIES AND BENEFITS	POSITIONS	116	
	FROM GENERAL REVENUE FUND		4,499,295	
	FROM ADMINISTRATIVE TRUST FUND			1,194,110
	FROM CRIMES COMPENSATION TRUST FUND			225,957
	FROM LEGAL SERVICES TRUST FUND			34,327
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND			81,756
	FROM MOTOR VEHICLE WARRANTY TRUST FUND			37,132

1346	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		24,687	
	FROM ADMINISTRATIVE TRUST FUND			133,904

1347	EXPENSES			
	FROM GENERAL REVENUE FUND		442,146	
	FROM ADMINISTRATIVE TRUST FUND			1,269,535
	FROM CRIMES COMPENSATION TRUST FUND			918

SECTION 4 SPECIFIC APPROPRIATION		
1348	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER FROM GENERAL REVENUE FUND	10,000
1349	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND FROM CRIMES COMPENSATION TRUST FUND FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM LEGAL SERVICES TRUST FUND FROM LEGAL AFFAIRS REVOLVING TRUST FUND FROM MOTOR VEHICLE WARRANTY TRUST FUND	299,313 467,795 4,369 47,914 3,014 59,753 156,593 39,423 17,516
1350	SPECIAL CATEGORIES ATTORNEY GENERAL'S LAW LIBRARY FROM GENERAL REVENUE FUND	306,728
1351	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	7,937 6,595
1352	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	124,881 12,039
1353	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	146,965 157,876
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS	5,861,952 3,950,526
	TOTAL POSITIONS TOTAL ALL FUNDS	116 9,812,478

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

From the funds in Specific Appropriations 1354 through 1356, the Statewide Prosecution Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to investigate and prosecute criminal offenses enumerated in section 16.56, Florida Statutes, when they have been part of an organized crime conspiracy affecting two or more judicial circuits, including assistance to federal state attorneys and local law enforcement offices in their efforts against organized crime:

Performance Measures - Outcomes	FY 2001-2002 Standards
Of the defendants who reached disposition, the number of those convicted.....	394
Conviction rate per defendants who reached final adjudication.....	90.0%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

1354	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	70 4,824,428 79,640
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SECTION 4 SPECIFIC APPROPRIATION		
1355	SPECIAL CATEGORIES STATEWIDE PROSECUTION FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	1,051,237 87,203
From Specific Appropriation 1355, \$150,000 in nonrecurring General Revenue is appropriated to fund an initiative to study design methods and procedures to make the Florida driver's license more resistant to tampering and counterfeiting. The Statewide Prosecutor shall lead this initiative and may request the aid of the Department of Highway Safety and Motor Vehicles, the Florida Department of Law Enforcement and other agencies deemed appropriate to cooperate in this effort.		
1356	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	22,177
TOTAL:	PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME FROM GENERAL REVENUE FUND FROM TRUST FUNDS	5,897,842 166,843
	TOTAL POSITIONS TOTAL ALL FUNDS	70 6,064,685
PROGRAM: FLORIDA ELECTIONS COMMISSION		
CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT		
1357	SALARIES AND BENEFITS POSITIONS FROM ELECTIONS COMMISSION TRUST FUND	16 811,938
1358	OTHER PERSONAL SERVICES FROM ELECTIONS COMMISSION TRUST FUND	80,148
1359	EXPENSES FROM ELECTIONS COMMISSION TRUST FUND	236,749
TOTAL:	CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT FROM TRUST FUNDS	1,128,835
	TOTAL POSITIONS TOTAL ALL FUNDS	16 1,128,835

PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS

Funds provided in Specific Appropriations 1361 through 1366 are provided to continue support services provided by the Parole Commission to the Office of Executive Clemency and other statutorily authorized duties and responsibilities.

1361	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	147 6,608,681
1362	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	270,531
1363	EXPENSES FROM GENERAL REVENUE FUND	1,169,373
1364	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	58,930
1365	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	87,634
1365A	DATA PROCESSING SERVICES LAW ENFORCEMENT DATA CENTER FROM GENERAL REVENUE FUND	1,932

SECTION 4			
SPECIFIC APPROPRIATION			
1366	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	317,924	
TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS			
	FROM GENERAL REVENUE FUND	8,515,005	
	TOTAL POSITIONS	147	
	TOTAL ALL FUNDS		8,515,005
TOTAL OF SECTION 4 POSITIONS 44,016			
	FROM GENERAL REVENUE FUND	2702,676,738	
	FROM TRUST FUNDS		515,223,050
	TOTAL ALL FUNDS		3217,899,788

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

PROGRAM: OFFICE OF THE COMMISSIONER AND ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

1367	SALARIES AND BENEFITS POSITIONS 39		
	FROM GENERAL REVENUE FUND	2,233,592	
	FROM CITRUS INSPECTION TRUST FUND		243,983
	FROM GENERAL INSPECTION TRUST FUND		2,169
1368	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
1369	EXPENSES		
	FROM GENERAL REVENUE FUND	463,242	
	FROM GENERAL INSPECTION TRUST FUND		13,911
1370	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	66,000	
1371	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	46,578	
1372	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	32,932	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		4,607
	FROM GENERAL INSPECTION TRUST FUND		881
TOTAL: AGRICULTURAL LAW ENFORCEMENT			
	FROM GENERAL REVENUE FUND	2,857,344	
	FROM TRUST FUNDS		265,551
	TOTAL POSITIONS	39	
	TOTAL ALL FUNDS		3,122,895

SECTION 5			
SPECIFIC APPROPRIATION			
AGRICULTURAL WATER POLICY COORDINATION			
1373	SALARIES AND BENEFITS POSITIONS 32		
	FROM GENERAL REVENUE FUND	980,962	
	FROM GENERAL INSPECTION TRUST FUND		738,881
1375	EXPENSES		
	FROM GENERAL REVENUE FUND	84,952	
	FROM GENERAL INSPECTION TRUST FUND		309,851
1375A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SOIL AND WATER COST SHARING PROGRAM		
	FROM GENERAL REVENUE FUND	50,000	

From the funds in Specific Appropriation 1375A, \$50,000 from the General Revenue Fund shall be allocated by the department to mobile irrigation laboratory cost share programs with water management districts and other state, local and federal partners for agricultural water conservation.

1376	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		10,500
1377	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL INSPECTION TRUST FUND		168,000
1377A	SPECIAL CATEGORIES		
	ANIMAL WASTE MANAGEMENT		
	FROM GENERAL INSPECTION TRUST FUND		200,000
1378	SPECIAL CATEGORIES		
	BEST MANAGEMENT PRACTICES - COST SHARE		
	FROM GENERAL INSPECTION TRUST FUND		14,489,143
TOTAL: AGRICULTURAL WATER POLICY COORDINATION			
	FROM GENERAL REVENUE FUND	1,115,914	
	FROM TRUST FUNDS		15,916,375
	TOTAL POSITIONS	32	
	TOTAL ALL FUNDS		17,032,289

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1379	SALARIES AND BENEFITS POSITIONS 230		
	FROM GENERAL REVENUE FUND	8,088,687	
	FROM ADMINISTRATIVE TRUST FUND		3,408,928
1380	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	73,463	
	FROM ADMINISTRATIVE TRUST FUND		160,352
1381	EXPENSES		
	FROM GENERAL REVENUE FUND	932,712	
	FROM ADMINISTRATIVE TRUST FUND		1,897,514
	FROM GENERAL INSPECTION TRUST FUND		155,000
1382	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	19,278	
	FROM ADMINISTRATIVE TRUST FUND		142,250
1383	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM ADMINISTRATIVE TRUST FUND		55,079
1384	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	32,787	
	FROM ADMINISTRATIVE TRUST FUND		33,365

SECTION 5			
SPECIFIC APPROPRIATION			
1385	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	131,122	
	FROM ADMINISTRATIVE TRUST FUND		5,073
1385A	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	4,000	
1385B	SPECIAL CATEGORIES		
	NORTH AMERICAN FREE TRADE AGREEMENT IMPACT		
	FROM GENERAL INSPECTION TRUST FUND		200,000
1385C	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		9,900
1386A	FIXED CAPITAL OUTLAY		
	ELEVATOR REPLACEMENT FOR MAYO AND CONNER BUILDINGS		
	FROM ADMINISTRATIVE TRUST FUND		424,484
1386B	FIXED CAPITAL OUTLAY		
	REPLACE CONDENSING UNITS - LABS #4 & #5 LABORATORY COMPLEX - LEON CO.		
	FROM GENERAL INSPECTION TRUST FUND		77,865
1386C	FIXED CAPITAL OUTLAY		
	REPLACE CORRIDOR GLASS - CONNER COMPLEX - DMS MGD		
	FROM GENERAL INSPECTION TRUST FUND		268,085
1387	FIXED CAPITAL OUTLAY		
	REPLACE CHILLER - MAYO BUILDING - DMS MGD		
	FROM GENERAL REVENUE FUND	345,950	
	FROM GENERAL INSPECTION TRUST FUND		740,006
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	9,627,999	
	FROM TRUST FUNDS		7,577,901
	TOTAL POSITIONS	230	
	TOTAL ALL FUNDS		17,205,900

PROGRAM: FOREST AND RESOURCE PROTECTION

From the funds in Specific Appropriations 1389 through 1415, the Forest and Resource Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Number of acres of forest lands protected from wildfires	25,100,000
2. Number of wildfires detected and suppressed	5,000

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

LAND MANAGEMENT

1389	SALARIES AND BENEFITS	POSITIONS	459
	FROM GENERAL REVENUE FUND		9,495,072
	FROM CONTRACTS AND GRANTS TRUST FUND		405,336
	FROM INCIDENTAL TRUST FUND		2,048,604
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		5,286,354

SECTION 5			
SPECIFIC APPROPRIATION			
1390	OTHER PERSONAL SERVICES		
	FROM CONTRACTS AND GRANTS TRUST FUND		329,535
	FROM INCIDENTAL TRUST FUND		351,641
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		310,950
1391	EXPENSES		
	FROM CONTRACTS AND GRANTS TRUST FUND		1,482,071
	FROM INCIDENTAL TRUST FUND		2,577,663
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		3,350,103
1392	AID TO LOCAL GOVERNMENTS		
	AMERICA THE BEAUTIFUL PROGRAM		
	FROM CONTRACTS AND GRANTS TRUST FUND		1,747,538
1393	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PLANT A TREE PROGRAM		
	FROM CONTRACTS AND GRANTS TRUST FUND		200,000
1394	AID TO LOCAL GOVERNMENTS		
	STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND		700,050
1394A	AID TO LOCAL GOVERNMENTS		
	SOUTHERN PINE BEETLE SUPPRESSION PROGRAM - HERNANDO COUNTY		
	FROM GENERAL REVENUE FUND	132,500	
1395	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	53,433	
	FROM CONTRACTS AND GRANTS TRUST FUND		207,200
	FROM INCIDENTAL TRUST FUND		185,583
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		106,500
1396	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INCIDENTAL TRUST FUND		100,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		897,000
1397	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	94,355	
	FROM INCIDENTAL TRUST FUND		11,601
1398	SPECIAL CATEGORIES		
	INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		2,544,152
1398A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM INCIDENTAL TRUST FUND		571
1400	FIXED CAPITAL OUTLAY		
	CROOM MOTOR CYCLE RECREATION AREA IMPROVEMENTS - WITHLACOCHEE FORESTRY CENTER - DMS MGD		
	FROM INCIDENTAL TRUST FUND		218,600
1401	FIXED CAPITAL OUTLAY		
	MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		200,000
1402	FIXED CAPITAL OUTLAY		
	GOETHE STATE FOREST		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		320,000

SECTION 5			
SPECIFIC			
APPROPRIATION			
1403	FIXED CAPITAL OUTLAY ADMINISTRATION BUILDING FOR LAKE WALES RIDGE STATE FOREST FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		450,000
1404	FIXED CAPITAL OUTLAY LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE FROM FLORIDA FOREVER PROGRAM TRUST FUND		4,500,000
1405	FIXED CAPITAL OUTLAY FORESTRY LAND ACQUISITION - STATEWIDE FROM INCIDENTAL TRUST FUND		110,000
TOTAL:	LAND MANAGEMENT FROM GENERAL REVENUE FUND FROM TRUST FUNDS	9,775,360	28,641,052
	TOTAL POSITIONS	459	
	TOTAL ALL FUNDS		38,416,412
WILDFIRE PREVENTION AND MANAGEMENT			
1406	SALARIES AND BENEFITS POSITIONS 741 FROM GENERAL REVENUE FUND 27,773,905 FROM CONTRACTS AND GRANTS TRUST FUND 764,473 FROM INCIDENTAL TRUST FUND 223,382		
1407	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 576,742 FROM INCIDENTAL TRUST FUND 120,000		
1408	EXPENSES FROM GENERAL REVENUE FUND 7,121,013 FROM CONTRACTS AND GRANTS TRUST FUND 449,844 FROM INCIDENTAL TRUST FUND 1,877,266		
1409	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION FROM CONTRACTS AND GRANTS TRUST FUND		72,589
1410	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND 99,233 FROM INCIDENTAL TRUST FUND 250,000		
1411	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND 500,000 FROM INCIDENTAL TRUST FUND 1,000,000		
1412	SPECIAL CATEGORIES ON-CALL FEES FROM GENERAL REVENUE FUND 333,296 FROM INCIDENTAL TRUST FUND 10,000		
1412A	SPECIAL CATEGORIES FIRE POTENTIAL INDEX (FPI) DEVELOPMENT AND IMPLEMENTATION FROM INCIDENTAL TRUST FUND		105,000

SECTION 5			
SPECIFIC			
APPROPRIATION			
			for a Polar orbiting satellite data receiver to collect daily fire data. The Division of Forestry is to provide project leadership and wildfire index expertise.
1413	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 849,195 FROM INCIDENTAL TRUST FUND 104,409		
1413A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM INCIDENTAL TRUST FUND		1,061
1414A	FIXED CAPITAL OUTLAY RELOCATE CRESTVIEW WORK CENTER FROM RELOCATION AND CONSTRUCTION TRUST FUND		304,000
1415	FIXED CAPITAL OUTLAY RELOCATE FORESTRY STATION - Ocala FROM RELOCATION AND CONSTRUCTION TRUST FUND		349,000
TOTAL:	WILDFIRE PREVENTION AND MANAGEMENT FROM GENERAL REVENUE FUND 37,253,384 FROM TRUST FUNDS 5,631,024		
	TOTAL POSITIONS	741	
	TOTAL ALL FUNDS		42,884,408
PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER			
INFORMATION TECHNOLOGY			
1416	SALARIES AND BENEFITS POSITIONS 44 FROM GENERAL REVENUE FUND 1,146,192 FROM GENERAL INSPECTION TRUST FUND 1,208,583		
1417	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		150,000
1418	EXPENSES FROM GENERAL REVENUE FUND 1,771,130 FROM GENERAL INSPECTION TRUST FUND 2,307,065		
1419	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND 151,270 FROM GENERAL INSPECTION TRUST FUND 254,000		
1420	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL INSPECTION TRUST FUND		4,768
TOTAL:	INFORMATION TECHNOLOGY FROM GENERAL REVENUE FUND 3,218,592 FROM TRUST FUNDS 3,774,416		
	TOTAL POSITIONS	44	
	TOTAL ALL FUNDS		6,993,008
PROGRAM: FOOD SAFETY AND QUALITY			

Funds provided in Specific Appropriation 1412A shall be used for the development and implementation of a Fire Potential Index (FPI) in Florida. The Department's Division of Forestry shall work with the Florida State University's Meteorology Department to integrate diverse sources of weather data to produce the detailed daily weather analysis required to implement the FPI in Florida. The Division of Forestry is to contract with the Florida State University to complete the meteorological portion of the program at a cost of \$65,000. The remaining \$40,000 shall be utilized by the Division of Forestry to produce the Geographical Information System vegetation data and provide

From the funds in Specific Appropriations 1421 through 1430A, the Food Safety and Quality Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

SECTION 5
SPECIFIC
APPROPRIATION

1. Percent of dairy establishments meeting food safety and sanitation requirements.....	83.8%	
2. Percent of milk and dairy products analyzed that meet standards.....	92.1%	
3. Percent of food establishments meeting food safety and sanitation requirements.....	90.6%	
4. Percent of produce or food samples analyzed that meet pesticide residue standards.....	97.6%	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

1421 SALARIES AND BENEFITS	POSITIONS	30	
FROM GENERAL REVENUE FUND		1,331,237	
1422 EXPENSES			
FROM GENERAL REVENUE FUND		194,537	
1423 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		14,000	
1424 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		3,957	
TOTAL: DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT			
FROM GENERAL REVENUE FUND		1,543,731	
	TOTAL POSITIONS	30	
	TOTAL ALL FUNDS		1,543,731

FOOD SAFETY INSPECTION AND ENFORCEMENT

1425 SALARIES AND BENEFITS	POSITIONS	274	
FROM GENERAL REVENUE FUND		1,588,025	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,596,424	
FROM GENERAL INSPECTION TRUST FUND		8,657,004	
1426 OTHER PERSONAL SERVICES			
FROM CONTRACTS AND GRANTS TRUST FUND . . .		492,641	
1427 EXPENSES			
FROM GENERAL REVENUE FUND		633,395	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		649,519	
FROM GENERAL INSPECTION TRUST FUND		979,664	
1428 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		30,888	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		274,000	
FROM GENERAL INSPECTION TRUST FUND		283,400	
1429 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM CONTRACTS AND GRANTS TRUST FUND . . .		17,500	
FROM GENERAL INSPECTION TRUST FUND		77,400	
1430 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		138,559	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		38,444	
FROM GENERAL INSPECTION TRUST FUND		73,616	
1430A DATA PROCESSING SERVICES			
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF			
MANAGEMENT SERVICES			
FROM GENERAL INSPECTION TRUST FUND		9,206	
TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT			
FROM GENERAL REVENUE FUND		2,390,867	
FROM TRUST FUNDS			13,148,818

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	274	
TOTAL ALL FUNDS		15,539,685

PROGRAM: CONSUMER PROTECTION

From the funds in Specific Appropriations 1432 through 1447, the Consumer Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent regulated entities found operating in compliance with the consumer protection laws.....	91%
2. Percent of petroleum products meeting quality standards	99.2%
3. Percent of licensed pesticide applicators inspected that are in compliance	78%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

AGRICULTURAL ENVIRONMENTAL SERVICES

1432 SALARIES AND BENEFITS	POSITIONS	206	
FROM GENERAL REVENUE FUND		2,769,408	
FROM CONTRACTS AND GRANTS TRUST FUND . . .			215,646
FROM GENERAL INSPECTION TRUST FUND			4,609,695
FROM PEST CONTROL TRUST FUND			1,463,038
1433 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		3,500	
FROM CONTRACTS AND GRANTS TRUST FUND . . .			70,000
FROM PEST CONTROL TRUST FUND			21,530
1434 EXPENSES			
FROM GENERAL REVENUE FUND		830,479	
FROM CONTRACTS AND GRANTS TRUST FUND . . .			759,742
FROM GENERAL INSPECTION TRUST FUND			575,550
FROM PEST CONTROL TRUST FUND			373,092
1434A AID TO LOCAL GOVERNMENTS			
MOSQUITO CONTROL PROGRAM			
FROM GENERAL INSPECTION TRUST FUND			2,628,598

From the funds provided in Specific Appropriation 1434A, \$250,000 from the General Inspection Trust Fund shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the IFAS/Florida Medical Entomology Laboratory and the FAMU/Mulrennan Research Laboratory. The research shall be guided by a seven member research advisory committee, appointed by the Commissioner of Agriculture which shall include three representatives of local mosquito control programs, and one representative each from the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Health and the U.S. Department of Agriculture (USDA).

From the funds in Specific Appropriation 1434A, \$350,000 from the General Inspection Trust Fund is provided for the control of nuisance chironomidae (blind mosquitoes) in Lake Monroe in Seminole County.

1435 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		8,070	
FROM CONTRACTS AND GRANTS TRUST FUND . . .			69,500
1436 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM CONTRACTS AND GRANTS TRUST FUND . . .			151,000
FROM GENERAL INSPECTION TRUST FUND			48,000
FROM PEST CONTROL TRUST FUND			36,000

SECTION 5 SPECIFIC APPROPRIATION			
1436A	SPECIAL CATEGORIES NITRATE RESEARCH AND REMEDIATION FROM GENERAL INSPECTION TRUST FUND		930,000
1437	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		44,302
TOTAL:	AGRICULTURAL ENVIRONMENTAL SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS	3,655,759	11,951,391
	TOTAL POSITIONS	206	
	TOTAL ALL FUNDS		15,607,150
CONSUMER PROTECTION			
1438	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	116 593,498	3,680,290
1439	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	12,216	38,513
1440	EXPENSES FROM GENERAL REVENUE FUND FROM CONTRACTS AND GRANTS TRUST FUND FROM GENERAL INSPECTION TRUST FUND	136,463 8,518	835,606
1440A	OPERATING CAPITAL OUTLAY FROM GENERAL INSPECTION TRUST FUND		3,000
1441	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		34,524
TOTAL:	CONSUMER PROTECTION FROM GENERAL REVENUE FUND FROM TRUST FUNDS	776,701	4,565,927
	TOTAL POSITIONS	116	
	TOTAL ALL FUNDS		5,342,628
STANDARDS AND PETROLEUM QUALITY INSPECTION			
1442	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	192 2,173,782	5,289,882
1443	OTHER PERSONAL SERVICES FROM GENERAL INSPECTION TRUST FUND		59,572
1444	EXPENSES FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	407,780	1,796,319
1445	OPERATING CAPITAL OUTLAY FROM GENERAL INSPECTION TRUST FUND		361,700
1446	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	36,600	164,000
1447	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	5,458	30,079
TOTAL:	STANDARDS AND PETROLEUM QUALITY INSPECTION FROM GENERAL REVENUE FUND FROM TRUST FUNDS	2,623,620	7,701,552

SECTION 5 SPECIFIC APPROPRIATION		
TOTAL POSITIONS	192	
TOTAL ALL FUNDS		10,325,172

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

From the funds in Specific Appropriations 1448 through 1496C, the Agricultural Economic Development Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Florida agricultural products as a percent of the national market.....	3.71%
2. Percent of livestock and poultry infected with specific transmissible diseases for which monitoring, controlling and eradicating activities are established.....	.00043%
3. Percent of commercial citrus acres free of citrus canker	99%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

1448	SALARIES AND BENEFITS POSITIONS FROM CITRUS INSPECTION TRUST FUND FROM GENERAL INSPECTION TRUST FUND	308	9,246,574 2,288,145
1449	OTHER PERSONAL SERVICES FROM CITRUS INSPECTION TRUST FUND FROM GENERAL INSPECTION TRUST FUND		500,000 500,000
1450	EXPENSES FROM CITRUS INSPECTION TRUST FUND FROM GENERAL INSPECTION TRUST FUND		1,458,757 449,269
1451	OPERATING CAPITAL OUTLAY FROM CITRUS INSPECTION TRUST FUND		183,000
1451A	SPECIAL CATEGORIES AUTOMATED TESTING EQUIPMENT FROM CITRUS INSPECTION TRUST FUND		254,756
1452	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CITRUS INSPECTION TRUST FUND FROM GENERAL INSPECTION TRUST FUND		513,569 59,456
TOTAL:	FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT FROM TRUST FUNDS		15,453,526
	TOTAL POSITIONS	308	
	TOTAL ALL FUNDS		15,453,526

AGRICULTURAL PRODUCTS MARKETING

1453	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM CITRUS INSPECTION TRUST FUND FROM CONTRACTS AND GRANTS TRUST FUND FROM GENERAL INSPECTION TRUST FUND FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND FROM SALTWATER PRODUCTS PROMOTION TRUST FUND FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND	199 2,928,793	1,062,749 288,248 957,209 1,961,923 644,752 33,865
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SECTION 5		SPECIFIC APPROPRIATION	
1454	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM CITRUS INSPECTION TRUST FUND		233,597
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		27,500
1455	EXPENSES		
	FROM GENERAL REVENUE FUND	881,244	
	FROM CITRUS INSPECTION TRUST FUND		340,887
	FROM CONTRACTS AND GRANTS TRUST FUND		1,667,632
	FROM GENERAL INSPECTION TRUST FUND		668,532
	FROM MARKET TRADE SHOW TRUST FUND		164,000
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		795,162
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		301,261
	FROM VITICULTURE TRUST FUND		7,800
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		110,400
1456	OPERATING CAPITAL OUTLAY		
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		14,000
1457	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CITRUS INSPECTION TRUST FUND		45,234
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		49,870
1458	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VITICULTURE PROGRAM		
	FROM VITICULTURE TRUST FUND		250,000
1459	SPECIAL CATEGORIES		
	FLORIDA AGRICULTURE PROMOTION CAMPAIGN		
	FROM GENERAL REVENUE FUND		850,000
1460	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MARKETING ORDERS		
	FROM CITRUS INSPECTION TRUST FUND		2,500,000
	FROM GENERAL INSPECTION TRUST FUND		475,000
1461	SPECIAL CATEGORIES		
	FOOD RECOVERY PROGRAM		
	FROM GENERAL REVENUE FUND		640,000
	From the funds in Specific Appropriations 1461, \$50,000 from General Revenue Fund is provided for Barnabas Food Distribution Center, \$440,000 from General Revenue Fund is provided for Farm Share Inc. Food Recovery Program - Dade, and \$150,000 from General Revenue Fund is provided for South Florida Food Recovery, Inc..		
1462	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PROMOTIONAL AWARDS		
	FROM GENERAL INSPECTION TRUST FUND		300,000
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND		43,250
1463	SPECIAL CATEGORIES		
	GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS		
	FROM CONTRACTS AND GRANTS TRUST FUND		843,563
1464	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		17,546
	FROM CITRUS INSPECTION TRUST FUND		4,930
	FROM CONTRACTS AND GRANTS TRUST FUND		4,416
	FROM GENERAL INSPECTION TRUST FUND		8,075
	FROM MARKET IMPROVEMENTS WORKING CAPITAL		

SECTION 5		SPECIFIC APPROPRIATION	
	TRUST FUND		18,155
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		5,017
1464A	SPECIAL CATEGORIES		
	SPECIAL STUDIES/RESEARCH PROGRAMS		
	FROM GENERAL REVENUE FUND		850,000
	From the funds in Specific Appropriations 1464A, \$850,000 from General Revenue Fund is provided for Dover Strawberry Research Center.		
1464B	FIXED CAPITAL OUTLAY		
	MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND		100,000
1464C	FIXED CAPITAL OUTLAY		
	ADDITIONS AND REPLACEMENT, POMPAÑO STATE FARMERS' MARKET - DMS MGD		
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		500,000
	Funds in Specific Appropriation 1464C are provided to the department for renovations and repairs at the Pompano State Farmers Market. The department shall conduct a cost analysis of alternatives available to fund future construction needs at the facility. The alternatives considered must include an analysis of entering into a long-term lease that would include the lessee providing needed renovations and repairs. Other options that may be considered include the cost/benefit of state-funded renovations and repairs and the privatization of the facility. The department shall provide a report of the cost analyses to the Chairs of the committees responsible for the appropriations and the Speaker of the House of Representatives and the President of the Senate by January 1, 2002.		
1464D	FIXED CAPITAL OUTLAY		
	ADDITIONS AND RENOVATIONS PLANT CITY STATE FARMERS' MARKET - DMS MGD		
	FROM GENERAL REVENUE FUND		100,000
1464E	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	AGRICULTURAL PROMOTION AND EDUCATION FACILITIES		
	FROM GENERAL REVENUE FUND		6,284,500
	Funds in Specific Appropriation 1464E are provided for the following Agricultural Promotion and Education Facilities:		
	Ag Facilities/Farmers Market - Okaloosa.....		400,000
	Agricultural Center/ Show Grounds/Hendry.....		100,000
	Agri-plex Addition - South Florida Fair/Palm Beach.....		350,000
	Allapattah Produce Market/Dade.....		600,000
	Byrleville Community Center Expansion/Escambia.....		30,000
	Crestview Multi-Purpose Assembly Facility/Okaloosa.....		750,000
	FFA Educational Complex/Polk.....		1,000,000
	Glades County AgriCenter Renovation/Repair.....		200,000
	Hendry County Fairgrounds Improvements.....		200,000
	Hernando County Fairgrounds Renovation.....		200,000
	HOLMES COUNTY FAIRGROUNDS PHASE III.....		200,000
	McDAVID COMMUNITY CENTER/Escambia.....		100,000
	Okaloosa Regional Agricultural Facility.....		350,000
	Portland Community Agricultural Center--Walton County.....		150,000
	Renovation of Mid-State Crop & Livestock Pavilion/Polk.....		557,000
	Rodeo Grounds Improvements/Hendry.....		112,500
	Sarasota County Agricultural Fair Association.....		185,000
	Tri-County Agricultural Complex/Calhoun, Gulf, Liberty.....		200,000
	Wakulla Expo.....		200,000
	WALTON COUNTY FAIR ARENA RENOVATION.....		50,000
	Washington County Agricultural Center.....		100,000
	West Central Florida Agriculture Education/Sumter.....		250,000
TOTAL:	AGRICULTURAL PRODUCTS MARKETING		
	FROM GENERAL REVENUE FUND		12,667,083
	FROM TRUST FUNDS		14,333,777

SECTION 5		
SPECIFIC		
APPROPRIATION		
TOTAL POSITIONS	199	
TOTAL ALL FUNDS		27,000,860

AQUACULTURE

1465 SALARIES AND BENEFITS	POSITIONS	56	
FROM GENERAL REVENUE FUND		1,962,474	
FROM GENERAL INSPECTION TRUST FUND			497,061
1466 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		30,000	
FROM GENERAL INSPECTION TRUST FUND			39,000
1467 EXPENSES			
FROM GENERAL REVENUE FUND		524,332	
FROM GENERAL INSPECTION TRUST FUND			359,984
1468 OPERATING CAPITAL OUTLAY			
FROM GENERAL INSPECTION TRUST FUND			142,200
1469 SPECIAL CATEGORIES			
OYSTER PLANTING			
FROM GENERAL REVENUE FUND		350,000	
FROM GENERAL INSPECTION TRUST FUND			104,400
1470 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		4,597	
FROM GENERAL INSPECTION TRUST FUND			638
1471 SPECIAL CATEGORIES			
AQUACULTURE DEVELOPMENT			
FROM GENERAL REVENUE FUND		1,731,487	

From the General Revenue Fund in Specific Appropriation 1471, the following projects are included and funded as follows:

Tropical Aquaculture Marketing.....	200,000
Collier City / Pompano Beach Aquaculture and Hydroponics	
Complex - Phase 1 - Fish Processing.....	250,000
Mote Marine Sturgeon Program.....	500,000
Genetic Study of Shrimp.....	198,000
Freshwater Shrimp Production.....	152,811
Indian River Aquaculture Program.....	100,000
Statewide Shellfish Aquaculture Extension Program.....	120,250
Florida Aquaculture Extension Program.....	89,166

Of the funds in Specific Appropriation 1471, \$121,260 from recurring General Revenue Fund is provided for the Institute of Food and Agricultural Science at the University of Florida for funding the Ruskin Tropical Aquaculture Lab.

1472 DATA PROCESSING SERVICES			
ENVIRONMENTAL PROTECTION MANAGEMENT			
INFORMATION CENTER			
FROM GENERAL REVENUE FUND		25,000	
TOTAL: AQUACULTURE			
FROM GENERAL REVENUE FUND		4,627,890	
FROM TRUST FUNDS			1,143,283
TOTAL POSITIONS	56		
TOTAL ALL FUNDS			5,771,173

AGRICULTURAL INSPECTION STATIONS

1473 SALARIES AND BENEFITS	POSITIONS	185	
FROM GENERAL REVENUE FUND		8,996,312	
FROM GENERAL INSPECTION TRUST FUND			28,754
1474 EXPENSES			
FROM GENERAL REVENUE FUND		542,049	
FROM CITRUS INSPECTION TRUST FUND			25,987
FROM GENERAL INSPECTION TRUST FUND			41,432

SECTION 5		
SPECIFIC		
APPROPRIATION		
1475 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND		30,653
1476 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND		99,000
1477 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND		258,175
1478 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND		78,015
FROM AGRICULTURAL LAW ENFORCEMENT TRUST		
FUND		
		18,428
1479A FIXED CAPITAL OUTLAY		
RENOVATE AGRICULTURAL INSPECTIONS STATIONS		
- STATEWIDE		
FROM AGRICULTURAL LAW ENFORCEMENT TRUST		
FUND		
		125,000
1479B FIXED CAPITAL OUTLAY		
CONSTRUCTION OF CANOPIES AT AGRICULTURAL		
INSPECTION STATIONS		
FROM AGRICULTURAL LAW ENFORCEMENT TRUST		
FUND		
		300,000
TOTAL: AGRICULTURAL INSPECTION STATIONS		
FROM GENERAL REVENUE FUND		10,004,204
FROM TRUST FUNDS		
		539,601
TOTAL POSITIONS	185	
TOTAL ALL FUNDS		
		10,543,805

ANIMAL PEST AND DISEASE CONTROL

1480 SALARIES AND BENEFITS	POSITIONS	158	
FROM GENERAL REVENUE FUND		5,898,742	
FROM CONTRACTS AND GRANTS TRUST FUND . . .			489,308
FROM GENERAL INSPECTION TRUST FUND			157,772
1481 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		11,866	
1482 EXPENSES			
FROM GENERAL REVENUE FUND		788,681	
FROM CONTRACTS AND GRANTS TRUST FUND . . .			335,688
FROM GENERAL INSPECTION TRUST FUND			286,033
1483 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		607,595	
1484 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		58,607	
FROM CONTRACTS AND GRANTS TRUST FUND . . .			21
1484A SPECIAL CATEGORIES			
TRANSFER TO UNIVERSITY OF FLORIDA/			
INSTITUTE OF FOOD AND AGRICULTURAL			
SCIENCES - SMALL ANIMAL HOSPITAL			
FROM GENERAL REVENUE FUND		100,000	
TOTAL: ANIMAL PEST AND DISEASE CONTROL			
FROM GENERAL REVENUE FUND		7,465,491	
FROM TRUST FUNDS			1,268,822
TOTAL POSITIONS	158		
TOTAL ALL FUNDS			8,734,313

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PLANT PEST AND DISEASE CONTROL

1485	SALARIES AND BENEFITS	POSITIONS	348	
	FROM GENERAL REVENUE FUND		10,299,646	
	FROM CITRUS INSPECTION TRUST FUND			610,944
	FROM CONTRACTS AND GRANTS TRUST FUND			477,926
	FROM PLANT INDUSTRY TRUST FUND			2,200,295
1486	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		67,017	
	FROM CITRUS INSPECTION TRUST FUND			7,800
	FROM CONTRACTS AND GRANTS TRUST FUND			99,230
	FROM PLANT INDUSTRY TRUST FUND			759,550
1487	EXPENSES			
	FROM GENERAL REVENUE FUND		1,088,549	
	FROM CITRUS INSPECTION TRUST FUND			90,801
	FROM CONTRACTS AND GRANTS TRUST FUND			9,833
	FROM PLANT INDUSTRY TRUST FUND			1,142,737
1488	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		18,700	
	FROM PLANT INDUSTRY TRUST FUND			50,000
1488A	LUMP SUM			
	CITRUS CANKER TREE COMPENSATION PROGRAM			
	FROM GENERAL REVENUE FUND		27,500,000	

The non-recurring funds provided in Specific Appropriation 1488A shall be used to compensate private homeowners \$100 for each citrus tree destroyed on their residential property by the joint Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture Citrus Canker Eradication Program. The Department shall develop a residential citrus tree compensation program for residential citrus trees lost. The program shall be as described in CS/CS/SB 170. The department shall develop a plan to identify, document and distribute these funds to applicable residents. The plan shall ensure that no compensation is provided for trees previously replaced by the Shade Dade program. Prior to the release of any funds from this appropriation the department shall submit the plan to the Legislative Budget Commission for review pursuant to the provisions of s. 216.177, Florida Statutes. The department may use up to \$500,000 from this appropriation to administer this program.

1489	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GENERAL REVENUE FUND		90,000	
	FROM PLANT INDUSTRY TRUST FUND			150,000
1490	SPECIAL CATEGORIES			
	AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)			
	FROM GENERAL REVENUE FUND		1,000,000	
	FROM CONTRACTS AND GRANTS TRUST FUND			1,000,000
1491	SPECIAL CATEGORIES			
	GRANTS AND AIDS - BOLL WEEVIL ERADICATION			
	FROM PLANT INDUSTRY TRUST FUND			560,000
1492	SPECIAL CATEGORIES			
	APIARIAN INDEMNITIES			
	FROM GENERAL REVENUE FUND		36,000	
1493	SPECIAL CATEGORIES			
	ENDANGERED PLANT SPECIES			
	FROM PLANT INDUSTRY TRUST FUND			250,000
1494	SPECIAL CATEGORIES			
	PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM			
	FROM PLANT INDUSTRY TRUST FUND			300,000
1495	SPECIAL CATEGORIES			
	CITRUS CANKER ERADICATION			

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	FROM CONTRACTS AND GRANTS TRUST FUND			38,976,500
	AGRICULTURAL EMERGENCY ERADICATION TRUST FUND			6,200,000
	Funds from the Contracts and Grants Trust Fund in Specific Appropriation 1495 are contingent upon receipt of federal funds designated for this purpose.			
1496	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		431,360	
	FROM PLANT INDUSTRY TRUST FUND			9,126
1496A	SPECIAL CATEGORIES			
	TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES FOR INVASIVE EXOTICS QUARANTINE FACILITY			
	FROM GENERAL REVENUE FUND		750,000	
1496B	SPECIAL CATEGORIES			
	TRANSFER TO UNIVERSITY OF FLORIDA - INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES/BIOLOGICAL CONTROL OF PEST MOLE CRICKETS			
	FROM GENERAL REVENUE FUND		300,000	
1496C	SPECIAL CATEGORIES			
	TRANSFER TO UNIVERSITY OF FLORIDA - INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES - FLORIDA AUTOMATED WEATHER NETWORK			
	FROM GENERAL REVENUE FUND		52,700	
TOTAL:	PLANT PEST AND DISEASE CONTROL			
	FROM GENERAL REVENUE FUND		41,633,972	
	FROM TRUST FUNDS			52,894,742
	TOTAL POSITIONS		348	
	TOTAL ALL FUNDS			94,528,714

COMMUNITY AFFAIRS, DEPARTMENT OF
PROGRAM: OFFICE OF THE SECRETARY

From the funds in Specific Appropriations 1497 through 1515, the Office of the Secretary will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of local government participation in land acquisition programs.....	16%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LAND ADMINISTRATION

1497	SALARIES AND BENEFITS	POSITIONS	18	
	FROM FLORIDA COMMUNITIES TRUST FUND			794,904
	Funds in Specific Appropriations 1497 through 1500 reflect the transfer of \$1,148,854 from the Land Acquisition Trust Fund in the Department of Environmental Protection to the Department of Community Affairs for the administration of the Florida Communities Trust Land Acquisition Program.			

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1498	OTHER PERSONAL SERVICES		
	FROM FLORIDA COMMUNITIES TRUST FUND . . .	50,000	
1499	EXPENSES		
	FROM FLORIDA COMMUNITIES TRUST FUND . . .	301,579	
1499A	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA COMMUNITIES TRUST FUND . . .	2,000	
1500	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FLORIDA COMMUNITIES TRUST FUND . . .	371	
1502	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION, ENVIRONMENTALLY		
	ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,		
	STATEWIDE		
	FROM FLORIDA FOREVER PROGRAM TRUST FUND .	66,000,000	
TOTAL: LAND ADMINISTRATION			
	FROM TRUST FUNDS	67,148,854	
	TOTAL POSITIONS	18	
	TOTAL ALL FUNDS	67,148,854	
FLORIDA COASTAL MANAGEMENT			
1503	SALARIES AND BENEFITS	POSITIONS	12
	FROM GENERAL REVENUE FUND	266,973	
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .	378,998	
1504	OTHER PERSONAL SERVICES		
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .	340,000	
1505	EXPENSES		
	FROM GENERAL REVENUE FUND	30,524	
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .	299,047	
1506	OPERATING CAPITAL OUTLAY		
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .	1,399	
1507	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .	204	
1508	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COASTAL MANAGEMENT		
	REQUIREMENTS		
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .	1,453,004	
TOTAL: FLORIDA COASTAL MANAGEMENT			
	FROM GENERAL REVENUE FUND	297,497	
	FROM TRUST FUNDS	2,472,652	
	TOTAL POSITIONS	12	
	TOTAL ALL FUNDS	2,770,149	
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
1510	SALARIES AND BENEFITS	POSITIONS	85
	FROM GENERAL REVENUE FUND	2,089,301	
	FROM ADMINISTRATIVE TRUST FUND	2,080,903	
	FROM ENERGY CONSUMPTION TRUST FUND	35,088	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	192,245	
	FROM LOW INCOME HOME ENERGY ASSISTANCE		
	PROGRAM BLOCK GRANT TRUST FUND	35,142	
1511	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND	417,344	
1512	EXPENSES		
	FROM GENERAL REVENUE FUND	217,521	

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	FROM ADMINISTRATIVE TRUST FUND		869,681
	FROM ENERGY CONSUMPTION TRUST FUND		4,023
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,099
	FROM LOW INCOME HOME ENERGY ASSISTANCE		
	PROGRAM BLOCK GRANT TRUST FUND		5,495
1513	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		93,608
1514	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM GENERAL REVENUE FUND	276,970	
1515	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,198	
	FROM ADMINISTRATIVE TRUST FUND		6,512
	FROM ENERGY CONSUMPTION TRUST FUND		69
	FROM GRANTS AND DONATIONS TRUST FUND . . .		136
	FROM LOW INCOME HOME ENERGY ASSISTANCE		
	PROGRAM BLOCK GRANT TRUST FUND		38
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	2,596,990	
	FROM TRUST FUNDS		3,767,383
	TOTAL POSITIONS	85	
	TOTAL ALL FUNDS		6,364,373

PROGRAM: COMMUNITY PLANNING

From the funds in Specific Appropriations 1517 through 1522, the Community Planning Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====		
Performance		FY 2001-2002
Measures		Standards

OUTCOMES:		

Percent of local comprehensive plan amendments determined to be in		
compliance with the Growth Management Act.....98%		
Additional approved performance measures and standards are		
established in the FY 2001-2002 Implementing Bill and are		
incorporated herein by reference.		
=====		

COMMUNITY PLANNING

1517	SALARIES AND BENEFITS	POSITIONS	72
	FROM GENERAL REVENUE FUND		3,480,676
1518	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	18,650	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,733
1519	EXPENSES		
	FROM GENERAL REVENUE FUND	529,457	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,288
1519A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,500	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500
1520	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL PLANNING		
	COUNCILS		
	FROM GENERAL REVENUE FUND	2,236,250	

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Funds in Specific Appropriation 1520 are provided to Regional Planning Councils, 70 percent of which is to be divided equally to each council and 30 percent shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

From funds in Specific Appropriation 1520, \$250,000 is provided to the Northeast Florida Regional Planning Council for a regional web based data center.

1521	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	250	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,441

1522	SPECIAL CATEGORIES		
	GRANTS AND AIDS - TECHNICAL AND PLANNING ASSISTANCE		
	FROM GENERAL REVENUE FUND	525,000	

From funds provided in Specific Appropriation 1522, \$25,000 is provided for the Stock Island Community Master Plan.

TOTAL: COMMUNITY PLANNING			
	FROM GENERAL REVENUE FUND	6,791,783	
	FROM TRUST FUNDS		70,962
	TOTAL POSITIONS	72	
	TOTAL ALL FUNDS		6,862,745

PROGRAM: EMERGENCY MANAGEMENT

From the funds in Specific Appropriations 1524 through 1591, the Emergency Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
=====	
OUTCOMES:	
Percent of counties with an above average capability rating to respond to emergencies.....	55%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
=====	

PRE-DISASTER MITIGATION

1524	SALARIES AND BENEFITS	POSITIONS	10	
	FROM GENERAL REVENUE FUND		61,396	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		50,493	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,507	
	FROM OPERATING TRUST FUND		3,159	
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND			342,408
1525	OTHER PERSONAL SERVICES			
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND			4,332
1526	EXPENSES			
	FROM GENERAL REVENUE FUND	253		
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		23,242	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,624	
	FROM OPERATING TRUST FUND		4,718	

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	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	64,501
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1526A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FEDERAL GRANTS AND AIDS FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		4,600,000

1529	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PREDISASTER MITIGATION FROM GRANTS AND DONATIONS TRUST FUND . . .		208,333
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		1,250,000

Funds in Specific Appropriation 1529 are provided for pre-disaster mitigation program. Match requirements of 25 percent for the federal funds shall be provided by local government at 12.5 percent and by the Department of Community Affairs for the remaining 12.5 percent. The source of the Department of Community Affairs' 12.5 percent match is the unencumbered cash balance received prior to July 1, 2000, from the Florida Hurricane Catastrophe Fund.

TOTAL: PRE-DISASTER MITIGATION			
	FROM GENERAL REVENUE FUND	61,649	
	FROM TRUST FUNDS		6,566,317
	TOTAL POSITIONS	10	
	TOTAL ALL FUNDS		6,627,966

EMERGENCY PLANNING

1531	SALARIES AND BENEFITS	POSITIONS	43	
	FROM GENERAL REVENUE FUND		399,448	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		474,060	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		185,512	
	FROM OPERATING TRUST FUND		97,356	
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND			592,258

1532	OTHER PERSONAL SERVICES			
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		190,331	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		450,000	
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND			962,936

1533	EXPENSES			
	FROM GENERAL REVENUE FUND	7,777		
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		62,058	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		42,065	
	FROM OPERATING TRUST FUND		12,486	
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND			361,039

1534	AID TO LOCAL GOVERNMENTS			
	DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION			
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND			2,189,944

1535	AID TO LOCAL GOVERNMENTS			
	LOCAL SUPPORT MATERIALS			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			100,000

1536	SPECIAL CATEGORIES			
	GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL			
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND			55,000

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1537	SPECIAL CATEGORIES
	GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND
	8,340,072
	83,438
1538	SPECIAL CATEGORIES
	GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND
	3,475,030
1539	SPECIAL CATEGORIES
	GRANTS AND AIDS - STATE DOMESTIC PREPAREDNESS PROGRAM
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	3,409,000
1540	SPECIAL CATEGORIES
	GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND
	3,475,030
1541	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM GENERAL REVENUE FUND
	5,697
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND
	5,697
1542	SPECIAL CATEGORIES
	GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND
	590,026
1543	SPECIAL CATEGORIES
	GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	3,000,000

Funds in Specific Appropriation 1543 provided from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), F.S. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in s. 215.559, F.S.

1543A	SPECIAL CATEGORIES
	GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT AND MITIGATION INITIATIVES
	FROM GENERAL REVENUE FUND
	3,674,541
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND
	2,216,553
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	675,000
	FROM OPERATING TRUST FUND
	1,175,778

Funds in Specific Appropriation 1543A, shall be allocated as follows:

From the General Revenue Fund:	
Red Bay Community Emergency Disaster Center - Walton.....	166,000
Choctaw Beach Community Emergency Disaster Center Project..	166,000
Permanent Elevation/Benchmarking System - Monroe.....	92,600
Radio Alert System - Monroe.....	71,125
Milton Disaster Shelter.....	750,000
Special Need Shelter Generator - Manatee.....	300,000
Emergency Operations Center - Dade.....	100,000
Okaloosa Island Public Safety Center.....	250,000
Underground Utilities Conversion, Phase II - Orange.....	250,000
Fire Truck for Graceville.....	135,000
Fairway Park Building/Emergency Generator - Broward.....	30,000
Emergency Operations Center - Key Biscayne.....	750,000

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	Pinellas Emergency Services Training Complex.....
	250,000
	Emergency Planning Pilot Program - Hillsborough.....
	250,000
	Emergency Hydraulic Pumps & Generator - Dade.....
	38,816
	City Facility Emergency Enhancement Program - Broward.....
	50,000
	Port Richey City Hall Emergency Hurricane Shelter.....
	25,000
From the Emergency Management Preparedness and Assistance Trust Fund:	
	Damage Assessment Plan/Recovery Supplies - Monroe.....
	175,600
	Bury Utility Lines - Flager.....
	990,000
	Callaway Fire Station - Bay.....
	400,000
	Hurricane Mitigation Community Training - Monroe.....
	50,000
	Parker City Fire Truck.....
	240,000
	Firefighter Thermal Imaging Equipment Matching Grants.....
	360,953
From the Grants and Donations Trust Fund:	
	Port Richey City Hall Emergency Hurricane Shelter.....
	175,000
	City of Palm Bay EOC/Shelter.....
	250,000
	Multi-use Shelter - Osceola.....
	250,000
From the Operating Trust Fund:	
	Emergency Mobile Command Center - Dade.....
	161,204
	Regional Community Evacuation Shelter - Marion.....
	1,014,574

Funds for emergency shelter or critical facility projects listed in Specific Appropriation 1543A are contingent on certification by the Department of Community Affairs that the emergency shelter or critical facility complies with, or will comply with, the structural considerations of ARC 4496, Guidelines for Hurricane Evacuation Shelter Selection. The Department is directed to assist recipients in determining whether the structural considerations are, or can be, met prior to execution of a project contract. By September 1, 2001, the Department shall determine whether any recipient cannot pursue or complete any project, or portion thereof, due to structural or other considerations and may initiate a budget amendment pursuant to the legislative notice and review requirements set forth in s. 216.177, F.S., to apply any remaining funds to projects which reduce the state's deficit of public hurricane evacuation space.

Funds in Specific Appropriation 1543A for Firefighter Thermal Imaging Equipment Matching Grants shall be utilized for matching grants of up to 80% to local fire departments to purchase thermal imaging devices on every fire apparatus.

The source of the Grants and Donations Trust Fund in Specific Appropriation 1543A is the unencumbered cash balance received prior to July 1, 2000, from the Florida Hurricane Catastrophe Fund.

TOTAL: EMERGENCY PLANNING	
	FROM GENERAL REVENUE FUND
	4,087,463
	FROM TRUST FUNDS
	32,220,669
	TOTAL POSITIONS
	43
	TOTAL ALL FUNDS
	36,308,132

EMERGENCY RECOVERY	
1545	SALARIES AND BENEFITS
	POSITIONS
	24
	FROM GENERAL REVENUE FUND
	195,184
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND
	299,948
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	4,506
	FROM OPERATING TRUST FUND
	3,158
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND
	258,753
	FROM U.S. CONTRIBUTIONS TRUST FUND
	383,044

1546	OTHER PERSONAL SERVICES
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND
	4,331
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND
	30,000
	FROM U.S. CONTRIBUTIONS TRUST FUND
	100,000

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1547 EXPENSES	
FROM GENERAL REVENUE FUND	48,911
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	115,634
FROM GRANTS AND DONATIONS TRUST FUND	101,372
FROM OPERATING TRUST FUND	4,670
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	174,460
FROM U.S. CONTRIBUTIONS TRUST FUND	46,487

1548 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS FROM U.S. CONTRIBUTIONS TRUST FUND	1,000,000

1550 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE FLOYD FEMA DECLARATION #3143 - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	473,866
FROM U.S. CONTRIBUTIONS TRUST FUND	129,361

For appropriations from the Grants and Donations Trust Fund in Specific Appropriations 1550 through 1561 and 1564 through 1577, the Department shall utilize the existing cash in the Grants and Donations Trust Fund that was specifically appropriated for previous disasters until additional cash resources are needed to pay obligations of the fund.

1551 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE FLOYD FEMA DECLARATION #3143 - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND	2,130,700
FROM U.S. CONTRIBUTIONS TRUST FUND	11,507,164

Funds in Specific Appropriations 1551, 1553, 1555, 1557, 1559, 1567, 1569, 1573, 1575, and 1577 from the Grants and Donations Trust Fund are provided to meet the state portion of the match requirements for federally declared disasters. The Department shall, prior to release of funds, ensure that the affected local government has provided a 12.5 percent local match. Because the location, type of disaster and severity of the event can materially affect the magnitude of costs, a local governments' share may be initially provided by the state with future payment being provided by the appropriate local government or deducted from the local government's state revenue sharing allocation. Additionally, the Executive Office of the Governor may approve a waiver of the 12.5 percent local match, subject to Legislature notice and review under s. 216.177, Florida Statutes, if it determined that such a match cannot be provided or that doing so would effect a documented hardship on the local entity provided the local government applies for the waiver within the first 18 months after the disaster is declared.

1552 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE IRENE FEMA DECLARATION #3150 - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	601,793
FROM U.S. CONTRIBUTIONS TRUST FUND	270,271

1553 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE IRENE FEMA DECLARATION #3150 - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND	8,500,000
FROM U.S. CONTRIBUTIONS TRUST FUND	34,839,326

1554 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - FLORIDA WILDFIRES FEMA DECLARATION/FIRE SUPPRESSION GRANTS - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	198,068

1555 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000	

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	- FLORIDA WILDFIRES FEMA DECLARATION/FIRE SUPPRESSION GRANTS - PASS THROUGH
	FROM U.S. CONTRIBUTIONS TRUST FUND
	1,405,277

1556 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 2000-01 - TROPICAL STORM HELENE - FEMA DECLARATION #1344 - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	44,420
FROM U.S. CONTRIBUTIONS TRUST FUND	23,587

1557 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 2000-01 - TROPICAL STORM HELENE - FEMA DECLARATION #1344 - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND	941,420
FROM U.S. CONTRIBUTIONS TRUST FUND	4,826,545

1558 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 2000-01/ SOUTH FLORIDA FLOODS FEMA DECLARATION #1345 - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	336,392
FROM U.S. CONTRIBUTIONS TRUST FUND	365,099

1559 SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 2000-01/ SOUTH FLORIDA FLOODS FEMA DECLARATION #1345 - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND	16,122,321
FROM U.S. CONTRIBUTIONS TRUST FUND	76,961,971

From funds in Specific Appropriation 1559, up to \$830,000 from the Grants and Donations Trust Fund and \$3,320,000 from the U.S. Contributions Trust Fund shall be allocated to priority hazard mitigation projects recommended by the South Florida Flooding Working Group in the C-4 Canal Basin. These amounts reflect the hazard mitigation funds estimated to be disbursed on priority projects in Fiscal Year 2001-2002.

1560 SPECIAL CATEGORIES	
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE	
FROM U.S. CONTRIBUTIONS TRUST FUND	126,034

1561 SPECIAL CATEGORIES	
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	877,010
FROM U.S. CONTRIBUTIONS TRUST FUND	6,611,318

1562 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES	
FROM U.S. CONTRIBUTIONS TRUST FUND	219,326

1563 SPECIAL CATEGORIES	
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW	
FROM U.S. CONTRIBUTIONS TRUST FUND	21,000,000

1564 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE ERIN	
FROM GRANTS AND DONATIONS TRUST FUND	480,794
FROM U.S. CONTRIBUTIONS TRUST FUND	976,027

1565 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE OPAL	
FROM GRANTS AND DONATIONS TRUST FUND	2,397,145
FROM U.S. CONTRIBUTIONS TRUST FUND	9,697,003

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1566	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
	EL NINO WEATHER EVENTS - FEMA DECLARATION
	#1195 - STATE OPERATIONS
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	453,731
	FROM U.S. CONTRIBUTIONS TRUST FUND
	31,174
1567	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
	EL NINO WEATHER EVENTS - FEMA DECLARATION
	#1195 - PASS THROUGH
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	4,236,672
	FROM U.S. CONTRIBUTIONS TRUST FUND
	13,564,641
1568	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
	EL NINO WEATHER EVENTS - FEMA DECLARATION
	#1204 - STATE OPERATIONS
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	44,445
	FROM U.S. CONTRIBUTIONS TRUST FUND
	8,251
1569	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
	EL NINO WEATHER EVENTS - FEMA DECLARATION
	#1204 - PASS THROUGH
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	543,008
	FROM U.S. CONTRIBUTIONS TRUST FUND
	2,715,918
1570	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
	FLORIDA WILDFIRES FEMA DECLARATION #1223/
	FIRE SUPPRESSION GRANTS #2201 - ST OP
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	281,016
	FROM U.S. CONTRIBUTIONS TRUST FUND
	16,114
1571	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
	FLORIDA WILDFIRES FEMA DECLARATION #1223/
	FIRE SUPPRESSION GRANTS #2201-PASS THRU
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	191,846
	FROM U.S. CONTRIBUTIONS TRUST FUND
	569,693
1572	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 -
	HURRICANE EARL - STATE OPERATIONS
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	2,171
1573	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 -
	HURRICANE EARL - PASS THROUGH
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	40,579
	FROM U.S. CONTRIBUTIONS TRUST FUND
	243,476
1574	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 -
	HURRICANE GEORGES - STATE OPERATIONS
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	1,274,988
	FROM U.S. CONTRIBUTIONS TRUST FUND
	245,744
1575	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 -
	HURRICANE GEORGES - PASS THROUGH
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	13,027,797
	FROM U.S. CONTRIBUTIONS TRUST FUND
	18,504,261
1576	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 -
	T.S. MITCH FEMA DECLARATION #1259 - STATE
	OPERATIONS
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	49,936
	FROM U.S. CONTRIBUTIONS TRUST FUND
	13,017
1577	SPECIAL CATEGORIES
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 -

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	T.S. MITCH FEMA DECLARATION #1259 - PASS
	THROUGH
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	438,000
	FROM U.S. CONTRIBUTIONS TRUST FUND
	876,952
TOTAL:	EMERGENCY RECOVERY
	FROM GENERAL REVENUE FUND
	244,095
	FROM TRUST FUNDS
	261,962,031
	TOTAL POSITIONS
	24
	TOTAL ALL FUNDS
	262,206,126
EMERGENCY RESPONSE	
1581	SALARIES AND BENEFITS POSITIONS
	18
	FROM GENERAL REVENUE FUND
	405,144
	FROM EMERGENCY MANAGEMENT PREPAREDNESS
	AND ASSISTANCE TRUST FUND
	104,004
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	75,883
	FROM OPERATING TRUST FUND
	68,274
	FROM FEDERAL EMERGENCY MANAGEMENT
	PROGRAMS SUPPORT TRUST FUND
	261,135
1582	OTHER PERSONAL SERVICES
	FROM EMERGENCY MANAGEMENT PREPAREDNESS
	AND ASSISTANCE TRUST FUND
	4,331
1583	EXPENSES
	FROM GENERAL REVENUE FUND
	62,269
	FROM EMERGENCY MANAGEMENT PREPAREDNESS
	AND ASSISTANCE TRUST FUND
	69,782
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	48,231
	FROM OPERATING TRUST FUND
	13,975
	FROM FEDERAL EMERGENCY MANAGEMENT
	PROGRAMS SUPPORT TRUST FUND
	228,996
1584	OPERATING CAPITAL OUTLAY
	FROM EMERGENCY MANAGEMENT PREPAREDNESS
	AND ASSISTANCE TRUST FUND
	1,872
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	3,196
	FROM FEDERAL EMERGENCY MANAGEMENT
	PROGRAMS SUPPORT TRUST FUND
	6,352
1585	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM FEDERAL EMERGENCY MANAGEMENT
	PROGRAMS SUPPORT TRUST FUND
	65,000
1586	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM GENERAL REVENUE FUND
	6,962
	FROM FEDERAL EMERGENCY MANAGEMENT
	PROGRAMS SUPPORT TRUST FUND
	6,962
TOTAL:	EMERGENCY RESPONSE
	FROM GENERAL REVENUE FUND
	474,375
	FROM TRUST FUNDS
	957,993
	TOTAL POSITIONS
	18
	TOTAL ALL FUNDS
	1,432,368
HAZARDOUS MATERIALS COMPLIANCE PLANNING	
1588	SALARIES AND BENEFITS POSITIONS
	21
	FROM GENERAL REVENUE FUND
	84,456
	FROM EMERGENCY MANAGEMENT PREPAREDNESS
	AND ASSISTANCE TRUST FUND
	55,275
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	6,190
	FROM OPERATING TRUST FUND
	776,530
	FROM FEDERAL EMERGENCY MANAGEMENT
	PROGRAMS SUPPORT TRUST FUND
	46,145

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1589	OTHER PERSONAL SERVICES		
	FROM EMERGENCY MANAGEMENT PREPAREDNESS		
	AND ASSISTANCE TRUST FUND	29,749	
	FROM OPERATING TRUST FUND	1,335,000	
1590	EXPENSES		
	FROM GENERAL REVENUE FUND	14,668	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS		
	AND ASSISTANCE TRUST FUND	62,977	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	15,645	
	FROM OPERATING TRUST FUND	313,221	
	FROM FEDERAL EMERGENCY MANAGEMENT		
	PROGRAMS SUPPORT TRUST FUND	9,841	
1591	AID TO LOCAL GOVERNMENTS		
	DISASTER PREPAREDNESS PLANNING AND		
	ADMINISTRATION		
	FROM FEDERAL EMERGENCY MANAGEMENT		
	PROGRAMS SUPPORT TRUST FUND	200,000	
TOTAL:	HAZARDOUS MATERIALS COMPLIANCE PLANNING		
	FROM GENERAL REVENUE FUND	99,124	
	FROM TRUST FUNDS	2,850,573	
	TOTAL POSITIONS	21	
	TOTAL ALL FUNDS	2,949,697	

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

From the funds in Specific Appropriations 1594 through 1619A, the Housing and Community Development Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002	
Measures	Standards	
----- -----		
OUTCOMES:		
----- -----		
Number of neighborhoods assisted and improved through community		
development block grant programs, empowerment zone programs, urban		
infill programs, affordable housing programs, and long-term		
redevelopment programs.....	154	
----- -----		
Additional approved performance measures and standards are		
established in the FY 2001-2002 Implementing Bill and are		
incorporated herein by reference.		
----- -----		

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

1594	SALARIES AND BENEFITS	POSITIONS	29
	FROM GENERAL REVENUE FUND		667,601
	FROM FLORIDA SMALL CITIES COMMUNITY		
	DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		447,873
	FROM COMMUNITY SERVICES BLOCK GRANT		
	TRUST FUND		9,680
	FROM ENERGY CONSUMPTION TRUST FUND		9,395
	FROM STATE HOUSING TRUST FUND		28,344
	FROM GRANTS AND DONATIONS TRUST FUND . . .		174,926
	FROM LOW INCOME HOME ENERGY ASSISTANCE		
	PROGRAM BLOCK GRANT TRUST FUND		3,960
	FROM OPERATING TRUST FUND		142,870
1595	OTHER PERSONAL SERVICES		
	FROM FLORIDA SMALL CITIES COMMUNITY		
	DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		587,767
	FROM STATE HOUSING TRUST FUND		100,585
	FROM GRANTS AND DONATIONS TRUST FUND . . .		486,769
1596	EXPENSES		
	FROM GENERAL REVENUE FUND		89,488

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	FROM FLORIDA SMALL CITIES COMMUNITY		
	DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		248,231
	FROM STATE HOUSING TRUST FUND		30,780
	FROM GRANTS AND DONATIONS TRUST FUND . . .		91,277
	FROM OPERATING TRUST FUND		35,190
1597	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SMALL CITIES COMMUNITY		
	DEVELOPMENT BLOCK GRANTS		
	FROM FLORIDA SMALL CITIES COMMUNITY		
	DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		4,078,837

Funds provided in Specific Appropriations 1597 and 1600 shall be divided and distributed among the statutorily established program categories as follows: Housing 20 percent; Economic Development 30 percent; Neighborhood Revitalization 40 percent; and Commercial Revitalization 10 percent, after the allowance of 2 percent plus \$100,000 of total funds available for administration and 1 percent allocation for training or technical assistance to local governments. Applications for programs or projects which provide employment opportunities to clients of Workforce Development Initiatives shall be given additional consideration in the distribution of these funds within the limits of the federal law and state statute which govern the Community Development Block Grant Program. Funds not distributed due to an insufficient number of eligible applications during the application cycle in any of the program categories shall be transferred to the program category receiving the greatest dollar value of request for grants.

1597A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,000	
	FROM FLORIDA SMALL CITIES COMMUNITY		
	DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		1,000
	FROM STATE HOUSING TRUST FUND		1,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000
1597B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY DEVELOPMENT		
	SERVICES PROJECTS		
	FROM GENERAL REVENUE FUND	2,725,000	
	FROM OPERATING TRUST FUND		1,042,500

Funds in Specific Appropriation 1597B are provided for the following programs and projects:

From General Revenue:		
City of South Miami-Housing		300,000
Empowerment Zone - Miami/Dade		1,000,000
Increased Funding for Florida's Regional Planning Councils.		400,000
EXPONICA International 2001		75,000
Tampa-Hillsborough Urban League HQ & Skills Training Ctr. . .		500,000
Administration & Community Training Building - Broward		200,000
Art & Cultural Center for At Risk Kids and Seniors		50,000
Homestead Fiber Optic Network		100,000
Habitat for Humanity Affordable Housing Dev. - Monroe		100,000
From the Operating Trust Fund:		
Telework Tampa Bay		350,000
Bird Road Neighborhood & Cultural Redevelopment - Dade		525,000
Red Cross Center - Dade		25,000
Naples Preserve Education and Information Building		50,000
Keep Putnam Beautiful		25,000
Community Identity Program (Visioning) - Monroe		67,500

1598	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,249	
	FROM FLORIDA SMALL CITIES COMMUNITY		
	DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		1,043
	FROM STATE HOUSING TRUST FUND		35
	FROM GRANTS AND DONATIONS TRUST FUND . . .		412
	FROM OPERATING TRUST FUND		896

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1598A	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND FROM STATE HOUSING TRUST FUND	672,799
1598B	SPECIAL CATEGORIES GRANTS AND AIDS - CDBG DISASTER RECOVERY INITIATIVE FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . FROM GRANTS AND DONATIONS TRUST FUND . . .	9,815,619 1,081,311
1598C	SPECIAL CATEGORIES TRANSFER TO COMMUNITY PLANNING FROM STATE HOUSING TRUST FUND	60,161
1598D	SPECIAL CATEGORIES TRANSFER TO ENERGY CONSUMPTION TRUST FUND FROM STATE HOUSING TRUST FUND	2,000,000
1600	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . .	63,371,800
1601	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY MIGRANT AND SEASONAL FARM WORKER HOUSING FROM GRANTS AND DONATIONS TRUST FUND . . .	7,840,000
1602	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR FROM ENERGY CONSUMPTION TRUST FUND	2,000,000
TOTAL:	AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT FROM GENERAL REVENUE FUND 3,486,338 FROM TRUST FUNDS 94,366,060	
	TOTAL POSITIONS 29	
	TOTAL ALL FUNDS 97,852,398	
BUILDING CODE COMPLIANCE AND HAZARD MITIGATION		
1604	SALARIES AND BENEFITS POSITIONS 23 FROM ENERGY CONSUMPTION TRUST FUND 141,920 FROM OPERATING TRUST FUND 930,057	
1605	OTHER PERSONAL SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . . 615,304 FROM OPERATING TRUST FUND 1,956,410	
1606	EXPENSES FROM ENERGY CONSUMPTION TRUST FUND 20,361 FROM GRANTS AND DONATIONS TRUST FUND . . . 125,039 FROM OPERATING TRUST FUND 408,146	
1606A	OPERATING CAPITAL OUTLAY FROM OPERATING TRUST FUND 2,000	
1606B	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FROM OPERATING TRUST FUND 588,828	

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1607	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM OPERATING TRUST FUND	2,678
1607A	SPECIAL CATEGORIES GRANTS AND AIDS - HURRICANE LOSS MITIGATION FROM GRANTS AND DONATIONS TRUST FUND . . .	6,400,693
Funds provided from the Grants and Donations Trust Fund in Specific Appropriations 1605, 1606, and 1607A reflect the transfer of \$7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), F.S. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in s. 215.559, F.S.		
TOTAL:	BUILDING CODE COMPLIANCE AND HAZARD MITIGATION FROM TRUST FUNDS	11,191,436
	TOTAL POSITIONS 23	
	TOTAL ALL FUNDS 11,191,436	
PUBLIC SERVICE AND ENERGY INITIATIVES		
1610	SALARIES AND BENEFITS POSITIONS 23 FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 386,370 FROM ENERGY CONSUMPTION TRUST FUND 496,903 FROM STATE HOUSING TRUST FUND 39,392 FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 173,180	
1611	OTHER PERSONAL SERVICES FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 152,925 FROM ENERGY CONSUMPTION TRUST FUND 130,340 FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 46,148	
1612	EXPENSES FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 157,631 FROM ENERGY CONSUMPTION TRUST FUND 373,748 FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 142,857	
1612A	OPERATING CAPITAL OUTLAY FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,000 FROM ENERGY CONSUMPTION TRUST FUND 1,000 FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 1,000	
1612B	SPECIAL CATEGORIES GRANTS AND AIDS - DEPARTMENT OF ENERGY SPECIAL PROJECTS FROM ENERGY CONSUMPTION TRUST FUND 1,645,399	
1613	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 16,000,000	
1614	SPECIAL CATEGORIES GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000	
1615	SPECIAL CATEGORIES GRANTS AND AIDS - HOME ENERGY ASSISTANCE FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 14,486,047	

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1606B, this transfer shall be reduced proportionately.

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Table with 2 columns: Item Number and Description/Amount. Includes items 1616, 1617, 1618, and 1619A with sub-items for grants and trusts.

Funds in Specific Appropriation 1619A, shall be allocated as follows:

Table with 2 columns: Program Name and Amount. Lists Electrochromic Commercialization Program, Rural Investment Program, Investment Initiative for Energy Technology, and Clean Air Cooperative.

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES. Summary table showing totals for general revenue fund, trust funds, positions, and all funds.

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

From the funds in Specific Appropriations 1620 through 1623A, the Florida Housing Finance Corporation Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures and FY 2001-2002 Standards. Includes a section for OUTCOMES with a specific target of 70%.

AFFORDABLE HOUSING FINANCING

Table with 2 columns: Item Number and Description/Amount. Includes item 1620 for Housing Finance Corporation (HFC) - Affordable Housing Programs.

Funds provided in Specific Appropriation 1620 include Fiscal Year 2001-2002 debt service on all Florida Affordable Housing Guarantee Program Bonds. If the debt service varies due to a change in the revenue sources or other circumstances, there is hereby appropriated from the State Housing Trust Fund an amount sufficient to pay such debt service as required by the Florida Affordable Housing Guarantee Program.

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The Housing Finance Corporation shall provide to the Executive Office of the Governor, Speaker of the House and President of the Senate by addendum or inclusion in its Annual Report, performance measures and targets as identified in its Business Plan.

From funds provided in Specific Appropriation 1620, \$221,990 shall be used to cover the cost of the Housing Data Clearinghouse.

Table with 2 columns: Item Number and Description/Amount. Includes items 1621, 1622, and 1623 for Housing Finance Corporation (HFC) - Affordable Housing Programs - Administration, State Housing Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program, and State Housing Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program - Monitoring.

Counties and eligible municipalities receiving local housing distributions pursuant to s. 420.9073, F.S., and funded with Specific Appropriation 1622, shall give preference in bidding contracts to those vendors who provide employment opportunities to clients of Workforce Development Initiatives.

Table with 2 columns: Item Number and Description/Amount. Includes items 1623A, 1624, and 1625 for State Housing Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program - Monitoring, Salaries and Benefits, and Other Personal Services.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

Table with 2 columns: Item Number and Description/Amount. Includes items 1624 and 1625 for Salaries and Benefits, and Other Personal Services.

Table with 2 columns: Item Number and Description/Amount. Includes item 1626 for Expenses.

Table with 2 columns: Item Number and Description/Amount. Includes item 1627 for Operating Capital Outlay.

Table with 2 columns: Item Number and Description/Amount. Includes item 1628 for Special Categories - Acquisition of Motor Vehicles.

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1629	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND	548,012
1630	SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM FROM ADMINISTRATIVE TRUST FUND	72,297
1631	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 29,229 FROM ADMINISTRATIVE TRUST FUND	33,027
1632	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	9,910
1633	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP FROM INLAND PROTECTION TRUST FUND	107,407
1633A	SPECIAL CATEGORIES PETROLEUM CLEANUP AUDITS FROM INLAND PROTECTION TRUST FUND	430,980
1633B	SPECIAL CATEGORIES STATE FAIR FROM ADMINISTRATIVE TRUST FUND	42,000
1633C	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND	125,869
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND 5,230,193 FROM TRUST FUNDS 17,933,862	
	TOTAL POSITIONS 329	
	TOTAL ALL FUNDS 23,164,055	
PROGRAM: STATE LANDS		
INVASIVE PLANT CONTROL		
1635	SALARIES AND BENEFITS POSITIONS 32 FROM INVASIVE PLANT CONTROL TRUST FUND . .	1,471,546
1636	OTHER PERSONAL SERVICES FROM INVASIVE PLANT CONTROL TRUST FUND . .	667,080
1637	EXPENSES FROM INVASIVE PLANT CONTROL TRUST FUND . .	1,175,563
1638	OPERATING CAPITAL OUTLAY FROM INVASIVE PLANT CONTROL TRUST FUND . .	35,710
1639	SPECIAL CATEGORIES CONTROL OF INVASIVE EXOTICS FROM INVASIVE PLANT CONTROL TRUST FUND . . 29,725,376 FROM GRANTS AND DONATIONS TRUST FUND . . . 800,000	
1639A	SPECIAL CATEGORIES TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR ADMINISTRATIVE OVERHEAD FROM INVASIVE PLANT CONTROL TRUST FUND . .	880,000
1639B	SPECIAL CATEGORIES TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM FROM INVASIVE PLANT CONTROL TRUST FUND . .	25,000

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TOTAL:	INVASIVE PLANT CONTROL FROM TRUST FUNDS	34,780,275
	TOTAL POSITIONS 32	
	TOTAL ALL FUNDS	34,780,275
LAND ADMINISTRATION		
1640	SALARIES AND BENEFITS POSITIONS 67 FROM CONSERVATION AND RECREATION LANDS TRUST FUND 866,983 FROM GRANTS AND DONATIONS TRUST FUND . . . 240,625 FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,921,827 FROM LAND ACQUISITION TRUST FUND 199,236 FROM WATER MANAGEMENT LANDS TRUST FUND . . 49,519	
1641	OTHER PERSONAL SERVICES FROM CONSERVATION AND RECREATION LANDS TRUST FUND 120,000 FROM GRANTS AND DONATIONS TRUST FUND . . . 35,976 FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,124,921 FROM LAND ACQUISITION TRUST FUND 4,000	
1642	EXPENSES FROM CONSERVATION AND RECREATION LANDS TRUST FUND 291,074 FROM GRANTS AND DONATIONS TRUST FUND . . . 116,262 FROM INTERNAL IMPROVEMENT TRUST FUND . . . 600,769 FROM LAND ACQUISITION TRUST FUND 18,630 FROM WATER MANAGEMENT LANDS TRUST FUND . . 6,612	
1643	OPERATING CAPITAL OUTLAY FROM CONSERVATION AND RECREATION LANDS TRUST FUND 51,649 FROM INTERNAL IMPROVEMENT TRUST FUND . . . 56,734	
1644	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INTERNAL IMPROVEMENT TRUST FUND . . .	83,832
1645	SPECIAL CATEGORIES NATURAL AREAS INVENTORY FROM CONSERVATION AND RECREATION LANDS TRUST FUND	445,895
1646	SPECIAL CATEGORIES PAYMENT IN LIEU OF TAXES FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,660,000
1647	SPECIAL CATEGORIES FLORIDA FOREVER FROM CONSERVATION AND RECREATION LANDS TRUST FUND	149,967
1648	SPECIAL CATEGORIES GREEN SWAMP FROM CONSERVATION AND RECREATION LANDS TRUST FUND	99,994
1648A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM CONSERVATION AND RECREATION LANDS TRUST FUND 496,688 FROM INTERNAL IMPROVEMENT TRUST FUND . . . 198,618	
1649	FIXED CAPITAL OUTLAY DEBT SERVICE - FLORIDA FOREVER BONDS FROM LAND ACQUISITION TRUST FUND	28,400,000
1650	FIXED CAPITAL OUTLAY DEBT SERVICE - FLORIDA FOREVER BONDS - NEW	

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SERIES
FROM LAND ACQUISITION TRUST FUND 5,000,000

Funds in Specific Appropriation 1650 are for debt service requirements for the second series of Florida Forever bonds.

1651 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FLORIDA FOREVER TRUST FUND 105,000,000

1652 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 274,902,805

Funds provided in Specific Appropriation 1652 are for Fiscal Year 2001-2002 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 2000. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1653 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND
ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 80,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND 50,000,000

Funds provided in Specific Appropriation 1653 from the Water Management Lands Trust Fund shall be allocated in accordance with the provisions of s. 373.59(8), Florida Statutes. First priority for the use of these funds shall be to meet outstanding debt service obligations, to meet statutory requirements for payments in lieu of taxes, and to provide management of water management lands as authorized in s. 373.59(9), Florida Statutes. Management may include the control and removal of non-indigenous exotic vegetation.

After meeting the requirements in the above paragraph, the governing board of a water management district may request, and the Secretary of the Department shall release upon such request, funds provided in Specific Appropriation 1653 from the Water Management Lands Trust Fund for the purpose of carrying out the provisions of s. 373.451 - 373.4595, Florida Statutes.

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 552,142,616

TOTAL POSITIONS 67
TOTAL ALL FUNDS 552,142,616

LAND MANAGEMENT

From the funds in Specific Appropriations 1635 through 1662, the State Lands Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent increase in the number of occurrences of endangered/threatened/special concern species on publicly managed conservation areas	3.6%
2. Percent of Florida's public waters where control of hydrilla, water hyacinth, and water lettuce has been achieved and sustained.	95%

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1654 SALARIES AND BENEFITS POSITIONS 86
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 633,757
FROM INTERNAL IMPROVEMENT TRUST FUND 3,317,845

1655 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 914,659
FROM GRANTS AND DONATIONS TRUST FUND 874,024
FROM INTERNAL IMPROVEMENT TRUST FUND 76,519

1656 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 978,245
FROM FORFEITED PROPERTY TRUST FUND 47,500
FROM GRANTS AND DONATIONS TRUST FUND 433,457
FROM INTERNAL IMPROVEMENT TRUST FUND 1,711,627

1657 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 44,148
FROM GRANTS AND DONATIONS TRUST FUND 150,000
FROM INTERNAL IMPROVEMENT TRUST FUND 116,484

1657A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE PLANT INDUSTRY TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 250,000

1658 SPECIAL CATEGORIES
STATE LANDS STEWARDSHIP
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 375,000

1658A SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST FUND 84,000

1659 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES
FROM FORFEITED PROPERTY TRUST FUND 716,932

1660 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST FUND 40,125

1660A SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM INTERNAL IMPROVEMENT TRUST FUND 200,000

1661 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 7,198,739

From the funds in Specific Appropriation 1661, up to \$300,000 is provided to the Department of Environmental Protection for the purpose of a pilot project to map and determine acreage of sovereignty lands using remote sensing satellite data obtained through NASA or its affiliates.

1661A SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 11,091,313

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1661B	SPECIAL CATEGORIES TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR MANAGEMENT OF CARL LANDS FROM CONSERVATION AND RECREATION LANDS TRUST FUND	10,068,044
1661C	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND FROM CONSERVATION AND RECREATION LANDS TRUST FUND	3,884,930
1661D	SPECIAL CATEGORIES TRANSFER TO STATE GAME TRUST FUND FROM CONSERVATION AND RECREATION LANDS TRUST FUND	4,455,500
1662	SPECIAL CATEGORIES WATER MANAGEMENT DISTRICT PROPERTY TAXES FROM INTERNAL IMPROVEMENT TRUST FUND . . .	50,000
1662A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM CONSERVATION AND RECREATION LANDS TRUST FUND FROM INTERNAL IMPROVEMENT TRUST FUND . . .	68,013 508,718
1663	FIXED CAPITAL OUTLAY BELLE GLADE HAZARDOUS WASTE CLEANUP FROM INTERNAL IMPROVEMENT TRUST FUND . . .	500,000
1664	FIXED CAPITAL OUTLAY CASCADES PARK - SITE CONTAMINATION ASSESSMENT FROM INTERNAL IMPROVEMENT TRUST FUND . . .	1,000,000
TOTAL:	LAND MANAGEMENT FROM TRUST FUNDS	49,789,579
	TOTAL POSITIONS	86
	TOTAL ALL FUNDS	49,789,579
PROGRAM: DISTRICT OFFICES		
WATER RESOURCE PROTECTION AND RESTORATION		
1665	SALARIES AND BENEFITS POSITIONS 460 FROM GENERAL REVENUE FUND 11,917,721 FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 175,585 FROM GRANTS AND DONATIONS TRUST FUND . . . 403,592 FROM LAND ACQUISITION TRUST FUND 1,058,818 FROM PERMIT FEE TRUST FUND 4,271,909 FROM WATER QUALITY ASSURANCE TRUST FUND . 2,964,163	
1666	OTHER PERSONAL SERVICES FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 135,000 FROM WATER QUALITY ASSURANCE TRUST FUND . 59,303	
1667	EXPENSES FROM GENERAL REVENUE FUND 172,076 FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 532,611 FROM GRANTS AND DONATIONS TRUST FUND . . . 35,196 FROM LAND ACQUISITION TRUST FUND 218,492 FROM PERMIT FEE TRUST FUND 318,036 FROM WATER QUALITY ASSURANCE TRUST FUND . 1,029,983	
1668	SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS FROM GRANTS AND DONATIONS TRUST FUND . . .	38,217

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1669	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 14,307 FROM GRANTS AND DONATIONS TRUST FUND . . . 2,304 FROM PERMIT FEE TRUST FUND 6,633 FROM WATER QUALITY ASSURANCE TRUST FUND . 15,908	
TOTAL:	WATER RESOURCE PROTECTION AND RESTORATION FROM GENERAL REVENUE FUND 12,089,797 FROM TRUST FUNDS	11,280,057
	TOTAL POSITIONS	460
	TOTAL ALL FUNDS	23,369,854
AIR ASSESSMENT		
1670	SALARIES AND BENEFITS POSITIONS 18 FROM AIR POLLUTION CONTROL TRUST FUND . . 720,866 FROM GRANTS AND DONATIONS TRUST FUND . . . 146,164	
1671	OTHER PERSONAL SERVICES FROM AIR POLLUTION CONTROL TRUST FUND . . .	28,445
1672	EXPENSES FROM AIR POLLUTION CONTROL TRUST FUND . . . 91,143 FROM GRANTS AND DONATIONS TRUST FUND . . . 40,272	
1673	OPERATING CAPITAL OUTLAY FROM AIR POLLUTION CONTROL TRUST FUND . . .	12,763
1673A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM AIR POLLUTION CONTROL TRUST FUND . . .	42,924
TOTAL:	AIR ASSESSMENT FROM TRUST FUNDS	1,082,577
	TOTAL POSITIONS	18
	TOTAL ALL FUNDS	1,082,577
AIR POLLUTION PREVENTION		
1674	SALARIES AND BENEFITS POSITIONS 81 FROM AIR POLLUTION CONTROL TRUST FUND . . . 3,841,705	
1675	OTHER PERSONAL SERVICES FROM AIR POLLUTION CONTROL TRUST FUND . . .	174,156
1676	EXPENSES FROM AIR POLLUTION CONTROL TRUST FUND . . .	523,447
1677	OPERATING CAPITAL OUTLAY FROM AIR POLLUTION CONTROL TRUST FUND . . .	118,313
1678	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM AIR POLLUTION CONTROL TRUST FUND . . .	13,968
1678A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM AIR POLLUTION CONTROL TRUST FUND . . .	281,895
TOTAL:	AIR POLLUTION PREVENTION FROM TRUST FUNDS	4,953,484
	TOTAL POSITIONS	81
	TOTAL ALL FUNDS	4,953,484

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WASTE CONTROL			
1679	SALARIES AND BENEFITS	POSITIONS	160
	FROM GENERAL REVENUE FUND		480,757
	FROM INLAND PROTECTION TRUST FUND		2,013,247
	FROM GRANTS AND DONATIONS TRUST FUND		990,693
	FROM PERMIT FEE TRUST FUND		368,467
	FROM SOLID WASTE MANAGEMENT TRUST FUND		1,298,711
	FROM WATER QUALITY ASSURANCE TRUST FUND		2,275,364
1680	OTHER PERSONAL SERVICES		
	FROM INLAND PROTECTION TRUST FUND		110,000
1681	EXPENSES		
	FROM GENERAL REVENUE FUND	37,776	
	FROM INLAND PROTECTION TRUST FUND		259,262
	FROM GRANTS AND DONATIONS TRUST FUND		107,582
	FROM PERMIT FEE TRUST FUND		39,178
	FROM SOLID WASTE MANAGEMENT TRUST FUND		153,517
	FROM WATER QUALITY ASSURANCE TRUST FUND		246,024
1682	OPERATING CAPITAL OUTLAY		
	FROM SOLID WASTE MANAGEMENT TRUST FUND		81,225
1683	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INLAND PROTECTION TRUST FUND		183,000
1684	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND		120,594
1685	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INLAND PROTECTION TRUST FUND		4,021
	FROM GRANTS AND DONATIONS TRUST FUND		4,356
1686	SPECIAL CATEGORIES		
	RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
	FROM SOLID WASTE MANAGEMENT TRUST FUND		14,000
1686A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM INLAND PROTECTION TRUST FUND		191,824
	FROM SOLID WASTE MANAGEMENT TRUST FUND		147,997
TOTAL:	WASTE CONTROL		
	FROM GENERAL REVENUE FUND	518,533	
	FROM TRUST FUNDS		8,609,062
	TOTAL POSITIONS	160	
	TOTAL ALL FUNDS		9,127,595
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
1687	SALARIES AND BENEFITS	POSITIONS	101
	FROM GENERAL REVENUE FUND		4,143,377
	FROM ADMINISTRATIVE TRUST FUND		320,764
	FROM AIR POLLUTION CONTROL TRUST FUND		225,641
	FROM SOLID WASTE MANAGEMENT TRUST FUND		247,116
1688	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		127,564
	FROM WATER QUALITY ASSURANCE TRUST FUND		200,000
1689	EXPENSES		
	FROM GENERAL REVENUE FUND	1,548,184	
	FROM ADMINISTRATIVE TRUST FUND		582,783
	FROM AIR POLLUTION CONTROL TRUST FUND		37,798
	FROM LAND ACQUISITION TRUST FUND		27,923
	FROM SOLID WASTE MANAGEMENT TRUST FUND		39,739
	FROM WATER QUALITY ASSURANCE TRUST FUND		50,000

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1690	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		18,405
1691	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	34,257	
1692	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	60,258	
	FROM ADMINISTRATIVE TRUST FUND		31,973
1692A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	377,570	
	FROM INLAND PROTECTION TRUST FUND		9,945
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	6,163,646	
	FROM TRUST FUNDS		1,919,651
	TOTAL POSITIONS	101	
	TOTAL ALL FUNDS		8,083,297
WASTE CLEANUP			
1694	SALARIES AND BENEFITS	POSITIONS	1
	FROM WATER QUALITY ASSURANCE TRUST FUND		89,736
1695	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND		70,000
TOTAL:	WASTE CLEANUP		
	FROM TRUST FUNDS		159,736
	TOTAL POSITIONS	1	
	TOTAL ALL FUNDS		159,736
PROGRAM: RESOURCE ASSESSMENT AND MANAGEMENT			
FLORIDA GEOLOGICAL SURVEY			
1696	SALARIES AND BENEFITS	POSITIONS	40
	FROM MINERALS TRUST FUND		1,837,162
	FROM WATER QUALITY ASSURANCE TRUST FUND		115,520
1697	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		442,229
	FROM MINERALS TRUST FUND		51,304
1698	EXPENSES		
	FROM GRANTS AND DONATIONS TRUST FUND		790,135
	FROM MINERALS TRUST FUND		369,323
	FROM WATER QUALITY ASSURANCE TRUST FUND		441,820
1699	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		40,000
	FROM MINERALS TRUST FUND		20,000
	FROM WATER QUALITY ASSURANCE TRUST FUND		16,104
1700	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM MINERALS TRUST FUND		212,745
1701	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM MINERALS TRUST FUND		14,343
1701A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM MINERALS TRUST FUND		65,456

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TOTAL: FLORIDA GEOLOGICAL SURVEY			
	FROM TRUST FUNDS		4,416,141
	TOTAL POSITIONS	40	
	TOTAL ALL FUNDS		4,416,141
LABORATORY SERVICES			
1703	SALARIES AND BENEFITS	82	
	FROM GENERAL REVENUE FUND	400,106	
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		3,296,565
1704	OTHER PERSONAL SERVICES		304,590
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		
1705	EXPENSES	44,491	
	FROM GENERAL REVENUE FUND		1,637,994
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		
1706	OPERATING CAPITAL OUTLAY		350,000
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		
1707	SPECIAL CATEGORIES		125,000
	GROUND WATER QUALITY MONITORING NETWORK		
	FROM WATER QUALITY ASSURANCE TRUST FUND		
1708	SPECIAL CATEGORIES		519,764
	WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		
1709	SPECIAL CATEGORIES		494,180
	EVERGLADES LAB SUPPORT		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		
1710	SPECIAL CATEGORIES		357,000
	HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND		
1711	SPECIAL CATEGORIES	252,440	
	RISK MANAGEMENT INSURANCE		13,725
	FROM GENERAL REVENUE FUND		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		
TOTAL: LABORATORY SERVICES			
	FROM GENERAL REVENUE FUND	697,037	
	FROM TRUST FUNDS		7,098,818
	TOTAL POSITIONS	82	
	TOTAL ALL FUNDS		7,795,855
MERCURY MONITORING AND RESEARCH			
1713	SALARIES AND BENEFITS	2	
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		153,860
1714	OTHER PERSONAL SERVICES		950,000
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		
1715	EXPENSES		35,207
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		
1716	SPECIAL CATEGORIES		500,000
	SPECIAL STUDIES		
	FROM AIR POLLUTION CONTROL TRUST FUND		
TOTAL: MERCURY MONITORING AND RESEARCH			
	FROM TRUST FUNDS		1,639,067
	TOTAL POSITIONS	2	
	TOTAL ALL FUNDS		1,639,067

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INFORMATION TECHNOLOGY			
1716A	SALARIES AND BENEFITS	68	
	FROM WORKING CAPITAL TRUST FUND		3,298,142
1716B	OTHER PERSONAL SERVICES		400,000
	FROM WORKING CAPITAL TRUST FUND		
1716C	EXPENSES		3,111,698
	FROM WORKING CAPITAL TRUST FUND		
1716D	OPERATING CAPITAL OUTLAY		110,000
	FROM WORKING CAPITAL TRUST FUND		
1716E	SPECIAL CATEGORIES		1,528,210
	INTEGRATED DATABASE FOR REGULATORY APPLICATIONS		1,100,000
	FROM AIR POLLUTION CONTROL TRUST FUND		
	FROM PERMIT FEE TRUST FUND		
1716F	SPECIAL CATEGORIES		7,183
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		
1716G	DATA PROCESSING SERVICES		920,147
	OTHER DATA PROCESSING SERVICES		
	FROM WORKING CAPITAL TRUST FUND		
TOTAL: INFORMATION TECHNOLOGY			
	FROM TRUST FUNDS		10,475,380
	TOTAL POSITIONS	68	
	TOTAL ALL FUNDS		10,475,380
PROGRAM: WATER RESOURCE MANAGEMENT			
BEACH MANAGEMENT			
1718	SALARIES AND BENEFITS	74	
	FROM GENERAL REVENUE FUND	2,867,290	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		259,473
	FROM PERMIT FEE TRUST FUND		218,848
1719	OTHER PERSONAL SERVICES		497,857
	FROM GENERAL REVENUE FUND		
1720	EXPENSES		467,524
	FROM GENERAL REVENUE FUND		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		48,853
	FROM PERMIT FEE TRUST FUND		307,101
1721	OPERATING CAPITAL OUTLAY		79,519
	FROM PERMIT FEE TRUST FUND		
1722	SPECIAL CATEGORIES		8,129
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		
1722A	DATA PROCESSING SERVICES		26,146
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND		
1724	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		30,000,000
	BEACH PROJECTS - STATEWIDE		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		

Funds in Specific Appropriation 1724 fund the priority list included in the Florida Beach Erosion Control Program dated January 23, 2001. From

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the \$1,200,000 included in this priority list for Statewide Inlet/Beach Management Plans, \$115,000 shall be provided for the St. Lucie Inlet Management Plan and \$81,000 shall be provided for Hutchinson Island Beach Nourishment.

In accordance with the provisions of chapter 161.082, 161.091 and 161.161, F.S., the Department shall utilize up to 10% of the funds appropriated in Specific Appropriation 1724 to adjust the state/local cost share of local government projects that include efficient and effective project components that extend the maintenance period of beach restoration projects or for local government projects which require preventative actions while awaiting beach restoration projects. Additionally, any and all funds saved by the use of alternative methods shall be used to fund other projects on the approved list.

1724A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY TO SAVE SOUTH AMELIA ISLAND STATE PARK FROM LAND ACQUISITION TRUST FUND	5,000,000	
TOTAL:	BEACH MANAGEMENT FROM GENERAL REVENUE FUND	3,866,946	
	FROM TRUST FUNDS		35,913,794
	TOTAL POSITIONS	74	
	TOTAL ALL FUNDS		39,780,740

WATER RESOURCE PROTECTION AND RESTORATION

1725	SALARIES AND BENEFITS POSITIONS 274 FROM GENERAL REVENUE FUND	2,281,765	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		251,442
	FROM GRANTS AND DONATIONS TRUST FUND		5,565,881
	FROM LAND ACQUISITION TRUST FUND		526,970
	FROM MINERALS TRUST FUND		1,861,852
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		717,513
	FROM PERMIT FEE TRUST FUND		716,918
	FROM WATER QUALITY ASSURANCE TRUST FUND		2,394,684
1726	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	20,994	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		520,000
	FROM LAND ACQUISITION TRUST FUND		40,000
	FROM MINERALS TRUST FUND		145,479
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		12,985
	FROM WATER QUALITY ASSURANCE TRUST FUND		2,933,456
1727	EXPENSES FROM GENERAL REVENUE FUND	245,743	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		65,251
	FROM LAND ACQUISITION TRUST FUND		37,937
	FROM MINERALS TRUST FUND		410,648
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		86,065
	FROM PERMIT FEE TRUST FUND		596,141
	FROM WATER QUALITY ASSURANCE TRUST FUND		645,354
1728	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1729	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE FROM PERMIT FEE TRUST FUND		250,000

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1730	OPERATING CAPITAL OUTLAY FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		53,500
1731	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND		200,000
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		103,436
1732	SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK FROM WATER QUALITY ASSURANCE TRUST FUND		1,298,745
1733	SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS FROM GRANTS AND DONATIONS TRUST FUND		6,527,597
1734	SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM FROM PERMIT FEE TRUST FUND		1,783,140
1735	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND		2,549,943
1736	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		60,897
1736A	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT FROM INLAND PROTECTION TRUST FUND		1,285,197
1737	SPECIAL CATEGORIES HABITAT RESTORATION FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		200,000
1738	SPECIAL CATEGORIES U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT FROM GRANTS AND DONATIONS TRUST FUND		78,500
	FROM WATER QUALITY ASSURANCE TRUST FUND		214,897
1739	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP FROM INLAND PROTECTION TRUST FUND		300,000
1740	SPECIAL CATEGORIES WATER WELL CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND		1,581,061
1740A	SPECIAL CATEGORIES TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH FROM WATER QUALITY ASSURANCE TRUST FUND		450,000
1740B	SPECIAL CATEGORIES TRANSFER TO ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND - WATER PROJECTS FROM GENERAL REVENUE FUND	79,838,470	
	FROM INTERNAL IMPROVEMENT TRUST FUND		6,000,000
	FROM WATER MANAGEMENT LANDS TRUST FUND		2,800,000
1740C	SPECIAL CATEGORIES TRANSFER INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - FLORIDA LAKEWATCH/PROJECT COAST FROM WATER QUALITY ASSURANCE TRUST FUND		400,000

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1741	SPECIAL CATEGORIES WETLANDS PROTECTION		
	FROM GENERAL REVENUE FUND	100,000	
	FROM GRANTS AND DONATIONS TRUST FUND		284,459
	FROM WATER QUALITY ASSURANCE TRUST FUND		750,000

Funds in Specific Appropriation 1741 include \$100,000 in nonrecurring General Revenue for the Wetlands Learning Lab Demonstration Project at the IGFA Fishing Hall of Fame and Museum in Broward County.

1742	SPECIAL CATEGORIES TRANSFER TO SAVE OUR EVERGLADES TRUST FUND FROM FLORIDA PRESERVATION 2000 TRUST FUND		
			75,000,000

Funds provided in Specific Appropriation 1742 shall be derived from the Comptroller's cash balance of the Florida Preservation 2000 Trust Fund as of July 1, 2001. The funds needed to complete the signed contracts or execute the options for purchases under the Florida Preservation 2000 program entered into by June 30, 2001, shall be taken from the cash balance of the Florida Forever Trust Fund on July 1, 2001. The remaining funds in the Florida Forever Trust Fund shall be distributed in accordance with s. 259.105, Florida Statutes.

1742A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	55,092	
	FROM GRANTS AND DONATIONS TRUST FUND		128,447
	FROM PERMIT FEE TRUST FUND		628,604
	FROM WATER QUALITY ASSURANCE TRUST FUND		816,306

1744	FIXED CAPITAL OUTLAY NON-MANDATORY LAND RECLAMATION PROJECTS FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		
			10,000,000

1745	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND		10,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND		2,800,000

1746	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN		
	FROM GENERAL REVENUE FUND	5,000,000	
	FROM DRINKING WATER REVOLVING LOAN TRUST FUND		32,000,000

1747	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY WASTEWATER TREATMENT FACILITY CONSTRUCTION		
	FROM GENERAL REVENUE FUND	8,500,000	
	FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND		125,250,000

1747A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SOUTH FLORIDA STORM WATER/FLOOD MITIGATION FROM GRANTS AND DONATIONS TRUST FUND		
			20,000,000

Funds provided in Specific Appropriation 1747A are provided to the South Florida Water Management District for storm water/flood mitigation projects in the counties of Palm Beach, Broward and Miami-Dade. The district shall develop a plan for this program in the tri-county area, with an emphasis on projects in areas which have suffered severe flood damage during recent hurricanes and tropical storms.

These funds reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7), Florida Statutes.

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	The Legislature finds that storm water and flood control is an integral component both of potential losses in the event of a hurricane and protecting local infrastructure from potential damage from a hurricane.		
1748	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY STATEWIDE RESTORATION PROJECTS FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		88,638,470

From the funds in Specific Appropriation 1748, the following Water Projects are appropriated:

Airport Industrial Park Wastewater & Conveyance System-- St. Lucie.....	100,000
Apalachicola River & Bay Restoration.....	970,000
Astor/Astor Park Wastewater Facility-- Lake County.....	1,000,000
Bayside Water Treatment Plant--Brevard.....	75,000
Big Coppitt Wastewater Collection--Monroe.....	100,000
Big Escambia Creek Restoration-- Escambia.....	300,000
Big Tree Stormwater Treatment Facility-- Volusia.....	300,000
Biscayne Bay Restoration.....	6,000,000
Brooksville Citywide Sewer System Rehabilitation--Hernando..	500,000
Carrabelle Wastewater Improvements--Franklin.....	1,050,000
Chassahowitzka Wastewater Collection System.....	1,000,000
Chipley Domestic Wastewater Treatment Plant & Disposal-- Washington.....	1,000,000
Choctawhatchee River/Bay.....	750,000
City of Blountstown Sewer Expansion Upgrade--Calhoun.....	750,000
City of Chattahoochee Wastewater Treatment Facility Improvement Program--Gadsden.....	150,000
City of Clearwater Stevenson Creek Estuary.....	1,000,000
City of Opa-locka Canal Cleaning-- Dade.....	350,000
City of South Daytona - Nova/Reed Canal Basin Stormwater Facility--Volusia.....	400,000
City of West Miami Wastewater Collection System.....	1,000,000
Curiosity Creek, Sulphur Springs Sinks Restoration Project-- Hillsborough.....	500,000
East Miramar Master Drainage Study--Broward.....	300,000
East Palatka Regional Wastewater System--Putnam.....	550,000
East Pass - Restoration, Bay County.....	500,000
Eglin Parkway (SR 85) Stormwater Improvements.....	40,000
Eliminating Sewage Overflow to the Lake Worth Lagoon.....	1,000,000
Emergency Generator Winson Water Plant--Dade.....	200,000
Escambia County Utility Authority Pipeline - planning funds.	1,000,000
Four 4 Corners Drainage Improvements.....	500,000
Funding for Non-Functional Septic Tanks (Anastasia Island)..	800,000
Funding for Non-Functional Septic Tanks (Ponte Vedra).....	800,000
Gator Slough Watershed Enhancement and Management-- Lee....	1,000,000
Glades County Wastewater Improvements.....	800,000
Graceville Wastewater Collection Improvements--Jackson.....	1,155,000
Gravity Sewer System Improvements.....	400,000
Hardee County Wastewater System.....	1,400,000
High Springs WasteWater--Alachua.....	750,000
Highland Village Stormwater System Improvement.....	300,000
Holloway Irrigation System.....	500,000
Homossassa Water Collection System, Phase III--Citrus.....	750,000
Human and Animal Health & Effects from Persistent Toxic Algae Blooms in the Harris Chain of Lakes.....	145,000
Implementation of BMP's for water conservation at USF Golf Course.....	500,000
Indian River Lagoon Initiative--Brevard, Indian River.....	4,000,000
Islamorada Canal Improvement Master Plan Implementation--Monroe.....	40,000
Lake Okeechobee Restoration Project--Palm Beach.....	10,000,000
Lake Okeechobee Wastewater Trust.....	1,300,000
Lake Panasoffkee Restoration.....	1,000,000
Lake Trafford Restoration.....	1,400,000
Loxahatchee River Preservation Initiative.....	1,000,000
Miami River Commission Operational Funding--Dade.....	150,000
Miami River Dredging Project--Dade.....	2,225,000
Middle St. Johns River Basin Initiative, FY 2001-2002.....	6,000,000
Modernizing Governance of Water Management--Broward County..	100,000
Monroe County Stormwater Improvement Project.....	500,000

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Moore Haven, Ranch Lakes Estates, Stormwater.....	200,000
North LaBelle Water and Sewer Improvements--Hendry.....	200,000
North Palm Beach County Water Management Plan Implementation.....	1,000,000
NW 6th Street Stormwater Drainage Project--Citrus.....	100,000
Pahokee Wastewater Improvements--Palm Beach.....	500,000
Pasco County Purchase of Utility-wastewater.....	2,500,000
Pembroke Park Wastewater Improvements--Broward.....	250,000
Pensacola Bay System.....	1,130,000
Perry Wastewater Improvements--Taylor.....	250,000
Phillippi Creek Septic Tank Replacement Project-- Sarasota.....	500,000
Potable Water Improvements--Madison.....	100,000
Reclaimed Water System Expansion for the City of Fort Myers.....	200,000
River Oaks Drainage Study--Broward.....	100,000
Rural/Urban Stormwater Treatment Program--Palm Beach.....	200,000
Seawall Replacement/Lake Monroe/Sanford.....	3,000,000
Septic Tank Impacts in the Coastal Zone--Escambia.....	80,000
South Walton County Sewer Improvements.....	1,500,000
SRWMD--Alligator Lake Restoration Monitoring.....	15,000
SRWMD--Alligator Lake Stormwater Restoration.....	1,150,000
SRWMD--Dairy BMP Implementation.....	800,000
SRWMD--Farm Planning-Water Quality Based Practices (BMP)....	300,000
SRWMD--Middle Suwanee BMP monitoring.....	59,000
SRWMD--Restoration of Little River, Hart, Charles & Guaronto Springs.....	1,100,000
SRWMD--Rum Island Spring Restoration.....	100,000
St. Andrews Bay Strategic Management Plan.....	300,000
St. Johns Lower Basin.....	1,500,000
St. Lucie River Issue Team--Palm Beach.....	2,000,000
Stone Island Central Sewer System Expansion-- Volusia.....	879,570
Storm Water/Wastewater Modeling--Broward.....	149,500
Stormwater retrofitting on Harris Chain of Lakes.....	500,000
Subsection 7 Sewer Replacement & Rehab--Osceola Co.....	500,000
Surface Water Restoration of Lake Worth Lagoon--Palm Beach..	1,500,000
Unit 6 Septic tank Elimination--City of Palm Bay--Brevard...	750,000
Upper Lake Tohopekaliga Restoration--Osceola.....	2,000,000
Wares Creek Maintenance/Navigation Dredging.....	1,500,000
Wastewater System Improvements Program--City of Madison....	600,000
Wastewater Treatment Facility--Callahan--Nassau.....	1,000,000
Water Quality Analysis, Lemon Bay--Charlotte.....	75,000
Water Quality and Fire Hydrant/GPS Project--Broward.....	100,400
Weeki Wachee River Restoration.....	100,000
Welaka Waste Water.....	200,000
West St. Augustine Stormwater and Sewer Renovation.....	250,000
Winsberg Farm Wetland Restoration--Palm Beach.....	750,000
Zolfo Springs Wastewater System Improvement--Hardee.....	250,000

From the \$145,000 provided in Specific Appropriation 1748 for Algae Blooms in the Harris Chain of Lakes, \$45,000 shall be provided to the St. Johns River Water Management District for paying administrative, per diem, and travel expenses of the Harris Chain of Lakes Restoration Council and \$100,000 shall be provided to the Fish and Wildlife Conservation Commission to conduct a demonstration restoration project on the Harris Chain of Lakes.

1749	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EVERGLADES RESTORATION FROM SAVE OUR EVERGLADES TRUST FUND . . .	50,000,000
1749A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY OUTER CONTINENTAL SHELF GRANT FROM GRANTS AND DONATIONS TRUST FUND . . .	17,000,000

Funds are provided in Specific Appropriation 1749A from the Outer Continental Shelf Grants as follows:

Lower St. Johns River.....	4,500,000
Charlotte Harbor.....	50,000
Sarasota Bay.....	100,000

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Tampa Bay Restoration.....	2,500,000	
St. Lucie River Initiative.....	2,000,000	
Biscayne Bay Cleanup.....	100,000	
Miami-Dade County's Watershed Planning Project.....	750,000	
Oceans Economic Impact Study.....	1,000,000	
Grants to Counties.....	6,000,000	
1750	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SMALL COUNTY WASTEWATER TREATMENT GRANTS FROM GRANTS AND DONATIONS TRUST FUND . . .	3,500,000
TOTAL: WATER RESOURCE PROTECTION AND RESTORATION FROM GENERAL REVENUE FUND	96,102,961	
FROM TRUST FUNDS		480,853,878
TOTAL POSITIONS	274	
TOTAL ALL FUNDS		576,956,839

WATER SUPPLY

From the funds in Specific Appropriations 1718 through 1755, the Water Resource Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of public water systems with no significant public health-based drinking water quality problems	93.5%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1751	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	14 698,419 63,264
1752	EXPENSES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	223,843 18,485
1753	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS FROM GENERAL REVENUE FUND	329,977
1754	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS FROM GENERAL REVENUE FUND	1,044,926
1755	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION FROM GENERAL REVENUE FUND	547,000
1755A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY POTABLE WATER RESOURCE STUDY - OKALOOSA COUNTY FROM GENERAL REVENUE FUND	250,000

Funds in Specific Appropriation 1755A, are provided for alternative water supplies and water resource development in Okaloosa County by the Northwest Florida Water Management District.

1755B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
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	OTIMIZATION OF RECLAIMED WATER TO MEET FUTURE NEEDS FROM GENERAL REVENUE FUND	100,000	
Funds in Specific Appropriation 1755B are provided to the City of Tampa Sewer Department.			
1755C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY RECLAIMED WATER REUSE SYSTEM EXPANSION FROM GENERAL REVENUE FUND	184,135	
TOTAL:	WATER SUPPLY FROM GENERAL REVENUE FUND FROM TRUST FUNDS	3,378,300	81,749
	TOTAL POSITIONS	14	
	TOTAL ALL FUNDS	3,460,049	
PROGRAM: WASTE MANAGEMENT			
WASTE CLEANUP			
1756	SALARIES AND BENEFITS POSITIONS 104 FROM GENERAL REVENUE FUND 75,797 FROM INLAND PROTECTION TRUST FUND 3,489,849 FROM SOLID WASTE MANAGEMENT TRUST FUND 1,407 FROM WATER QUALITY ASSURANCE TRUST FUND 1,157,852		
1758	EXPENSES FROM GENERAL REVENUE FUND 5,351 FROM INLAND PROTECTION TRUST FUND 492,105 FROM SOLID WASTE MANAGEMENT TRUST FUND 4,264 FROM WATER QUALITY ASSURANCE TRUST FUND 148,083		
1759	AID TO LOCAL GOVERNMENTS PETROLEUM TANKS CLEANUP - ADVANCE WORKING CAPITAL FROM INLAND PROTECTION TRUST FUND	1,845,397	
1760	OPERATING CAPITAL OUTLAY FROM INLAND PROTECTION TRUST FUND 39,716 FROM SOLID WASTE MANAGEMENT TRUST FUND 1,751 FROM WATER QUALITY ASSURANCE TRUST FUND 14,710		
1761	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM WATER QUALITY ASSURANCE TRUST FUND	2,883	
1762	SPECIAL CATEGORIES PAYMENT OF SETTLEMENT AGREEMENT - TOWER INCORPORATED FROM INLAND PROTECTION TRUST FUND	1,600,000	
1763	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	6,367,417	
1764	SPECIAL CATEGORIES INLAND PROTECTION FINANCING CORPORATION FROM INLAND PROTECTION TRUST FUND	50,955,767	
1765	SPECIAL CATEGORIES DRYCLEANING CONTAMINATION CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	12,398,214	
1766	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INLAND PROTECTION TRUST FUND 21,547 FROM WATER QUALITY ASSURANCE TRUST FUND 8,355		
1766A	SPECIAL CATEGORIES TRANSFER TO OTHER AGENCIES FOR		

SECTION 5 SPECIFIC APPROPRIATION			
	IMPLEMENTATION OF HOUSE BILL 1671 FROM WATER QUALITY ASSURANCE TRUST FUND	231,092	
1767	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP FROM INLAND PROTECTION TRUST FUND 19,575,570 FROM GRANTS AND DONATIONS TRUST FUND 1,381,866		
1767A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM INLAND PROTECTION TRUST FUND	204,605	
1769	FIXED CAPITAL OUTLAY CLEANUP OF STATE OWNED LANDS FROM INLAND PROTECTION TRUST FUND	2,000,000	
1770	FIXED CAPITAL OUTLAY WASTE TIRE ABATEMENT FROM SOLID WASTE MANAGEMENT TRUST FUND	250,000	
1771	FIXED CAPITAL OUTLAY PETROLEUM TANKS CLEANUP - PREAPPROVALS FROM INLAND PROTECTION TRUST FUND	108,734,608	
TOTAL:	WASTE CLEANUP FROM GENERAL REVENUE FUND 81,148 FROM TRUST FUNDS 210,927,058		
	TOTAL POSITIONS	104	
	TOTAL ALL FUNDS	211,008,206	

WASTE CONTROL

From the funds in Specific Appropriations 1756 through 1792, the Waste Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

Cumulative percent of contaminated program sites with cleanup completed.....	19%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1772	SALARIES AND BENEFITS POSITIONS 158 FROM INLAND PROTECTION TRUST FUND 1,125,002 FROM GRANTS AND DONATIONS TRUST FUND 1,803,562 FROM PERMIT FEE TRUST FUND 40,895 FROM SOLID WASTE MANAGEMENT TRUST FUND 2,137,088 FROM WATER QUALITY ASSURANCE TRUST FUND 2,405,583		
1773	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 23,562 FROM INLAND PROTECTION TRUST FUND 23,780 FROM GRANTS AND DONATIONS TRUST FUND 434,742 FROM SOLID WASTE MANAGEMENT TRUST FUND 149,982 FROM WATER QUALITY ASSURANCE TRUST FUND 12,000		
1774	EXPENSES FROM INLAND PROTECTION TRUST FUND 165,198 FROM GRANTS AND DONATIONS TRUST FUND 628,826 FROM PERMIT FEE TRUST FUND 6,712 FROM SOLID WASTE MANAGEMENT TRUST FUND 362,446 FROM WATER QUALITY ASSURANCE TRUST FUND 447,664		
1775	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SOUTHERN WASTE		

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	INFORMATION EXCHANGE CLEARING HOUSE FROM SOLID WASTE MANAGEMENT TRUST FUND 300,000
1776	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - OPERATION CLEAN SWEEP FROM SOLID WASTE MANAGEMENT TRUST FUND 300,000
1778	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION FROM WATER QUALITY ASSURANCE TRUST FUND 599,994
1779	OPERATING CAPITAL OUTLAY FROM INLAND PROTECTION TRUST FUND 13,238 FROM SOLID WASTE MANAGEMENT TRUST FUND 57,041 FROM WATER QUALITY ASSURANCE TRUST FUND 44,082
1780	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM WATER QUALITY ASSURANCE TRUST FUND 9,128
1781	SPECIAL CATEGORIES STORAGE TANK COMPLIANCE VERIFICATION FROM INLAND PROTECTION TRUST FUND 9,500,000
1781A	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM FROM SOLID WASTE MANAGEMENT TRUST FUND 400,000
1781B	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR BIOMEDICAL WASTE REGULATION FROM SOLID WASTE MANAGEMENT TRUST FUND 880,000
1782	SPECIAL CATEGORIES DEMONSTRATION PROJECT FOR RECYCLING MERCURY-CONTAINING DEVICES FROM SOLID WASTE MANAGEMENT TRUST FUND 100,000
1783	SPECIAL CATEGORIES FEDERAL WASTE PLANNING GRANTS FROM GRANTS AND DONATIONS TRUST FUND 483,500
1784	SPECIAL CATEGORIES HAZARDOUS WASTE SITES RESTORATION FROM GRANTS AND DONATIONS TRUST FUND 1,999,847
1785	SPECIAL CATEGORIES HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND EDUCATION FROM SOLID WASTE MANAGEMENT TRUST FUND 800,000
1785A	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF TRANSPORTATION/ RESEARCH AND DEMONSTRATION PROJECTS FROM SOLID WASTE MANAGEMENT TRUST FUND 150,000
1786	SPECIAL CATEGORIES POLLUTION RESTORATION CONTRACTS FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 199,880
1786A	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - MOSQUITO CONTROL PROGRAM FROM SOLID WASTE MANAGEMENT TRUST FUND 2,278,598
1787	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INLAND PROTECTION TRUST FUND 7,306 FROM SOLID WASTE MANAGEMENT TRUST FUND 14,577 FROM WATER QUALITY ASSURANCE TRUST FUND 26,765

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1787A	SPECIAL CATEGORIES TRANSFER TO BOARD OF REGENTS - RESEARCH AND TESTING FROM SOLID WASTE MANAGEMENT TRUST FUND 500,000
1787B	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF REVENUE - SOLID WASTE TAX COLLECTION FROM SOLID WASTE MANAGEMENT TRUST FUND 110,000
1787C	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF EDUCATION SOLID WASTE PROGRAM FROM SOLID WASTE MANAGEMENT TRUST FUND 139,135
1787D	SPECIAL CATEGORIES BASELINE LITTER SURVEY/CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT FROM SOLID WASTE MANAGEMENT TRUST FUND 200,000
1787E	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM INLAND PROTECTION TRUST FUND 300,687 FROM SOLID WASTE MANAGEMENT TRUST FUND 583,590
1789	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SOLID WASTE MANAGEMENT FROM SOLID WASTE MANAGEMENT TRUST FUND 5,835,707
1790	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY COMPOST AND LANDFILL RESEARCH AND DESIGN FROM SOLID WASTE MANAGEMENT TRUST FUND 1,000,000
1790A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FLORIDA ORGANICS RECYCLING CENTER OF EXCELLENCE FROM SOLID WASTE MANAGEMENT TRUST FUND 1,000,000
1791	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY CHROMATED COPPER ARSENATE (CCA) TREATED LUMBER FROM SOLID WASTE MANAGEMENT TRUST FUND 50,000
1792	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY RECYCLE LEAD ACID PRODUCTS FROM SOLID WASTE MANAGEMENT TRUST FUND 400,000
TOTAL: WASTE CONTROL	
	FROM GENERAL REVENUE FUND 23,562
	FROM TRUST FUNDS 38,026,555
	TOTAL POSITIONS 158
	TOTAL ALL FUNDS 38,050,117
PROGRAM: RECREATION AND PARKS	
LAND MANAGEMENT	
1793	SALARIES AND BENEFITS POSITIONS 23 FROM CONSERVATION AND RECREATION LANDS TRUST FUND 25,227 FROM LAND ACQUISITION TRUST FUND 1,024,802
1794	OTHER PERSONAL SERVICES FROM LAND ACQUISITION TRUST FUND 1,109,600

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1795	EXPENSES
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	4,417
	FROM GRANTS AND DONATIONS TRUST FUND
	112,895
	FROM LAND ACQUISITION TRUST FUND
	639,535
1796	OPERATING CAPITAL OUTLAY
	FROM LAND ACQUISITION TRUST FUND
	25,000
1796A	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	34,039
1797	SPECIAL CATEGORIES
	MANAGEMENT OF WATER CONTROL STRUCTURES
	FROM LAND ACQUISITION TRUST FUND
	1,221,414
1798	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM LAND ACQUISITION TRUST FUND
	88,721
1799	SPECIAL CATEGORIES
	GREENWAYS CARL MANAGEMENT FUNDING
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	99,899
1800	SPECIAL CATEGORIES
	INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	350,000
1801	FIXED CAPITAL OUTLAY
	ACQUISITION OF RAILROAD RIGHTS OF WAY
	FROM FLORIDA FOREVER TRUST FUND
	4,500,000
1802	FIXED CAPITAL OUTLAY
	INVASIVE EXOTICS/GREENWAYS
	FROM LAND ACQUISITION TRUST FUND
	127,000
1803	FIXED CAPITAL OUTLAY
	TRAILS DEVELOPMENT - STATEWIDE
	FROM LAND ACQUISITION TRUST FUND
	3,100,000
1804A	FIXED CAPITAL OUTLAY
	REPAIRS AND IMPROVEMENTS - INGLIS MAIN DAM
	- DMS MGD
	FROM LAND ACQUISITION TRUST FUND
	500,000
1804B	FIXED CAPITAL OUTLAY
	FLORIDA KEYS OVERSEAS HERITAGE TRAIL - DMS MGD
	FROM LAND ACQUISITION TRUST FUND
	1,121,000
1806	FIXED CAPITAL OUTLAY
	LAND ACQUISITION
	FROM GRANTS AND DONATIONS TRUST FUND
	935,000
	FROM LAND ACQUISITION TRUST FUND
	25,000
From the funds in Specific Appropriation 1806, \$25,000 in the Land Acquisition Trust Fund is for land acquisition along the North Fork of the New River in Broward County	
1807	FIXED CAPITAL OUTLAY
	GREENWAY RECREATIONAL IMPROVEMENTS - INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT
	FROM GRANTS AND DONATIONS TRUST FUND
	9,300,000
1808	FIXED CAPITAL OUTLAY
	OCKLAHAWA RIVER RESTORATION
	FROM LAND ACQUISITION TRUST FUND
	800,000

SECTION 5	
SPECIFIC	
APPROPRIATION	
Funds provided in Specific Appropriation 1808 for the Ocklawaha River Restoration are contingent upon Senate Bill 1246 or similar legislation becoming law.	
1809	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY NATIONAL RECREATIONAL TRAIL GRANTS
	FROM GRANTS AND DONATIONS TRUST FUND
	3,800,000
TOTAL: LAND MANAGEMENT	
	FROM TRUST FUNDS
	28,943,549
	TOTAL POSITIONS
	23
	TOTAL ALL FUNDS
	28,943,549
RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS	
1810	SALARIES AND BENEFITS POSITIONS
	7
	FROM LAND ACQUISITION TRUST FUND
	296,765
1811	OTHER PERSONAL SERVICES
	FROM LAND ACQUISITION TRUST FUND
	50,000
1812	EXPENSES
	FROM LAND ACQUISITION TRUST FUND
	33,227
1813	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
	FROM GRANTS AND DONATIONS TRUST FUND
	3,819,272
1814	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
	FROM FLORIDA FOREVER TRUST FUND
	6,000,000
	FROM LAND ACQUISITION TRUST FUND
	21,066,452
1814A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY BENNY RUSSEL PARK
	FROM LAND ACQUISITION TRUST FUND
	200,000
1814B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY RODMAN PARK
	FROM LAND ACQUISITION TRUST FUND
	300,000
1814C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY WALTON COUNTY GEOPARK BIKE TRAIL
	FROM LAND ACQUISITION TRUST FUND
	1,900,000
1814D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SISTER CREEK PARK
	FROM LAND ACQUISITION TRUST FUND
	1,500,000
1814E	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY LOCAL PARKS
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	1,700,000
Funds in Specific Appropriation 1814E are provided for the following public recreation grants:	
	Carpenter Sand Pine Preserve--Broward.....
	300,000
	Florida Oceanographic Society--Martin.....
	400,000
	Heritage Park Foundation in Pasco County.....
	100,000
	Phase Four/Upper Tampa Bay Trail.....
	100,000
	Jupiter Riverwalk--Palm Beach.....
	200,000
	Legion Waterfront Park--Dade.....
	600,000

SECTION 5		
SPECIFIC		
APPROPRIATION		
TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS		
FROM TRUST FUNDS	36,865,716	
TOTAL POSITIONS	7	
TOTAL ALL FUNDS	36,865,716	

STATE PARK OPERATIONS

1815	SALARIES AND BENEFITS	POSITIONS	1,051	
	FROM CONSERVATION AND RECREATION LANDS			
	TRUST FUND		2,490,628	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,389	
	FROM STATE PARK TRUST FUND		33,487,059	
1816	OTHER PERSONAL SERVICES			
	FROM CONSERVATION AND RECREATION LANDS			
	TRUST FUND		56,200	
	FROM STATE PARK TRUST FUND		3,874,575	

From funds provided in Specific Appropriation 1816 from the State Park Trust Fund, up to \$80,000 shall be used to conduct a cost benefit analysis of outsourcing certain maintenance and operating cost related to the Florida Park System to the private sector. The department shall submit a report on the study to the Legislature and to the Executive Office of the Governor no later than December 1, 2001.

1817	EXPENSES			
	FROM CONSERVATION AND RECREATION LANDS			
	TRUST FUND		1,294,779	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,960	
	FROM STATE PARK TRUST FUND		12,144,695	
1818	OPERATING CAPITAL OUTLAY			
	FROM CONSERVATION AND RECREATION LANDS			
	TRUST FUND		207,150	
	FROM STATE PARK TRUST FUND		500,335	
1819	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM STATE PARK TRUST FUND		747,224	
1819A	SPECIAL CATEGORIES			
	TRANSFER TO THE DEPARTMENT OF COMMUNITY			
	AFFAIRS - FLORIDA COMMUNITIES TRUST			
	FROM LAND ACQUISITION TRUST FUND		1,148,854	
1820	SPECIAL CATEGORIES			
	DISTRIBUTION OF SURCHARGE FEES			
	FROM STATE PARK TRUST FUND		550,000	
1821	SPECIAL CATEGORIES			
	DISBURSE DONATIONS			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		310,000	
	FROM STATE PARK TRUST FUND		250,000	
1821A	SPECIAL CATEGORIES			
	AMERICORPS PROGRAM			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		850,000	
1822	SPECIAL CATEGORIES			
	OUTSOURCING/PRIVATIZATION			
	FROM CONSERVATION AND RECREATION LANDS			
	TRUST FUND		1,700,000	
1822A	SPECIAL CATEGORIES			
	CONTROL OF INVASIVE EXOTICS			
	FROM STATE PARK TRUST FUND		300,000	
1823	SPECIAL CATEGORIES			
	PURCHASES FOR RESALE			
	FROM STATE PARK TRUST FUND		1,096,420	

SECTION 5			
SPECIFIC			
APPROPRIATION			
1824	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE PARK TRUST FUND		1,148,525
1825	SPECIAL CATEGORIES		
	INTERIM LAND MANAGEMENT OF CONSERVATION		
	AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND		850,000
1826	SPECIAL CATEGORIES		
	LAND USE PROCEEDS DISBURSEMENTS		
	FROM STATE PARK TRUST FUND		150,000
1826A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM STATE PARK TRUST FUND		1,510,004
1828	FIXED CAPITAL OUTLAY		
	HISTORIC STRUCTURE RENOVATIONS		
	FROM LAND ACQUISITION TRUST FUND		1,000,000
1829	FIXED CAPITAL OUTLAY		
	STATEWIDE CAMPGROUND REPAIRS/RENOVATIONS		
	FROM LAND ACQUISITION TRUST FUND		500,000
1830	FIXED CAPITAL OUTLAY		
	ANASTASIA STATE RECREATION AREA - PARK		
	DEVELOPMENT		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND		375,000
1831	FIXED CAPITAL OUTLAY		
	RESOURCE RESTORATION		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND		1,000,000
1833	FIXED CAPITAL OUTLAY		
	ST. ANDREWS STATE RECREATIONAL AREA		
	DEVELOPMENT		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND		945,000
1834	FIXED CAPITAL OUTLAY		
	PARK DEVELOPMENT		
	FROM LAND ACQUISITION TRUST FUND		4,000,000
1835	FIXED CAPITAL OUTLAY		
	GAMBLE PLANTATION - RENOVATION - DMS MGD		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND		100,000
1836	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION		
	FROM FLORIDA FOREVER TRUST FUND		4,500,000
1837	FIXED CAPITAL OUTLAY		
	DEVELOPMENT OF STATE PARKS - STATEWIDE -		
	BASIC AMENITIES		
	FROM LAND ACQUISITION TRUST FUND		400,000
1838	FIXED CAPITAL OUTLAY		
	ALAFIA RIVER LONESOME MINE - RECREATIONAL		
	DEVELOPMENT		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND		518,000
1839	FIXED CAPITAL OUTLAY		
	PREVENTATIVE MAINTENANCE AND REPAIRS -		
	STATE PARKS		
	FROM LAND ACQUISITION TRUST FUND		500,000

SECTION 5		
SPECIFIC		
APPROPRIATION		
1840	FIXED CAPITAL OUTLAY LAKE LOUISA STATE PARK DEVELOPMENT FROM CONSERVATION AND RECREATION LANDS TRUST FUND	610,000
1841	FIXED CAPITAL OUTLAY RENOVATE STATE PARK CABINS - STATEWIDE FROM LAND ACQUISITION TRUST FUND	100,000
1842	FIXED CAPITAL OUTLAY ANCLOTE KEY STATE PARK DEVELOPMENT FROM LAND ACQUISITION TRUST FUND	370,500
1843	FIXED CAPITAL OUTLAY SILVER RIVER PARK DEVELOPMENT FROM CONSERVATION AND RECREATION LANDS TRUST FUND	939,600
1844	FIXED CAPITAL OUTLAY PARTNERSHIP IN PARKS/STATE MATCH FROM LAND ACQUISITION TRUST FUND	400,000
1845	FIXED CAPITAL OUTLAY REMOVE ACCESSIBILITY BARRIERS - STATEWIDE FROM LAND ACQUISITION TRUST FUND	1,000,000
1846	FIXED CAPITAL OUTLAY GRANTS AND DONATIONS SPENDING AUTHORITY FROM GRANTS AND DONATIONS TRUST FUND	4,000,000
1847	FIXED CAPITAL OUTLAY FACILITY REPAIR NEEDS - STATEWIDE FROM LAND ACQUISITION TRUST FUND	4,000,000
1848	FIXED CAPITAL OUTLAY RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE FROM LAND ACQUISITION TRUST FUND	1,717,000
1849	FIXED CAPITAL OUTLAY DEBT SERVICE FROM LAND ACQUISITION TRUST FUND	28,257,467
TOTAL:	STATE PARK OPERATIONS FROM TRUST FUNDS	119,941,364
	TOTAL POSITIONS	1,051
	TOTAL ALL FUNDS	119,941,364

COASTAL AND AQUATIC MANAGED AREAS

From the funds in Specific Appropriations 1793 through 1861, the Recreation and Parks Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
Attendance at state parks.....	17,000,000

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1850	SALARIES AND BENEFITS FROM CONSERVATION AND RECREATION LANDS TRUST FUND	100	1,077,387
	FROM GRANTS AND DONATIONS TRUST FUND		827,045
	FROM LAND ACQUISITION TRUST FUND		2,137,395

SECTION 5		
SPECIFIC		
APPROPRIATION		
1851	OTHER PERSONAL SERVICES FROM CONSERVATION AND RECREATION LANDS TRUST FUND	936,106
	FROM LAND ACQUISITION TRUST FUND	250,000
1852	EXPENSES FROM CONSERVATION AND RECREATION LANDS TRUST FUND	793,254
	FROM LAND ACQUISITION TRUST FUND	397,168
1853	OPERATING CAPITAL OUTLAY FROM CONSERVATION AND RECREATION LANDS TRUST FUND	183,538
	FROM LAND ACQUISITION TRUST FUND	9,000
1854	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM CONSERVATION AND RECREATION LANDS TRUST FUND	43,393
	FROM GRANTS AND DONATIONS TRUST FUND	45,716
1855	SPECIAL CATEGORIES SUBMERGED RESOURCE DAMAGED RESTORATIONS FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	57,834
1856	SPECIAL CATEGORIES LITTLE PINE ISLAND MITIGATION BANK FROM LAND ACQUISITION TRUST FUND	200,000
1856A	SPECIAL CATEGORIES INTERIM MANAGEMENT OF PROPERTIES ACQUIRED UNDER THE CONSERVATION AND RECREATION LANDS (C.A.R.L.) PROGRAM FROM CONSERVATION AND RECREATION LANDS TRUST FUND	60,479
1856B	SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM GRANTS AND DONATIONS TRUST FUND	2,229,507
1857	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CONSERVATION AND RECREATION LANDS TRUST FUND	2,114
	FROM GRANTS AND DONATIONS TRUST FUND	1,796
	FROM LAND ACQUISITION TRUST FUND	6,656
1858	SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,313,479
1858A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM GRANTS AND DONATIONS TRUST FUND	982
	FROM LAND ACQUISITION TRUST FUND	250,320
1859	FIXED CAPITAL OUTLAY LAND ACQUISITION FROM GRANTS AND DONATIONS TRUST FUND	1,500,000
1860	FIXED CAPITAL OUTLAY MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE FROM LAND ACQUISITION TRUST FUND	742,857
1861	FIXED CAPITAL OUTLAY GRANTS AND DONATIONS SPENDING AUTHORITY FROM GRANTS AND DONATIONS TRUST FUND	1,056,000

SECTION 5			
SPECIFIC APPROPRIATION			
TOTAL: COASTAL AND AQUATIC MANAGED AREAS			
FROM TRUST FUNDS	14,122,026		
TOTAL POSITIONS	100		
TOTAL ALL FUNDS	14,122,026		
PROGRAM: AIR RESOURCES MANAGEMENT			
AIR ASSESSMENT			
1862 SALARIES AND BENEFITS POSITIONS	35		
FROM AIR POLLUTION CONTROL TRUST FUND . .	1,801,796		
1863 OTHER PERSONAL SERVICES			
FROM AIR POLLUTION CONTROL TRUST FUND . .	2,035,998		
1864 EXPENSES			
FROM AIR POLLUTION CONTROL TRUST FUND . .	1,023,673		
1865 OPERATING CAPITAL OUTLAY			
FROM AIR POLLUTION CONTROL TRUST FUND . .	334,991		
1866 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM AIR POLLUTION CONTROL TRUST FUND . .	50,000		
1867 SPECIAL CATEGORIES			
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE			
REGISTRATION PROCEEDS			
FROM AIR POLLUTION CONTROL TRUST FUND . .	2,997,968		
1868 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM AIR POLLUTION CONTROL TRUST FUND . .	4,479		
1868A DATA PROCESSING SERVICES			
ENVIRONMENTAL PROTECTION MANAGEMENT			
INFORMATION CENTER			
FROM AIR POLLUTION CONTROL TRUST FUND . .	268,210		
TOTAL: AIR ASSESSMENT			
FROM TRUST FUNDS	8,517,115		
TOTAL POSITIONS	35		
TOTAL ALL FUNDS	8,517,115		
AIR POLLUTION PREVENTION			
1870 SALARIES AND BENEFITS POSITIONS	58		
FROM AIR POLLUTION CONTROL TRUST FUND . .	2,923,376		
1871 OTHER PERSONAL SERVICES			
FROM AIR POLLUTION CONTROL TRUST FUND . .	3,622,810		
1872 EXPENSES			
FROM AIR POLLUTION CONTROL TRUST FUND . .	690,556		
1873 OPERATING CAPITAL OUTLAY			
FROM AIR POLLUTION CONTROL TRUST FUND . .	98,583		
1874 SPECIAL CATEGORIES			
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE			
REGISTRATION PROCEEDS			
FROM AIR POLLUTION CONTROL TRUST FUND . .	2,997,968		
1875 SPECIAL CATEGORIES			
ASBESTOS REMOVAL PROGRAM FEES			
FROM AIR POLLUTION CONTROL TRUST FUND . .	150,000		
1876 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM AIR POLLUTION CONTROL TRUST FUND . .	7,422		

SECTION 5			
SPECIFIC APPROPRIATION			
1876A DATA PROCESSING SERVICES			
ENVIRONMENTAL PROTECTION MANAGEMENT			
INFORMATION CENTER			
FROM AIR POLLUTION CONTROL TRUST FUND . .		963,042	
TOTAL: AIR POLLUTION PREVENTION			
FROM TRUST FUNDS		11,453,757	
TOTAL POSITIONS	58		
TOTAL ALL FUNDS		11,453,757	

UTILITIES SITING AND COORDINATION

From the funds in Specific Appropriations 1862 through 1879, the Air Resources Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

Percent of time that monitored population breathes	
good or moderate quality air	98.6%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1878 SALARIES AND BENEFITS POSITIONS	6		
FROM PERMIT FEE TRUST FUND		334,158	
1879 EXPENSES			
FROM PERMIT FEE TRUST FUND		45,803	
TOTAL: UTILITIES SITING AND COORDINATION			
FROM TRUST FUNDS		379,961	
TOTAL POSITIONS	6		
TOTAL ALL FUNDS		379,961	
PROGRAM: LAW ENFORCEMENT			
ENVIRONMENTAL INVESTIGATION			
1880 SALARIES AND BENEFITS POSITIONS	66		
FROM GENERAL REVENUE FUND	3,021,412		
FROM COASTAL PROTECTION TRUST FUND		633,536	
1881 OTHER PERSONAL SERVICES			
FROM COASTAL PROTECTION TRUST FUND		210,000	
1882 EXPENSES			
FROM GENERAL REVENUE FUND	872,184		
FROM COASTAL PROTECTION TRUST FUND		358,229	
1883 OPERATING CAPITAL OUTLAY			
FROM COASTAL PROTECTION TRUST FUND		279,571	
1884 SPECIAL CATEGORIES			
ACQUISITION AND REPLACEMENT OF PATROL			
VEHICLES			
FROM COASTAL PROTECTION TRUST FUND		201,350	
1884A SPECIAL CATEGORIES			
TRANSFER TO THE FISH AND WILDLIFE			
CONSERVATION COMMISSION - HARBOR BRANCH			
OCEANOGRAPHIC INSTITUTION			
FROM COASTAL PROTECTION TRUST FUND		1,000,000	
1884B SPECIAL CATEGORIES			
TRANSFER TO FISH AND WILDLIFE CONSERVATION			

SECTION 5 SPECIFIC APPROPRIATION			
	COMMISSION/DERELICT VESSEL REMOVAL - PANAMA CITY FROM COASTAL PROTECTION TRUST FUND	600,000	
1884C	SPECIAL CATEGORIES TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR DISTRICT OFFICE IN PENSACOLA FROM COASTAL PROTECTION TRUST FUND	685,695	
1885	SPECIAL CATEGORIES OPERATION AND MAINTENANCE OF PATROL VEHICLES FROM GENERAL REVENUE FUND 247,846 FROM COASTAL PROTECTION TRUST FUND	17,558	
1886	SPECIAL CATEGORIES OVERTIME - FLORIDA MARINE PATROL FROM GENERAL REVENUE FUND 50,400		
1887	SPECIAL CATEGORIES OVERTIME FROM COASTAL PROTECTION TRUST FUND	50,400	
1888	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM COASTAL PROTECTION TRUST FUND	124,599	
1889	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND 31,490 FROM COASTAL PROTECTION TRUST FUND	21,465	
1889A	SPECIAL CATEGORIES TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR ADDITIONAL LAW ENFORCEMENT ENHANCED MANATEE PROTECTION FROM COASTAL PROTECTION TRUST FUND	1,899,950	
1890	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY CLEAN MARINA FROM GRANTS AND DONATIONS TRUST FUND . . .	714,667	
1891	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY CLEAN VESSEL FROM GRANTS AND DONATIONS TRUST FUND . . .	2,100,000	
TOTAL:	ENVIRONMENTAL INVESTIGATION FROM GENERAL REVENUE FUND 4,223,332 FROM TRUST FUNDS	8,897,020	
	TOTAL POSITIONS 66 TOTAL ALL FUNDS 13,120,352		
PATROL ON STATE LANDS			
1892	SALARIES AND BENEFITS POSITIONS 89 FROM GENERAL REVENUE FUND 624,549 FROM LAND ACQUISITION TRUST FUND	3,795,394	
1893	EXPENSES FROM GENERAL REVENUE FUND 54,140 FROM LAND ACQUISITION TRUST FUND	143,487	
1894	OPERATING CAPITAL OUTLAY FROM COASTAL PROTECTION TRUST FUND	33,133	
1895	SPECIAL CATEGORIES ACQUISITION AND REPLACEMENT OF PATROL VEHICLES FROM COASTAL PROTECTION TRUST FUND	347,901	

SECTION 5 SPECIFIC APPROPRIATION			
1896	SPECIAL CATEGORIES OPERATION AND MAINTENANCE OF PATROL VEHICLES FROM GENERAL REVENUE FUND 37,258 FROM LAND ACQUISITION TRUST FUND	158,680	
1897	SPECIAL CATEGORIES OVERTIME - FLORIDA MARINE PATROL FROM GENERAL REVENUE FUND 54,600		
1898	SPECIAL CATEGORIES OVERTIME FROM COASTAL PROTECTION TRUST FUND	54,600	
1899	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM LAND ACQUISITION TRUST FUND	152,282	
1900	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND 4,000 FROM LAND ACQUISITION TRUST FUND	84,612	
1900A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND 26,122 FROM COASTAL PROTECTION TRUST FUND	151,599	
TOTAL:	PATROL ON STATE LANDS FROM GENERAL REVENUE FUND 800,669 FROM TRUST FUNDS	4,921,688	
	TOTAL POSITIONS 89 TOTAL ALL FUNDS 5,722,357		

EMERGENCY RESPONSE

From the funds in Specific Appropriations 1880 through 1911A, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
Criminal incidents per 100,000 state park visitors.....	30

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1901	SALARIES AND BENEFITS POSITIONS 28 FROM COASTAL PROTECTION TRUST FUND 737,964 FROM INLAND PROTECTION TRUST FUND 415,145 FROM WATER QUALITY ASSURANCE TRUST FUND . . 326,488	
1902	OTHER PERSONAL SERVICES FROM COASTAL PROTECTION TRUST FUND	232,000
1903	EXPENSES FROM COASTAL PROTECTION TRUST FUND 149,251 FROM INLAND PROTECTION TRUST FUND 57,179 FROM WATER QUALITY ASSURANCE TRUST FUND . . 44,796	
1904	OPERATING CAPITAL OUTLAY FROM COASTAL PROTECTION TRUST FUND	10,424
1905	SPECIAL CATEGORIES ACQUISITION AND REPLACEMENT OF PATROL VEHICLES FROM COASTAL PROTECTION TRUST FUND	88,594

SECTION 5		
SPECIFIC		
APPROPRIATION		
	FROM NON-GAME WILDLIFE TRUST FUND	338,826
	FROM SAVE THE MANATEE TRUST FUND	332,474
	FROM STATE GAME TRUST FUND	52,571
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	9,891
1927	AID TO LOCAL GOVERNMENTS MANATEE PROTECTION PLANNING GRANTS FROM SAVE THE MANATEE TRUST FUND	241,371
1928	OPERATING CAPITAL OUTLAY FROM LAND ACQUISITION TRUST FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM SAVE THE MANATEE TRUST FUND	202,900 10,000 13,800
1929	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM NON-GAME WILDLIFE TRUST FUND	22,659
1930	SPECIAL CATEGORIES ENHANCED WILDLIFE MANAGEMENT FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	28,468
1930A	SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM MARINE RESOURCES CONSERVATION TRUST FUND	27,500
1931	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM LAND ACQUISITION TRUST FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM NON-GAME WILDLIFE TRUST FUND FROM SAVE THE MANATEE TRUST FUND FROM STATE GAME TRUST FUND	829 730 6,688 4,580 6,269
1932	SPECIAL CATEGORIES MARINE TURTLE GRANTS PROGRAM FROM MARINE RESOURCES CONSERVATION TRUST FUND	300,000
1933	FIXED CAPITAL OUTLAY LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE FROM FLORIDA FOREVER PROGRAM TRUST FUND	4,500,000
1934	FIXED CAPITAL OUTLAY MITIGATION PARK LAND ACQUISITION FROM LAND ACQUISITION TRUST FUND	1,750,000
TOTAL:	MARINE AND WILDLIFE HABITAT CONSERVATION FROM TRUST FUNDS	10,584,027
	TOTAL POSITIONS	47
	TOTAL ALL FUNDS	10,584,027
EXECUTIVE DIRECTION AND SUPPORT SERVICES		
1935	SALARIES AND BENEFITS POSITIONS 136 FROM GENERAL REVENUE FUND 1,781,806 FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 18,850 FROM MARINE RESOURCES CONSERVATION TRUST FUND 477,774 FROM NON-GAME WILDLIFE TRUST FUND 140,328 FROM STATE GAME TRUST FUND 3,659,944 FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 173,907	

SECTION 5		
SPECIFIC		
APPROPRIATION		
1936	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 20,000 FROM STATE GAME TRUST FUND	201,195
1937	EXPENSES FROM GENERAL REVENUE FUND 141,150 FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 685 FROM MARINE RESOURCES CONSERVATION TRUST FUND 183,072 FROM NON-GAME WILDLIFE TRUST FUND 16,803 FROM STATE GAME TRUST FUND 1,435,727	
1938	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND 20,000 FROM MARINE RESOURCES CONSERVATION TRUST FUND 8,400 FROM STATE GAME TRUST FUND 4,600	
1939	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM STATE GAME TRUST FUND	178,580
1940	SPECIAL CATEGORIES ENHANCED WILDLIFE MANAGEMENT FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	40,424
1941	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND	1,807
1941A	SPECIAL CATEGORIES PAYMENT OF REWARDS FROM NON-GAME WILDLIFE TRUST FUND	5,000
1942	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 5,601 FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,948 FROM NON-GAME WILDLIFE TRUST FUND 487 FROM STATE GAME TRUST FUND 29,610 FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 974	
1942A	SPECIAL CATEGORIES TRANSFER TO STATE GAME TRUST FUND FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 188,454 FROM NON-GAME WILDLIFE TRUST FUND 348,227	
1943	SPECIAL CATEGORIES INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION FROM GENERAL REVENUE FUND 295,791 FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,393,335 FROM STATE GAME TRUST FUND 1,303,874	
1944	DATA PROCESSING SERVICES STATE TECHNOLOGY OFFICE FROM STATE GAME TRUST FUND	45,898
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND 2,266,155 FROM TRUST FUNDS 9,858,096	
	TOTAL POSITIONS	136
	TOTAL ALL FUNDS	12,124,251

SECTION 5
SPECIFIC
APPROPRIATION
PROGRAM: LAW ENFORCEMENT

From the funds in Specific Appropriations 1945 through 1960B, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
Number of recreational boating injuries.....	450

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT

1945	SALARIES AND BENEFITS	POSITIONS	855
	FROM GENERAL REVENUE FUND		33,931,427
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,085,993
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		7,419,213
	FROM NON-GAME WILDLIFE TRUST FUND		76,508
	FROM STATE GAME TRUST FUND		771,305
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,101,137
1946	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		104,210
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		103,500
	FROM STATE GAME TRUST FUND		164,500
1947	EXPENSES		
	FROM GENERAL REVENUE FUND		2,032,793
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		59,200
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		754,361
	FROM STATE GAME TRUST FUND		96,978
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		10,000
1948	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		866,311
1949	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		183,386
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		100,000
1950	LUMP SUM		
	MARINE PATROL - TALLAHASSEE OFFICE	POSITIONS	1
1950A	LUMP SUM		
	ADDITIONAL LAW ENFORCEMENT OFFICERS FOR ENHANCED MANATEE PROTECTION	POSITIONS	25
	FROM GENERAL REVENUE FUND		2,000,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,889,950
1951	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		

SECTION 5
SPECIFIC
APPROPRIATION

	FROM GENERAL REVENUE FUND	554,926
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	45,510
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,570,915
	FROM STATE GAME TRUST FUND	572,621
1952	SPECIAL CATEGORIES	
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	141,500
	FROM STATE GAME TRUST FUND	141,500
1953	SPECIAL CATEGORIES	
	ENHANCED WILDLIFE MANAGEMENT	
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	271,880
1954	SPECIAL CATEGORIES	
	OPERATION AND MAINTENANCE OF PATROL VEHICLES	
	FROM GENERAL REVENUE FUND	1,552,868
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	158,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	2,455,203
	FROM STATE GAME TRUST FUND	629,783
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	150,000
1955	SPECIAL CATEGORIES	
	OVERTIME - FLORIDA MARINE PATROL	
	FROM GENERAL REVENUE FUND	315,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	315,000
1956	SPECIAL CATEGORIES	
	OVERTIME	
	FROM GENERAL REVENUE FUND	700,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,300,000
1957	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	255,713
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	5,686
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	243,014
	FROM NON-GAME WILDLIFE TRUST FUND	1,090
	FROM STATE GAME TRUST FUND	9,426
1958	SPECIAL CATEGORIES	
	SALARY INCENTIVE PAYMENTS	
	FROM GENERAL REVENUE FUND	380,323
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	7,800
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	118,505
	FROM STATE GAME TRUST FUND	54,420
1959	SPECIAL CATEGORIES	
	DERELICT VESSEL REMOVAL PROGRAM	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	250,000
1960	SPECIAL CATEGORIES	
	BOATING SAFETY EDUCATION PROGRAM	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	550,000
1960A	FIXED CAPITAL OUTLAY	
	CONSTRUCTION - DISTRICT OFFICE - PENSACOLA	

SECTION 5	
SPECIFIC	
APPROPRIATION	
- DMS MGD	
FROM MARINE RESOURCES CONSERVATION TRUST FUND	685,695
1960B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY DERELICT VESSEL REMOVAL - PANAMA CITY FROM MARINE RESOURCES CONSERVATION TRUST FUND	600,000
TOTAL: WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT FROM GENERAL REVENUE FUND	41,827,260
FROM TRUST FUNDS	24,959,890
TOTAL POSITIONS	881
TOTAL ALL FUNDS	66,787,150

PROGRAM: WILDLIFE

From the funds in Specific Appropriations 1961 through 1976A, the Wildlife Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

The percent of wildlife species whose biological	
status is stable or improving.....	71.5%
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

WILDLIFE MANAGEMENT

1961 SALARIES AND BENEFITS POSITIONS 252	
FROM GENERAL REVENUE FUND	144,575
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	887,822
FROM NON-GAME WILDLIFE TRUST FUND	1,618,807
FROM STATE GAME TRUST FUND	4,360,746
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	3,718,043
1962 OTHER PERSONAL SERVICES	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	198,961
FROM NON-GAME WILDLIFE TRUST FUND	927,449
FROM STATE GAME TRUST FUND	355,965
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	207,808
1963 EXPENSES	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	285,409
FROM NON-GAME WILDLIFE TRUST FUND	786,986
FROM STATE GAME TRUST FUND	1,235,033
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	1,154,518
1964 OPERATING CAPITAL OUTLAY	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	2,500
FROM NON-GAME WILDLIFE TRUST FUND	39,620
FROM STATE GAME TRUST FUND	56,635
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	25,000
1965 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM FLORIDA PANTHER RESEARCH AND	

SECTION 5	
SPECIFIC	
APPROPRIATION	
MANAGEMENT TRUST FUND	46,200
FROM NON-GAME WILDLIFE TRUST FUND	68,646
FROM STATE GAME TRUST FUND	699,646
1967 SPECIAL CATEGORIES	
ENHANCED WILDLIFE MANAGEMENT	
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	3,271,880
1967A SPECIAL CATEGORIES	
NON-CARL WILDLIFE MANAGEMENT	
FROM STATE GAME TRUST FUND	3,678,608
1968 SPECIAL CATEGORIES	
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6	
FROM NON-GAME WILDLIFE TRUST FUND	136,363
1968A SPECIAL CATEGORIES	
SAWGRASS ENVIRONMENTAL EDUCATION	
FROM NON-GAME WILDLIFE TRUST FUND	75,000
1969 SPECIAL CATEGORIES	
LAND MANAGEMENT/SAVE OUR RIVERS	
FROM STATE GAME TRUST FUND	160,137
1970 SPECIAL CATEGORIES	
MANAGEMENT AREA LEASE PAYMENTS	
FROM STATE GAME TRUST FUND	585,404
1970A SPECIAL CATEGORIES	
DUCKS UNLIMITED MARSH PROJECT	
FROM STATE GAME TRUST FUND	106,272
1970B SPECIAL CATEGORIES	
TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION	
FROM STATE GAME TRUST FUND	100,000
1970C SPECIAL CATEGORIES	
PUBLIC DOVE FIELD DEVELOPMENT	
FROM STATE GAME TRUST FUND	49,000
1971 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	3,360
FROM NON-GAME WILDLIFE TRUST FUND	15,179
FROM STATE GAME TRUST FUND	60,004
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	36,882
1972 SPECIAL CATEGORIES	
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM	
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	550,000
1973 SPECIAL CATEGORIES	
WILDLIFE MANAGEMENT AREA USER PAY	
FROM STATE GAME TRUST FUND	199,653
1974 SPECIAL CATEGORIES	
WILD TURKEY PROJECTS	
FROM STATE GAME TRUST FUND	100,000
1974A DATA PROCESSING SERVICES	
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES	
FROM STATE GAME TRUST FUND	11,291
1976 FIXED CAPITAL OUTLAY	
EQUIPMENT STORAGE FACILITY -	

SECTION 5			
SPECIFIC			
APPROPRIATION			
	CHASSAHOWITZKA WILDLIFE MANAGEMENT AREA - DMS MGD		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	295,423	
1976A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY WILDLIFE HOSPITAL- WILDLIFE SANCTUARY OF NORTHWEST FLORIDA		
	FROM NON-GAME WILDLIFE TRUST FUND	53,000	
TOTAL: WILDLIFE MANAGEMENT			
	FROM GENERAL REVENUE FUND	144,575	
	FROM TRUST FUNDS	26,163,250	
	TOTAL POSITIONS	252	
	TOTAL ALL FUNDS	26,307,825	

PROGRAM: FRESHWATER FISHERIES

From the funds in Specific Appropriations 1977 through 1988D, the Freshwater Fisheries Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of water body acres managed to improve fishing...	1,595,940

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FRESHWATER FISHERIES MANAGEMENT

1977	SALARIES AND BENEFITS	POSITIONS	166
	FROM GENERAL REVENUE FUND		72,147
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		132,507
	FROM STATE GAME TRUST FUND		7,115,768
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		102,791
1978	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		180,000
1979	EXPENSES		
	FROM STATE GAME TRUST FUND		1,601,691
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		20,000
1980	OPERATING CAPITAL OUTLAY		
	FROM STATE GAME TRUST FUND		169,500
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		25,000
1981	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE GAME TRUST FUND		368,110
1982	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM STATE GAME TRUST FUND		167,704
1983	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		68,635

SECTION 5			
SPECIFIC			
APPROPRIATION			
1984	SPECIAL CATEGORIES		
	BOATING RELATED ACTIVITIES		
	FROM STATE GAME TRUST FUND		1,250,000
1985	SPECIAL CATEGORIES		
	LAKE RESTORATION		
	FROM STATE GAME TRUST FUND		7,333,454
1986	SPECIAL CATEGORIES		
	BOAT RAMP MAINTENANCE CATEGORY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		331,878
	FROM STATE GAME TRUST FUND		175,000
1987	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE GAME TRUST FUND		77,575
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		288
1988	SPECIAL CATEGORIES		
	FRESHWATER FISHING PIERS		
	FROM STATE GAME TRUST FUND		68,000
1988A	FIXED CAPITAL OUTLAY		
	FISH HATCHERY AT RODMAN DAM		
	FROM GENERAL REVENUE FUND		800,000
1988B	FIXED CAPITAL OUTLAY		
	RODMAN - BOAT RAMP AND PARKING		
	FROM GENERAL REVENUE FUND		500,000
1988C	FIXED CAPITAL OUTLAY		
	LAKE JESUP 5TH YEAR FUNDING		
	FROM GENERAL REVENUE FUND		2,910,000
1988D	FIXED CAPITAL OUTLAY		
	IMPROVEMENTS, AQUACULTURE/RICHLOAM FISH HATCHERY		
	FROM STATE GAME TRUST FUND		185,955
TOTAL: FRESHWATER FISHERIES MANAGEMENT			
	FROM GENERAL REVENUE FUND		4,282,147
	FROM TRUST FUNDS		19,373,856
	TOTAL POSITIONS		166
	TOTAL ALL FUNDS		23,656,003

PROGRAM: MARINE FISHERIES			
From the funds in Specific Appropriations 1989 through 1996, the Marine Fisheries Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.			
=====			
	Performance Measures - Outcomes	FY 2001-2002 Standards	
	1. Artificial reefs monitored and/or created annually....	120	
	2. Percent of fisheries stocks that are increasing or stable.....	80%	
=====			
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.			
MARINE FISHERIES MANAGEMENT			
1989	SALARIES AND BENEFITS	POSITIONS	42
	FROM GENERAL REVENUE FUND		109,894
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,608,632

SECTION 5	
SPECIFIC	
APPROPRIATION	
1990	OTHER PERSONAL SERVICES
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	96,562
1991	EXPENSES
	FROM GENERAL REVENUE FUND 7,732
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	934,426
1992	OPERATING CAPITAL OUTLAY
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	846
1993	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	23,100
1993A	SPECIAL CATEGORIES
	AQUATIC RESOURCES EDUCATION
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	400,000
1993B	SPECIAL CATEGORIES
	GULF STATES MARINE FISHERIES
	FROM GENERAL REVENUE FUND
	22,500
1993C	SPECIAL CATEGORIES
	MARINE RESEARCH GRANTS
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	324,319
1994	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM GENERAL REVENUE FUND 352
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	4,110
1995	FIXED CAPITAL OUTLAY
	REEF FISH HABITAT ENHANCEMENT
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	550,000
1996	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
	ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM
	FROM GRANTS AND DONATIONS TRUST FUND 300,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	300,000
TOTAL:	MARINE FISHERIES MANAGEMENT
	FROM GENERAL REVENUE FUND 140,478
	FROM TRUST FUNDS
	4,541,995
	TOTAL POSITIONS 42
	TOTAL ALL FUNDS 4,682,473

PROGRAM: FLORIDA MARINE RESEARCH INSTITUTE

From the funds in Specific Appropriations 1997 through 2005C, the Florida Marine Research Institute will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

Number of requests for status of endangered and threatened species completed.....	28,175

SECTION 5	
SPECIFIC	
APPROPRIATION	
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT	
1997	SALARIES AND BENEFITS POSITIONS 212
	FROM GENERAL REVENUE FUND 3,142,389
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	5,898,216
	FROM SAVE THE MANATEE TRUST FUND 746,142
1998	OTHER PERSONAL SERVICES
	FROM GENERAL REVENUE FUND 25,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	7,307,475
	FROM SAVE THE MANATEE TRUST FUND 735,000
Funds provided in Specific Appropriation 1998 from the Marine Resources Conservation Trust Fund include the following: \$350,000 for Stock Enhancement-Mote Marine Laboratory, \$125,000 for Shark Sawfish Research-Mote Marine Laboratory, and \$1,000,000 for Red Tide Research-Mote Marine Laboratory.	
From funds provided in Specific Appropriation 1998 from the Save the Manatee Trust Fund, \$325,000 is for Manatee Recovery Research-Mote Marine Laboratory.	
From the Marine Resources Conservation Trust Fund included in Specific Appropriation 1998, \$1,000,000 is provided to the Florida Marine Research Institute for Red Tide Research.	
1999	EXPENSES
	FROM GENERAL REVENUE FUND 523,617
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	2,881,066
	FROM SAVE THE MANATEE TRUST FUND 427,167
2000	OPERATING CAPITAL OUTLAY
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	478,920
	FROM SAVE THE MANATEE TRUST FUND 13,000
2001	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM GENERAL REVENUE FUND 17,859
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	152,701
	FROM SAVE THE MANATEE TRUST FUND 93,225
2002	SPECIAL CATEGORIES
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	23,000
	FROM SAVE THE MANATEE TRUST FUND 7,000
2002A	SPECIAL CATEGORIES
	MANATEE RESEARCH - MANATEE AVOIDANCE TECHNOLOGY
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	200,000
Funds in Specific Appropriation 2002A are for manatee avoidance technology, specifically detection devices designed to alert manatees to approaching watercraft, and devices that alert watercraft to manatees.	
2003	SPECIAL CATEGORIES
	REEF GROUNDING SETTLEMENT
	FROM MARINE RESOURCES CONSERVATION TRUST FUND
	196,912

SECTION 5		SPECIFIC APPROPRIATION	
2003A	SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM MARINE RESOURCES CONSERVATION TRUST FUND		10,158,626
2004	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM SAVE THE MANATEE TRUST FUND	7,027	18,520 2,364
2005	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,248
2005A	SPECIAL CATEGORIES CHOCTAWHATCHEE BAY STUDY - FISH KILLS FROM MARINE RESOURCES CONSERVATION TRUST FUND		200,000
2005B	FIXED CAPITAL OUTLAY FLORIDA MARINE RESEARCH INSTITUTE FACILITY REPAIRS AND MAINTENANCE FROM MARINE RESOURCES CONSERVATION TRUST FUND		230,400
2005C	FIXED CAPITAL OUTLAY PORT MANATEE FISH HATCHERY - MAINTENANCE FROM MARINE RESOURCES CONSERVATION TRUST FUND		150,000
2005D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY HARBOR BRANCH OCEANOGRAPHIC INSTITUTION FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,000,000
TOTAL: MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT			
	FROM GENERAL REVENUE FUND	3,715,892	
	FROM TRUST FUNDS		30,920,982
	TOTAL POSITIONS	212	
	TOTAL ALL FUNDS		34,636,874

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 2017 through 2023, 2025 through 2036, 2045 through 2054, 2069 through 2073, and 2085 through 2087, are provided from the named funds to the department to fund the 5 year work program developed pursuant to the provisions of sections 339.135 and 339.153, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: HIGHWAY AND BRIDGE CONSTRUCTION

From funds in Specific Appropriations 2006 through 2037, the Highway and Bridge Construction Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Percent of state highway system pavement	
meeting department standards.....80%	

SECTION 5		SPECIFIC APPROPRIATION	
	Percent of FDOT-maintained bridges		
	meeting department standards.....90%		
	Number of projects certified ready for construction.....87		
=====			
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.			
2006	SALARIES AND BENEFITS POSITIONS	3,777	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		192,153,686
Funds in Specific Appropriations 2006 through 2100G reflect efficiency and outsourcing reductions of 794 positions and \$25,495,237 from the State Transportation Trust Fund. In order to minimize layoffs or program disruptions, the Department may submit a plan to reallocate this reduction throughout the Department pursuant to notice and approval procedures provided in s. 216.177, F.S.			
2007	OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,112,217
2008	EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		16,622,495
2009	OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		4,271,657
2010	SPECIAL CATEGORIES CONSULTANT FEES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		2,869,225
2011	SPECIAL CATEGORIES TRANSFER TO THE STATE TRANSPORTATION TRUST FUND FROM GENERAL REVENUE FUND		86,428,966
2012	SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		2,070,838
2013	SPECIAL CATEGORIES OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		2,210,806
2014	SPECIAL CATEGORIES TRANSPORTATION MATERIALS AND EQUIPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		7,868
2016	FIXED CAPITAL OUTLAY FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		73,200
2017	FIXED CAPITAL OUTLAY STATE FUNDED INFRASTRUCTURE BANK FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		43,500,000
2018	FIXED CAPITAL OUTLAY COUNTY TRANSPORTATION PROGRAMS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		128,884,863

SECTION 5
SPECIFIC
APPROPRIATION

2019	FIXED CAPITAL OUTLAY BOND GUARANTEE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	500,000
2020	FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	19,206,001
2021	FIXED CAPITAL OUTLAY INTRASTATE HIGHWAY CONSTRUCTION FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE BOND CONSTRUCTION TRUST FUND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	7,492,207 17,746,526 1,573,200 1126,649,922
2022	FIXED CAPITAL OUTLAY ARTERIAL HIGHWAY CONSTRUCTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	458,546,320
<p>Funds provided in Specific Appropriation 2022 for projects in Leon County are contingent upon the county removing road impediments on Lake Bradford Road between the junction of Lake Bradford Road and Orange Avenue and Capitol Circle Southwest.</p> <p>Funds provided in Specific Appropriation 2022 for projects in Leon County are contingent upon the county reverting the name of the Tallahassee Leon County Civic Center back to the Donald L. Tucker Civic Center.</p>		
2023	FIXED CAPITAL OUTLAY CONSTRUCTION INSPECTION CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE BOND CONSTRUCTION TRUST FUND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	4,172,235 11,275,382 207,000 261,816,024
2024	FIXED CAPITAL OUTLAY RENOVATION - STATE MATERIALS OFFICE, GAINESVILLE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	5,643,234
2025	FIXED CAPITAL OUTLAY RIGHT-OF-WAY LAND ACQUISITION FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND	39,641,848 394,287,650 208,017,982
2026	FIXED CAPITAL OUTLAY HIGHWAY SAFETY CONSTRUCTION/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	46,163,337
2027	FIXED CAPITAL OUTLAY RESURFACING FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	18,784,683 432,672,536
2028	FIXED CAPITAL OUTLAY BRIDGE CONSTRUCTION	

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	FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND	1,558,522
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	191,279,846
	FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND	48,701,061
2029	FIXED CAPITAL OUTLAY PRELIMINARY ENGINEERING CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	5,622,428 47,466,205 320,857,614
2030	FIXED CAPITAL OUTLAY RIGHT-OF-WAY SUPPORT FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND	2,627,073 86,087,758 35,231,274
2031	FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	15,975,067
2032	FIXED CAPITAL OUTLAY GRANTS AND AIDS - TRANSPORTATION EXPRESSWAY AUTHORITIES FROM TOLL FACILITIES REVOLVING TRUST FUND	17,000,000

From funds in Specific Appropriations 2032, the Department is authorized, pursuant to Section 338.251, Florida Statutes, to advance up to \$1,400,000 to the Santa Rosa Bay Bridge Authority to defray shortages necessary to pay debt service in toll revenues occurring in the Santa Rosa Bay Bridge System, which was created and established pursuant to Section 348.968, Florida Statutes. Such advance shall be made in accordance with the procedures set forth in Rule Chapter 14-88, Florida Administrative Code, and shall be reimbursed within 5 years of the last advance. As a condition of receiving these funds until advances under these provisions are repaid to the Department of Transportation, the Santa Rosa Bay Bridge Authority shall secure the approval of the Secretary of the Department of Transportation for the annual administrative budget and prior to any restructuring of the bonds outstanding for the Garcon Point Bridge.

From funds in Specific Appropriation 2032, up to \$5,000,000 shall be advanced to the Tampa-Hillsborough Expressway Authority for funding the advanced right-of-way acquisition in accordance with the provisions of s. 338.251 for the projects authorized under s. 348.565.

2033	FIXED CAPITAL OUTLAY MATERIALS AND RESEARCH FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	12,402,000
2034	FIXED CAPITAL OUTLAY TRANSFER TO EXEC OFFICE OF THE GOVERNOR, OFFICE OF TOURISM, TRADE & ECONOMIC DEVELOPMENT FOR TRANSPORTATION PROJECTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	20,000,000

Funds in Specific Appropriation 2034 shall be transferred to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor only if required to fulfill project commitments so as to maximize the amount of interest accruing to the State Transportation Trust Fund.

2035	FIXED CAPITAL OUTLAY LOCAL GOVERNMENT REIMBURSEMENT	
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	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	17,453,141
	FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE	
	CONSTRUCTION TRUST FUND	9,121,300
2036	FIXED CAPITAL OUTLAY	
	TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT	
	FROM TURNPIKE RENEWAL AND REPLACEMENT	
	TRUST FUND	3,700,655
	FROM TURNPIKE GENERAL RESERVE TRUST FUND .	540,000
2037	FIXED CAPITAL OUTLAY	
	DEBT SERVICE	
	FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE	
	CONSTRUCTION TRUST FUND	69,300,000
TOTAL:	PROGRAM: HIGHWAY AND BRIDGE CONSTRUCTION	
	FROM GENERAL REVENUE FUND	86,428,966
	FROM TRUST FUNDS	4353,096,886
	TOTAL POSITIONS	3,777
	TOTAL ALL FUNDS	4439,525,852

PROGRAM: PUBLIC TRANSPORTATION

From funds in Specific Appropriations 2038 through 2054, Public Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Transit Ridership Growth Compared to Population growth 1.06

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2038	SALARIES AND BENEFITS	POSITIONS	144
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		8,133,307
	FROM TRANSPORTATION DISADVANTAGED TRUST		
	FUND		722,306
2039	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		63,718
	FROM TRANSPORTATION DISADVANTAGED TRUST		
	FUND		10,000
2040	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		826,279
	FROM TRANSPORTATION DISADVANTAGED TRUST		
	FUND		141,025
2041	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		13,609
2042	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		514,250
2043	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		16,185

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2045	FIXED CAPITAL OUTLAY	
	TRANSPORTATION OUTREACH PROGRAM	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	115,859,919

From the funds in Specific Appropriation 2045, the following Transportation Outreach Program Projects are appropriated:

GOAA Intermodal Transit System.....	12,500,000
Relocate Panama City Airport.....	10,000,000
Jaxport Terminal Expansion.....	2,500,000
Canadian Court Intermodal Center.....	3,000,000
Treeline Ave. Extension - Lee Co.....	4,000,000
Metro Parkway Extension (SR 739).....	15,000,000
Relocate US 98 in Gulf & Bay.....	1,450,000
Central Sarasota Pkwy Interchange.....	513,000
Widen John Young Parkway.....	500,000
SR528 / SR 15 Interchange - Orange.....	1,800,000
THCEA ITS Selmon Drive ITS.....	5,000,000
CSX Track between Blount Island and Jax.....	915,000
CSXT's Hialeah Yard Tracks.....	2,680,000
CSX Track at Big Bend.....	1,222,500
CSX Track alignment Bradenton Yard.....	575,000
Seaport Security.....	7,000,000
Metromover Realignment - Miami-Dade.....	480,000
Gulf Coast Parkway Corridor Study.....	2,000,000
Construct Hook St - Lake County.....	1,250,000
Widen West SR 50 - Orange Co.....	2,100,000
City of Deltona Ft. Smith Blvd.....	63,000
City of Deltona Normandy Blvd.....	68,850
City of Deltona Courtland Blvd.....	85,500
CR 769 - Kings Highway - DeSoto.....	50,000
CR 210/US 1 Intersection St. Johns Co.....	500,000
Matanzas Wood Overpass - Flagler Co.....	280,000
Interstate Connector - Alabama to Okaloosa.....	750,000
ITS System - Bay Co.....	500,000
Widening of Substandard Roads - Flagler.....	400,000
Ybor Station Intermodal Facility - Pinellas.....	500,000
Boulevard 2000-SR40 - Ormond Beach.....	400,000
Orlando-Sanford Airport.....	1,000,000
I-65 Hurricane Evacuation Study.....	1,000,000
St. Lucie West/I-95 Interchange Completion.....	50,000
4 Street Improvements in Daytona Beach.....	3,700,000
Ship Assembly and New Cruise Terminal.....	2,000,000
Jet Aircraft Maint. Hanger - Melbourne.....	500,000
Lynx Operating.....	1,000,000
Metropolitan Area Mass Transit - Miami-Dade.....	11,770,000
Trade Corridor Strategy.....	400,000
Roadway Enhancements - Miami Beach.....	100,000
US 19 Control Access.....	1,739,919
Brooksville Downtown Traffic Pattern.....	1,000,000
East Hillsborough Aviation Improvements.....	967,150
Osceola Turnpike Access Study.....	1,000,000
Sligh Ave. Extension/Vandenburg Airport Access.....	500,000
US 17/92 from Shepard Rd. To Lake Mary Blvd.....	950,000
US 319 from Four Points to US 98.....	2,500,000
Relocate U.S. 1 in Palm Beach Co.....	100,000
State Road 70.....	7,500,000

For any Transportation Outreach Program project funded in Specific Appropriation 2045 which was approved by the Transportation Outreach Program (TOP) Council on January 8, 2001 and for which funding has been reduced, and any TOP project not in the January 8, 2001 Council approved list but funded in this specific appropriation at a level below that initially applied for, the Department is authorized to negotiate with the recipient to develop a viable project through reducing project scope, providing additional applicant match or any other option agreed to by the applicant and the Department.

Funds in Specific Appropriation 2045 for Florida Seaport Security Improvements are contingent on each port submitting a plan to provide baseline measures and standards data for FY 2001-2002 relating to the effectiveness of security in each port. Plans shall be submitted to the Office of Drug Control in the Executive Office of the Governor and

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should include, but not be limited to, measures which show the level of criminal activity for each port and measures which will provide an indication of the effectiveness of security improvements over time. The Florida Seaport Transportation and Economic Development Council (FSTED), shall assist the Office of Drug Control in its efforts to coordinate, to the extent possible, consistent measures for all ports.

From the funds in Specific Appropriation 2045 for Florida Seaport Security Improvements, \$409,406 shall be transferred to FDLE's Operating Budget for the purpose of conducting annual inspections of all seaports as required by law. Further, \$1,062,500 shall be transferred to FDLE to purchase livescan equipment for the Ports for purposes of conducting state and national criminal background checks on seaport employee applicants. The remaining \$5,528,094 shall be allocated to ports by the Office of Drug Control, in coordination with the Florida Seaport Transportation and Economic Development Council (FSTED). Ports receiving funds shall provide a match based on the original Transportation Outreach Program application but which reflects the revised scope of the project.

Funds provided in Specific Appropriation 2045 for a Trade Corridor Strategy are for the Transportation Outreach Program Advisory Council to conduct a trade corridor strategy and implementation assessment. The scope of the comprehensive assessment will include coordination with all affected stakeholders by region and by trade corridor to conduct a thorough multimodal "needs" assessment to identify near-term, mid-term and long-term prioritized improvements for all modes of transportation with the state's identified corridors and corresponding regions. Order of magnitude costs associated with each multimodal need will be provided to the extent such costs may be determined and estimated. The assessment shall include a discussion of local, state and federal financing methods to implement the recommendation and conclusions put forth. The assessment shall be complete and submitted to the Governor and the Legislature by January 15, 2002.

Funds provided in Specific Appropriation 2045 for Metropolitan Area Mass Transit shall be provided for a bus replacement program in Miami-Dade County to be administered by the Miami-Dade Transit Agency. These funds shall require a non-state match of 40%. Of the funds appropriated, 60% shall be provided for new feeder/circulator buses which travel the main routes. The remaining 40% of the funds shall be provided for an increase or renovation of the existing main bus fleet.

2046A	FIXED CAPITAL OUTLAY COUNTY TRANSPORTATION PROGRAMS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	1,000,000
2047	FIXED CAPITAL OUTLAY AVIATION DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	84,313,715

From funds in Specific Appropriation 2047, \$500,000 shall be provided to the Office of Drug Control Policy to contract for a study of airport security at Florida's airports. The study shall include an evaluation of drug interdiction capabilities, safety and security levels as well as recommendations for improving these activities at Florida's major airports. The Office of Drug Control Policy may elect to contract or utilize vendors listed through the Department of Management Services approved management consulting services vendors list. While conducting this study, all representatives of the Office of Drug Control Policy shall abide by federal laws, rules, regulations or requirements applicable to airports as well as the provisions of any Bi-Lateral Aviation Agreement between nations involving airports in Florida and any International Compact applicable to an airport being studied. The study shall be completed and submitted to the legislature by February 15, 2002.

2048	FIXED CAPITAL OUTLAY PUBLIC TRANSIT DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	112,957,305
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2049	FIXED CAPITAL OUTLAY SEAPORT - ECONOMIC DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	15,000,000
2050	FIXED CAPITAL OUTLAY SEAPORTS ACCESS PROGRAM FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	10,000,000
2051	FIXED CAPITAL OUTLAY SEAPORT GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	10,000,000

From funds in Specific Appropriation 2051, up to \$20,000 may be used for a study of the construction of a rail enhancement, cargo handling system located at the Port of Palm Beach which will link the Port of Miami, Port Everglades and the Port of Palm Beach using innovative rail technology. This study would determine whether or not technology allowing for trailers to be removed from the highway system and placed directly on an innovative rail system is an appropriate method of intermodal transportation. The study will also determine if utilizing this new technology will result in a more efficient and cost effective way of transporting goods between the Ports while relieving congestion on our state highway system.

2052	FIXED CAPITAL OUTLAY RAIL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	51,351,882
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From funds in Specific Appropriation 2052, \$4,500,000 is provided for expenses necessary to evaluate and make recommendations on establishing a high speed ground transportation system as required by Article 10, Section 19 of the Florida Constitution.

2053	FIXED CAPITAL OUTLAY INTERMODAL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	132,143,202
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2054	FIXED CAPITAL OUTLAY GRANTS AND AIDS - TRANSPORTATION DISADVANTAGED FROM TRANSPORTATION DISADVANTAGED TRUST FUND	25,440,404
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TOTAL: PROGRAM: PUBLIC TRANSPORTATION	FROM TRUST FUNDS	568,507,106
TOTAL POSITIONS		144
TOTAL ALL FUNDS		568,507,106

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

From funds in Specific Appropriations 2055 through 2073, the Highway Operations and Maintenance Program shall meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Maintenance condition rating of state highway system as measured against department's maintenance manual standards.....	80
Percent of commercial vehicles weighed that were over weight	
Fixed scale weighings	0.3%

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| Portable scale weighings 44% |
=====

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2055	SALARIES AND BENEFITS	POSITIONS	3,484
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		137,379,489
2056	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,678,238
2057	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		27,523,284
2058	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,043,188
2059	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		10,591,275
2060	SPECIAL CATEGORIES		
	FAIRBANKS HAZARDOUS WASTE SITE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		3,805,000
2061	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		991,247
2061A	SPECIAL CATEGORIES		
	FLORIDA HIGHWAY PATROL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		11,200,328
2062	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		938,105
2063	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,658,117
2064	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		218,240
2065	SPECIAL CATEGORIES		
	TRANSPORTATION MATERIALS AND EQUIPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		25,897,958
2065A	SPECIAL CATEGORIES		
	TRANSFER FOR CONTRACTED DISPATCH SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		615,175
2067	FIXED CAPITAL OUTLAY		
	CODE AND SAFETY CORRECTIONS - STATEWIDE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		260,000

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2068	FIXED CAPITAL OUTLAY		
	FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		4,394,800
2069	FIXED CAPITAL OUTLAY		
	TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		196,245,000
	From Funds in Specific Appropriation 2069, up to \$4,000,000 may be used for contracts with non-profit youth organizations in Florida to do work on the state highway system.		
2070	FIXED CAPITAL OUTLAY		
	CONTRACT MAINTENANCE WITH THE DEPARTMENT OF CORRECTIONS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		14,256,000
2071	FIXED CAPITAL OUTLAY		
	HIGHWAY BEAUTIFICATION GRANTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		3,000,000
	From the funds in Specific Appropriation 2071, \$150,000 is provided as a performance based grant to fund the State Litter Prevention Program, Keep Florida Beautiful, pursuant to s. 403.4131, F.S., and is contingent upon a like amount being transferred from the Department of Environmental Protection.		
	From the funds in Specific Appropriation 2071, \$850,000 is provided for the local Adopt-A-Highway Florida Certified Keep America Beautiful (KAB) System Grant Program, pursuant to s. 403.4131(5), F.S., is contingent upon a like amount being transferred from the Department of Environmental Protection.		
2072	FIXED CAPITAL OUTLAY		
	BRIDGE INSPECTION		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		8,030,000
2073	FIXED CAPITAL OUTLAY		
	TRAFFIC ENGINEERING CONSULTANTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		4,156,889
	From funds in Specific Appropriation 2073, \$269,047 shall be reimbursed to Miami-Dade County on behalf of the City of Coral Gables for transportation impact fees which were not expended in accordance with Miami-Dade County Roadway Impact Fee Ordinance 88-112. This payment represents the first of two equal payments.		
TOTAL: PROGRAM: HIGHWAY OPERATIONS			
	FROM TRUST FUNDS		455,882,333
	TOTAL POSITIONS	3,484	
	TOTAL ALL FUNDS		455,882,333
PROGRAM: TOLL OPERATIONS			
From funds in Specific Appropriations 2074 through 2087, the Toll Operations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:			
=====			
	Performance		FY 2001-2002
	Measures		Standards
	-----		-----
	OUTCOMES:		

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Operational cost per toll transaction < \$0.16 |
|
Number of toll transactions 529,000,000 |
=====

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2074	SALARIES AND BENEFITS	POSITIONS	996
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		32,074,174
2075	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,818,923
2076	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		16,481,013
2077	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		440,466
2078	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		19,179
2079	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		453,551
2080	SPECIAL CATEGORIES		
	TOLL OPERATION CONTRACTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		32,443,263
2080A	SPECIAL CATEGORIES		
	PAYMENT TO EXPRESSWAY AUTHORITIES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		7,919,503
2081	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		174,150
2082	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		500,000
2083	SPECIAL CATEGORIES		
	TRANSPORTATION MATERIALS AND EQUIPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		3,789,450
2084	FIXED CAPITAL OUTLAY		
	FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		215,000
2085	FIXED CAPITAL OUTLAY		
	INTRASTATE HIGHWAY CONSTRUCTION		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,636,800
2086	FIXED CAPITAL OUTLAY		
	PRELIMINARY ENGINEERING CONSULTANTS		

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	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,300,000
2087	FIXED CAPITAL OUTLAY		
	TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		9,840,345
TOTAL: PROGRAM: TOLL OPERATIONS			
	FROM TRUST FUNDS		110,105,817
	TOTAL POSITIONS	996	
	TOTAL ALL FUNDS		110,105,817
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2088	SALARIES AND BENEFITS	POSITIONS	883
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		43,018,755
2089	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,415,010
2090	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		15,414,181
2091	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		276,646
2092	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		243,569
2093	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,787,810
2094	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		205,464
2095	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		102,731
2096	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		10,920,373
2097	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE - OTHER		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,402,482
2097A	SPECIAL CATEGORIES		
	TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR EVERGLADES RESTORATION		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,000,000
2097B	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF REVENUE FOR HIGHWAY TAX COMPLIANCE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		200,000

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2099	FIXED CAPITAL OUTLAY OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,214,800
2100	FIXED CAPITAL OUTLAY ADDITION/RENOVATION - DISTRICT OFFICE - MIAMI FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,750,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM TRUST FUNDS		80,951,821	
	TOTAL POSITIONS	883	
	TOTAL ALL FUNDS	80,951,821	
INFORMATION TECHNOLOGY			
2100A	SALARIES AND BENEFITS POSITIONS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	337	11,450,647
2100B	OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		100,000
2100C	EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		22,621,878
2100D	OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		5,070,716
2100E	SPECIAL CATEGORIES CONSULTANT FEES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,925,000
2100F	SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		99,228
2100G	SPECIAL CATEGORIES OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		82,569
TOTAL: INFORMATION TECHNOLOGY FROM TRUST FUNDS		41,350,038	
	TOTAL POSITIONS	337	
	TOTAL ALL FUNDS	41,350,038	
	TOTAL OF SECTION 5 POSITIONS	19,035	
	FROM GENERAL REVENUE FUND	442,477,909	
	FROM TRUST FUNDS	8346,023,603	
	TOTAL ALL FUNDS	8788,501,512	

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Agency for Workforce Innovation, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Insurance/Treasurer, Department of Labor and Employment Security,

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Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State/Secretary of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.			
PROGRAM: ADMINISTERED FUNDS			
2102	LUMP SUM SALARY INCREASES FROM GENERAL REVENUE FUND FROM TRUST FUNDS		82,840,004 41,164,115
2103	LUMP SUM CASUALTY INSURANCE PREMIUM DEFICIT FROM GENERAL REVENUE FUND FROM TRUST FUNDS		12,400,000 14,600,000
2104	LUMP SUM STATE HEALTH INSURANCE TRUST FUND DEFICIENCY FROM GENERAL REVENUE FUND FROM TRUST FUNDS		39,570,667 16,444,444
2105	LUMP SUM EXECUTIVE AIRCRAFT POOL SUBSCRIPTIONS FROM GENERAL REVENUE FUND FROM TRUST FUNDS		1,000,000 300,000
2106	LUMP SUM FLORIDA RETIREMENT SYSTEM SURPLUS SAVINGS FROM GENERAL REVENUE FUND FROM TRUST FUNDS		-66,000,000 -28,300,000
2109	SPECIAL CATEGORIES ASSOCIATION DUES FROM GENERAL REVENUE FUND		182,170
2110	SPECIAL CATEGORIES COUNCIL OF STATE GOVERNMENTS FROM GENERAL REVENUE FUND		223,882
2111	SPECIAL CATEGORIES DEFICIENCY FROM GENERAL REVENUE FUND		400,000
2112	SPECIAL CATEGORIES EMERGENCY FROM GENERAL REVENUE FUND		250,000
2113	SPECIAL CATEGORIES FLORIDA LAND AND WATER ADJUDICATORY COMMISSION - ADMINISTRATIVE APPEALS FROM GENERAL REVENUE FUND		4,756
2114	SPECIAL CATEGORIES TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND FROM GENERAL REVENUE FUND		5,183,268
Funds in Specific Appropriation 2114 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriations System.			
2115	SPECIAL CATEGORIES TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR TECHNOLOGY REVIEW WORKGROUP FROM GENERAL REVENUE FUND		677,737
Funds in Specific Appropriation 2115 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting with the Technology Review Workgroup.			

SECTION 6		
SPECIFIC		
APPROPRIATION		
TOTAL: PROGRAM: ADMINISTERED FUNDS		
FROM GENERAL REVENUE FUND	76,732,484	
FROM TRUST FUNDS		44,208,559
TOTAL ALL FUNDS		120,941,043

AGENCY FOR WORKFORCE INNOVATION

PROGRAM: WORKFORCE SERVICES

WORKFORCE DEVELOPMENT

From the funds in Specific Appropriations 2116 through 2162A, the Workforce Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Percent of job openings filled	55%
Additional approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
=====	

2116	SALARIES AND BENEFITS	POSITIONS	1,043	
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			44,171,395
2117	OTHER PERSONAL SERVICES			
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			6,364,161
2118	EXPENSES			
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			14,359,153
2119	OPERATING CAPITAL OUTLAY			
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			1,647,483
2120	SPECIAL CATEGORIES			
	GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES			
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			402,502
2121	SPECIAL CATEGORIES			
	CONTRACT PAYMENTS			
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			13,354,000
2121A	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND	1,371,483		
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			1,371,483
2122	SPECIAL CATEGORIES			
	GRANTS AND AIDS - WORKFORCE DEVELOPMENT			
	BOARDS - FEDERAL WELFARE TO WORK GRANT			
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND			50,756,512
2123	SPECIAL CATEGORIES			
	TRANSFER TO OFFICE OF TRADE, TOURISM AND			
	ECONOMIC DEVELOPMENT IN THE EXECUTIVE			
	OFFICE OF THE GOVERNOR			

SECTION 6		
SPECIFIC		
APPROPRIATION		
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	490,862
2124	SPECIAL CATEGORIES	
	GRANTS AND AIDS - DISPLACED HOMEMAKERS	
	FROM GENERAL REVENUE FUND	23,676
	FROM DISPLACED HOMEMAKER TRUST FUND . . .	
		2,060,024
2126	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	134,676
2127	SPECIAL CATEGORIES	
	GRANTS AND AIDS - WORKFORCE INVESTMENT ACT	
	- ADULT ALLOCATION	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	41,604,521
2128	SPECIAL CATEGORIES	
	GRANTS AND AIDS - WORKFORCE INVESTMENT ACT	
	- YOUTH ALLOCATION	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	41,357,488
2129	SPECIAL CATEGORIES	
	GRANTS AND AIDS - WORKFORCE INVESTMENT ACT	
	- DISLOCATED WORKER ALLOCATION	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	37,376,180
2129A	DATA PROCESSING SERVICES	
	INFORMATION MANAGEMENT CENTER - DEPARTMENT	
	OF LABOR AND EMPLOYMENT SECURITY	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	3,943,520
2130	DATA PROCESSING SERVICES	
	REGIONAL DATA CENTERS - STATE UNIVERSITY	
	SYSTEM	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	152,500
TOTAL:	WORKFORCE DEVELOPMENT	
	FROM GENERAL REVENUE FUND	1,395,159
	FROM TRUST FUNDS	259,546,460
	TOTAL POSITIONS	1,043
	TOTAL ALL FUNDS	260,941,619
UNEMPLOYMENT COMPENSATION		
2132	SALARIES AND BENEFITS	POSITIONS
	FROM EMPLOYMENT SECURITY ADMINISTRATION	307
	TRUST FUND	
		15,668,887
2133	OTHER PERSONAL SERVICES	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	199,751
2134	EXPENSES	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	5,391,003
2135	OPERATING CAPITAL OUTLAY	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	805,945
2136	SPECIAL CATEGORIES	
	GRANTS AND AIDS - CONTRACTED SERVICES	
	FROM EMPLOYMENT SECURITY ADMINISTRATION	
	TRUST FUND	19,852,923

SECTION 6
SPECIFIC
APPROPRIATION

2137	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	305,865
2137A	DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	5,438,374
TOTAL:	UNEMPLOYMENT COMPENSATION FROM TRUST FUNDS	47,662,748
	TOTAL POSITIONS	307
	TOTAL ALL FUNDS	47,662,748

WELFARE TRANSITION

From the funds in Specific Appropriations 2139 through 2150, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

The Secretary or his designee shall certify that controls are in place to insure that such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

2139	SALARIES AND BENEFITS POSITIONS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	26 1,192,776
2140	OTHER PERSONAL SERVICES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	465,313
2141	EXPENSES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	8,266,065
2142	OPERATING CAPITAL OUTLAY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	26,424
2143	SPECIAL CATEGORIES CONTRACT PAYMENTS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	1,275,000
2145	SPECIAL CATEGORIES GRANTS AND AIDS - WAGES COALITIONS ALLOCATION FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	163,234,917

From the funds in Specific Appropriation 2145, a minimum of \$153,234,917 shall be distributed to Regional Workforce Boards effective July 1, 2001, in accordance with a workload-based formula approved by the Board of Directors of Workforce Florida, Inc.

From the funds in Specific Appropriation 2145, \$750,000 from the Employment Security Administration Trust Fund shall be used for the Noncustodial Parent Program in Pinellas, Pasco and Hillsborough Counties until bid at the discretion of the local Regional Workforce Board.

SECTION 6
SPECIFIC
APPROPRIATION

2145A	SPECIAL CATEGORIES G/A WAGES PAYMENTS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	850,000
	From the funds appropriated in Specific Appropriation 2145A, \$750,000 from the Temporary Assistance for Needy Families (TANF) Block Grant shall be used to support the Home Instruction Program for Pre-School Youngsters (HIPPY) at the University of South Florida and \$100,000 from the TANF Block Grant for HIPPY in Desoto County.	

2150	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	264,752
TOTAL:	WELFARE TRANSITION FROM TRUST FUNDS	175,575,247
	TOTAL POSITIONS	26
	TOTAL ALL FUNDS	175,575,247

WORKFORCE INVESTMENT AND ACCOUNTABILITY

2151	SALARIES AND BENEFITS POSITIONS FROM ADMINISTRATIVE TRUST FUND FROM REVOLVING TRUST FUND	114 5,403,804 211,200
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Specific Appropriations 2151 through 2158 reflect a transfer from the Revolving Trust Fund to the Administrative Trust Fund. The transfer is contingent upon legislation becoming law to create the Administrative Trust Fund in the Agency for Workforce Innovation.

2152	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND	772,175
2153	EXPENSES FROM ADMINISTRATIVE TRUST FUND FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	5,363,574 225,880
2154	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND	108,325
2155	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND	103,168
2156	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ADMINISTRATIVE TRUST FUND	343,387
2156A	DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM ADMINISTRATIVE TRUST FUND	446,788
2158	FIXED CAPITAL OUTLAY DEBT SERVICE FROM ADMINISTRATIVE TRUST FUND	93,777

TOTAL:	WORKFORCE INVESTMENT AND ACCOUNTABILITY FROM TRUST FUNDS	13,072,078
	TOTAL POSITIONS	114
	TOTAL ALL FUNDS	13,072,078

WORKFORCE INFORMATION

2159	SALARIES AND BENEFITS POSITIONS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	106 5,098,843
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SECTION 6			
SPECIFIC			
APPROPRIATION			
2160	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION		
	TRUST FUND	490,450	
2161	EXPENSES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION		
	TRUST FUND	1,849,782	
2162	OPERATING CAPITAL OUTLAY		
	FROM EMPLOYMENT SECURITY ADMINISTRATION		
	TRUST FUND	286,226	
2162A	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT		
	OF LABOR AND EMPLOYMENT SECURITY		
	FROM EMPLOYMENT SECURITY ADMINISTRATION		
	TRUST FUND	289,840	
TOTAL: WORKFORCE INFORMATION			
	FROM TRUST FUNDS	8,015,141	
	TOTAL POSITIONS	106	
	TOTAL ALL FUNDS	8,015,141	

PROGRAM: WORKFORCE FLORIDA, INC.

From the funds in Specific Appropriations 2169 through 2171, the Workforce Florida, Inc. shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures	Standards
-----	-----
OUTCOMES:	

Number of individuals receiving customized training for new high	
skill/high wage jobs as a result of the Quick Response Training	
Program (QRT):.....6,000	
a) in rural areas.....600	
b) in Enterprise Zone/distressed inner city areas.....1,560	
c) in Brownfield areas.....300	
Additional approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
=====	

2169	SALARIES AND BENEFITS	POSITIONS	13	
	FROM ADMINISTRATIVE TRUST FUND			727,956
Specific Appropriations 2169 and 2170 represent a transfer from the Revolving Trust Fund to the Administrative Trust Fund in the Workforce, Fla, Inc. Program. This transfer is contingent upon legislation becoming law creating the Administrative Trust Fund within the Agency for Workforce Innovation.				
2170	SPECIAL CATEGORIES			
	WORKFORCE FLORIDA INC. OPERATIONS			
	FROM GENERAL REVENUE FUND	819,136		
	FROM EMPLOYMENT SECURITY ADMINISTRATION			
	TRUST FUND		2,083,184	
2171	SPECIAL CATEGORIES			
	QUICK RESPONSE TRAINING			
	FROM GENERAL REVENUE FUND	6,000,000		
TOTAL: PROGRAM: WORKFORCE FLORIDA, INC.				
	FROM GENERAL REVENUE FUND	6,819,136		
	FROM TRUST FUNDS		2,811,140	

SECTION 6			
SPECIFIC			
APPROPRIATION			
	TOTAL POSITIONS	13	
	TOTAL ALL FUNDS		9,630,276
BANKING AND FINANCE, DEPARTMENT OF, AND			
COMPTROLLER			
PROGRAM: COMPTROLLER AND CABINET AFFAIRS			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2172	SALARIES AND BENEFITS	POSITIONS	5
	FROM GENERAL REVENUE FUND		411,100
2173	EXPENSES		
	FROM GENERAL REVENUE FUND		101,935
2173A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND		233
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND		513,268
	TOTAL POSITIONS	5	
	TOTAL ALL FUNDS		513,268

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

From the funds in Specific Appropriations 2174 through 2194, the Financial Accountability for Public Funds Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards
-----	-----
1. Percent of total amount of unclaimed property	
claims paid compared to total amount in returnable	
accounts.....80%	
2. Percent of programs customers who rated service as	
good or excellent.....95%	
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

RECOVERY AND RETURN OF UNCLAIMED PROPERTY			
2174	SALARIES AND BENEFITS	POSITIONS	52
	FROM REGULATORY TRUST FUND		1,970,286
2175	OTHER PERSONAL SERVICES		
	FROM REGULATORY TRUST FUND		626,767
2176	EXPENSES		
	FROM REGULATORY TRUST FUND		1,814,546
2177	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND		390,500
2178	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND		5,892
2178A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM REGULATORY TRUST FUND		385,166

SECTION 6			
SPECIFIC APPROPRIATION			
TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY			
FROM TRUST FUNDS		5,193,157	
TOTAL POSITIONS	52		
TOTAL ALL FUNDS		5,193,157	

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING			
2179	SALARIES AND BENEFITS	POSITIONS	155
	FROM GENERAL REVENUE FUND		7,086,728
	FROM ADMINISTRATIVE TRUST FUND		119,106
	FROM CONSOLIDATED PAYMENT TRUST FUND		189,323
2180	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		164,000
2181	EXPENSES		
	FROM GENERAL REVENUE FUND	1,410,578	
	FROM CONSOLIDATED PAYMENT TRUST FUND		12,345
2182	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		37,000
2182A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SMALL COUNTY TECHNICAL ASSISTANCE		
	FROM GENERAL REVENUE FUND		500,000
2183	SPECIAL CATEGORIES		
	CAPITAL COLLATERAL REGIONAL COUNSEL CONFLICT CASES		
	FROM ADMINISTRATIVE TRUST FUND		2,373,394
2184	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		15,882
2184A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND		59,758
TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING			
FROM GENERAL REVENUE FUND		9,273,946	
FROM TRUST FUNDS			2,694,168
TOTAL POSITIONS	155		
TOTAL ALL FUNDS			11,968,114

EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2185	SALARIES AND BENEFITS	POSITIONS	34
	FROM GENERAL REVENUE FUND		837,262
	FROM ADMINISTRATIVE TRUST FUND		939,059
2186	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		6,327
2187	EXPENSES		
	FROM GENERAL REVENUE FUND	142,422	
	FROM ADMINISTRATIVE TRUST FUND		225,998
2188	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		2,475
	FROM ADMINISTRATIVE TRUST FUND		2,475
2189	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		105,475

SECTION 6			
SPECIFIC APPROPRIATION			
2190	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		7,540
	FROM ADMINISTRATIVE TRUST FUND		10,322
2190A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND		50,559
	FROM ADMINISTRATIVE TRUST FUND		246,076
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND		1,040,258	
FROM TRUST FUNDS			1,535,732
TOTAL POSITIONS	34		
TOTAL ALL FUNDS			2,575,990

INFORMATION TECHNOLOGY			
2191	SALARIES AND BENEFITS	POSITIONS	146
	FROM GENERAL REVENUE FUND		7,259,411
2192	EXPENSES		
	FROM GENERAL REVENUE FUND		8,208,753
2193	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		634,900
2194	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		11,837
TOTAL: INFORMATION TECHNOLOGY			
FROM GENERAL REVENUE FUND		16,114,901	
TOTAL POSITIONS	146		
TOTAL ALL FUNDS			16,114,901

PROGRAM: FINANCIAL INSTITUTIONS REGULATORY PROGRAM

From the funds in Specific Appropriations 2195 through 2227, the Financial Institutions Regulatory Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of licensees examined where department action is taken	25%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT			
2195	SALARIES AND BENEFITS	POSITIONS	159
	FROM GENERAL REVENUE FUND		2,896,167
	FROM ANTI-FRAUD TRUST FUND		165,772
	FROM REGULATORY TRUST FUND		4,184,979
2196	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		13,038
	FROM ANTI-FRAUD TRUST FUND		207,161
	FROM REGULATORY TRUST FUND		72,396
2197	EXPENSES		
	FROM GENERAL REVENUE FUND	446,926	
	FROM ANTI-FRAUD TRUST FUND		252,992
	FROM REGULATORY TRUST FUND		646,682

SECTION 6			
SPECIFIC APPROPRIATION			
2198	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,486	
	FROM REGULATORY TRUST FUND		4,820
2199	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,868	
	FROM REGULATORY TRUST FUND		11,359
2199A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND	108,167	
	FROM REGULATORY TRUST FUND		122,292
2199B	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	27,569	
TOTAL:	COMPLIANCE AND ENFORCEMENT		
	FROM GENERAL REVENUE FUND	3,506,221	
	FROM TRUST FUNDS		5,668,453
	TOTAL POSITIONS	159	
	TOTAL ALL FUNDS		9,174,674

FINANCIAL SERVICES INDUSTRY REGULATION

2201	SALARIES AND BENEFITS	POSITIONS	73	
	FROM GENERAL REVENUE FUND		2,252,590	
	FROM REGULATORY TRUST FUND			1,376,240
2202	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	10,162		
	FROM REGULATORY TRUST FUND			162,804
2203	EXPENSES			
	FROM GENERAL REVENUE FUND	337,830		
	FROM REGULATORY TRUST FUND			595,692
2204	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND	6,613		
	FROM REGULATORY TRUST FUND			5,180
2205	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND	4,574		
	FROM REGULATORY TRUST FUND			12,208
2205A	DATA PROCESSING SERVICES			
	STATE COMPTROLLER'S DATA CENTER -			
	DEPARTMENT OF BANKING AND FINANCE			
	FROM GENERAL REVENUE FUND	84,302		
	FROM REGULATORY TRUST FUND			131,428
2205B	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF			
	MANAGEMENT SERVICES			
	FROM GENERAL REVENUE FUND	21,487		
TOTAL:	FINANCIAL SERVICES INDUSTRY REGULATION			
	FROM GENERAL REVENUE FUND	2,717,558		
	FROM TRUST FUNDS			2,283,552
	TOTAL POSITIONS	73		
	TOTAL ALL FUNDS			5,001,110

SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

2207	SALARIES AND BENEFITS	POSITIONS	126	
	FROM FINANCIAL INSTITUTIONS REGULATORY			
	TRUST FUND			7,045,131

SECTION 6			
SPECIFIC APPROPRIATION			
2208	OTHER PERSONAL SERVICES		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		9,150
2209	EXPENSES		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		1,346,027
2210	OPERATING CAPITAL OUTLAY		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		10,000
2211	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		29,827
2211A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		419,439
TOTAL:	SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM		
	FROM TRUST FUNDS		8,859,574

	TOTAL POSITIONS	126	
	TOTAL ALL FUNDS		8,859,574

CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION

2212	SALARIES AND BENEFITS	POSITIONS	67	
	FROM GENERAL REVENUE FUND		1,374,111	
	FROM ADMINISTRATIVE TRUST FUND			1,760,537
2213	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			6,050
2214	EXPENSES			
	FROM GENERAL REVENUE FUND	468,253		
	FROM ADMINISTRATIVE TRUST FUND			539,366
	FROM FEDERAL EQUITABLE SHARING/LAW			
	ENFORCEMENT TRUST FUND			100,000
2215	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND	8,302		
	FROM ADMINISTRATIVE TRUST FUND			8,302
2216	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND	6,887		
	FROM ADMINISTRATIVE TRUST FUND			9,186
2216A	DATA PROCESSING SERVICES			
	STATE COMPTROLLER'S DATA CENTER -			
	DEPARTMENT OF BANKING AND FINANCE			
	FROM GENERAL REVENUE FUND	11,613		
	FROM ADMINISTRATIVE TRUST FUND			13,473
TOTAL:	CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION			
	FROM GENERAL REVENUE FUND	1,869,166		
	FROM TRUST FUNDS			2,436,914
	TOTAL POSITIONS	67		
	TOTAL ALL FUNDS			4,306,080

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2217	SALARIES AND BENEFITS	POSITIONS	71	
	FROM GENERAL REVENUE FUND		1,723,506	
	FROM ADMINISTRATIVE TRUST FUND			1,934,394

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2218	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND	12,845	
2219	EXPENSES		
	FROM GENERAL REVENUE FUND	162,755	
	FROM ADMINISTRATIVE TRUST FUND		255,380
2220	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,025	
	FROM ADMINISTRATIVE TRUST FUND		5,025
2221	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		214,150
2222	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,308	
	FROM ADMINISTRATIVE TRUST FUND		20,957
2222A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND	102,650	
	FROM ADMINISTRATIVE TRUST FUND		497,152
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	2,009,244	
	FROM TRUST FUNDS		2,939,903
	TOTAL POSITIONS	71	
	TOTAL ALL FUNDS		4,949,147
INFORMATION TECHNOLOGY			
2223	SALARIES AND BENEFITS POSITIONS	22	
	FROM WORKING CAPITAL TRUST FUND		927,473
2224	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		243,000
2225	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		542,690
2226	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		625,124
2227	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		4,823
TOTAL:	INFORMATION TECHNOLOGY		
	FROM TRUST FUNDS		2,343,110
	TOTAL POSITIONS	22	
	TOTAL ALL FUNDS		2,343,110
BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF			
PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION			
FLORIDA BOXING COMMISSION			
2228	SALARIES AND BENEFITS POSITIONS	3	
	FROM PROFESSIONAL REGULATION TRUST FUND		199,120
2229	OTHER PERSONAL SERVICES		
	FROM PROFESSIONAL REGULATION TRUST FUND		38,081

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2230	EXPENSES		
	FROM PROFESSIONAL REGULATION TRUST FUND		155,001
2231	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PROFESSIONAL REGULATION TRUST FUND		578
TOTAL:	FLORIDA BOXING COMMISSION		
	FROM TRUST FUNDS		392,780
	TOTAL POSITIONS	3	
	TOTAL ALL FUNDS		392,780
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2232	SALARIES AND BENEFITS POSITIONS	242	
	FROM ADMINISTRATIVE TRUST FUND		11,207,778
2233	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		895,307
2234	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		3,049,498
2235	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		177,346
2236	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		766,060
2237	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		120,513
2238	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM ADMINISTRATIVE TRUST FUND		1,560
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM TRUST FUNDS		16,218,062
	TOTAL POSITIONS	242	
	TOTAL ALL FUNDS		16,218,062
INFORMATION TECHNOLOGY			
2239	SALARIES AND BENEFITS POSITIONS	49	
	FROM ADMINISTRATIVE TRUST FUND		2,381,665
2239A	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		129,610
2240	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		2,093,402
2240A	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		40,172
2240B	SPECIAL CATEGORIES		
	TECHNOLOGY SOLUTIONS FOR DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION		
	FROM ADMINISTRATIVE TRUST FUND		10,000,000
2240C	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		684,752
2240D	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		5,714

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TOTAL: INFORMATION TECHNOLOGY		
FROM TRUST FUNDS	15,335,315	
TOTAL POSITIONS	49	
TOTAL ALL FUNDS	15,335,315	

PROGRAM: PROFESSIONAL REGULATION

From the funds in Specific Appropriations 2242 through 2261A, the Professional Regulation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance	FY 2001-2002	
Measures - Outcomes	Standards	

Percent of applications processed within 90 days.....	100%	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

Funds provided in Specific Appropriation 2242, 2244, and 2246 from the Professional Regulation Trust Fund, reflect the reduction of \$129,596 and 2 FTE positions for the outsourcing of licensing and regulatory function of the architect and interior design professions. If the outsourcing of these functions is not implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to restore 2 FTE positions and \$129,596 in accordance with provisions of Chapter 216, Florida Statutes.

2242 SALARIES AND BENEFITS	POSITIONS	183	
FROM PROFESSIONAL REGULATION TRUST FUND .			7,264,076
2243 OTHER PERSONAL SERVICES			
FROM PROFESSIONAL REGULATION TRUST FUND .			68,750
2244 EXPENSES			
FROM PROFESSIONAL REGULATION TRUST FUND .			1,772,414
2245 OPERATING CAPITAL OUTLAY			
FROM PROFESSIONAL REGULATION TRUST FUND .			5,340
2246 SPECIAL CATEGORIES			
UNLICENSED ACTIVITIES			
FROM PROFESSIONAL REGULATION TRUST FUND .			1,145,050

From the funds in Specific Appropriation 2246, up to \$300,000 from the Professional Regulation Trust Fund is provided to the Department to continue an unlicensed activity campaign designed to inform: (1) the public and prevent unlicensed activity in the real estate market; (2) the real estate licensee of the requirements of licensure pursuant to Chapter 498, Florida Statutes, regarding land sales practices. The Department shall develop the campaign in consultation with a corporation registered under Chapter 617, Florida Statutes, as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501(c)(6) corporation which represents the largest number of licensed real estate professionals. The Department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation in order to further the aims of the unlicensed activity campaign. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgments of joint production and sponsorship.

From the funds in Specific Appropriation 2246, up to \$200,000 from the Professional Regulation Trust Fund is provided to the Department to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to Chapter 473, Florida Statutes; (2) that some services provided by unlicensed

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individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain services may only be performed by a licensed Florida Certified Public Accountant. The Department shall develop the campaign in consultation with a corporation registered under Chapter 517, Florida Statutes, as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501 (c) (6) corporation which represents the largest number of licensed Florida Certified Public Accountants. Any advertising, media or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship.

2247 SPECIAL CATEGORIES			
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY			
FUND			
FROM PROFESSIONAL REGULATION TRUST FUND .			1,200,000
2248 SPECIAL CATEGORIES			
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND			
FROM PROFESSIONAL REGULATION TRUST FUND .			100,000
2249 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM PROFESSIONAL REGULATION TRUST FUND .			201,478
2250 FINANCIAL ASSISTANCE PAYMENTS			
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND			
FROM PROFESSIONAL REGULATION TRUST FUND .			520,000
TOTAL: COMPLIANCE AND ENFORCEMENT			
FROM TRUST FUNDS			12,277,108
TOTAL POSITIONS	183		
TOTAL ALL FUNDS			12,277,108

STANDARDS AND LICENSURE

Funds provided in Specific Appropriation 2251, 2252, 2253, 2255, 2256, 2258 and 2261A from the Professional Regulation Trust Fund, reflect the reduction of \$663,279 and 6 FTE positions for the outsourcing of licensing and regulatory functions of the architect and interior design professions. If the outsourcing of these functions is not implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to restore 6 FTE positions and \$663,279 in accordance with provisions of Chapter 216, Florida Statutes.

Funds provided in Specific Appropriation 2251 and 2253 from the Professional Regulation Trust Fund, reflect the reduction of \$255,868 for the outsourcing of records imaging in the Division of Real Estate. If the outsourcing of the records imaging function is implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to place 8 FTE positions in reserve in accordance with provisions of Chapter 216, Florida Statutes.

2251 SALARIES AND BENEFITS	POSITIONS	180	
FROM PROFESSIONAL REGULATION TRUST FUND .			6,341,911
2252 OTHER PERSONAL SERVICES			
FROM PROFESSIONAL REGULATION TRUST FUND .			782,538
2253 EXPENSES			
FROM PROFESSIONAL REGULATION TRUST FUND .			2,686,262

From the funds provided in Specific Appropriation 2253, the Department of Business and Professional Regulation shall move the physical offices of the Construction Industry Licensing Board to Leon County. As of October 1, 2001, no funds are appropriated to continue the lease of office space for the program in Duval County.

2254 OPERATING CAPITAL OUTLAY			
FROM PROFESSIONAL REGULATION TRUST FUND .			14,660
2255 SPECIAL CATEGORIES			
LEGAL SERVICES CONTRACT			
FROM PROFESSIONAL REGULATION TRUST FUND .			605,648

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2256	SPECIAL CATEGORIES EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION FROM PROFESSIONAL REGULATION TRUST FUND . . .	1,793,987	
2257	SPECIAL CATEGORIES CONTINUING EDUCATION FROM PROFESSIONAL REGULATION TRUST FUND . . .	1,500	
2258	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PROFESSIONAL REGULATION TRUST FUND . . .	177,355	
2259	SPECIAL CATEGORIES MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING FROM PROFESSIONAL REGULATION TRUST FUND . . .	100,000	
2260	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES FROM PROFESSIONAL REGULATION TRUST FUND . . .	2,170,000	

From the funds in Specific Appropriation 2260, \$300,000 is to be reserved for operational contingencies which shall be approved by the agency prior to release of funds.

2261	SPECIAL CATEGORIES GRANTS AND AIDS - MANAGEMENT PRIVATIZATION ACT CONTRACTED SERVICES FROM PROFESSIONAL REGULATION TRUST FUND . . .	792,875	
2261A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM PROFESSIONAL REGULATION TRUST FUND . . .	823,404	
TOTAL: STANDARDS AND LICENSURE FROM TRUST FUNDS		16,290,140	
	TOTAL POSITIONS	180	
	TOTAL ALL FUNDS	16,290,140	

PROGRAM: PARI-MUTUEL WAGERING

From the funds in Specific Appropriation 2263 through 2283A, the Pari-Mutuel Wagering Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

Percent of races and games that are in compliance with all	
laws and regulations	99.15%
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2263	SALARIES AND BENEFITS	POSITIONS	12	
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			480,624
2264	OTHER PERSONAL SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .			37,984
2265	EXPENSES FROM PARI-MUTUEL WAGERING TRUST FUND . . .			74,850

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2266	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PARI-MUTUEL WAGERING TRUST FUND . . .		64,520
2266A	SPECIAL CATEGORIES PARI-MUTUEL LABORATORY CONTRACTED SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		1,860,000
TOTAL: COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS			2,517,978
	TOTAL POSITIONS	12	
	TOTAL ALL FUNDS		2,517,978
STANDARDS AND LICENSURE			
2268	SALARIES AND BENEFITS	POSITIONS	36
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .		1,641,554
2269	OTHER PERSONAL SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		2,058,760

From the funds in Specific Appropriation 2269, \$300,000 is provided for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

2270	EXPENSES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		574,662
2271	OPERATING CAPITAL OUTLAY FROM PARI-MUTUEL WAGERING TRUST FUND . . .		18,032
2272	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		24,802
2273	SPECIAL CATEGORIES GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH) FROM PARI-MUTUEL WAGERING TRUST FUND . . .		300,000

From the Pari-Mutuel Wagering Trust Fund in Specific Appropriation 2273, \$300,000 is provided for the pari-mutuel wagering funded research and development program. The University of Florida and the Department shall jointly prioritize the programs or projects and administer the distribution of funds.

2274	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PARI-MUTUEL WAGERING TRUST FUND . . .		154,128
2275	SPECIAL CATEGORIES REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION) FROM PARI-MUTUEL WAGERING TRUST FUND . . .		167,959
2275A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		96,476
2276	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		75,000
TOTAL: STANDARDS AND LICENSURE FROM TRUST FUNDS			5,111,373
	TOTAL POSITIONS	36	
	TOTAL ALL FUNDS		5,111,373

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TAX COLLECTION

2278	SALARIES AND BENEFITS	POSITIONS	22	
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			1,018,518
2279	OTHER PERSONAL SERVICES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			220,850
2280	EXPENSES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			214,296
2281	AID TO LOCAL GOVERNMENTS			
	CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			75,000
2282	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			139,791
2283	SPECIAL CATEGORIES			
	TAX COLLECTION (EQUALIZATION)			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			60,725
2283A	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			200,000
TOTAL: TAX COLLECTION				
	FROM TRUST FUNDS			1,929,180
	TOTAL POSITIONS	22		
	TOTAL ALL FUNDS			1,929,180

PROGRAM: HOTELS AND RESTAURANTS

From the funds in Specific Appropriations 2285 through 2294A, the Hotels and Restaurants Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

=====		
Performance	FY 2001-2002	
Measures - Outcomes	Standards	

Percent of licenses in compliance with applicable laws		
and rules for food service and public lodging		
establishments.....	86%	
=====		

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2285	SALARIES AND BENEFITS	POSITIONS	302	
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			12,656,973
2286	OTHER PERSONAL SERVICES			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			9,500
2287	EXPENSES			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			2,100,035
2288	OPERATING CAPITAL OUTLAY			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			18,311
2288A	SPECIAL CATEGORIES			
	TRANSFERS TO DEPARTMENT OF HEALTH FOR EPIDEMIOLOGICAL SERVICES			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			418,416

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2289	SPECIAL CATEGORIES			
	GRANTS AND AIDS - SCHOOL-TO-CAREER			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			150,000
2290	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			481,734
TOTAL: COMPLIANCE AND ENFORCEMENT				
	FROM TRUST FUNDS			15,834,969
	TOTAL POSITIONS	302		
	TOTAL ALL FUNDS			15,834,969
STANDARDS AND LICENSURE				
2292	SALARIES AND BENEFITS	POSITIONS	10	
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			419,877
2293	EXPENSES			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			51,792
2294	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			14,452
2294A	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
	FROM HOTEL AND RESTAURANT TRUST FUND . . .			550,109
TOTAL: STANDARDS AND LICENSURE				
	FROM TRUST FUNDS			1,036,230
	TOTAL POSITIONS	10		
	TOTAL ALL FUNDS			1,036,230

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

From the funds in Specific Appropriations 2296 through 2312, the Alcoholic Beverages and Tobacco Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

=====		
Performance	FY 2001-2002	
Measures - Outcomes	Standards	

Percent of license applications processed within 90 days....	99%	
Percent of total retail alcohol and tobacco licensees		
and permit holders inspected.....	40%	
=====		

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2296	SALARIES AND BENEFITS	POSITIONS	230	
	FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND			11,780,050
	FROM TOBACCO SETTLEMENT TRUST FUND			556,890
2297	EXPENSES			
	FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND			1,722,059
2298	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND			396,000

SECTION 6		
SPECIFIC		
APPROPRIATION		
2299	SPECIAL CATEGORIES OPERATION AND MAINTENANCE OF PATROL VEHICLES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	440,081
2300	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	135,573
2301	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	301,415
2301A	SPECIAL CATEGORIES TRANSFER FOR CONTRACTED DISPATCH SERVICES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	140,000
2301B	SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - ENFORCEMENT FROM TOBACCO SETTLEMENT TRUST FUND	4,587,393
TOTAL:	COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS	20,059,461
	TOTAL POSITIONS	230
	TOTAL ALL FUNDS	20,059,461

STANDARDS AND LICENSURE

2302	SALARIES AND BENEFITS POSITIONS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	67	2,783,373
2303	OTHER PERSONAL SERVICES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		28,800
2304	EXPENSES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		1,461,973
2305	AID TO LOCAL GOVERNMENTS BEVERAGE LICENSE TO CITIES AND COUNTIES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		11,244,000
2306	OPERATING CAPITAL OUTLAY FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		30,000
2307	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		39,882
2307A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		235,422
TOTAL:	STANDARDS AND LICENSURE FROM TRUST FUNDS		15,823,450
	TOTAL POSITIONS	67	
	TOTAL ALL FUNDS		15,823,450

SECTION 6			
SPECIFIC			
APPROPRIATION			
TAX COLLECTION			
2309	SALARIES AND BENEFITS POSITIONS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	126	5,146,736
2310	EXPENSES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		1,065,493
2311	SPECIAL CATEGORIES CIGARETTE TAX STAMPS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		559,600
2312	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND		77,594
TOTAL:	TAX COLLECTION FROM TRUST FUNDS		6,849,423
	TOTAL POSITIONS	126	
	TOTAL ALL FUNDS		6,849,423

PROGRAM: FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES

From the funds in Specific Appropriations 2314 through 2325A, the Florida Land Sales, Mobile Homes and Condominiums Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of permanent licenses issued and filings reviewed as prescribed by laws	100%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2314	SALARIES AND BENEFITS POSITIONS FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND	108	4,445,871
2315	OTHER PERSONAL SERVICES FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		29,869
2316	EXPENSES FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		828,392
2317	OPERATING CAPITAL OUTLAY FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		7,867
2318	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		46,524

SECTION 6	
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2319	SPECIAL CATEGORIES GRANTS AND AIDS - CONDOMINIUM/COOPERATIVE ASSOCIATION MANAGEMENT EDUCATION FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	500,000
2319A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	222,420
TOTAL:	COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS
	6,080,943
	TOTAL POSITIONS 108
	TOTAL ALL FUNDS 6,080,943

STANDARDS AND LICENSURE	
2321	SALARIES AND BENEFITS POSITIONS 32 FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	1,395,757
2322	OTHER PERSONAL SERVICES FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	15,131
2323	EXPENSES FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	420,407
2324	OPERATING CAPITAL OUTLAY FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	2,498
2325	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	16,346
2325A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND
	78,147
TOTAL:	STANDARDS AND LICENSURE FROM TRUST FUNDS
	1,928,286
	TOTAL POSITIONS 32
	TOTAL ALL FUNDS 1,928,286

PROGRAM: CITRUS, DEPARTMENT OF

From funds in Specific Appropriations 2327 through 2342, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Gross on-tree revenue for Florida Oranges.....	\$872 million
2. Number of pounds solids used in new products	483,000

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
CITRUS RESEARCH	
2327	SALARIES AND BENEFITS POSITIONS 34 FROM CITRUS ADVERTISING TRUST FUND
	1,757,698
2328	OTHER PERSONAL SERVICES FROM CITRUS ADVERTISING TRUST FUND
	50,000
2329	EXPENSES FROM CITRUS ADVERTISING TRUST FUND
	3,061,155
2330	OPERATING CAPITAL OUTLAY FROM CITRUS ADVERTISING TRUST FUND
	306,000
2331	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM CITRUS ADVERTISING TRUST FUND
	75,000
TOTAL:	CITRUS RESEARCH FROM TRUST FUNDS
	5,249,853
	TOTAL POSITIONS 34
	TOTAL ALL FUNDS 5,249,853
EXECUTIVE DIRECTION AND SUPPORT SERVICES	
2332	SALARIES AND BENEFITS POSITIONS 53 FROM CITRUS ADVERTISING TRUST FUND
	2,589,296
2333	OTHER PERSONAL SERVICES FROM CITRUS ADVERTISING TRUST FUND
	78,000
2334	EXPENSES FROM CITRUS ADVERTISING TRUST FUND
	2,315,283
2335	OPERATING CAPITAL OUTLAY FROM CITRUS ADVERTISING TRUST FUND
	136,000
2336	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM CITRUS ADVERTISING TRUST FUND
	75,000
2337	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CITRUS ADVERTISING TRUST FUND
	37,676
2337A	DATA PROCESSING SERVICES REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM FROM CITRUS ADVERTISING TRUST FUND
	8,000
2338	DATA PROCESSING SERVICES STATE TECHNOLOGY OFFICE FROM CITRUS ADVERTISING TRUST FUND
	32,000
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM TRUST FUNDS
	5,271,255
	TOTAL POSITIONS 53
	TOTAL ALL FUNDS 5,271,255

AGRICULTURAL PRODUCTS MARKETING

2339	SALARIES AND BENEFITS POSITIONS 63 FROM CITRUS ADVERTISING TRUST FUND
	4,082,322
2340	OTHER PERSONAL SERVICES FROM CITRUS ADVERTISING TRUST FUND
	20,000

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2341	EXPENSES		
	FROM CITRUS ADVERTISING TRUST FUND		2,090,545
<p>From the funds provided in Specific Appropriation 2341, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed \$240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 2366 dispensed at the Florida Welcome Stations.</p>			
2342	SPECIAL CATEGORIES		
	PAID ADVERTISING AND PROMOTION		
	FROM CITRUS ADVERTISING TRUST FUND	63,545,941	
TOTAL: AGRICULTURAL PRODUCTS MARKETING			
	FROM TRUST FUNDS		69,738,808
	TOTAL POSITIONS	63	
	TOTAL ALL FUNDS		69,738,808

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2343	SALARIES AND BENEFITS	POSITIONS	112
	FROM GENERAL REVENUE FUND		6,481,242
	FROM GRANTS AND DONATIONS TRUST FUND . . .		175,513
2345	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR -		
	EXECUTIVE/ADMINISTRATION		
	FROM GENERAL REVENUE FUND	1,902,016	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		713,508
2347	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR -		
	WASHINGTON OFFICE		
	FROM GENERAL REVENUE FUND		124,874
2352	SPECIAL CATEGORIES		
	CONTINGENT - DISCRETIONARY		
	FROM GENERAL REVENUE FUND		30,000
2353	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	44,527	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,007
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	8,582,659	
	FROM TRUST FUNDS		890,028
	TOTAL POSITIONS	112	
	TOTAL ALL FUNDS		9,472,687

DRUG CONTROL COORDINATION

2356	SALARIES AND BENEFITS	POSITIONS	5
	FROM GENERAL REVENUE FUND		347,854

From funds in Specific Appropriations 2356 through 2358, the Office of Drug Control in the Executive Office of the Governor shall, working in conjunction with the Florida Department of Law Enforcement and the Florida Seaport Transportation and Economic Development Council (FSTED), submit a report of baseline measures and standards developed for FY 2001-2002 relating to the effectiveness of security improvements provided to Florida seaports in Specific Appropriation 2045. The report shall be submitted to the Governor, the Speaker of the House and the Senate President no later than September 1, 2001 for their consideration prior to developing the FY 2002-2003 budget.

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2357	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR -		
	EXECUTIVE/ADMINISTRATION		
	FROM GENERAL REVENUE FUND		83,093
2358	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		1,116
TOTAL: DRUG CONTROL COORDINATION			
	FROM GENERAL REVENUE FUND		432,063
	TOTAL POSITIONS	5	
	TOTAL ALL FUNDS		432,063

SCHOOL READINESS

2358A	SALARIES AND BENEFITS	POSITIONS	3
	FROM GRANTS AND DONATIONS TRUST FUND . . .		217,496
2358B	LUMP SUM		
	PARTNERSHIP FOR SCHOOL READINESS		
	FROM GENERAL REVENUE FUND		314,032
	FROM GRANTS AND DONATIONS TRUST FUND . . .		861,268
TOTAL: SCHOOL READINESS			
	FROM GENERAL REVENUE FUND		314,032
	FROM TRUST FUNDS		1,078,764
	TOTAL POSITIONS	3	
	TOTAL ALL FUNDS		1,392,796

LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM

2359	SALARIES AND BENEFITS	POSITIONS	43
	FROM PLANNING AND BUDGETING SYSTEM TRUST		
	FUND		2,910,659

Funds in Specific Appropriation 2359 include an increase in salary rate of \$150,000.

2360	LUMP SUM		
	LEGISLATIVE APPROPRIATION SYSTEM/PLANNING		
	AND BUDGETING SUBSYSTEM		
	FROM PLANNING AND BUDGETING SYSTEM TRUST		
	FUND		2,178,590
2361	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PLANNING AND BUDGETING SYSTEM TRUST		
	FUND		15,875
2362	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM PLANNING AND BUDGETING SYSTEM TRUST		
	FUND		44,550
2363	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM PLANNING AND BUDGETING SYSTEM TRUST		
	FUND		24,000
TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM			
	FROM TRUST FUNDS		5,173,674
	TOTAL POSITIONS	43	
	TOTAL ALL FUNDS		5,173,674

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EXECUTIVE PLANNING AND BUDGETING

2363A	SALARIES AND BENEFITS	POSITIONS	101
	FROM GENERAL REVENUE FUND		6,249,700
2363B	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING		
	FROM GENERAL REVENUE FUND		918,678
2363C	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		34,527
2363D	SPECIAL CATEGORIES		
	DEPARTMENT OF EDUCATION REORGANIZATION		
	FROM GENERAL REVENUE FUND		250,000
TOTAL: EXECUTIVE PLANNING AND BUDGETING			
	FROM GENERAL REVENUE FUND		7,452,905
	TOTAL POSITIONS	101	
	TOTAL ALL FUNDS		7,452,905

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

From the funds in Specific Appropriations 2363E through 2369, the Office of Tourism, Trade and Economic Development Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Number of direct full-time jobs facilitated as a result of Enterprise Florida's recruitment, expansion and retention efforts.....	33,000
Sustained growth in the number of travelers who come and go through Florida	
Out-of-state.....	74.13 million
Residents.....	13.49 million
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2363E	SALARIES AND BENEFITS	POSITIONS	18
	FROM GENERAL REVENUE FUND		333,247
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		85,791
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		441,021
	FROM TOURISM PROMOTION TRUST FUND		441,022
2363F	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT		
	FROM GENERAL REVENUE FUND		113,258
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		24,760
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		118,866
	FROM GRANTS AND DONATIONS TRUST FUND		380,000
	FROM TOURISM PROMOTION TRUST FUND		118,866

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2363G	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		11,634
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		2,578
	FROM TOURISM PROMOTION TRUST FUND		6,827
2363H	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND		
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		968,582
2363I	SPECIAL CATEGORIES		
	TRANSFER TO ECONOMIC DEVELOPMENT TRUST FUND		
	FROM BROWNFIELD PROPERTY OWNERSHIP CLEARANCE ASSISTANCE REVOLVING LOAN TRUST FUND		600,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND		458,139
	FROM TRUST FUNDS		3,188,313
	TOTAL POSITIONS	18	
	TOTAL ALL FUNDS		3,646,452

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2364	LUMP SUM		
	BUSINESS EXPANSION, RETENTION, AND RECRUITMENT		
	FROM GENERAL REVENUE FUND		6,952,500
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		4,475,000

Funds in Specific Appropriation 2364 shall be allocated as follows:

From recurring General Revenue:	
Enterprise Florida-Expansion, Retention & Recruitment.....	3,420,000
Enterprise Florida-National Marketing.....	1,092,500
Enterprise Florida-Trade & Export Assistance.....	570,000
Enterprise Florida-Florida Trade and Exhibition Center....	300,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment.....	570,000
From nonrecurring General Revenue:	
Community Defense Grants.....	1,000,000
From recurring Trust Funds:	
Enterprise Florida-Trade & Export Assistance.....	2,000,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment.....	2,475,000

Funds in Specific Appropriation 2364 allocated for Community Defense Grants shall be awarded to assist Florida local governments in retaining hosted military bases through grants pursuant to s. 288.980(1), (2) and (3), F.S.

2365	LUMP SUM		
	COMMUNITIES WITH SPECIAL NEEDS/ECONOMIC OPPORTUNITIES		
	FROM GENERAL REVENUE FUND		3,695,572
	FROM ECONOMIC DEVELOPMENT TRUST FUND		4,500,000
	FROM BROWNFIELD PROPERTY OWNERSHIP CLEARANCE ASSISTANCE REVOLVING LOAN TRUST FUND		1,500,000

Funds in Specific Appropriation 2365 shall be allocated as follows:

From recurring General Revenue:	
Front Porch Florida-Operations.....	184,134
Office of Tourism, Trade, and Econ Dev-Rural Operations...	107,760
Black Business Investment Board.....	363,480

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From nonrecurring General Revenue:	
Enterprise Florida-Special Needs Programs.....	745,198
Black Business Investment Board (BBIB)-Operations.....	95,000
BBIB and Statewide BBIC Capitalization Program.....	1,200,000
Front Porch Florida.....	970,000
Perrine Cutler-Ridge.....	30,000

From nonrecurring Trust Funds:	
Brownfields Property Revolving Loan Program.....	1,500,000
Rural Community Development - s. 288.065 & 288.018.....	2,900,000
Lake Apopka Area - s. 373.461(5)(f) & (g).....	1,000,000
Brownfields Redevelopment Bonus Refunds.....	600,000

Recurring funds in Specific Appropriation 2365 for the Black Business Investment Board reflect the creation of a not-for-profit corporation to administer black business investment programs. These recurring funds are contingent upon substantive legislation becoming law creating the not-for-profit corporation. In the event that such substantive legislation does not become law, the Executive Office of the Governor is authorized to restore positions and budget within the Executive Office of the Governor to administer black business investment programs.

2366	LUMP SUM	
	INDUSTRIES CRITICAL TO FLORIDA'S ECONOMIC	
	BASE AND FUTURE GROWTH	
	FROM GENERAL REVENUE FUND	4,485,000
	FROM PROFESSIONAL SPORTS DEVELOPMENT	
	TRUST FUND	2,500,000
	FROM TOURISM PROMOTION TRUST FUND	21,600,000

Funds in Specific Appropriation 2366 shall be allocated as follows:

From recurring General Revenue:	
Film Commission-Operations.....	293,879

From nonrecurring General Revenue:	
Film Commission-Operations.....	306,121
Sports Foundation-Sunshine State Games.....	450,000
Sports Foundation-Operations.....	85,000
Spaceport Florida Authority-Operations.....	700,000
Spaceport-Next Generation Launch Systems.....	750,000
Spaceport-Strategic Planning/Grants/Site Development.....	700,000
Spaceport-Florida Commercial Space Financing Corporation..	300,000
Spaceport-Florida Space Research Institute.....	800,000
Enterprise Florida-Space Programs Office for the Space	
Industry Committee.....	100,000

From recurring Trust Funds:	
Florida Sports Foundation.....	2,500,000
Tourism Commission / VISIT FLORIDA-Marketing.....	16,900,000
Tourism Commission / VISIT FLORIDA-Sales.....	3,500,000
Tourism Commission / VISIT FLORIDA-Visitor Services.....	1,200,000

For funds allocated to the Tourism Commission / VISIT FLORIDA, the Florida Commission on Tourism shall expend funds in accordance with the funding categories provided in Specific Appropriation 2366. The Commission may modify the funding category amounts following written notification to the Speaker of the House, the President of the Senate, and the Governor. The Commission shall measure the impact of its marketing, sales, and visitor services programs at least once each year and shall provide quarterly reports on its performance to the Speaker of the House, the President of the Senate, and the Governor. Each report shall include an estimate of the number of tourists and the financial impact of tourism activity, using industry-accepted methodologies to show the incremental economic impact of each program measured.

Funds in Specific Appropriation 2366 allocated to Enterprise Florida-Space Programs Office for the Space Industry Committee shall be utilized by Enterprise Florida to provide administrative and program support for the Space Industry Committee. Such funds may be used for the marketing, auditing, planning, and development initiatives of the Space Industry Committee.

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2367	LUMP SUM	
	ECONOMIC DEVELOPMENT TOOLS	
	FROM GENERAL REVENUE FUND	29,175,000
	FROM ECONOMIC DEVELOPMENT TRUST FUND	6,075,000

Funds in Specific Appropriation 2367 shall be allocated as follows:

From nonrecurring General Revenue:	
Qualified Targeted Industries-QTI.....	24,000,000
Qualified Defense Contractors-QDC.....	300,000
High Impact Performance Incentive-HIPI.....	3,375,000
Quick Action Closing.....	1,500,000

From nonrecurring Trust Funds:	
Qualified Targeted Industries-QTI Local Match.....	6,000,000
Qualified Defense Contractors-QDC Local Match.....	75,000

Funds in Specific Appropriation 2367 for Qualified Targeted Industries, Qualified Defense Contractors, and High Impact Performance Incentive shall not be released for any other purpose and only disbursed when projects meet the contracted performance requirements.

2367A	SPECIAL CATEGORIES	
	GRANTS AND AIDS - LOCAL ECONOMIC	
	DEVELOPMENT INITIATIVES	
	FROM GENERAL REVENUE FUND	13,245,400

Funds in Specific Appropriations 2367A, shall be allocated as follows:

Florida Services Export Program.....	400,000
Beaver Street Enterprise Center.....	200,000
Escambia County Commerce Park.....	1,500,000
Florida Hispanic Business Incubator.....	250,000
Florida Sports Hall of Fame and Museum of Florida	
Sports History.....	250,000
Industrial Site Development Preparation-Okeechobee.....	300,000
Niceville-Valparaiso-Bay Area Chamber of Commerce.....	150,000
Plant City-International Softball Federation (ISF)	
Stadium.....	700,000
CDC Enterprise Zone.....	400,000
Sports, Health and Education Pavilion - Lake.....	900,000
Miami Metro Action Plan.....	250,000
Outreach Learning Center.....	200,000
Hispanic Business Development.....	300,000
Enterprise Zone Grant Program.....	1,000,000
Rail Enhancement, Task Force Study - Palm Beach.....	100,000
Technology Infrastructure Assessment - Leon.....	150,000
Vecinos en Accion - Dade.....	120,000
Virtual NET - Dade.....	200,000
Perrine Commercial Redevelopment Area.....	25,000
Women's Business Center - Pinellas.....	24,000
Futures Unlimited Immokalee Workforce Demonstration Project	75,000
Community High-technology Investment Partnership.....	250,000
Airport Industrial Park Upgrade - Calhoun.....	350,000
Network Infrastructure Upgrade - Lee.....	26,400
Car Control Clinic Pilot Program - Palm Beach,	
Broward, Miami-Dade.....	100,000
Airport Industrial Park West - St. Lucie.....	2,000,000
Sanford Airport Memorial.....	150,000
Commerce Park & Aviation Complex Infrastructure - Seminole.	750,000
Port Brownfield Assessment/Clean Up - Hillsborough.....	500,000
Florida Citrus Sports Association, Inc.....	200,000
Orange Bowl Committee, Inc.....	200,000
Outback Bowl.....	200,000
Toyota Gator Bowl.....	200,000
Sunshine Football Classic.....	200,000
LaBelle Airport Economic Development Project.....	100,000
Florida Empowerment Zone Act (Immokalee).....	225,000
FL Small Business Development Center Enhancement Initiative	100,000
Florida Manufacturing Technology Center.....	200,000

From funds in Specific Appropriation 2367A allocated to the Florida Services Export Program, Enterprise Florida, Inc. shall contract with

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the Greater Miami Chamber of Commerce for the operation and marketing of an online business center providing information about Florida service providers to international companies, and the promotion of Florida international services worldwide through a program of trade missions, seminars and workshops.

Funds in Specific Appropriation 2367A for the Enterprise Zone Grant Program, are provided to establish a grant program for court house construction and court house land acquisition for counties having a population of over 89,999. The Office of Tourism, Trade, and Economic Development shall establish grant criteria that include the following:

1. All court house construction and court house land acquisition activities must be within a designated enterprise zone.
2. State grant funding for court house land acquisition must have at least 25% local county cash matching funds.

The Office of Tourism, Trade, and Economic Development, in consultation with Chairs of the Senate Appropriations Committee and House Fiscal Responsibility Council shall determine the distribution of these funds to those counties that submit a request. Reports from those counties receiving such funds shall be submitted annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such reports shall document the total cost of the land purchased, certification that the property acquired is located in an enterprise zone, the total cost of court house construction, and the anticipated project completion date.

2368 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE
FROM GENERAL REVENUE FUND 22,100,000

Funds in Specific Appropriation 2368 shall be allocated as follows:

Space Experiment Research and Processing Lab (SERPL)..... 16,000,000
Defense Infrastructure..... 5,000,000
Rural Infrastructure - s. 288.0655, F.S..... 1,100,000

Funds in Specific Appropriation 2368 allocated to Defense Infrastructure may be awarded to enable Florida local governments hosting existing military bases to invest in infrastructure improvements critical for preserving these bases from closure in future Base Realignment and Closure (BRAC) rounds. It may also be used to enable Florida local governments to invest in infrastructure improvements critical in facilitating reuse of closed military bases.

From funds in Specific Appropriation 2368 for Defense Infrastructure, up to \$857,190 shall be provided to Miami-Dade County for completion of the water system at Homestead Air Reserve Base.

From funds in Specific Appropriation 2368 for Defense Infrastructure, \$2,500,000 shall be provided to promote access to defense facilities by four-laning State Road 123.

Funds in Specific Appropriation 2368 allocated to the Space Experiment Research and Processing Lab (SERPL) shall be administered by the Spaceport Florida Authority with the direct oversight of the Office of Tourism, Trade, and Economic Development (OTTED). OTTED shall utilize the construction management services of the Department of Management Services for construction of the facility. OTTED shall consult with the National Aeronautics and Space Administration (NASA) and the Florida Commercial Space Financing Corporation during each phase of construction.

2369 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION
TRUST FUND 20,000,000

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TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND 79,653,472
FROM TRUST FUNDS 60,650,000
TOTAL ALL FUNDS 140,303,472

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF
PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2370 SALARIES AND BENEFITS POSITIONS 343
FROM GENERAL REVENUE FUND 4,248
FROM HIGHWAY SAFETY OPERATING TRUST FUND 12,518,775
FROM GRANTS AND DONATIONS TRUST FUND 94,016
FROM LAW ENFORCEMENT TRUST FUND 111,802

Funds in Specific Appropriations 2370 and 2377 include a reduction of 23 positions and \$569,191 from the Highway Safety Operating Trust Fund for the outsourcing of crash data entry function. The Executive Office of the Governor shall, pursuant to s. 216.177, F.S., restore the positions and budget authority for fiscal year 2001-2002 until such time as these functions are performed by a vendor under contract with the state.

2371 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 96,785
FROM GRANTS AND DONATIONS TRUST FUND 53,333

2372 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,431,507
FROM GRANTS AND DONATIONS TRUST FUND 55,400
FROM LAW ENFORCEMENT TRUST FUND 7,516

2373 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND 179,126
FROM GRANTS AND DONATIONS TRUST FUND 1,071,667

2376 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 36,694
FROM HIGHWAY SAFETY OPERATING TRUST FUND 113,612

2377 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND 1,152,241

2378 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND 140,112

2378A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 501

2378B DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 304,270
FROM HIGHWAY SAFETY OPERATING TRUST FUND 802,456
FROM LAW ENFORCEMENT TRUST FUND 3,742

2379A FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND 100,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 345,212
FROM TRUST FUNDS 17,932,591

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TOTAL POSITIONS	343	
TOTAL ALL FUNDS		18,277,803

PROGRAM: FLORIDA HIGHWAY PATROL

From the funds in Specific Appropriations 2380 through 2411, the Florida Highway Patrol shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Florida death rate on patrolled highways per 100 million vehicle miles of travel.....	1.9
Alcohol-related death rate per 100 million vehicle miles of travel.....	0.64

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

HIGHWAY SAFETY

2380	SALARIES AND BENEFITS	POSITIONS	2,178	
	FROM GENERAL REVENUE FUND		94,885,774	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND			16,128,784
	FROM GAS TAX COLLECTION TRUST FUND			204,997
	FROM GRANTS AND DONATIONS TRUST FUND			344,506
	FROM LAW ENFORCEMENT TRUST FUND			925,406
2381	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	57,500		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		8,589,519	
	FROM GRANTS AND DONATIONS TRUST FUND		66,750	
	FROM LAW ENFORCEMENT TRUST FUND		380,000	
2382	EXPENSES			
	FROM GENERAL REVENUE FUND	2,815,161		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		5,013,034	
	FROM GRANTS AND DONATIONS TRUST FUND		247,648	
	FROM LAW ENFORCEMENT TRUST FUND		118,203	
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		278,900	
2383	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND	216,331		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		826,571	
	FROM GRANTS AND DONATIONS TRUST FUND		614,600	
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		630,355	
2384	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GENERAL REVENUE FUND	4,916,810		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		2,145,029	
2385	SPECIAL CATEGORIES			
	OPERATION OF MOTOR VEHICLES			
	FROM GENERAL REVENUE FUND	2,914,319		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		3,657,598	
	FROM GRANTS AND DONATIONS TRUST FUND		40,063	
2385A	SPECIAL CATEGORIES			
	AUXILLIARY UNIFORMS AND EQUIPMENT			
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		150,000	
2386	SPECIAL CATEGORIES			
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS			
	FROM HIGHWAY PATROL INSURANCE TRUST FUND		152,000	

SECTION 6			
SPECIFIC			
APPROPRIATION			
2387	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,252,669	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		287,983
2388	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,101,056	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		574,476
	FROM GRANTS AND DONATIONS TRUST FUND		15,600
2389	SPECIAL CATEGORIES		
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		152,000
2389A	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	11,698	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		1,175,975
2389B	FIXED CAPITAL OUTLAY		
	MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		200,000
2389C	FIXED CAPITAL OUTLAY		
	FLORIDA HIGHWAY PATROL - COMMUNICATION CENTER - TAMPA - DMS MGD		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		635,738
2389D	FIXED CAPITAL OUTLAY		
	NEW FLORIDA HIGHWAY PATROL STATION - MARION COUNTY - DMS MGD		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		200,000
2389E	FIXED CAPITAL OUTLAY		
	NEW FLORIDA HIGHWAY PATROL STATION - LEE COUNTY - DMS MGD		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		140,000
2389F	FIXED CAPITAL OUTLAY		
	NEW FLORIDA HIGHWAY PATROL ACADEMY - GADSDEN COUNTY - DMS MGD		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		500,000
	Funds in Specific Appropriation 2389F, are to construct a training facility designed and constructed consistent with the plan developed to house all State training programs at the Pat Thomas Law Enforcement Academy for Region 15 and 16. Additionally, the Department is authorized to enter into agreements necessary to expedite the construction of the facility.		
TOTAL:	HIGHWAY SAFETY		
	FROM GENERAL REVENUE FUND	109,171,318	
	FROM TRUST FUNDS		44,395,735
	TOTAL POSITIONS	2,178	
	TOTAL ALL FUNDS		153,567,053
	CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS		
2390	SALARIES AND BENEFITS	POSITIONS	59
	FROM GENERAL REVENUE FUND	2,966,465	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		1,051,008
2391	EXPENSES		
	FROM GENERAL REVENUE FUND	193,547	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		261,572
2392	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,000	

SECTION 6			
SPECIFIC			
APPROPRIATION			
2393	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	59,514	
2394	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	35,000	15,000
2395	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	63,643	5,149
2396	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	62,829	17,884
TOTAL: CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS			
	FROM GENERAL REVENUE FUND	3,390,998	
	FROM TRUST FUNDS		1,350,613
	TOTAL POSITIONS	59	
	TOTAL ALL FUNDS		4,741,611
PUBLIC INFORMATION AND SAFETY EDUCATION			
2397	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	19 1,083,230	81,653 182,102
2398	OTHER PERSONAL SERVICES FROM GRANTS AND DONATIONS TRUST FUND		32,000
2399	EXPENSES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	46,898	149,190 493,000
2400	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	5,000	100,000
2401	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	19,838	95,000
2402	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	5,000	2,500
2403	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	15,085	2,405
2404	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	34,990	1,112
TOTAL: PUBLIC INFORMATION AND SAFETY EDUCATION			
	FROM GENERAL REVENUE FUND	1,210,041	
	FROM TRUST FUNDS		1,138,962
	TOTAL POSITIONS	19	
	TOTAL ALL FUNDS		2,349,003

SECTION 6			
SPECIFIC			
APPROPRIATION			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2405	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	27 1,704,356	89,197
2406	EXPENSES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	417,952	996
2407	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	10,000	
2408	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	19,838	
2409	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	5,000	
2410	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND	27,240	1,909
2411	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	20,000	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	2,204,386	
	FROM TRUST FUNDS		92,102
	TOTAL POSITIONS	27	
	TOTAL ALL FUNDS		2,296,488

PROGRAM: LICENSES, TITLES AND REGULATIONS

From the funds in Specific Appropriations 2412 through 2456A, the Licenses, Titles and Regulations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards

OUTCOMES:	

Percent of customers waiting 15 minutes or less for driver license service	82%

Percent of motor vehicle titles issued without error	98%

Number of fraudulent motor vehicle titles identified and submitted to law enforcement	475

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LICENSING AUTOMOBILE DEALERS

2412	SALARIES AND BENEFITS POSITIONS FROM HIGHWAY SAFETY OPERATING TRUST FUND	8	279,622
2413	EXPENSES FROM HIGHWAY SAFETY OPERATING TRUST FUND		18,783
2414	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND		6,724

SECTION 6			
SPECIFIC			
APPROPRIATION			
2414A	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF		
	HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .	47,216	
TOTAL: LICENSING AUTOMOBILE DEALERS			
	FROM TRUST FUNDS	352,345	
	TOTAL POSITIONS	8	
	TOTAL ALL FUNDS	352,345	

COMPLIANCE AND ENFORCEMENT			
2415	SALARIES AND BENEFITS	POSITIONS	136
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		4,354,723
2416	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
2417	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,067,770
	FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
2418	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		10,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		60,000
2419	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		86,364
TOTAL: COMPLIANCE AND ENFORCEMENT			
	FROM TRUST FUNDS		5,718,857
	TOTAL POSITIONS	136	
	TOTAL ALL FUNDS		5,718,857

DRIVER LICENSURE			
2420	SALARIES AND BENEFITS	POSITIONS	1,194
	FROM GENERAL REVENUE FUND		10,026,012
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		28,257,753

Funds in Specific Appropriations 2420 and 2422 include a reduction of 18 positions and \$592,108 from the Highway Safety Operating Trust Fund reflecting the closing of the driver license offices in Tarpon Springs and Brandon. This reduction includes lease amounts of \$44,027 for Brandon, Hillsborough County and \$46,130 for Tarpon Springs, Pinellas County. The Executive Office of the Governor shall, pursuant to s. 216.177, F.S., restore positions and budget authority until such time as the tax collectors in Hillsborough and Pinellas Counties can provide full driver license services in these counties.

2421	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		624,516
2422	EXPENSES		
	FROM GENERAL REVENUE FUND	53,225	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,987,014
2423	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,000	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		52,500
2423A	SPECIAL CATEGORIES		
	DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF		
	DRIVER LICENSE APPLICATIONS AND MOTOR		
	VEHICLE REGISTRATIONS TO STATE AGENCIES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		220,000
2423B	SPECIAL CATEGORIES		
	DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS		

SECTION 6			
SPECIFIC			
APPROPRIATION			
	OF DRIVER LICENSE APPLICATIONS AND MOTOR		
	VEHICLE REGISTRATIONS TO NON-PROFIT AGY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		400,000
2423C	SPECIAL CATEGORIES		
	AUTOMATED UNIFORM TRAFFIC ACCOUNTING		
	SYSTEM		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,101,642
2424	SPECIAL CATEGORIES		
	PAYMENT TO OUTSIDE CONTRACTOR		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		500,000

Funds in Specific Appropriation 2424 include \$300,000 for the payment of the \$3 Internet E-commerce service fee to the contractor rather than assessing an additional \$3 fee to customers renewing or changing the address on their driver license or renewing their vehicle registration.

2425	SPECIAL CATEGORIES		
	PURCHASE OF DRIVER LICENSES		
	FROM GENERAL REVENUE FUND	591,020	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,225,149
2426	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		741,562
2426A	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF		
	HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	2,307,936	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,647,404
2426B	FIXED CAPITAL OUTLAY		
	MINOR RENOVATIONS, REPAIRS, AND		
	IMPROVEMENTS - STATEWIDE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		200,000
2426C	FIXED CAPITAL OUTLAY		
	NEW DRIVER LICENSE OFFICE - PALM BEACH		
	GARDENS - DMS MGD		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		3,246,366

Funds in Specific Appropriations 2426C and 2426D are contingent upon sufficient proceeds from the sale of the Palm Beach Gardens facility located at 3185 PGA Boulevard, Palm Beach Gardens and the Winter Park facility located at 940 West Canton Avenue, Winter Park, to cover the amounts appropriated for new facilities in these respective areas.

2426D	FIXED CAPITAL OUTLAY		
	NEW DRIVER LICENSES OFFICE - ORANGE COUNTY		
	- DMS MGD		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,937,800
TOTAL: DRIVER LICENSURE			
	FROM GENERAL REVENUE FUND	13,034,193	
	FROM TRUST FUNDS		58,141,706
	TOTAL POSITIONS	1,194	
	TOTAL ALL FUNDS		71,175,899

MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE			
2427	SALARIES AND BENEFITS	POSITIONS	57
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,673,886
2428	EXPENSES		
	FROM GENERAL REVENUE FUND	2,379	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		412,779
2429	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		38,696

SECTION 6			
SPECIFIC			
APPROPRIATION			
2429A	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF		
	HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	61,687	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		688,663
TOTAL: MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE			
	FROM GENERAL REVENUE FUND	64,066	
	FROM TRUST FUNDS		2,814,024
	TOTAL POSITIONS	57	
	TOTAL ALL FUNDS		2,878,090
IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS			
2430	SALARIES AND BENEFITS POSITIONS	219	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,196,887
	FROM DRIVING UNDER THE INFLUENCE (DUI)		
	SCHOOL COORDINATION TRUST FUND		421,679
	FROM GRANTS AND DONATIONS TRUST FUND . . .		78,685
2431	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		342,500
	FROM DRIVING UNDER THE INFLUENCE (DUI)		
	SCHOOL COORDINATION TRUST FUND		183,467
	FROM GRANTS AND DONATIONS TRUST FUND . . .		200,035
2432	EXPENSES		
	FROM GENERAL REVENUE FUND	31,477	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		691,799
	FROM DRIVING UNDER THE INFLUENCE (DUI)		
	SCHOOL COORDINATION TRUST FUND		129,659
	FROM GRANTS AND DONATIONS TRUST FUND . . .		308,575
2433	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		10,000
	FROM DRIVING UNDER THE INFLUENCE (DUI)		
	SCHOOL COORDINATION TRUST FUND		7,769
	FROM GRANTS AND DONATIONS TRUST FUND . . .		85,075
2434	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		133,239
	FROM DRIVING UNDER THE INFLUENCE (DUI)		
	SCHOOL COORDINATION TRUST FUND		5,051
2434A	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF		
	HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	195,647	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		649,120
TOTAL: IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS			
	FROM GENERAL REVENUE FUND	227,124	
	FROM TRUST FUNDS		10,443,540
	TOTAL POSITIONS	219	
	TOTAL ALL FUNDS		10,670,664
MOBILE HOME COMPLIANCE AND ENFORCEMENT			
2435	SALARIES AND BENEFITS POSITIONS	38	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,364,456
2436	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,890
2437	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		31,939
2437A	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF		

SECTION 6			
SPECIFIC			
APPROPRIATION			
	HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		47,216
TOTAL: MOBILE HOME COMPLIANCE AND ENFORCEMENT			
	FROM TRUST FUNDS		1,596,501
	TOTAL POSITIONS	38	
	TOTAL ALL FUNDS		1,596,501
MOTOR CARRIER COMPLIANCE			
2438	SALARIES AND BENEFITS POSITIONS	84	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		399,591
	FROM GAS TAX COLLECTION TRUST FUND		2,575,054
2439	OTHER PERSONAL SERVICES		
	FROM GAS TAX COLLECTION TRUST FUND		11,438
2440	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		5,320
	FROM GAS TAX COLLECTION TRUST FUND		498,626
	FROM GRANTS AND DONATIONS TRUST FUND . . .		70,000
2441	OPERATING CAPITAL OUTLAY		
	FROM GAS TAX COLLECTION TRUST FUND		5,001
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
2442	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		14,438
	FROM GAS TAX COLLECTION TRUST FUND		56,165
2442A	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF		
	HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		18,219
	FROM GAS TAX COLLECTION TRUST FUND		229,999
TOTAL: MOTOR CARRIER COMPLIANCE			
	FROM TRUST FUNDS		3,903,851
	TOTAL POSITIONS	84	
	TOTAL ALL FUNDS		3,903,851
VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES			
From funds in Specific Appropriations 2443 through 2451A, \$1.4 million associated with the administrative cost to collect revenues pursuant to s. 328.72(1), Florida Statutes, shall be deposited into the Highway Safety Operating Trust Fund before other statutorily mandated distributions are made.			
2443	SALARIES AND BENEFITS POSITIONS	208	
	FROM GENERAL REVENUE FUND	73,659	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		6,564,326
2444	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		69,516
2445	EXPENSES		
	FROM GENERAL REVENUE FUND	11,672	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,396,332
2446	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO SCHOOLS - MOBILE HOME		
	DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		10,500,000
2447	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOBILE HOME		
	DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		7,632,000

SECTION 6 SPECIFIC APPROPRIATION		
2448	AID TO LOCAL GOVERNMENTS DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE FROM LICENSE TAX COLLECTION TRUST FUND . . .	3,368,000
2449	OPERATING CAPITAL OUTLAY FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	92,665
2449A	SPECIAL CATEGORIES DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	280,000
2449B	SPECIAL CATEGORIES DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	100,000
2450	SPECIAL CATEGORIES GRANTS AND AIDS - PURCHASE OF LICENSE PLATES FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	9,759,461
2451	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	239,545
2451A	DATA PROCESSING SERVICES KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FROM GENERAL REVENUE FUND 314,665 FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	12,374,116
TOTAL:	VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES FROM GENERAL REVENUE FUND 399,996 FROM TRUST FUNDS 53,375,961 TOTAL POSITIONS 208 TOTAL ALL FUNDS 53,775,957	
EXECUTIVE DIRECTION AND SUPPORT SERVICES		
2452	SALARIES AND BENEFITS POSITIONS 42 FROM GENERAL REVENUE FUND 125,837 FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	2,144,352
2453	OTHER PERSONAL SERVICES FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	40,000
2454	EXPENSES FROM GENERAL REVENUE FUND 2,680 FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	177,144
2455	OPERATING CAPITAL OUTLAY FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	75,323
2456	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	29,719
2456A	DATA PROCESSING SERVICES KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FROM GENERAL REVENUE FUND 13,617 FROM HIGHWAY SAFETY OPERATING TRUST FUND . . .	33,599
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND 142,134 FROM TRUST FUNDS 2,500,137	

SECTION 6 SPECIFIC APPROPRIATION		
TOTAL POSITIONS	42	
TOTAL ALL FUNDS		2,642,271
PROGRAM: KIRKMAN DATA CENTER		
From the funds in Specific Appropriations 2457 through 2462, the Kirkman Data Center shall meet the following performance standards as required by the Government Accountability Act of 1994:		
=====		
Performance Measures		FY 2001-2002 Standards
-----		-----
OUTCOMES:		

Percent of customers who rate services as satisfactory or better as measured by survey.....	80%	
=====		
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.		
=====		
INFORMATION TECHNOLOGY		
2457	SALARIES AND BENEFITS POSITIONS 189 FROM WORKING CAPITAL TRUST FUND	8,232,796
2458	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND	271,208
2459	EXPENSES FROM WORKING CAPITAL TRUST FUND	8,516,369
2460	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND	2,796,237
2461	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKING CAPITAL TRUST FUND	43,608
2462	SPECIAL CATEGORIES TAX COLLECTOR NETWORK - COUNTY SYSTEMS FROM WORKING CAPITAL TRUST FUND	8,903,570
TOTAL:	INFORMATION TECHNOLOGY FROM TRUST FUNDS	28,763,788
TOTAL POSITIONS	189	
TOTAL ALL FUNDS		28,763,788
INSURANCE, DEPARTMENT OF, AND TREASURER		
PROGRAM: OFFICE OF THE TREASURER AND ADMINISTRATION		
EXECUTIVE DIRECTION AND SUPPORT SERVICES		
From the funds in Specific Appropriations 2463, 2464 and 2465, the State Treasurer is authorized to develop a plan to establish, abolish, or consolidate bureaus, sections, and subsections to reallocate duties and functions in order to promote effective and efficient operation of budget entities within the Department of Insurance. The Treasurer shall submit the plan to the Legislative Budget Commission for approval no later than December 31, 2001. Any reorganization approval by the Legislative Budget Commission shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes.		
2463	SALARIES AND BENEFITS POSITIONS 146 FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	6,957,514

SECTION 6		
SPECIFIC APPROPRIATION		
2464	OTHER PERSONAL SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	463,081
2465	EXPENSES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	1,532,492
2466	OPERATING CAPITAL OUTLAY FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	19,700
2467	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	124,808
2468	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	2,400
2468A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	7,783
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM TRUST FUNDS		9,107,778
TOTAL POSITIONS		146
TOTAL ALL FUNDS		9,107,778

LEGAL SERVICES

2470	SALARIES AND BENEFITS POSITIONS FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	76	3,906,666
2471	OTHER PERSONAL SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		298,235
2472	EXPENSES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		957,931
2473	OPERATING CAPITAL OUTLAY FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		4,200
2474	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		375,656
2475	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		20,925
TOTAL: LEGAL SERVICES FROM TRUST FUNDS			5,563,613
TOTAL POSITIONS		76	
TOTAL ALL FUNDS			5,563,613

INFORMATION TECHNOLOGY

2476	SALARIES AND BENEFITS POSITIONS FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	68	3,471,960
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SPECIFIC APPROPRIATION			
2477	OTHER PERSONAL SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		5,617,418
2478	EXPENSES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		3,765,910
2479	OPERATING CAPITAL OUTLAY FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		911,152
2480	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		6,158
2481	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		252,000
TOTAL: INFORMATION TECHNOLOGY FROM TRUST FUNDS			14,024,598
TOTAL POSITIONS		68	
TOTAL ALL FUNDS			14,024,598

PROGRAM: TREASURY

From the funds in Specific Appropriation 2482 through 2491 the Treasury Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Ratio of net rate of return to established national benchmarks:	
a. Internal liquidity investments.....	1.0
b. Internal bridge investment.....	1.0
c. External investment program bridge portfolio.....	1.0
d. Medium term portfolio.....	1.0
2. Maximum administrative unit cost per \$100,000 of securities placed for deposit security service purposes.....	\$26

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DEPOSIT SECURITY SERVICE

2482	SALARIES AND BENEFITS POSITIONS FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	38	1,684,937
2483	OTHER PERSONAL SERVICES FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		30,000
2484	EXPENSES FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		425,854
2485	OPERATING CAPITAL OUTLAY FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		3,640
2486	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		8,603

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TOTAL: DEPOSIT SECURITY SERVICE		
FROM TRUST FUNDS	2,153,034	
TOTAL POSITIONS	38	
TOTAL ALL FUNDS	2,153,034	

STATE FUNDS MANAGEMENT AND INVESTMENT		
2487 SALARIES AND BENEFITS POSITIONS	29	
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	1,228,554	
2488 EXPENSES		
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	1,315,975	
TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT		
FROM TRUST FUNDS	2,544,529	
TOTAL POSITIONS	29	
TOTAL ALL FUNDS	2,544,529	

SUPPLEMENTAL RETIREMENT PLAN		
2489 SALARIES AND BENEFITS POSITIONS	10	
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	349,157	
2490 OTHER PERSONAL SERVICES		
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	9,000	
2491 EXPENSES		
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	132,987	
TOTAL: SUPPLEMENTAL RETIREMENT PLAN		
FROM TRUST FUNDS	491,144	
TOTAL POSITIONS	10	
TOTAL ALL FUNDS	491,144	

PROGRAM: STATE FIRE MARSHAL

From the funds in Specific Appropriations 2492 through 2518A, the Fire Marshal Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of closed fire investigations successfully concluded, including by cause determined, suspect identified and/or arrested or other reasons.....	82%
2. Percent of closed arson investigations for which an arrest was made - Florida.....	22%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT		
2492 SALARIES AND BENEFITS POSITIONS	65	
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	2,905,595	
2493 OTHER PERSONAL SERVICES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	31,700	

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2494 EXPENSES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	527,576	
2495 OPERATING CAPITAL OUTLAY		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	10,000	
2496 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	96,000	
2497 SPECIAL CATEGORIES		
SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	8,000	
TOTAL: COMPLIANCE AND ENFORCEMENT		
FROM TRUST FUNDS	3,578,871	
TOTAL POSITIONS	65	
TOTAL ALL FUNDS	3,578,871	

FIRE AND ARSON INVESTIGATIONS		
2498 SALARIES AND BENEFITS POSITIONS	151	
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	7,212,890	
2499 OTHER PERSONAL SERVICES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	43,000	
2500 EXPENSES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	1,636,470	
2501 OPERATING CAPITAL OUTLAY		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	50,000	
2502 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	330,330	
2503 SPECIAL CATEGORIES		
ON-CALL FEES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	250,000	
2504 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	144,174	
2505 SPECIAL CATEGORIES		
SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	5,000	
TOTAL: FIRE AND ARSON INVESTIGATIONS		
FROM TRUST FUNDS	9,671,864	
TOTAL POSITIONS	151	
TOTAL ALL FUNDS	9,671,864	

PROFESSIONAL TRAINING AND STANDARDS		
2506 SALARIES AND BENEFITS POSITIONS	35	
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	1,377,151	

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2507	OTHER PERSONAL SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	290,630
2508	EXPENSES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	710,232
2509	OPERATING CAPITAL OUTLAY FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	25,000
2510	SPECIAL CATEGORIES SUPPLEMENTAL FIREFIGHTERS COMPENSATION FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	17,500
2511	FIXED CAPITAL OUTLAY FACILITIES REPAIRS AND MAINTENANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	42,982
TOTAL:	PROFESSIONAL TRAINING AND STANDARDS FROM TRUST FUNDS	2,463,495
	TOTAL POSITIONS	35
	TOTAL ALL FUNDS	2,463,495
FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES		
2512	SALARIES AND BENEFITS POSITIONS FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	18 917,791
2513	OTHER PERSONAL SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	20,831
2514	EXPENSES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	620,193
2515	OPERATING CAPITAL OUTLAY FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	212,000
2516	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	26,000
2517	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	129,633
2518	SPECIAL CATEGORIES SUPPLEMENTAL FIREFIGHTERS COMPENSATION FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	7,500
2518A	FIXED CAPITAL OUTLAY FACILITIES REPAIRS AND MAINTENANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	17,008
TOTAL:	FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES FROM TRUST FUNDS	1,950,956
	TOTAL POSITIONS	18
	TOTAL ALL FUNDS	1,950,956

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PROGRAM: RISK MANAGEMENT		
From the funds in Specific Appropriations 2519 through 2524, the Risk Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.		
=====		
Performance		FY 2001-2002
Measures - Outcomes		Standards

1. State employees' workers compensation benefit cost rate		
(indemnity and medical costs per \$100 of state employees'		
payroll).....	\$1.16	
2. Number/percent of liability claims closed in relation to		
claims worked during the fiscal year	3,663/51%	
=====		
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.		
STATE SELF-INSURED CLAIMS ADJUSTMENT		
2519	SALARIES AND BENEFITS POSITIONS	105
	FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND	4,169,004
2520	OTHER PERSONAL SERVICES FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND	330,000
2521	EXPENSES FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND	880,162
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	100,000
2522	OPERATING CAPITAL OUTLAY FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND	3,000
2523	SPECIAL CATEGORIES EXCESS INSURANCE AND CLAIM SERVICE FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND	6,724,400
2524	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND	14,232
TOTAL:	STATE SELF-INSURED CLAIMS ADJUSTMENT FROM TRUST FUNDS	12,220,798
	TOTAL POSITIONS	105
	TOTAL ALL FUNDS	12,220,798
PROGRAM: INSURANCE REGULATION AND CONSUMER PROTECTION		
From the funds in Specific Appropriations 2525 through 2550 the Insurance Regulation and Consumer Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.		
=====		
Performance		FY 2001-2002
Measures - Outcomes		Standards

1. Percent of arrests for insurance fraud resulting in		
trial or non-trial conviction.....	65%	
2. Maximum percent of insurance representatives		
requiring discipline or oversight.....	11.47%	
=====		

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

INSURANCE COMPANY LICENSURE AND OVERSIGHT

2525	SALARIES AND BENEFITS	POSITIONS	306
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		15,124,334
2526	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		2,343,083
2527	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		3,268,650
2528	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		3,120
2529	SPECIAL CATEGORIES		
	HOLOCAUST VICTIMS ASSISTANCE ADMINISTRATION		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		500,000
2530	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		148,839
TOTAL: INSURANCE COMPANY LICENSURE AND OVERSIGHT			
	FROM TRUST FUNDS		21,388,026
	TOTAL POSITIONS	306	
	TOTAL ALL FUNDS		21,388,026

INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS AND OVERSIGHT

2531	SALARIES AND BENEFITS	POSITIONS	71
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		2,475,556
2532	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		3,902,300
2533	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		879,900
2534	AID TO LOCAL GOVERNMENTS		
	INSURANCE LICENSE TAX TO COUNTIES		
	FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND		4,000,000
2535	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		6,200
2536	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		72,591
TOTAL: INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS AND OVERSIGHT			
	FROM TRUST FUNDS		11,336,547

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TOTAL POSITIONS	71
TOTAL ALL FUNDS	11,336,547

COMPLIANCE AND ENFORCEMENT

2537	SALARIES AND BENEFITS	POSITIONS	256
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		11,813,849
2538	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		175,000
2539	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		2,373,266
2540	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		9,700
2541	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		282,000
2542	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		110,431
2543	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		193,060
TOTAL: COMPLIANCE AND ENFORCEMENT			
	FROM TRUST FUNDS		14,957,306
	TOTAL POSITIONS	256	
	TOTAL ALL FUNDS		14,957,306

INSURANCE CONSUMER ASSISTANCE

2546	SALARIES AND BENEFITS	POSITIONS	167
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		6,349,038
2547	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		510,200
2548	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,584,535
2549	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,200
2550	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		31,068
TOTAL: INSURANCE CONSUMER ASSISTANCE			
	FROM TRUST FUNDS		8,476,041
	TOTAL POSITIONS	167	
	TOTAL ALL FUNDS		8,476,041

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APPROPRIATION
LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

WORKFORCE ASSISTANCE AND SECURITY

PROGRAM: COMPLIANCE AND ENFORCEMENT

From the funds provided in Specific Appropriations 2550A and 2550B, the Compliance and Enforcement Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures, FY 2001-2002 Standards. Includes Outcomes: Percent of farm labor contractors in compliance with regulations ensuring fair treatment and protection for migrant farmworkers...83%. Includes Output: Monitor employers for compliance with child labor and migrant farmwork labor laws (Number of investigations and inspections)...3,926.

Table with 4 columns: Code, Description, Positions, Amount. Includes 2550A SALARIES AND BENEFITS (30 positions, 249,871), 2550B EXPENSES (111,608), and TOTAL PROGRAM: COMPLIANCE AND ENFORCEMENT (30 positions, 1,335,809).

WORKFORCE PLACEMENT AND ASSISTANCE

PROGRAM: WORKERS' COMPENSATION APPEALS

From the funds in Specific Appropriations 2550C through 2550H, the Workers' Compensation Appeals Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures, FY 2001-2002 Standards. Includes Outcomes: Percent of concluded mediations resulting in resolution...56%, Percent of appealed, decided orders affirmed...80%. Includes text: Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Table with 4 columns: Code, Description, Positions, Amount. Includes 2550C SALARIES AND BENEFITS (179 positions, 10,258,769).

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Table with 2 columns: Code, Amount. Includes 2550D OTHER PERSONAL SERVICES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND...999,362.

Table with 2 columns: Code, Amount. Includes 2550E EXPENSES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND...3,139,131.

Table with 2 columns: Code, Amount. Includes 2550F OPERATING CAPITAL OUTLAY FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND...28,796.

Table with 2 columns: Code, Amount. Includes 2550G SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND...127,247.

Table with 2 columns: Code, Amount. Includes 2550H DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND...42,063.

Table with 2 columns: Code, Amount. Includes TOTAL PROGRAM: WORKERS' COMPENSATION APPEALS FROM TRUST FUNDS...14,595,368. TOTAL POSITIONS...179. TOTAL ALL FUNDS...14,595,368.

PROGRAM: WORKERS' COMPENSATION

From the funds provided in Specific Appropriations 2550I through 2550P, the Workers' Compensation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures, FY 2001-2002 Standards. Includes Outcomes: Percent of initial payments made on time by insurance carriers...91.0%, Percent of lost time cases with no petition for benefits filed 18 months after the date of accident...77.0%. Includes text: Additional performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Table with 4 columns: Code, Description, Positions, Amount. Includes 2550I SALARIES AND BENEFITS (574 positions, 21,947,692), 2550J OTHER PERSONAL SERVICES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND...1,288,366.

The funds in Specific Appropriations 2550I through 2550M represent a reduction of 35 positions and \$2,025,562 in the Workers' Compensation Program in the areas of proof of coverage submission, insolvency petition filings, request for assistance and petition for benefit process. This reduction is contingent upon substantive legislation becoming law. In the event such substantive legislation does not become law, and no other legislation reduces these positions, the Executive Office of the Governor is authorized to restore the positions and budget, pursuant to s. 216.177, F.S., to the Workers' Compensation Program.

Table with 4 columns: Code, Description, Positions, Amount. Includes 2550J OTHER PERSONAL SERVICES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND...5,392,754.

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	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND	1,000,000	
2550K	EXPENSES		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND	6,768,257	
	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND	670,770	
2550L	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND	696,453	
	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND	100,000	
2550M	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND	316,352	
2550N	SPECIAL CATEGORIES		
	TRANSFER TO HEALTH CARE AGENCY		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND	645,408	
2550O	SPECIAL CATEGORIES		
	TRANSFER TO THE DEPARTMENT OF INSURANCE		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND	2,738,394	
2550P	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT		
	OF LABOR AND EMPLOYMENT SECURITY		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND	2,173,780	
	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND	42	
TOTAL: PROGRAM: WORKERS' COMPENSATION			
	FROM TRUST FUNDS	43,738,268	
	TOTAL POSITIONS	574	
	TOTAL ALL FUNDS	43,738,268	

PROGRAM: UNEMPLOYMENT APPEALS COMMISSION

From the funds in Specific Appropriations 2550Q through 2550T, the Unemployment Appeals Commission Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of unemployment compensation appeals disposed within 45 days.....	50%
Percent of unemployment compensation appeals disposed within 90 days.....	95%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2550Q	SALARIES AND BENEFITS	POSITIONS	28	
	FROM ADMINISTRATIVE TRUST FUND			1,726,537
2550R	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			58,400

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SPECIFIC				
APPROPRIATION				
2550S	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND		358,821	
2550T	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM ADMINISTRATIVE TRUST FUND		3,144	
TOTAL: PROGRAM: UNEMPLOYMENT APPEALS COMMISSION				
	FROM TRUST FUNDS		2,146,902	
	TOTAL POSITIONS	28		
	TOTAL ALL FUNDS		2,146,902	
PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES				
2550U	SALARIES AND BENEFITS	POSITIONS	6	
	FROM ADMINISTRATIVE TRUST FUND			255,198
	FROM CREW CHIEF REGISTRATION TRUST FUND			118,216
The funds in Specific Appropriations 2550U through 2550W reflect a reduction of 82 positions and \$4,356,751 from the Administrative Trust Fund. If substantive legislation does not become law which eliminates the Department of Labor and Employment Security, the Executive Office of the Governor may restore up to 26 positions and \$2,371,475 in corresponding budget authority, pursuant to s. 216.177, F.S., within the Department of Labor and Employment Security. If substantive legislation does become law which abolishes the Department of Labor and Employment Security, the Executive Office of the Governor may restore positions and budget authority as necessary pursuant to s. 216.177 F.S., within the Department of Labor and Employment Security to administer the program during the transition period.				
2550V	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND			41,876
	FROM CREW CHIEF REGISTRATION TRUST FUND			8,000
2550W	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND			16,868
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES				
	FROM TRUST FUNDS			440,158
	TOTAL POSITIONS	6		
	TOTAL ALL FUNDS			440,158

PROGRAM: INFORMATION TECHNOLOGY

From the funds in Specific Appropriations 2550X through 2550AB, the Information Technology Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to support agency functions through the management of information resources.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Maintain the percent of scheduled information technology production jobs completed at 99% or more.....	99.9%
Percent of Information Management Center's data processing request completed by due date.....	95.5%

2550X	SALARIES AND BENEFITS	POSITIONS	140	
	FROM GENERAL REVENUE FUND			2,544
	FROM WORKING CAPITAL TRUST FUND			6,717,463
2550Y	OTHER PERSONAL SERVICES			
	FROM WORKING CAPITAL TRUST FUND			200,000

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2550Z EXPENSES		
FROM WORKING CAPITAL TRUST FUND		7,495,934
2550AA OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND		279,058
2550AB SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM WORKING CAPITAL TRUST FUND		12,557
TOTAL: PROGRAM: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	2,544	
FROM TRUST FUNDS		14,705,012
TOTAL POSITIONS	140	
TOTAL ALL FUNDS		14,707,556

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

From the funds in Specific Appropriations 2550AC through 2550AH, the Public Employees Relations Commission Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to promote harmonious employer/employee relations at the state and local levels by resolving and mediating workplace disputes.

=====		
Performance	FY 2001-2002	
Measures	Standards	

OUTCOMES:		

Percent of timely labor dispositions.....	99%	
Percent of timely employment dispositions.....	99%	
Additional approved performance measures and standards are		
established in the FY 2000-2001 Implementing Bill and are		
incorporated herein by reference.		
=====		

2550AC SALARIES AND BENEFITS	POSITIONS	39	
FROM GENERAL REVENUE FUND		2,611,873	
2550AD OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		134,640	
FROM PUBLIC EMPLOYEES RELATIONS			
COMMISSION TRUST FUND			5,000
2550AE EXPENSES			
FROM GENERAL REVENUE FUND		549,088	
FROM PUBLIC EMPLOYEES RELATIONS			
COMMISSION TRUST FUND			48,648
2550AF OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		13,120	
2550AG SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		9,432	
2550AH DATA PROCESSING SERVICES			
INFORMATION MANAGEMENT CENTER - DEPARTMENT			
OF LABOR AND EMPLOYMENT SECURITY			
FROM GENERAL REVENUE FUND		6,377	
TOTAL: PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION			
FROM GENERAL REVENUE FUND	3,324,530		
FROM TRUST FUNDS			53,648
TOTAL POSITIONS	39		
TOTAL ALL FUNDS			3,378,178

SECTION 6		
SPECIFIC		
APPROPRIATION		
LEGISLATIVE BRANCH		
The amount of \$40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 2551 and 2552 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.		
SENATE		
2551 LUMP SUM		
SENATE		
FROM GENERAL REVENUE FUND		36,002,148
HOUSE OF REPRESENTATIVES		
2552 LUMP SUM		
HOUSE		
FROM GENERAL REVENUE FUND		56,119,925
LEGISLATIVE SUPPORT SERVICES		
2553 LUMP SUM		
LEGISLATIVE SUPPORT SERVICES		
FROM GENERAL REVENUE FUND		28,406,751
FROM LEGISLATIVE LOBBYIST REGISTRATION		
TRUST FUND		223,918
2554 LUMP SUM		
LEGISLATURE - ADMINISTERED FUNDS		
FROM GRANTS AND DONATIONS TRUST FUND		6,741
2555 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND		298,658
2555A SPECIAL CATEGORIES		
FEFP REVIEW TASK FORCE		
FROM GENERAL REVENUE FUND		500,000
2555B SPECIAL CATEGORIES		
STATE TAX REFORM TASK FORCE		
FROM GENERAL REVENUE FUND		500,000
2556 SPECIAL CATEGORIES		
REVIEW OF PROPOSED MANDATED HEALTH		
COVERAGES		
FROM GRANTS AND DONATIONS TRUST FUND		200,000
TOTAL: LEGISLATIVE SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	29,705,409	
FROM TRUST FUNDS		430,659
TOTAL ALL FUNDS		30,136,068
ADMINISTRATIVE PROCEDURES COMMITTEE		
2557 LUMP SUM		
ADMINISTRATIVE PROCEDURES		
FROM GENERAL REVENUE FUND		1,331,717
INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE		
ON		
2558 LUMP SUM		
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL		
RELATIONS		
FROM GENERAL REVENUE FUND		748,239
TECHNOLOGY REVIEW WORKGROUP		
2559 LUMP SUM		
TECHNOLOGY REVIEW WORKGROUP		
FROM GRANTS AND DONATIONS TRUST FUND		675,707

SECTION 6
 SPECIFIC
 APPROPRIATION
 2560 SPECIAL CATEGORIES
 CONTRACTED SERVICES
 FROM GRANTS AND DONATIONS TRUST FUND . . . 560,000

The Technology Review Workgroup is authorized to submit a budget amendment pursuant to Chapter 216, Florida Statutes, to the Executive Office of the Governor to transfer funds from contracting agencies that are in excess of the amount provided in Specific Appropriation 2560.

2561 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GRANTS AND DONATIONS TRUST FUND . . . 2,030

TOTAL: TECHNOLOGY REVIEW WORKGROUP
 FROM TRUST FUNDS 1,237,737

TOTAL ALL FUNDS 1,237,737

OFFICE OF PUBLIC COUNSEL

2562 LUMP SUM
 PUBLIC COUNSEL
 FROM GENERAL REVENUE FUND 2,597,243

ETHICS, COMMISSION ON

2563 LUMP SUM
 LOBBY REGISTRATION
 FROM EXECUTIVE BRANCH LOBBY REGISTRATION
 TRUST FUND 106,178

2564 LUMP SUM
 ETHICS COMMISSION
 FROM GENERAL REVENUE FUND 1,914,270

\$100,000 is provided in Specific Appropriation 2564 for the development of an internet based interactive course in ethics, public records and public meetings for elected officials.

2565 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM GENERAL REVENUE FUND 43,089

TOTAL: ETHICS, COMMISSION ON
 FROM GENERAL REVENUE FUND 1,957,359
 FROM TRUST FUNDS 106,178

TOTAL ALL FUNDS 2,063,537

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM
 STATE LAWS

2566 EXPENSES
 FROM GENERAL REVENUE FUND 70,910

PROGRAM POLICY ANALYSIS AND GOVERNMENT
 ACCOUNTABILITY, OFFICE OF

2567 LUMP SUM
 PROGRAM POLICY ANALYSIS AND GOVERNMENT
 ACCOUNTABILITY
 FROM GENERAL REVENUE FUND 6,995,390

2568 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 5,123

TOTAL: PROGRAM POLICY ANALYSIS AND GOVERNMENT
 ACCOUNTABILITY, OFFICE OF
 FROM GENERAL REVENUE FUND 7,000,513

SECTION 6
 SPECIFIC
 APPROPRIATION
 TOTAL ALL FUNDS 7,000,513

AUDITOR GENERAL

2569 LUMP SUM
 AUDITOR GENERAL
 FROM GENERAL REVENUE FUND 34,370,521

2570 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 105,869

TOTAL: AUDITOR GENERAL
 FROM GENERAL REVENUE FUND 34,476,390

TOTAL ALL FUNDS 34,476,390

AUDITING COMMITTEE

2571 LUMP SUM
 AUDITING COMMITTEE
 FROM GENERAL REVENUE FUND 319,527

2572 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 369

TOTAL: AUDITING COMMITTEE
 FROM GENERAL REVENUE FUND 319,896

TOTAL ALL FUNDS 319,896

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

From the funds in Specific Appropriations 2573 through 2579C, the Lottery Operations Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Total dollars transferred to the Educational Enhancement Trust Fund	\$898.2 million
2. Operating expense as percent of total revenue	11.31%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2573 SALARIES AND BENEFITS POSITIONS 513
 FROM ADMINISTRATIVE TRUST FUND 24,273,533

2574 OTHER PERSONAL SERVICES
 FROM ADMINISTRATIVE TRUST FUND 1,073,296

2575 EXPENSES
 FROM ADMINISTRATIVE TRUST FUND 13,213,725

From the funds in Specific Appropriation 2575, the Secretary of the Department of Lottery, at the Secretary's discretion, is authorized to conduct a lottery game show to increase public interest and participation in the Florida Lottery. Selection of the vendor to produce a game show shall be in a manner that ensures competitive pricing for an appropriate level of service, provides for new game show equipment and sets, and best enhances the mission and goals of the Florida Lottery.

SECTION 6	
SPECIFIC	
APPROPRIATION	
2576	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND 1,150,000
2577	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM ADMINISTRATIVE TRUST FUND 200,000
2577A	SPECIAL CATEGORIES 1-900 WINNING NUMBERS LINE LAWSUIT SETTLEMENT FROM ADMINISTRATIVE TRUST FUND 850,000
2578	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND 13,303
2578A	SPECIAL CATEGORIES INSTANT TICKET PURCHASE FROM ADMINISTRATIVE TRUST FUND 16,277,813
<p>The Department is authorized to submit budget amendments in accordance with Chapter 216, F.S., to increase Specific Appropriation 2578A in the event instant-ticket sales are greater than the projected sales used to calculate the amount appropriated.</p>	
2578B	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM ADMINISTRATIVE TRUST FUND 34,994,453
<p>From the funds in Specific Appropriation 2578B, the Department of Lottery is authorized to utilize up to \$1,300,000 for the purpose of contracting with an established Florida problem gambling organization for a Compulsive Gambling Program.</p>	
2578C	SPECIAL CATEGORIES ONLINE GAMES CONTRACT FROM ADMINISTRATIVE TRUST FUND 31,545,312
<p>The Department is authorized to submit budget amendments in accordance with Chapter 216, F.S., to increase Specific Appropriation 2578C in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.</p>	
2578D	SPECIAL CATEGORIES LOTTERY INSTANT TICKET VENDING MACHINES FROM ADMINISTRATIVE TRUST FUND 2,940,000
<p>From the funds in Specific Appropriation 2578D, \$2.9 million shall be used to fund an extension of the current instant ticket vending machine contract for the 2001-2002 fiscal year, and to study the financial impact of the instant ticket vending machine program. The results of the study shall be presented to the presiding officers of both houses of the Legislature and to the Chairs of the relevant legislative committees no later than the 10th day of the 2002 legislative session.</p>	
2578E	SPECIAL CATEGORIES RETAILER INCENTIVES FROM ADMINISTRATIVE TRUST FUND 2,500,000
2579	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ADMINISTRATIVE TRUST FUND 410,100
2579A	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM ADMINISTRATIVE TRUST FUND 23,400
2579B	SPECIAL CATEGORIES TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND FROM ADMINISTRATIVE TRUST FUND 20,000,000

SECTION 6	
SPECIFIC	
APPROPRIATION	
2579C	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ADMINISTRATIVE TRUST FUND 2,681
TOTAL: PROGRAM: LOTTERY OPERATIONS FROM TRUST FUNDS 149,467,616	
TOTAL POSITIONS 513	
TOTAL ALL FUNDS 149,467,616	
MANAGEMENT SERVICES, DEPARTMENT OF	
PROGRAM: ADMINISTRATION PROGRAM	
EXECUTIVE DIRECTION AND SUPPORT SERVICES	
2581	SALARIES AND BENEFITS POSITIONS 110 FROM ADMINISTRATIVE TRUST FUND 5,541,451
2582	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND 8,700
2583	EXPENSES FROM GENERAL REVENUE FUND 367,729 FROM ADMINISTRATIVE TRUST FUND 676,879
2584	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND 71,240
2585	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND 26,998
2586	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ADMINISTRATIVE TRUST FUND 10,313
2586A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ADMINISTRATIVE TRUST FUND 67,930
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND 367,729 FROM TRUST FUNDS 6,403,511	
TOTAL POSITIONS 110	
TOTAL ALL FUNDS 6,771,240	
STATE EMPLOYEE LEASING	
2588	SALARIES AND BENEFITS POSITIONS 9 FROM ADMINISTRATIVE TRUST FUND 635,631
PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE	
2589	SALARIES AND BENEFITS POSITIONS 2 FROM GENERAL REVENUE FUND 208,773
2590	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 58,585
2591	EXPENSES FROM GENERAL REVENUE FUND 109,743
2592	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND 151,247

SECTION 6		
SPECIFIC		
APPROPRIATION		
2593	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	285
2593A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND	64,096
TOTAL: PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE FROM GENERAL REVENUE FUND		592,729
TOTAL POSITIONS		2
TOTAL ALL FUNDS		592,729

PROGRAM: FACILITIES PROGRAM

From funds in Specific Appropriations 2595 through 2622A, the Facilities Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Gross square foot construction cost of office facilities: DMS	\$89.82
2. Average DMS full service rent - composite cost per net square foot (actual)	\$15.39
3. DMS average operations and maintenance cost per net square foot maintained	\$5.32

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FACILITIES MANAGEMENT

From funds in Specific Appropriations 2595 and 2597, the department may submit a budget amendment requesting positions in excess should renegotiations for private sector maintenance and grounds keeping services result in a contract that is not cost effective to the state.

2595	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND FROM SUPERVISION TRUST FUND	373 214,280	12,434,894
2596	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM SUPERVISION TRUST FUND	7,000	50,000
2597	EXPENSES FROM GENERAL REVENUE FUND FROM SUPERVISION TRUST FUND	112,968	12,160,241
2598	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM SUPERVISION TRUST FUND	10,000	141,000
2599	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM SUPERVISION TRUST FUND	5,270	415,115
2600	SPECIAL CATEGORIES STATE UTILITY PAYMENTS FROM GENERAL REVENUE FUND FROM SUPERVISION TRUST FUND	12,000	14,212,461
2600A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		

SECTION 6			
SPECIFIC			
APPROPRIATION			
	MANAGEMENT SERVICES FROM SUPERVISION TRUST FUND		72,452
2603	FIXED CAPITAL OUTLAY COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT FROM SUPERVISION TRUST FUND		200,000
2604	FIXED CAPITAL OUTLAY INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE FROM SUPERVISION TRUST FUND		458,666
2605	FIXED CAPITAL OUTLAY CABINET MEETING ROOM RENOVATIONS - DMS MGD FROM SUPERVISION TRUST FUND		565,376
2606	FIXED CAPITAL OUTLAY ENVIRONMENTAL PROJECTS - DMS MGD FROM SUPERVISION TRUST FUND		200,000
2607	FIXED CAPITAL OUTLAY STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD FROM SUPERVISION TRUST FUND		4,483,982
2608	FIXED CAPITAL OUTLAY DEBT SERVICE FROM GENERAL REVENUE FUND FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND	1,794,767	30,984,349
TOTAL: FACILITIES MANAGEMENT FROM GENERAL REVENUE FUND FROM TRUST FUNDS		2,156,285	76,378,536
TOTAL POSITIONS		373	
TOTAL ALL FUNDS			78,534,821

BUILDING CONSTRUCTION

2609	SALARIES AND BENEFITS FROM ARCHITECTS INCIDENTAL TRUST FUND	POSITIONS 38	2,223,752
2610	OTHER PERSONAL SERVICES FROM ARCHITECTS INCIDENTAL TRUST FUND		5,000
2611	EXPENSES FROM ARCHITECTS INCIDENTAL TRUST FUND		496,442
2613	SPECIAL CATEGORIES CONTRACTED SERVICES FROM ARCHITECTS INCIDENTAL TRUST FUND		141,300
2614	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ARCHITECTS INCIDENTAL TRUST FUND		4,901
2614A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ARCHITECTS INCIDENTAL TRUST FUND		33,951

Funds in Specific Appropriations 2609 through 2614A from the Architects Incidental Trust Fund for the operation of the Facilities Program, are based on an assessment against each fixed capital outlay appropriation in which the department serves as owner-representative on behalf of the state. The assessments for appropriations made for the 2001-2002 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

SECTION 6			
SPECIFIC APPROPRIATION			
2616	FIXED CAPITAL OUTLAY		
	SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN \$100,000 STATEWIDE - DMS MGD FROM ARCHITECTS INCIDENTAL TRUST FUND . . .	1,500,000	
TOTAL: BUILDING CONSTRUCTION FROM TRUST FUNDS 4,405,346			
	TOTAL POSITIONS	38	
	TOTAL ALL FUNDS		4,405,346
FLORIDA CAPITOL POLICE			
2617	SALARIES AND BENEFITS POSITIONS FROM SUPERVISION TRUST FUND	142	4,891,306
2618	OTHER PERSONAL SERVICES FROM SUPERVISION TRUST FUND		15,000
2619	EXPENSES FROM SUPERVISION TRUST FUND		750,861
2620	OPERATING CAPITAL OUTLAY FROM SUPERVISION TRUST FUND		115,869
2621	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM SUPERVISION TRUST FUND		340,582
2622	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM SUPERVISION TRUST FUND		38,064
2622A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM SUPERVISION TRUST FUND		6,969
TOTAL: FLORIDA CAPITOL POLICE FROM TRUST FUNDS 6,158,651			
	TOTAL POSITIONS	142	
	TOTAL ALL FUNDS		6,158,651

PROGRAM: SUPPORT PROGRAM

From funds in Specific Appropriations 2624 through 2653, the Support Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of state term contracts savings	39%
2. Average percent state lease rates are below state commercial lease rates	10%
3. Federal property distribution rate	82%
4. Average minority certification process time (in days)	30

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

AIRCRAFT MANAGEMENT

2624	SALARIES AND BENEFITS POSITIONS FROM BUREAU OF AIRCRAFT TRUST FUND	17	800,212
2625	OTHER PERSONAL SERVICES FROM BUREAU OF AIRCRAFT TRUST FUND		39,420

SECTION 6			
SPECIFIC APPROPRIATION			
2626	EXPENSES		
	FROM GENERAL REVENUE FUND		538,038
	FROM BUREAU OF AIRCRAFT TRUST FUND		899,353
2627	OPERATING CAPITAL OUTLAY FROM BUREAU OF AIRCRAFT TRUST FUND		16,000
2628	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM BUREAU OF AIRCRAFT TRUST FUND		16,284
2628A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM BUREAU OF AIRCRAFT TRUST FUND		9,494
TOTAL: AIRCRAFT MANAGEMENT FROM GENERAL REVENUE FUND 538,038			
	FROM TRUST FUNDS		1,780,763
	TOTAL POSITIONS	17	
	TOTAL ALL FUNDS		2,318,801

FEDERAL PROPERTY ASSISTANCE

From the funds provided in Specific Appropriations 2630 through 2636A, the department is prohibited from expending funds for the outsourcing of the activities of the Federal Surplus Property Program.

2630	SALARIES AND BENEFITS POSITIONS FROM SURPLUS PROPERTY REVOLVING TRUST FUND	15	664,031
2631	OTHER PERSONAL SERVICES FROM SURPLUS PROPERTY REVOLVING TRUST FUND		10,000
2632	EXPENSES FROM SURPLUS PROPERTY REVOLVING TRUST FUND		285,410
2633	OPERATING CAPITAL OUTLAY FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,000
2634	SPECIAL CATEGORIES CONTRACTED SERVICES FROM SURPLUS PROPERTY REVOLVING TRUST FUND		153,000
2635	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM SURPLUS PROPERTY REVOLVING TRUST FUND		1,943
2636	SPECIAL CATEGORIES REFURBISH SURPLUS PROPERTY FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,000
2636A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM SURPLUS PROPERTY REVOLVING TRUST FUND		55,808
TOTAL: FEDERAL PROPERTY ASSISTANCE FROM TRUST FUNDS 1,180,192			
	TOTAL POSITIONS	15	
	TOTAL ALL FUNDS		1,180,192

SECTION 6			
SPECIFIC APPROPRIATION			
MOTOR VEHICLE AND WATERCRAFT MANAGEMENT			
2638	SALARIES AND BENEFITS	POSITIONS	9
	FROM MOTOR VEHICLE OPERATING TRUST FUND		624,309
2639	OTHER PERSONAL SERVICES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND		18,848
2640	EXPENSES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND		497,757
2641	OPERATING CAPITAL OUTLAY		
	FROM MOTOR VEHICLE OPERATING TRUST FUND		23,500
2642	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM MOTOR VEHICLE OPERATING TRUST FUND		19,150
2643	SPECIAL CATEGORIES		
	PAYMENT OF EXPENSES FROM SALE OF AGENCY		
	VEHICLES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND		650,000
2643A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND		200,158
TOTAL: MOTOR VEHICLE AND WATERCRAFT MANAGEMENT			
	FROM TRUST FUNDS		2,033,722
	TOTAL POSITIONS	9	
	TOTAL ALL FUNDS		2,033,722

PURCHASING OVERSIGHT

2645	SALARIES AND BENEFITS	POSITIONS	61
	FROM GENERAL REVENUE FUND		570,126
	FROM GRANTS AND DONATIONS TRUST FUND		2,380,280
2646	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		35,000
2647	EXPENSES		
	FROM GENERAL REVENUE FUND	392,619	
	FROM GRANTS AND DONATIONS TRUST FUND		487,139
2648	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		76,000
2649	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		570,500
2650	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GRANTS AND DONATIONS TRUST FUND		15,046
2650A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND		571,436
TOTAL: PURCHASING OVERSIGHT			
	FROM GENERAL REVENUE FUND	962,745	
	FROM TRUST FUNDS		4,135,401
	TOTAL POSITIONS	61	
	TOTAL ALL FUNDS		5,098,146

SECTION 6			
SPECIFIC APPROPRIATION			
OFFICE OF SUPPLIER DIVERSITY			
2652	SALARIES AND BENEFITS	POSITIONS	21
	FROM GENERAL REVENUE FUND		944,693
2652A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		100,000
2653	EXPENSES		
	FROM GENERAL REVENUE FUND		238,268
TOTAL: OFFICE OF SUPPLIER DIVERSITY			
	FROM GENERAL REVENUE FUND		1,282,961
	TOTAL POSITIONS	21	
	TOTAL ALL FUNDS		1,282,961

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

From funds in Specific Appropriations 2654 through 2660B, the Human Resource Management Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

1. Total program cost per authorized position in the	
state personnel system.....	\$78.76
2. Overall customer satisfaction rating.....	97%
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Funds in Specific Appropriations 2654 through 2660B from the State Personnel System Trust Fund are based upon a personnel assessment of \$59 per position.

2654	SALARIES AND BENEFITS	POSITIONS	48
	FROM GENERAL REVENUE FUND		126,134
	FROM STATE PERSONNEL SYSTEM TRUST FUND		2,736,372
2655	OTHER PERSONAL SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST FUND		10,000
2656	EXPENSES		
	FROM GENERAL REVENUE FUND	147,649	
	FROM GRANTS AND DONATIONS TRUST FUND		100,000
	FROM STATE PERSONNEL SYSTEM TRUST FUND		718,632
From the funds in Specific Appropriation 2656, \$100,000 from the Grants and Donations Trust Fund represents fees collected by the ADA Working Group.			
2657	OPERATING CAPITAL OUTLAY		
	FROM STATE PERSONNEL SYSTEM TRUST FUND		5,000
2658	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST FUND		150,000
2659	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	264	
	FROM STATE PERSONNEL SYSTEM TRUST FUND		4,402
2659A	SPECIAL CATEGORIES		
	SPECIAL NEEDS ADOPTION INCENTIVES		
	FROM GENERAL REVENUE FUND	140,000	

SECTION 6
SPECIFIC
APPROPRIATION

2660	SPECIAL CATEGORIES STATE EMPLOYEE'S CHARITABLE CAMPAIGN FROM GENERAL REVENUE FUND	17,000	
2660A	SPECIAL CATEGORIES DISABILITY CLEARINGHOUSE FROM GENERAL REVENUE FUND	250,000	
2660B	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND FROM STATE PERSONNEL SYSTEM TRUST FUND	1,210,531 3,809,306	
TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT			
	FROM GENERAL REVENUE FUND	1,891,578	
	FROM TRUST FUNDS	7,533,712	
	TOTAL POSITIONS	48	
	TOTAL ALL FUNDS	9,425,290	

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

From the funds in Specific Appropriations 2662 through 2669A, the Insurance Benefits Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of all contracted performance standards met.....	96.7%
2. Administrative cost per health-insurance enrollee.....	\$226.37

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2662	SALARIES AND BENEFITS FROM PRETAX BENEFITS TRUST FUND FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	99 1,157,242 75,369 3,326,849 41,887	
2663	OTHER PERSONAL SERVICES FROM PRETAX BENEFITS TRUST FUND FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	422,370 927,630	
2664	EXPENSES FROM PRETAX BENEFITS TRUST FUND FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	354,117 26,546 1,215,617 41,588	
2665	OPERATING CAPITAL OUTLAY FROM PRETAX BENEFITS TRUST FUND FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	90,324 45,342	
2666	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	21,147	

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2667	SPECIAL CATEGORIES ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	28,500,000
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From the funds provided in Specific Appropriation 2667, the Department of Management Services is authorized to contract for an audit and evaluation of the state's Group Insurance and Benefits Plans.

2668	SPECIAL CATEGORIES PRESCRIPTION DRUG CLAIMS ADMINISTRATION FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	195,306
2669	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PRETAX BENEFITS TRUST FUND FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	20,548 1,468 53,572 764
2669A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM PRETAX BENEFITS TRUST FUND FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	305,520 28,215 681,685 52,272

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION

FROM TRUST FUNDS	37,585,378
TOTAL POSITIONS	99
TOTAL ALL FUNDS	37,585,378

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

From funds in Specific Appropriations 2671 through 2683, the Retirement Benefits Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Administrative cost per active and retired member	\$21.68
2. Percent of members satisfied with retirement services.....	93%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Funds in Specific Appropriations 2671 through 2677A from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2671	SALARIES AND BENEFITS FROM OPERATING TRUST FUND FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND	209 8,417,047 81,880 538,593 32,550
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2672	OTHER PERSONAL SERVICES
	FROM OPERATING TRUST FUND
	FROM OPTIONAL RETIREMENT PROGRAM TRUST
	FUND
	FROM POLICE AND FIREFIGHTER'S PREMIUM
	TAX TRUST FUND
2673	EXPENSES
	FROM FLORIDA RETIREMENT SYSTEM TRUST
	FUND
	FROM INSTITUTE OF FOOD AND AGRICULTURAL
	SCIENCES SUPPLEMENTAL RETIREMENT TRUST
	FUND
	FROM OPERATING TRUST FUND
	FROM OPTIONAL RETIREMENT PROGRAM TRUST
	FUND
	FROM POLICE AND FIREFIGHTER'S PREMIUM
	TAX TRUST FUND
	FROM RETIREE HEALTH INSURANCE SUBSIDY
	TRUST FUND
2674	OPERATING CAPITAL OUTLAY
	FROM OPERATING TRUST FUND
	FROM OPTIONAL RETIREMENT PROGRAM TRUST
	FUND
	FROM POLICE AND FIREFIGHTER'S PREMIUM
	TAX TRUST FUND
2675	SPECIAL CATEGORIES
	TRANSFER TO DIVISION OF ADMINISTRATIVE
	HEARINGS
	FROM OPERATING TRUST FUND
2675A	SPECIAL CATEGORIES
	CONTRACTED SERVICES
	FROM OPERATING TRUST FUND
	Funds in Specific Appropriation 2675A are provided to continue the
	outsourcing of maintenance and support of the Division of Retirement's
	Full Service Information System, previously known as the Re-Engineering
	Improvement Modernization automation project. Of the funds provided,
	\$80,000 shall be used for special project monitoring of the maintenance
	and support of the System, pursuant to section 282.322, Florida
	Statutes. The \$80,000 shall be transferred to the Technology Review
	Workgroup pursuant to the provisions of Chapter 216, Florida Statutes.
2676	SPECIAL CATEGORIES
	OVERTIME
	FROM OPERATING TRUST FUND
2677	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM OPERATING TRUST FUND
	FROM OPTIONAL RETIREMENT PROGRAM TRUST
	FUND
	FROM POLICE AND FIREFIGHTER'S PREMIUM
	TAX TRUST FUND
	FROM RETIREE HEALTH INSURANCE SUBSIDY
	TRUST FUND
2677A	DATA PROCESSING SERVICES
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
	MANAGEMENT SERVICES
	FROM OPERATING TRUST FUND
	FROM OPTIONAL RETIREMENT PROGRAM TRUST
	FUND
	FROM POLICE AND FIREFIGHTER'S PREMIUM
	TAX TRUST FUND
2679	PENSIONS AND BENEFITS
	DISABILITY BENEFITS TO JUSTICES AND JUDGES
	FROM GENERAL REVENUE FUND

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2680	PENSIONS AND BENEFITS
	FLORIDA NATIONAL GUARD
	FROM GENERAL REVENUE FUND
2681	PENSIONS AND BENEFITS
	SPECIAL PENSIONS AND RELIEF ACTS
	FROM GENERAL REVENUE FUND
2682	PENSIONS AND BENEFITS
	STATE OFFICERS AND EMPLOYEES (NON-
	CONTRIBUTORY)
	FROM GENERAL REVENUE FUND
2683	PENSIONS AND BENEFITS
	TEACHER'S SPECIAL PENSIONS
	FROM GENERAL REVENUE FUND
TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION	
	FROM GENERAL REVENUE FUND
	FROM TRUST FUNDS
	TOTAL POSITIONS
	TOTAL ALL FUNDS
PROGRAM: TECHNOLOGY PROGRAM	
	From funds in Specific Appropriations 2684 through 2733, the Technology
	Program will meet the following standards as required by the Government
	Performance and Accountability Act of 1994:
	=====
	Performance FY 2001-2002
	Measures - Outcomes Standards

	1. Aggregated discount from commercially available rates for
	voice and data services.....31.82%
	2. Percent of state covered by the Joint Task Force Radio
	System 58%
	=====
	Additional approved performance measures and standards are established
	in the FY 2001-2002 Implementing Bill and are incorporated herein by
	reference.
TELECOMMUNICATIONS SERVICES	
2684	SALARIES AND BENEFITS POSITIONS 98
	FROM COMMUNICATIONS WORKING CAPITAL
	TRUST FUND
2685	OTHER PERSONAL SERVICES
	FROM COMMUNICATIONS WORKING CAPITAL
	TRUST FUND
2686	EXPENSES
	FROM COMMUNICATIONS WORKING CAPITAL
	TRUST FUND
	FROM WIRELESS EMERGENCY TELEPHONE SYSTEM
	TRUST FUND
2686A	AID TO LOCAL GOVERNMENTS
	CITY OF MARGATE FIBER OPTIC CABLE
	EXPANSION - BROWARD COUNTY
	FROM GENERAL REVENUE FUND
2686B	AID TO LOCAL GOVERNMENTS
	CITY OF COCONUT CREEK FIBER CONNECTION
	PROJECT - BROWARD COUNTY
	FROM GENERAL REVENUE FUND
2687	AID TO LOCAL GOVERNMENTS
	DISTRIBUTIONS TO COUNTIES - WIRELESS 911
	TELEPHONE SYSTEMS

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FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND		21,821,200
From the funds in Specific Appropriation 2687, the following projects are funded:		
Enhanced 911 Program - Lafayette County.....	100,000	
911 Operations - Union County.....	125,000	
911 Addressing and Signage - Dixie County.....	100,000	
2688 AID TO LOCAL GOVERNMENTS		
DISTRIBUTIONS TO SERVICE PROVIDERS - WIRELESS 911 TELEPHONE SYSTEMS		
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND		25,454,520
2689 OPERATING CAPITAL OUTLAY		
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		100,000
2690 SPECIAL CATEGORIES		
CENTREX AND SUNCOM PAYMENTS		
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		124,775,624
2691 SPECIAL CATEGORIES		
TELECOMMUNICATIONS INFRASTRUCTURE PROJECT SYSTEMS (TIPS)		
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		5,000,000
2693 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		8,377
2693A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		1,028,162
TOTAL: TELECOMMUNICATIONS SERVICES		
FROM GENERAL REVENUE FUND	335,000	
FROM TRUST FUNDS		184,946,431
TOTAL POSITIONS	98	
TOTAL ALL FUNDS		185,281,431
WIRELESS SERVICES		
2695 SALARIES AND BENEFITS	POSITIONS	26
FROM GENERAL REVENUE FUND		786,658
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		114,304
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		765,660
2696 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND		4,000
2697 EXPENSES		
FROM GENERAL REVENUE FUND		55,375
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		65,617
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		508,785
2698 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND		4,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		20,000

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2698A SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		3,225,104
2699 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	1,100	
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		169
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		2,457
2699A SPECIAL CATEGORIES		
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM CONTRACT PAYMENT		
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		20,000,000
From the funds in Specific Appropriation 2699A, from the Statewide Law Enforcement Radio Trust Fund, the State Technology Office shall pay the outsourcing vendor pursuant to the contract executed for implementation of the Statewide Law Enforcement Radio System. The payments shall not exceed the net trust fund proceeds for the fiscal year.		
TOTAL: WIRELESS SERVICES		
FROM GENERAL REVENUE FUND	851,133	
FROM TRUST FUNDS		24,702,096
TOTAL POSITIONS	26	
TOTAL ALL FUNDS		25,553,229
INFORMATION SERVICES		
2700 SALARIES AND BENEFITS	POSITIONS	142
FROM GENERAL REVENUE FUND		1,137,822
FROM WORKING CAPITAL TRUST FUND		6,115,778
2701 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	160,000	
FROM WORKING CAPITAL TRUST FUND		2,005,500
2702 EXPENSES		
FROM GENERAL REVENUE FUND	1,198,172	
FROM GRANTS AND DONATIONS TRUST FUND		4,300,000
FROM WORKING CAPITAL TRUST FUND		5,688,399
2703 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	90,000	
FROM WORKING CAPITAL TRUST FUND		4,565,000
2705 SPECIAL CATEGORIES		
DATA CENTER RESEARCH AND DEVELOPMENT		
FROM WORKING CAPITAL TRUST FUND		750,000
2711 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM WORKING CAPITAL TRUST FUND		2,500,000
Funds in Specific Appropriation 2711, from the Working Capital Trust Fund, are provided to continue enterprise-wide Independent Research and Advisory Services regarding information technology. These services shall be available to all state entities to assist in the acquisition and management of information technology resources. The Department of Management Services may develop an allocation methodology to provide for the cost-recovery of these funds, if appropriate, subject to the notice and review procedures in section 216.177, Florida Statutes.		
The department shall provide summary information regarding Fiscal Year 2000-2001 usage of these services and the resulting cost savings in a report to the Governor's Office of Policy and Budget, the House Fiscal Responsibility Council, and the Senate Appropriations Committee by September 1, 2001.		

SECTION 6 SPECIFIC APPROPRIATION			
2718	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM WORKING CAPITAL TRUST FUND	6,567	27,999
2726A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND	2,000	
TOTAL:	INFORMATION SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS	2,594,561	25,952,676
	TOTAL POSITIONS TOTAL ALL FUNDS	142	28,547,237
STATE TECHNOLOGY OFFICE			
2729	SALARIES AND BENEFITS POSITIONS 4 FROM GENERAL REVENUE FUND	369,964	
2730	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	11,925	
2731	EXPENSES FROM GENERAL REVENUE FUND	143,441	
2732	SPECIAL CATEGORIES STATE PORTAL DEVELOPMENT FROM GRANTS AND DONATIONS TRUST FUND		4,000,000
2733	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	799	
TOTAL:	STATE TECHNOLOGY OFFICE FROM GENERAL REVENUE FUND FROM TRUST FUNDS	526,129	4,000,000
	TOTAL POSITIONS TOTAL ALL FUNDS	4	4,526,129
PROGRAM: CORRECTIONAL PRIVATIZATION COMMISSION			
PRIVATE PRISONS OPERATIONS			
2734	SALARIES AND BENEFITS POSITIONS 10 FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	256,507	364,340
2735	EXPENSES FROM GENERAL REVENUE FUND	30	
2736	SPECIAL CATEGORIES CORRECTIONAL PRIVATIZATION COMMISSION FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	237,544	89,727
2737	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	235	547
2737A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND	6,336	
TOTAL:	PRIVATE PRISONS OPERATIONS FROM GENERAL REVENUE FUND FROM TRUST FUNDS	500,652	454,614

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	TOTAL POSITIONS	10	
	TOTAL ALL FUNDS		955,266
PROGRAM: COMMISSION ON HUMAN RELATIONS			
From funds in Specific Appropriations 2739 through 2744A, the Commission on Human Relations will meet the following standards as required by the Government Performance and Accountability Act of 1994:			
=====			
	Performance	FY 2001-2002	
	Measures - Outcomes	Standards	

	Percent of civil rights cases resolved within 120 days after		
	filing.....	60%	
=====			
HUMAN RELATIONS			
2739	SALARIES AND BENEFITS POSITIONS 72 FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	2,466,034	547,946
2740	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	37,800	77,040
2741	EXPENSES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	520,266	154,160
2741A	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	1,736	
2742	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	185,729	11,907
2743	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GRANTS AND DONATIONS TRUST FUND		36,000
2744	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	4,806	867
2744A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GRANTS AND DONATIONS TRUST FUND		100,000
TOTAL:	HUMAN RELATIONS FROM GENERAL REVENUE FUND FROM TRUST FUNDS	3,216,371	927,920
	TOTAL POSITIONS TOTAL ALL FUNDS	72	4,144,291
PROGRAM: ADMINISTRATIVE HEARINGS			
From funds in Specific Appropriations 2446 through 2751, the Administrative Hearings Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:			
=====			
	Performance	FY 2001-2002	
	Measures - Outcomes	Standards	

	Percent of cases closed within 120 days after filling.....	73%	
=====			

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

ADJUDICATION OF DISPUTES

From the funds in Specific Appropriations 2746 through 2751, the division shall be reimbursed for administrative law judge services by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, universities, the Board of Regents, the Florida School for the Deaf and Blind, the State Board of Independent Colleges and Universities, and the State Board of Independent Vocational, Technical, Trade, and Business Schools. Reimbursement for administrative law judge services shall be made by these entities at a rate not less than the contract rate in effect on July 1, 2001. Reimbursement for administrative law judge travel expenses attributable to hearings conducted on behalf of these entities shall be made by these entities.

2746	SALARIES AND BENEFITS	POSITIONS	80	
	FROM ADMINISTRATIVE TRUST FUND			6,650,475
2747	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			481,242
2748	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND			1,233,418
2749	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND			71,550
2751	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM ADMINISTRATIVE TRUST FUND			19,826
TOTAL: ADJUDICATION OF DISPUTES				
	FROM TRUST FUNDS			8,456,511
	TOTAL POSITIONS	80		
	TOTAL ALL FUNDS			8,456,511

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

From the funds in Specific Appropriations 2753 through 2775A the Readiness and Response Program shall meet the following standards as required by the Government Performance and Accountability Act of 1994, to provide military unit and personnel (at the Governor's request) that are ready to protect life and property; preserve peace, order and public safety; and to contribute to such state and local programs that add value to the State of Florida:

=====	
Performance	FY 2001-2002
Measures	Standards
.....	
OUTCOMES:	
.....	
Percent of supported agencies reporting satisfaction with the	
department's support for specific missions.....90%	
Percent of funded positions available for state deployment99.5%	
Additional Approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
=====	

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APPROPRIATION
DRUG INTERDICTION AND PREVENTION

2753	SALARIES AND BENEFITS			
	FROM GENERAL REVENUE FUND			50,000
2754	EXPENSES			
	FROM GENERAL REVENUE FUND			150,000
	FROM ARMORY BOARD TRUST FUND			5,000,000
	FROM FEDERAL EQUITABLE SHARING/LAW			
	ENFORCEMENT TRUST FUND			723,000
2755	OPERATING CAPITAL OUTLAY			
	FROM FEDERAL EQUITABLE SHARING/LAW			
	ENFORCEMENT TRUST FUND			75,000
TOTAL: DRUG INTERDICTION AND PREVENTION				
	FROM GENERAL REVENUE FUND			200,000
	FROM TRUST FUNDS			5,798,000
	TOTAL ALL FUNDS			5,998,000

MILITARY READINESS

2756	SALARIES AND BENEFITS	POSITIONS	94	
	FROM GENERAL REVENUE FUND			2,290,896
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .			830,055
2757	OTHER PERSONAL SERVICES			
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .			118,172
2758	EXPENSES			
	FROM GENERAL REVENUE FUND			3,059,401
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .			604,566
2759	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND			2,087
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .			186,853
2760	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .			225,000
2761	SPECIAL CATEGORIES			
	NATIONAL GUARD TUITION ASSISTANCE			
	FROM GENERAL REVENUE FUND			2,394,315
2762	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .			85,744
2762A	FIXED CAPITAL OUTLAY			
	FLORIDA READINESS CENTERS REVITALIZATION			
	PLAN - STATEWIDE			
	FROM GENERAL REVENUE FUND			2,000,000
TOTAL: MILITARY READINESS				
	FROM GENERAL REVENUE FUND			9,746,699
	FROM TRUST FUNDS			2,050,390
	TOTAL POSITIONS	94		
	TOTAL ALL FUNDS			11,797,089

MILITARY RESPONSE

2763	SALARIES AND BENEFITS	POSITIONS	3	
	FROM GENERAL REVENUE FUND			210,271
2764	EXPENSES			
	FROM GENERAL REVENUE FUND			234,359
2765	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND			8,358

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TOTAL: MILITARY RESPONSE		
FROM GENERAL REVENUE FUND	452,988	
TOTAL POSITIONS	3	
TOTAL ALL FUNDS		452,988

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2766 SALARIES AND BENEFITS	POSITIONS	48	
FROM GENERAL REVENUE FUND		2,549,186	
FROM ARMORY BOARD TRUST FUND			262,782
2767 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		95,000	
2768 EXPENSES			
FROM GENERAL REVENUE FUND		885,399	
2769 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		43,290	
FROM ARMORY BOARD TRUST FUND			26,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND			47,950
2770 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM GENERAL REVENUE FUND		46,000	
2771 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		116,312	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND		3,735,187	
FROM TRUST FUNDS			336,732
TOTAL POSITIONS	48		
TOTAL ALL FUNDS			4,071,919

FEDERAL/STATE COOPERATIVE AGREEMENTS

2772 SALARIES AND BENEFITS	POSITIONS	132	
FROM ARMORY BOARD TRUST FUND			4,554,824
2773 OTHER PERSONAL SERVICES			
FROM ARMORY BOARD TRUST FUND			247,000
2774 EXPENSES			
FROM ARMORY BOARD TRUST FUND			17,171,444
2775 OPERATING CAPITAL OUTLAY			
FROM ARMORY BOARD TRUST FUND			126,000
2775A SPECIAL CATEGORIES			
GRANTS AND AIDS - WAGES CONTRACTING WITH			
MILITARY AFFAIRS			
FROM ARMORY BOARD TRUST FUND			4,300,000

Funds in Specific Appropriation 2775A are provided for the About Face Program (\$2,500,000) and the Forward March Program (\$1,800,000). The source of funds for these expenditures is the Temporary Assistance for Needy Families (TANF) Block Grant.

From the funds in Specific Appropriation 2775A, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

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The Agency Head or his designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS		
FROM TRUST FUNDS		26,399,268
TOTAL POSITIONS	132	
TOTAL ALL FUNDS		26,399,268

PUBLIC SERVICE COMMISSION

PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE

From the funds in Specific Appropriations 2777 through 2786, the Utilities Regulation/Consumer Assistance Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide a regulatory environment that facilitates the provision of desired utility services of acceptable quality at fair prices.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Limit in the percent increase in annual utility bill for average residential usage compared to inflation as measured by the Consumer Price Index within:	1%
Consumer calls:	
Percent of calls answered	83%
Average waiting time	2.0 min.
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2777 SALARIES AND BENEFITS	POSITIONS	386	
FROM REGULATORY TRUST FUND			20,670,541
2778 OTHER PERSONAL SERVICES			
FROM REGULATORY TRUST FUND			386,714
2779 EXPENSES			
FROM REGULATORY TRUST FUND			4,825,511
2780 OPERATING CAPITAL OUTLAY			
FROM REGULATORY TRUST FUND			387,546
2781 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM REGULATORY TRUST FUND			13,101
2783 SPECIAL CATEGORIES			
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
FROM REGULATORY TRUST FUND			15,616
2784 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM REGULATORY TRUST FUND			42,230
2785 SPECIAL CATEGORIES			
ENERGY 2020 STUDY COMMISSION			
FROM REGULATORY TRUST FUND			125,000

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2785A	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES FOR LIFELINE ENROLLMENT FROM REGULATORY TRUST FUND	500,000	
2786	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES FROM REGULATORY TRUST FUND	78,548	
TOTAL: PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE FROM TRUST FUNDS		27,044,807	
	TOTAL POSITIONS	386	
	TOTAL ALL FUNDS	27,044,807	

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2787	SALARIES AND BENEFITS	POSITIONS	365	
	FROM GENERAL REVENUE FUND		8,142,506	
	FROM ADMINISTRATIVE TRUST FUND			4,938,706
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND			16,976
	FROM GRANTS AND DONATIONS TRUST FUND			4,705,591
2788	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			437,740
2789	EXPENSES			
	FROM GENERAL REVENUE FUND	28,132		
	FROM ADMINISTRATIVE TRUST FUND		2,149,861	
	FROM GRANTS AND DONATIONS TRUST FUND		732,862	

Funds in Specific Appropriation 2789 are authorized for a commission to consult with the Department of Revenue to develop the most practicable methodology in determining the correct property situs for collecting the excise taxes as provided in sections 175.101 and 185.08, Florida Statutes. The Commission shall be comprised of thirteen members appointed as follows. The Governor shall appoint seven members; three of which shall be representatives from the Florida Police Benevolent Association, Inc., three of which shall be representatives from the Florida Professional firefighters, and one of which shall be a representative of the Municipal and Firefighters Section of the Florida Retirement System. The President of the Senate shall appoint four members; one of which shall be a representative from the Florida Insurance Council representing personal lines insurers, one of which shall be a person with an accounting and legal background familiar with insurance related taxes in Florida, one person who shall be a representative of the Florida League of Cities, and the chair of the Senate Finance and Tax or designee. The Speaker of the House shall appoint four members, one which shall be a representative from the American Insurance Association representing commercial insurers, one of which shall be a person with a legal background familiar with insurance related taxes in Florida and one who shall be a representative of the Florida League of Cities, and the chair of the Fiscal Policy and Resources or designee.

The Commission shall develop one or more methodologies which appropriately identifies the property location for the collection of excise taxes from insurers. The recommended methodologies shall provide for the distribution of the insurance premium tax in such a way that no municipality or special fire control district will receive in any year less than it received in the year 2001, and it shall provide that each qualified municipality or special fire control district receive an amount of the insurance premium tax revenue which is equal to the percentage required in the relevant sections of Florida Statutes on the total premiums paid for property and casualty risks in that municipality or special fire control district.

The study shall evaluate the impact of various methodologies on participating municipalities and special fire control districts and the

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cost and feasibility for insurers of complying with each methodology. The Commission shall submit to the Legislature by January 1, 2002, a report containing the results of its study and any recommendations. Until July 1, 2002, the Department of Insurance shall not take any action to audit insurers or finalize any pending audits of insurers with respect to the accuracy of coding the location of insured properties for purposes associated with these premium taxes.

All appointments to the Commission shall be made by July 1, 2001. Each Commission member shall be responsible for his/her expenses. The Commission is abolished January 2, 2002. The staffs of the Senate Finance and Taxation Committee and the House Fiscal Policy and Resources Committee shall provide administrative support for the Commission. All meetings of the Commission shall be held in Tallahassee.

2790	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		257,911
2791	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND		179,369
2792	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,946	
	FROM ADMINISTRATIVE TRUST FUND		191,296
	FROM GRANTS AND DONATIONS TRUST FUND		5,423
2792A	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	1,062	
	FROM ADMINISTRATIVE TRUST FUND		910,333
	FROM GRANTS AND DONATIONS TRUST FUND		106

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	8,185,646	
	FROM TRUST FUNDS		14,526,174
	TOTAL POSITIONS	365	
	TOTAL ALL FUNDS		22,711,820

PROGRAM: PROPERTY TAX ADMINISTRATION PROGRAM

From the funds in Specific Appropriations 2793 through 2811, the Property Tax Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to enhance equity in property assessments and taxation throughout the state, and to facilitate equalization of the distribution of required local effort millage:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of classes studied found to have a level of assessment of at least 90 percent.....	97.0%
2. Percent of taxing authorities in total or substantial truth in millage compliance on initial submission.....	97.6%
3. Percent of refund and tax certificate applications processed within 30 days of receipt.....	98%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

PROPERTY TAX COLLECTION OVERSIGHT

2793	SALARIES AND BENEFITS	POSITIONS	16	
	FROM INTANGIBLE TAX TRUST FUND			607,015

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2794	OTHER PERSONAL SERVICES FROM INTANGIBLE TAX TRUST FUND	10,000	
2795	EXPENSES FROM INTANGIBLE TAX TRUST FUND	38,653	
2796	AID TO LOCAL GOVERNMENTS COUNTY TAX FORMS FROM INTANGIBLE TAX TRUST FUND	157,500	
2797	SPECIAL CATEGORIES PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM FROM CERTIFICATION PROGRAM TRUST FUND	90,000	
2798	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INTANGIBLE TAX TRUST FUND	52,377	
TOTAL:	PROPERTY TAX COLLECTION OVERSIGHT FROM TRUST FUNDS	955,545	
	TOTAL POSITIONS	16	
	TOTAL ALL FUNDS	955,545	
PROPERTY TAX ROLL OVERSIGHT			
2799	SALARIES AND BENEFITS POSITIONS FROM INTANGIBLE TAX TRUST FUND	154	7,094,236
2800	OTHER PERSONAL SERVICES FROM INTANGIBLE TAX TRUST FUND		478,170
2801	EXPENSES FROM INTANGIBLE TAX TRUST FUND		1,825,527
2802	AID TO LOCAL GOVERNMENTS AERIAL PHOTOGRAPHY AND MAPPING FROM INTANGIBLE TAX TRUST FUND		714,365
2803	AID TO LOCAL GOVERNMENTS COUNTY TAX FORMS FROM INTANGIBLE TAX TRUST FUND		457,500
2804	OPERATING CAPITAL OUTLAY FROM INTANGIBLE TAX TRUST FUND		109,859
2805	SPECIAL CATEGORIES PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM FROM CERTIFICATION PROGRAM TRUST FUND		210,000
2806	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INTANGIBLE TAX TRUST FUND		106,247
2806A	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER FROM INTANGIBLE TAX TRUST FUND		152,478
TOTAL:	PROPERTY TAX ROLL OVERSIGHT FROM TRUST FUNDS		11,148,382
	TOTAL POSITIONS	154	
	TOTAL ALL FUNDS		11,148,382
TRUTH IN MILLAGE COMPLIANCE			
2807	SALARIES AND BENEFITS POSITIONS FROM INTANGIBLE TAX TRUST FUND	6	277,983
2808	OTHER PERSONAL SERVICES FROM INTANGIBLE TAX TRUST FUND		4,000

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2809	EXPENSES FROM INTANGIBLE TAX TRUST FUND		45,088
2810	AID TO LOCAL GOVERNMENTS AERIAL PHOTOGRAPHY AND MAPPING FROM INTANGIBLE TAX TRUST FUND		9,116
2811	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INTANGIBLE TAX TRUST FUND		30,723
TOTAL:	TRUTH IN MILLAGE COMPLIANCE FROM TRUST FUNDS		366,910
	TOTAL POSITIONS	6	
	TOTAL ALL FUNDS		366,910

PROGRAM: CHILD SUPPORT

From the funds in Specific Appropriations 2812 through 2836A, the Child Support Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percentage of IV D cases with a court order for support...	50%
2. Total child support dollars collected per \$1 of total expenditures.....	\$3.99
3. Percent of current support collected, not including arrears...	50%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CHILD SUPPORT ORDER ESTABLISHMENT

2812	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	1,154	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	8,435,707	4,908,220
	FROM GRANTS AND DONATIONS TRUST FUND		25,923,048
2813	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	81,767	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND		47,497
	FROM GRANTS AND DONATIONS TRUST FUND		283,151
2814	EXPENSES FROM GENERAL REVENUE FUND	2,547,206	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND		938,136
	FROM GRANTS AND DONATIONS TRUST FUND		5,622,261

From the funds in Specific Appropriation 2814, up to \$8,500 from the General Revenue Fund and \$16,500 from the Grants and Donations Trust Fund may be used by the Department of Revenue to conduct a review of the child support guideline schedule in accordance with the federal Family Support Act of 1988, to ensure appropriate determination of child support award amounts. The analysis of economic data derived from the study must be used in Florida's review of the guidelines to ensure that deviations from them are limited.

2815	OPERATING CAPITAL OUTLAY FROM CHILD SUPPORT INCENTIVE TRUST FUND		16,317
2816	SPECIAL CATEGORIES PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT FROM GENERAL REVENUE FUND	4,782,307	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND		2,911,094
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND		80,795
	FROM GRANTS AND DONATIONS TRUST FUND		20,994,788

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2817	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	86,914	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		168,714
2817A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	571,630	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,558,702
TOTAL:	CHILD SUPPORT ORDER ESTABLISHMENT		
	FROM GENERAL REVENUE FUND	16,505,531	
	FROM TRUST FUNDS		68,452,723
	TOTAL POSITIONS	1,154	
	TOTAL ALL FUNDS		84,958,254
CHILD SUPPORT COLLECTION AND DISTRIBUTION			
2818	SALARIES AND BENEFITS POSITIONS	253	
	FROM GENERAL REVENUE FUND	1,890,060	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,034,952
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,676,625
2819	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	23,873	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		9,861
	FROM GRANTS AND DONATIONS TRUST FUND . . .		59,654
2820	EXPENSES		
	FROM GENERAL REVENUE FUND	443,899	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		188,856
	FROM CLERK OF THE COURT CHLD SUPPORT		
	ENFORCEMENT COLLECTION SYSTEM TRUST FUND		50,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,227,291
2821	OPERATING CAPITAL OUTLAY		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		3,696
	FROM GRANTS AND DONATIONS TRUST FUND . . .		73,349
2822	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT		
	ENFORCEMENT		
	FROM GENERAL REVENUE FUND	3,951,078	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,428,400
	FROM CHILD SUPPORT ENFORCEMENT		
	APPLICATION AND USER FEE TRUST FUND . . .		60,414
	FROM CLERK OF THE COURT CHLD SUPPORT		
	ENFORCEMENT COLLECTION SYSTEM TRUST FUND		2,300,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,337,165
2823	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	18,432	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,780
2824	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT INCENTIVE PAYMENTS -		
	POLITICAL SUBDIVISIONS		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		900,000
2824A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	252,765	
	FROM CLERK OF THE COURT CHLD SUPPORT		
	ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,022
	FROM GRANTS AND DONATIONS TRUST FUND . . .		445,536
TOTAL:	CHILD SUPPORT COLLECTION AND DISTRIBUTION		
	FROM GENERAL REVENUE FUND	6,580,107	
	FROM TRUST FUNDS		31,841,601

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	TOTAL POSITIONS	253	
	TOTAL ALL FUNDS		38,421,708
CHILD SUPPORT ENFORCEMENT			
2825	SALARIES AND BENEFITS POSITIONS	609	
	FROM GENERAL REVENUE FUND	4,504,640	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,534,163
	FROM GRANTS AND DONATIONS TRUST FUND . . .		13,672,827
2826	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	58,436	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		25,081
	FROM GRANTS AND DONATIONS TRUST FUND . . .		147,291
2827	EXPENSES		
	FROM GENERAL REVENUE FUND	3,013,659	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		482,263
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,783,649
2828	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		243,076
2829	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT		
	ENFORCEMENT		
	FROM GENERAL REVENUE FUND	4,105,563	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,743,815
	FROM CHILD SUPPORT ENFORCEMENT		
	APPLICATION AND USER FEE TRUST FUND . . .		73,754
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,470,223
2830	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	44,881	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		87,121
2830A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	615,425	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,231,699
TOTAL:	CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	12,342,604	
	FROM TRUST FUNDS		40,494,962
	TOTAL POSITIONS	609	
	TOTAL ALL FUNDS		52,837,566
CHILD SUPPORT CUSTOMER SERVICE			
2831	SALARIES AND BENEFITS POSITIONS	412	
	FROM GENERAL REVENUE FUND	3,069,170	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,695,653
	FROM GRANTS AND DONATIONS TRUST FUND . . .		9,252,106
2832	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	39,924	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		19,561
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,904
2833	EXPENSES		
	FROM GENERAL REVENUE FUND	1,131,165	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		508,539
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,180,264
2834	OPERATING CAPITAL OUTLAY		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		13,987
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,147
2835	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT		
	ENFORCEMENT		

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	FROM GENERAL REVENUE FUND	2,418,199	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND		865,090
	FROM CHILD SUPPORT ENFORCEMENT		
	APPLICATION AND USER FEE TRUST FUND		36,588
	FROM GRANTS AND DONATIONS TRUST FUND		10,630,765
2836	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	30,029	
	FROM GRANTS AND DONATIONS TRUST FUND		58,290
2836A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	411,719	
	FROM GRANTS AND DONATIONS TRUST FUND		2,970,905
TOTAL:	CHILD SUPPORT CUSTOMER SERVICE		
	FROM GENERAL REVENUE FUND	7,100,206	
	FROM TRUST FUNDS		29,481,799
	TOTAL POSITIONS	412	
	TOTAL ALL FUNDS		36,582,005

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

From the funds in Specific Appropriations 2837 through 2875, the General Tax Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Dollars collected voluntarily as a percent of total dollars collected	98%
2. Direct collections per enforcement related dollar spent	\$4.57

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

TAXPAYER REGISTRATION AND EDUCATION

2837	SALARIES AND BENEFITS	POSITIONS	307	
	FROM GENERAL REVENUE FUND		7,216,323	
	FROM ADMINISTRATIVE TRUST FUND			2,944,541
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND			156,383
	FROM GRANTS AND DONATIONS TRUST FUND			2,101,789
2838	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			37,094
2839	EXPENSES			
	FROM GENERAL REVENUE FUND		1,582,011	
	FROM ADMINISTRATIVE TRUST FUND			1,951,313
	FROM GRANTS AND DONATIONS TRUST FUND			497,676
2840	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		48,251	
	FROM ADMINISTRATIVE TRUST FUND			139,492
	FROM GRANTS AND DONATIONS TRUST FUND			4,744
2841	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		35,428	
	FROM ADMINISTRATIVE TRUST FUND			51,026
2841A	DATA PROCESSING SERVICES			
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY			
	FROM GRANTS AND DONATIONS TRUST FUND			319,541

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2842	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND		1,209
	FROM ADMINISTRATIVE TRUST FUND		265,811
TOTAL:	TAXPAYER REGISTRATION AND EDUCATION		
	FROM GENERAL REVENUE FUND		8,883,222
	FROM TRUST FUNDS		8,469,410
	TOTAL POSITIONS	307	
	TOTAL ALL FUNDS		17,352,632

FILING COMPLIANCE

2844	SALARIES AND BENEFITS	POSITIONS	619	
	FROM GENERAL REVENUE FUND		12,447,028	
	FROM ADMINISTRATIVE TRUST FUND			5,414,264
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND			270,243
	FROM GRANTS AND DONATIONS TRUST FUND			3,435,763
2845	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		491,785	
	FROM ADMINISTRATIVE TRUST FUND			682,914
	FROM GRANTS AND DONATIONS TRUST FUND			203,010
2846	EXPENSES			
	FROM GENERAL REVENUE FUND		1,792,361	
	FROM ADMINISTRATIVE TRUST FUND			2,902,836
	FROM GRANTS AND DONATIONS TRUST FUND			1,565,525
2847	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		76,876	
	FROM ADMINISTRATIVE TRUST FUND			1,634,957
	FROM GRANTS AND DONATIONS TRUST FUND			8,822
2848	SPECIAL CATEGORIES			
	PURCHASE OF SERVICES - COLLECTION AGENCIES			
	FROM ADMINISTRATIVE TRUST FUND			122,850
2849	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		42,434	
	FROM ADMINISTRATIVE TRUST FUND			61,119
2849A	DATA PROCESSING SERVICES			
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY			
	FROM GRANTS AND DONATIONS TRUST FUND			594,347
2850	DATA PROCESSING SERVICES			
	REVENUE MANAGEMENT INFORMATION CENTER			
	FROM GENERAL REVENUE FUND		1,448	
	FROM ADMINISTRATIVE TRUST FUND			277,015
TOTAL:	FILING COMPLIANCE			
	FROM GENERAL REVENUE FUND		14,851,932	
	FROM TRUST FUNDS			17,173,665
	TOTAL POSITIONS	619		
	TOTAL ALL FUNDS			32,025,597
REMITTANCE ACCOUNTING				
2852	SALARIES AND BENEFITS	POSITIONS	83	
	FROM GENERAL REVENUE FUND		2,101,259	
	FROM ADMINISTRATIVE TRUST FUND			856,413
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND			45,524
	FROM GRANTS AND DONATIONS TRUST FUND			63,526
2853	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			17,061

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2854	EXPENSES	
	FROM GENERAL REVENUE FUND	319,843
	FROM ADMINISTRATIVE TRUST FUND	394,127
	FROM GRANTS AND DONATIONS TRUST FUND . . .	10,006
2854A	AID TO LOCAL GOVERNMENTS EMERGENCY DISTRIBUTIONS FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND	8,807,042
2854B	AID TO LOCAL GOVERNMENTS INMATE SUPPLEMENTAL DISTRIBUTION FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND	592,958
2855	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	34,127 216,123 95
2856	SPECIAL CATEGORIES PURCHASE OF SERVICES - COLLECTION AGENCIES FROM ADMINISTRATIVE TRUST FUND	6,850
2857	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	9,867 14,209
2857A	DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM GRANTS AND DONATIONS TRUST FUND . . .	6,391
2858	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	339 79,345
TOTAL:	REMITTANCE ACCOUNTING FROM GENERAL REVENUE FUND FROM TRUST FUNDS	2,465,435 11,109,670
	TOTAL POSITIONS	83
	TOTAL ALL FUNDS	13,575,105
ENFORCED COMPLIANCE		
2860	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM CORPORATION TAX ADMINISTRATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	1,635 43,607,148 18,645,762 784,098 7,168,186
2861	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND	63,616
2862	EXPENSES FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM CORPORATION TAX ADMINISTRATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	6,908,842 9,197,989 261,559 1,482,195
2863	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	281,979 659,101 14,040
2864	SPECIAL CATEGORIES CONTRACT AUDITING FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	837,798 1,162,200

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2865	SPECIAL CATEGORIES PURCHASE OF SERVICES - COLLECTION AGENCIES FROM ADMINISTRATIVE TRUST FUND	370,300
2866	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	192,550 277,339
2866A	DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM GRANTS AND DONATIONS TRUST FUND . . .	945,843
2867	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND	6,569 1,367,430
TOTAL:	ENFORCED COMPLIANCE FROM GENERAL REVENUE FUND FROM TRUST FUNDS	51,834,886 42,399,658
	TOTAL POSITIONS	1,635
	TOTAL ALL FUNDS	94,234,544
PROGRAM: INFORMATION SERVICES PROGRAM		
INFORMATION TECHNOLOGY		
2869	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM CORPORATION TAX ADMINISTRATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM WORKING CAPITAL TRUST FUND	165 3,924,977 1,637,452 402,408 409,605 1,331,991
2870	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND FROM WORKING CAPITAL TRUST FUND	793,988 17,680
2871	EXPENSES FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM CORPORATION TAX ADMINISTRATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM WORKING CAPITAL TRUST FUND	143,512 1,870,568 46,617 991,317 4,131,621
2872	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM WORKING CAPITAL TRUST FUND	113,115 34,094 644,879
2873	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM WORKING CAPITAL TRUST FUND	6,872 12,256 3,487
2873A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM WORKING CAPITAL TRUST FUND	354,573
2874	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER FROM ADMINISTRATIVE TRUST FUND	3,421,086
2875	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM ADMINISTRATIVE TRUST FUND	384,000

SECTION 6		
SPECIFIC		
APPROPRIATION		
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	4,075,361	
FROM TRUST FUNDS		16,600,737
TOTAL POSITIONS	165	
TOTAL ALL FUNDS		20,676,098

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

From the funds in Specific Appropriations 2877 through 2894, the Office of the Secretary and Administrative Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to administer the statutory responsibilities of the Secretary of State in regard to International Affairs and to administer the Notary commissions, Apostilles certifications while providing enhanced public access and to help people reach their goals for improved social and economic conditions in Central America and the Caribbean through training and technical assistance.

Performance Measures	FY 2001-2002 Standards
=====	
OUTCOMES:	

Percent of clients who indicate assistance is very responsive, as measured by survey.....	60%
Percent of overseas clients who indicate assistance is very responsive.....	96%
=====	

ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS

2877 SALARIES AND BENEFITS	POSITIONS	10	
FROM GENERAL REVENUE FUND		307,461	
FROM GRANTS AND DONATIONS TRUST FUND			177,574

Funds in Specific Appropriations 2877 through 2887 are provided for the Office of the Secretary and Administrative Services Program in the Department of State. This program includes the Advocating International Business Partnerships Service. As a result of Amendment No. 8 to the State Constitution, the Secretary of State will no longer be an elected constitutional officer or a member of the Cabinet after January 7, 2003. Chapter 2000-258, L.O.F., was based on the recommendations made by the Constitution Transition Task Force regarding which functions the department should continue to perform. One of the recommendations was to transfer responsibility for linkage institutes from the Department of Education to the Department of State. In order to further analyze the various statutory functions of the department during the transition period from a Cabinet agency to an Executive agency, a Joint International Program Review Team, with analytical support from the Office of Program Policy Analysis and Government Accountability shall conduct a review and evaluation of the agency's programs and services. The review team shall consist of the following members: (a) one individual appointed by the Governor; (b) two individuals appointed by the President of the Senate; and (c) two individuals appointed by the Speaker of the House of Representatives. None of the appointees shall be elected officials. The review and evaluation should consider all expenditures from any appropriation made to the Department of State that are related to the Advocating International Business Partnerships Service and the Office of International Affairs for the period of July 1, 1999 through June 30, 2002. The report should include recommendations of which functions the department should continue to perform. The report of the findings and evaluation shall be submitted to the Governor, President of the Senate and the Speaker of the House of Representatives.

2878 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	395,000	

SECTION 6		
SPECIFIC		
APPROPRIATION		
2879 EXPENSES		
FROM GENERAL REVENUE FUND	1,021,805	
FROM GRANTS AND DONATIONS TRUST FUND		80,672
2880 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	30,000	
2881 SPECIAL CATEGORIES		
INTERNATIONAL REPRESENTATION AND ADVOCACY		
FROM GRANTS AND DONATIONS TRUST FUND		150,000
2882 SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA ASSOCIATION OF VOLUNTEER AGENCIES FOR CARIBBEAN ACTION		
FROM GENERAL REVENUE FUND	200,000	
FROM GRANTS AND DONATIONS TRUST FUND		533,212
2883 SPECIAL CATEGORIES		
SISTER CITIES/SISTER STATE GRANTS PROGRAM		
FROM GENERAL REVENUE FUND	100,000	
2884 SPECIAL CATEGORIES		
GRANTS AND AIDS - GOVERNOR'S GULF STATES ACCORD		
FROM GENERAL REVENUE FUND	100,000	
2885 SPECIAL CATEGORIES		
GRANTS AND AIDS - LINKAGE INSTITUTES		
FROM GENERAL REVENUE FUND	200,000	
2886 SPECIAL CATEGORIES		
GRANTS AND AIDS - FREE TRADE AREA OF AMERICAS		
FROM GENERAL REVENUE FUND	150,000	
2887 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	35,000	
TOTAL: ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS		
FROM GENERAL REVENUE FUND	2,539,266	
FROM TRUST FUNDS		941,458
TOTAL POSITIONS	10	
TOTAL ALL FUNDS		3,480,724

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2888 SALARIES AND BENEFITS	POSITIONS	64	
FROM GENERAL REVENUE FUND		2,868,176	
FROM CORPORATIONS TRUST FUND			145,998
FROM DIVISION OF LICENSING TRUST FUND			128,182
2890 EXPENSES			
FROM GENERAL REVENUE FUND	299,202		
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			251,322
2891 OPERATING CAPITAL OUTLAY			
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			21,727
2892 SPECIAL CATEGORIES			
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
FROM GENERAL REVENUE FUND	39,619		
2893 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	5,041		
2894 DATA PROCESSING SERVICES			
OTHER DATA PROCESSING SERVICES			

SECTION 6			
SPECIFIC			
APPROPRIATION			
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			43,173
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND	3,212,038		
FROM TRUST FUNDS		590,402	
TOTAL POSITIONS	64		
TOTAL ALL FUNDS		3,802,440	

PROGRAM: ELECTIONS

From the funds in Specific Appropriations 2895 through 2900, the Elections Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of survey respondents satisfied with services: Quality and timeliness of response.....	90%
Percent of training session/workshop attendees satisfied: Quality of content and applicability of materials presented.....	98%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

ELECTION RECORDS, LAWS AND CODES

2895 SALARIES AND BENEFITS	POSITIONS	45	
FROM GENERAL REVENUE FUND		1,569,531	
FROM PUBLICATIONS REVOLVING TRUST FUND . .			331,097

From the funds and positions in Specific Appropriations 2895 through 2898A, 6 positions and \$629,643 from the General Revenue Fund are provided for Voting System Improvements.

2896 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND	3,150		
FROM PUBLICATIONS REVOLVING TRUST FUND . .		40,320	
2897 EXPENSES			
FROM GENERAL REVENUE FUND	832,543		
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		621,699	
FROM PUBLICATIONS REVOLVING TRUST FUND . .		313,169	
2898 AID TO LOCAL GOVERNMENTS			
PETITION SIGNATURE VERIFICATION			
FROM GENERAL REVENUE FUND	75,000		
2898A OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND	146,172		
2898B SPECIAL CATEGORIES			
VOTING SYSTEMS ASSISTANCE			
FROM GENERAL REVENUE FUND	20,000,000		

Funds in Specific Appropriation 2898B shall be allocated based upon substantive legislation becoming law which directs the use and distribution of funds for voting system improvements. If substantive legislation fails to become law, the Department of State shall submit a detailed plan to the Legislature for the use and distribution of voting system improvement funds. Such plan shall be subject to Legislative notice and review under s. 216.177, Florida Statutes, prior to the release of any funds.

SECTION 6			
SPECIFIC			
APPROPRIATION			
2899 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		30,657	
2900 SPECIAL CATEGORIES			
ELECTION FRAUD PREVENTION			
FROM GENERAL REVENUE FUND		600,000	
TOTAL: ELECTION RECORDS, LAWS AND CODES			
FROM GENERAL REVENUE FUND		23,257,053	
FROM TRUST FUNDS			1,306,285
TOTAL POSITIONS	45		
TOTAL ALL FUNDS		24,563,338	

PROGRAM: HISTORICAL RESOURCES

From the funds in Specific Appropriations 2901 through 2917, the Historical Resources Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Total number of properties protected or preserved.....	7,900
Percentage of customers satisfied with the quality/timeliness of technical assistance provided.....	96%
Number of copies or viewings of publications, including web hits.....	4,000,000
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2901 SALARIES AND BENEFITS	POSITIONS	9	
FROM GENERAL REVENUE FUND		405,287	
2902 EXPENSES			
FROM GENERAL REVENUE FUND		541,339	
FROM OPERATING TRUST FUND			116,450
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			51,583
2903 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		887	
FROM OPERATING TRUST FUND			2,914
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND		947,513	
FROM TRUST FUNDS			170,947
TOTAL POSITIONS	9		
TOTAL ALL FUNDS		1,118,460	

HISTORIC MUSEUMS CONSERVATION

2904 SALARIES AND BENEFITS	POSITIONS	32	
FROM GENERAL REVENUE FUND		975,189	
FROM OPERATING TRUST FUND			130,420
2905 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		125,000	
FROM OPERATING TRUST FUND			135,000

SECTION 6			
SPECIFIC APPROPRIATION			
2906	EXPENSES		
	FROM GENERAL REVENUE FUND	693,083	
	FROM OPERATING TRUST FUND		185,056
2906A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	145,000	
2907	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HISTORIC MUSEUM GRANTS		
	FROM GENERAL REVENUE FUND	500,000	
	FROM OPERATING TRUST FUND		1,425,000
2907A	FIXED CAPITAL OUTLAY		
	OLD CAPITOL - MUSEUM OF GOVERNANCE AND		
	POLITICAL HISTORY - DMS MGD		
	FROM GENERAL REVENUE FUND	400,000	
	FROM CULTURAL INSTITUTIONS TRUST FUND		1,100,000
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST		
	FUND		1,500,000
TOTAL: HISTORIC MUSEUMS CONSERVATION			
	FROM GENERAL REVENUE FUND	2,838,272	
	FROM TRUST FUNDS		4,475,476
	TOTAL POSITIONS	32	
	TOTAL ALL FUNDS		7,313,748
HISTORIC PROPERTIES PRESERVATION			
2908	SALARIES AND BENEFITS		
	FROM GENERAL REVENUE FUND	1,147,631	
	FROM OPERATING TRUST FUND		130,030
2909	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND		385,488
2910	EXPENSES		
	FROM GENERAL REVENUE FUND	326,470	
	FROM OPERATING TRUST FUND		275,000
2911	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		122,500
2912	SPECIAL CATEGORIES		
	HISTORIC PRESERVATION GRANTS		
	FROM OPERATING TRUST FUND		2,585,870
2912A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AIDS - SPECIAL CATEGORIES -		
	ACQUISITION, RESTORATION OF HISTORIC		
	PROPERTIES		
	FROM GENERAL REVENUE FUND	17,216,358	
Funds in Specific Appropriation 2912A are provided to fund the historical preservation projects that were selected in accordance with Rule 1A-35.007, Florida Administrative Code.			
2912B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	HISTORICAL PROJECTS		
	FROM GENERAL REVENUE FUND	480,000	
Funds in Specific Appropriation 2912B are provided for the following programs and projects:			
	Old Courthouse Exterior Restoration.....	230,000	
	Biltmore Complex in Coral Gables.....	250,000	
TOTAL: HISTORIC PROPERTIES PRESERVATION			
	FROM GENERAL REVENUE FUND	19,170,459	
	FROM TRUST FUNDS		3,498,888

SECTION 6			
SPECIFIC APPROPRIATION			
	TOTAL POSITIONS		29
	TOTAL ALL FUNDS		22,669,347
ARCHAEOLOGICAL RESEARCH			
2913	SALARIES AND BENEFITS		
	FROM GENERAL REVENUE FUND		676,465
	FROM GRANTS AND DONATIONS TRUST FUND		325,748
2914	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		27,626
	FROM GRANTS AND DONATIONS TRUST FUND		2,391,410
	FROM OPERATING TRUST FUND		154,981
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST		
	FUND		193,585
2915	EXPENSES		
	FROM GENERAL REVENUE FUND		342,694
	FROM GRANTS AND DONATIONS TRUST FUND		614,850
	FROM OPERATING TRUST FUND		167,726
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST		
	FUND		19,915
2916	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		150,000
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST		
	FUND		11,500
2917	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND		34,746
TOTAL: ARCHAEOLOGICAL RESEARCH			
	FROM GENERAL REVENUE FUND	1,081,531	
	FROM TRUST FUNDS		4,029,715
	TOTAL POSITIONS	26	
	TOTAL ALL FUNDS		5,111,246

PROGRAM: CORPORATIONS

From the funds in Specific Appropriations 2918 through 2922, the Corporations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent client satisfaction with the division's services.....	91%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMMERCIAL RECORDINGS AND REGISTRATIONS			
2918	SALARIES AND BENEFITS		
	FROM CORPORATIONS TRUST FUND		194
			7,437,943
Funds in Specific Appropriation 2918 through 2922 reflect creation of a Florida secured transaction registry, which shall be maintained by another entity under contract, for the filings under Chapter 679, Florida Statutes. These funds are contingent upon substantive legislation becoming law creating the secured transaction registry and a successful contracting process. In the event that such substantive legislation does not become law, or the contracting process fails, the Executive Office of the Governor is authorized to restore positions and budget within the Department of State to administer filings under Chapter 679, Florida Statutes.			

SECTION 6		SPECIFIC APPROPRIATION	
2919	EXPENSES		
	FROM CORPORATIONS TRUST FUND	4,260,924	
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND	180,000	
2919A	OPERATING CAPITAL OUTLAY		
	FROM CORPORATIONS TRUST FUND	79,950	
2920	SPECIAL CATEGORIES		
	RICO ACT - ALIEN CORPORATIONS		
	FROM CORPORATIONS TRUST FUND	200,000	
2921	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CORPORATIONS TRUST FUND	11,964	
2922	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM CORPORATIONS TRUST FUND	249,361	
TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS			
	FROM TRUST FUNDS	12,420,142	
	TOTAL POSITIONS	194	
	TOTAL ALL FUNDS	12,420,142	

PROGRAM: LIBRARY AND INFORMATION SERVICES

From the funds in Specific Appropriations 2923 through 2931A, the Library and Information Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards

OUTCOMES:	

Annual increase in use of public library services.....	2%
Annual increase in usage of research collections.....	3%
(State Library)	
Annual cost-avoidance achieved by government agencies through records storage/disposition/micrographics.....	\$58,000,000

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
=====	

LIBRARY, ARCHIVES AND INFORMATION SERVICES

2923	SALARIES AND BENEFITS	POSITIONS	120	
	FROM GENERAL REVENUE FUND		2,956,399	
	FROM LIBRARY SERVICES TRUST FUND			660,526
	FROM RECORDS MANAGEMENT TRUST FUND			1,019,599
2924	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	136,466		
	FROM LIBRARY SERVICES TRUST FUND		75,826	
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		298,984	
	FROM RECORDS MANAGEMENT TRUST FUND		16,122	
2925	EXPENSES			
	FROM GENERAL REVENUE FUND	2,098,881		
	FROM LIBRARY SERVICES TRUST FUND		425,121	
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		624,795	
	FROM RECORDS MANAGEMENT TRUST FUND		542,305	

SECTION 6		SPECIFIC APPROPRIATION	
2926	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - HISTORICAL RECORDS GRANTS		
	FROM LIBRARY SERVICES TRUST FUND		25,000
2926A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LIBRARY COOPERATIVES		
	FROM GENERAL REVENUE FUND	1,200,000	
2927	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LIBRARY GRANTS		
	FROM GENERAL REVENUE FUND	32,400,000	
	FROM LIBRARY SERVICES TRUST FUND		6,370,003
2928	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	40,385	
	FROM LIBRARY SERVICES TRUST FUND		7,522
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		186,500
	FROM RECORDS MANAGEMENT TRUST FUND		63,197
2928A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LITERACY GRANTS		
	FROM GENERAL REVENUE FUND	250,000	
2929	SPECIAL CATEGORIES		
	LIBRARY RESOURCES		
	FROM GENERAL REVENUE FUND	611,389	
	FROM LIBRARY SERVICES TRUST FUND		257,497
2930	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	84,718	
2931	FIXED CAPITAL OUTLAY		
	LIBRARY CONSTRUCTION GRANTS		
	FROM GENERAL REVENUE FUND	6,287,137	
Funds in Specific Appropriation 2931 are to be expended for library construction projects that are in compliance with Section 257.191, Florida Statutes, and Chapter 1B-2.011, Florida Administrative Code.			
2931A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	LIBRARY PROJECTS		
	FROM GENERAL REVENUE FUND	200,000	
Funds in Specific Appropriation 2931A are provided for the construction of the Fort Walton Beach Library.			
TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES			
	FROM GENERAL REVENUE FUND	46,265,375	
	FROM TRUST FUNDS		10,572,997
	TOTAL POSITIONS	120	
	TOTAL ALL FUNDS		56,838,372

PROGRAM: CULTURAL AFFAIRS

From the funds in Specific Appropriations 2932 through 2947A, the Cultural Affairs Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards

OUTCOMES:	

Attendance at supported cultural events.....	22,100,000
Number of individuals served by professional	

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|associations.....4,000,000 |
|
|Additional approved performance measures and standards are |
|established in the FY 2001-2002 Implementing Bill and are |
|incorporated herein by reference. |
=====

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2932 SALARIES AND BENEFITS POSITIONS 19
FROM GENERAL REVENUE FUND 532,292
FROM FINE ARTS COUNCIL TRUST FUND 255,398

2933 OTHER PERSONAL SERVICES
FROM FINE ARTS COUNCIL TRUST FUND 20,600
FROM CULTURAL INSTITUTIONS TRUST FUND 79,500

2934 EXPENSES
FROM GENERAL REVENUE FUND 67,787
FROM COCONUT GROVE PLAYHOUSE TRUST FUND 218,255
FROM FINE ARTS COUNCIL TRUST FUND 199,486
FROM CULTURAL INSTITUTIONS TRUST FUND 109,936
FROM PUBLIC ACCESS DATA SYSTEMS TRUST
FUND 51,156

2935 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,818

2936 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ARTS LICENSE
PLATES
FROM FINE ARTS COUNCIL TRUST FUND 750,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 615,897
FROM TRUST FUNDS 1,684,331

TOTAL POSITIONS 19
TOTAL ALL FUNDS 2,300,228

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

2938 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS GRANTS
FROM FINE ARTS COUNCIL TRUST FUND 130,279
FROM CULTURAL INSTITUTIONS TRUST FUND 2,700,000

2939 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCIENCES GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND 500,000

2940 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS IN EDUCATION GRANTS
FROM GENERAL REVENUE FUND 250,000
FROM CULTURAL INSTITUTIONS TRUST FUND 250,000

2941 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL ARTS AGENCIES/
STATE SERVICE ORGANIZATIONS
FROM CULTURAL INSTITUTIONS TRUST FUND 400,000

2942 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - YOUTH AND CHILDREN'S
MUSEUMS GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND 250,000

2942A SPECIAL CATEGORIES
GRANTS AND AIDS - FINE ARTS ENDOWMENT
FROM GENERAL REVENUE FUND 1,440,000

Funds provided in Specific Appropriation 2942A are to be divided
equally among the following organizations: Bok Tower Gardens

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Foundation; Caldwell Theatre Company; South Florida Art Center; Florida
Holocaust Museum; MOSAIC; and Mote Marine Laboratory.

2943 SPECIAL CATEGORIES
GRANTS AND AIDS - CHALLENGE GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND 300,000

2944 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL EXCHANGE
PROGRAM
FROM CULTURAL INSTITUTIONS TRUST FUND 250,000

2945 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL INSTITUTIONS
FROM CULTURAL INSTITUTIONS TRUST FUND 6,495,872

2946 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR
THE HUMANITIES
FROM GENERAL REVENUE FUND 278,655
FROM CULTURAL INSTITUTIONS TRUST FUND 151,345

2946A SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL PROJECTS
FROM GENERAL REVENUE FUND 2,008,000

Funds in Specific Appropriation 2946A are provided for the following
programs and projects:

Freedom Towers Museum - Dade..... 100,000
African American Museum of the Arts - Volusia..... 30,000
Smithsonian Marine Station Extension-Public Outreach & Educ 155,000
Bay of Pigs Museum & Library - Dade..... 63,000
Miami Beach Holocaust Memorial..... 100,000
Islamorada Restoration of Pacific Reef Lighthouse..... 10,000
Hallandale Cultural Community Center..... 50,000
Tarpon Springs Heritage Museum & Park..... 150,000
Brandon Main Street Project - Paul's Drive Improvement.... 600,000
South Florida Museum/Bishop Planetarium..... 750,000

2947 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM CULTURAL INSTITUTIONS TRUST FUND 200,000

2947A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES -
CULTURAL FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 16,069,740

From the funds in Specific Appropriation 2947A are provided to fund the
cultural facility projects that were selected, in accordance with Rule
1T-1.001, Florida Administrative Code, and Section 265.701, Florida
Statutes.

TOTAL: CULTURAL SUPPORT AND DEVELOPMENT GRANTS
FROM GENERAL REVENUE FUND 20,046,395
FROM TRUST FUNDS 11,627,496

TOTAL ALL FUNDS 31,673,891

PROGRAM: LICENSING

From the funds in Specific Appropriations 2948 through 2953, the
Licensing Program shall meet the following performance standards as
required by the Government Performance and Accountability Act of 1994:

=====

Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

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Percent of Security, Investigative and Recovery licenses issued within 90 days of receipt of an application.....87%	
Percent of license revocations or suspensions initiated within 20 days of receipt of disqualifying information (all license types).....85%	
Percent/number of Concealed Weapon/Firearm licenses issued within 90 day statutory timeframe without fingerprint results.....7%/1,978	
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMPLIANCE AND ENFORCEMENT

2948 SALARIES AND BENEFITS	POSITIONS	136	
FROM DIVISION OF LICENSING TRUST FUND . . .			5,133,974
2949 OTHER PERSONAL SERVICES			
FROM DIVISION OF LICENSING TRUST FUND . . .			362,233
2950 EXPENSES			
FROM DIVISION OF LICENSING TRUST FUND . . .			5,701,654
2951 OPERATING CAPITAL OUTLAY			
FROM DIVISION OF LICENSING TRUST FUND . . .			589,534
2952 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM DIVISION OF LICENSING TRUST FUND . . .			102,000
2953 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM DIVISION OF LICENSING TRUST FUND . . .			48,729
TOTAL: COMPLIANCE AND ENFORCEMENT			
FROM TRUST FUNDS			11,938,124
	TOTAL POSITIONS	136	
	TOTAL ALL FUNDS		11,938,124

HISTORIC PRESERVATION BOARDS

PROGRAM: HISTORIC PENSACOLA PRESERVATION BOARD

From the funds in Specific Appropriations 2953A through 2953D, the Historic Pensacola Preservation Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Number of visitors to Board managed properties.....150,000	
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
=====	

HISTORIC PROPERTIES MANAGEMENT

2953A SALARIES AND BENEFITS	POSITIONS	14
FROM GENERAL REVENUE FUND		507,029
2953B OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND		53,304

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SPECIFIC
APPROPRIATION

2953C EXPENSES		
FROM GENERAL REVENUE FUND		21,447
2953D SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND		64,338
2953E SPECIAL CATEGORIES		
HISTORIC PENSACOLA PROJECTS		
FROM GENERAL REVENUE FUND		2,650,000

Funds in Specific Appropriation 2953E are provided for the following programs and projects:

Historic Preservation Board.....	2,000,000
T.T. Wentworth Museum and Historic Pensacola Village.....	650,000

TOTAL: HISTORIC PROPERTIES MANAGEMENT

FROM GENERAL REVENUE FUND	3,296,118
TOTAL POSITIONS	14
TOTAL ALL FUNDS	3,296,118

PROGRAM: RINGLING MUSEUM OF ART

RINGLING MUSEUM OPERATIONS

2953F SPECIAL CATEGORIES		
TRANSFER RINGLING FUNDING TO THE FLORIDA STATE UNIVERSITY		
FROM CULTURAL INSTITUTIONS TRUST FUND . . .		2,256,646

TOTAL OF SECTION 6	POSITIONS	21,128
FROM GENERAL REVENUE FUND		818,792,364
FROM TRUST FUNDS		2289,859,817
TOTAL ALL FUNDS		3108,652,181

SECTION 7 - JUDICIAL BRANCH

The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

The agencies receiving appropriations from the judicial branch section of this act must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget by November 1, 2001 detailing the following for FY 2000-01:

1. Number and percentage of employees who separate from the agency during the fiscal year (including the position numbers for vacated positions);
2. Total salaries and benefits lapse funding generated by vacancies that exceed the appropriated lapse;
3. Amount of salaries and benefits lapse funding spent from the salaries and benefits category for legislatively authorized bonuses and/or special pay increases;
4. Amount of salaries and benefits lapse funding transferred to cover expenditures other than salaries and benefits, such as expense, OPS, etc., and an explanation why such expenditures were necessary; and
5. Management plan to reduce employee turnover and resulting vacancy rates for FY 02-03.

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APPROPRIATION
STATE COURT SYSTEM

In the event of a General Revenue shortfall in an amount which requires the Chief Justice to make budget reductions pursuant to Chapter 216, Florida Statutes, funds in Specific Appropriations 2954 through 3033, provided to pay the salaries of judges and their judicial assistants, retired judges, court reporter services, juror meals and lodging, and juror and witness payments, shall be deducted from the total amount of judicial branch General Revenue monies against which an across the board percentage reduction may be applied pursuant to section 216.221 (3), Florida Statutes.

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

2954	SALARIES AND BENEFITS	POSITIONS	88	
	FROM GENERAL REVENUE FUND		5,656,927	
2955	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		133,278	
2956	EXPENSES			
	FROM GENERAL REVENUE FUND		1,065,118	
2957	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		72,945	
2958	SPECIAL CATEGORIES			
	DISCRETIONARY FUNDS OF THE CHIEF JUSTICE			
	FROM GENERAL REVENUE FUND		5,000	
Funds in Specific Appropriation 2958 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice.				
2959	SPECIAL CATEGORIES			
	SUPREME COURT LAW LIBRARY			
	FROM GENERAL REVENUE FUND		339,597	
2960	SPECIAL CATEGORIES			
	COMPUTER SUBSCRIPTION SERVICES			
	FROM GENERAL REVENUE FUND		189,010	
TOTAL: COURT OPERATIONS - SUPREME COURT				
	FROM GENERAL REVENUE FUND		7,461,875	
	TOTAL POSITIONS		88	
	TOTAL ALL FUNDS		7,461,875	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2961	SALARIES AND BENEFITS	POSITIONS	132	
	FROM GENERAL REVENUE FUND		6,123,601	
	FROM COURT EDUCATION TRUST FUND		180,040	
	FROM MEDIATION AND ARBITRATION TRUST FUND		282,568	
	FROM GRANTS AND DONATIONS TRUST FUND		331,935	
	FROM FAMILY COURTS TRUST FUND		325,826	
2962	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		259,738	
	FROM COURT EDUCATION TRUST FUND		158,500	
	FROM MEDIATION AND ARBITRATION TRUST FUND		265,000	
	FROM GRANTS AND DONATIONS TRUST FUND		85,000	
	FROM FAMILY COURTS TRUST FUND		14,600	
2963	EXPENSES			
	FROM GENERAL REVENUE FUND		1,533,202	
	FROM COURT EDUCATION TRUST FUND		1,259,447	

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	FROM MEDIATION AND ARBITRATION TRUST FUND		212,024
	FROM GRANTS AND DONATIONS TRUST FUND		94,697
	FROM FAMILY COURTS TRUST FUND		59,574
2964	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		949,652
2965	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		97,318
2966	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND		134,086
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND		9,097,597
	FROM TRUST FUNDS		3,269,211
	TOTAL POSITIONS		132
	TOTAL ALL FUNDS		12,366,808

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2967	AID TO LOCAL GOVERNMENTS		
	CONFLICT COUNSEL DEMONSTRATION PROJECT		
	FROM COUNTY ARTICLE V TRUST FUND		5,707,000

Funds in Specific Appropriation 2967, from the County Article V Trust Fund, are provided to continue the criminal trial court conflict counsel pilot projects initially approved in the FY 2000-01 General Appropriations Act, as follows:

\$ 285,350 for Polk County;
\$ 4,280,250 for Dade County; and
\$ 1,141,400 for Hillsborough County.

2968	AID TO LOCAL GOVERNMENTS		
	CONTINGENCY FUND FOR SMALL COUNTIES FOR EXTRAORDINARY CASE RELATED EXPENSES		
	FROM COUNTY ARTICLE V TRUST FUND		1,000,000

Funds in Specific Appropriation 2968 are provided for counties with populations less than 90,000 to cover extraordinary and unforeseen criminal trial case-related costs.

2969	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTICLE V		
	FROM COUNTY ARTICLE V TRUST FUND		10,793,268

The funds in Specific Appropriation 2969 shall be distributed as follows: counties with populations less than 90,000 shall each receive a minimum of \$100,000, and the remaining funds shall be distributed among the other counties on a pro-rata basis according to the County Article V Trust Fund distribution plan developed by the Office of the State Courts Administrator. The Office of the State Courts Administrator shall provide a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting describing the distribution of these funds for FY 01-02.

2970	AID TO LOCAL GOVERNMENTS		
	SMALL COUNTY COURTHOUSE FACILITIES		
	FROM COUNTY ARTICLE V TRUST FUND		3,338,186

The funds in Specific Appropriation 2970, are provided for consulting or architectural studies related to the improvement of courthouse facilities, improving court facilities to assure compliance with the Americans with Disabilities Act and other federal and state requirements, other renovations in court facilities, improvements in court security, and other costs paid by the county pursuant to sections

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27.006, 34.171 or 43.28, Florida Statutes, and any other court-ordered improvements, as follows:

Bradford (CBIR 135).....	150,000
Calhoun.....	100,000
Columbia (CBIR 68).....	100,000
Dixie (CBIR 2145).....	100,000
Gilchrist (CBIR 2227).....	250,000
Glades (CBIR 1018).....	250,000
Gulf (CBIR 2069).....	100,000
Hamilton (CBIR 2357).....	250,000
Hardee	413,186
Hendry (CBIR 1884).....	200,000
Holmes (CBIR 197).....	150,000
Lafayette (CBIR 2357).....	150,000
Madison (CBIR 2462).....	75,000
Okeechobee (CBIR 158).....	500,000
Taylor (CBIR 2238).....	150,000
Union (CBIR 446).....	75,000
Walton (CBIR 1526).....	225,000
Washington.....	100,000

2972	SPECIAL CATEGORIES	
	SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT	
	CONFLICT CASES	
	FROM COUNTY ARTICLE V TRUST FUND	250,000

Funds in Specific Appropriation 2972 for Sexually Violent Predator Civil Commitment conflict cases shall be used to compensate court appointed attorneys who are members of the Florida Bar and have been approved by the circuit's conflict committee to handle such cases. Additionally, these funds may be used for case-related expenses associated with Sexually Violent Predator Civil Commitment cases, including, but not limited to, expert witness fees and court reporter costs. If the funds in Specific Appropriation 2972 are insufficient to meet the reasonable and necessary court appointed attorney fees and case-related expenses in Sexually Violent Predator Civil Commitment proceedings, the funds designated for distribution to the counties pursuant to the County Article V Trust Fund distribution plan developed by the Office of the State Courts Administrator may be redirected to cover any deficit in this special appropriation category, in accordance with any applicable provisions of Chapter 216, Florida Statutes.

2973	SPECIAL CATEGORIES	
	COMPENSATION TO RETIRED JUDGES	
	FROM GENERAL REVENUE FUND	2,864,581

2974	SPECIAL CATEGORIES	
	JUDICIAL NOMINATING COMMISSION - EXPENSES	
	FROM GENERAL REVENUE FUND	13,576

2975	SPECIAL CATEGORIES	
	GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES	
	FROM GENERAL REVENUE FUND	5,136,910

2976	SPECIAL CATEGORIES	
	MEALS AND LODGING FOR JURORS	
	FROM GENERAL REVENUE FUND	215,825

2977	SPECIAL CATEGORIES	
	FLORIDA CASES SOUTHERN 2ND REPORTER	
	FROM GENERAL REVENUE FUND	443,035

From the funds in Specific Appropriation 2977, \$41,250 is contingent upon passage of legislation authorizing new judgeships.

2978	SPECIAL CATEGORIES	
	STATEWIDE GRAND JURY - EXPENSES	
	FROM GENERAL REVENUE FUND	157,914

2978A	SPECIAL CATEGORIES	
	GRANTS AND AIDS - COURT REPORTER SERVICES	
	FROM COUNTY ARTICLE V TRUST FUND	3,525,887

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Funds provided in Specific Appropriation 2978A are provided for counties to defray the costs of reporting depositions and court proceedings that are required by law to be covered at public expense. The funds shall be distributed to the counties using a pro-rata distribution based on Fiscal Year 1999-2000 felony filings per county.

2978B	SPECIAL CATEGORIES	
	GRANTS AND AIDS - STATE ATTORNEY AND PUBLIC DEFENDER OPERATIONS	
	FROM COUNTY ARTICLE V TRUST FUND	3,495,589

Funds in Specific Appropriation 2978B shall be distributed to the offices of the State Attorneys and Public Defenders as follows:

STATE ATTORNEYS:	
First Judicial Circuit.....	85,752
Second Judicial Circuit.....	51,249
Third Judicial Circuit.....	29,472
Fourth Judicial Circuit.....	141,054
Fifth Judicial Circuit.....	84,763
Sixth Judicial Circuit.....	174,636
Seventh Judicial Circuit.....	93,663
Eighth Judicial Circuit.....	53,712
Ninth Judicial Circuit.....	128,394
Tenth Judicial Circuit.....	80,218
Eleventh Judicial Circuit.....	334,780
Twelfth Judicial Circuit.....	77,778
Thirteenth Judicial Circuit.....	137,647
Fourteenth Judicial Circuit.....	41,418
Fifteenth Judicial Circuit.....	134,584
Sixteenth Judicial Circuit.....	26,936
Seventeenth Judicial Circuit.....	200,865
Eighteenth Judicial Circuit.....	111,484
Nineteenth Judicial Circuit.....	57,915
Twentieth Judicial Circuit.....	100,205

PUBLIC DEFENDERS:	
First Judicial Circuit.....	62,142
Second Judicial Circuit.....	43,440
Third Judicial Circuit.....	20,416
Fourth Judicial Circuit.....	84,640
Fifth Judicial Circuit.....	42,555
Sixth Judicial Circuit.....	111,667
Seventh Judicial Circuit.....	59,633
Eighth Judicial Circuit.....	37,564
Ninth Judicial Circuit.....	74,048
Tenth Judicial Circuit.....	58,135
Eleventh Judicial Circuit.....	194,791
Twelfth Judicial Circuit.....	50,622
Thirteenth Judicial Circuit.....	103,774
Fourteenth Judicial Circuit.....	29,858
Fifteenth Judicial Circuit.....	98,831
Sixteenth Judicial Circuit.....	23,112
Seventeenth Judicial Circuit.....	118,533
Eighteenth Judicial Circuit.....	52,274
Nineteenth Judicial Circuit.....	38,084
Twentieth Judicial Circuit.....	44,945

TOTAL: COURT OPERATIONS - ADMINISTERED FUNDS	
FROM GENERAL REVENUE FUND	8,831,841
FROM TRUST FUNDS	28,109,930
TOTAL ALL FUNDS	36,941,771

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL

2979	SALARIES AND BENEFITS	POSITIONS	107
	FROM GENERAL REVENUE FUND		7,603,901

2980	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		71,681

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2981	EXPENSES	
	FROM GENERAL REVENUE FUND	731,502
2982	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	53,942
2983	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	24,612
2984	SPECIAL CATEGORIES	
	DISTRICT COURT OF APPEAL LAW LIBRARY	
	FROM GENERAL REVENUE FUND	148,963
TOTAL: COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL		
	FROM GENERAL REVENUE FUND	8,634,601
	TOTAL POSITIONS	107
	TOTAL ALL FUNDS	8,634,601
COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL		
2985	SALARIES AND BENEFITS POSITIONS	98
	FROM GENERAL REVENUE FUND	7,005,630
2986	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	59,629
2987	EXPENSES	
	FROM GENERAL REVENUE FUND	467,752
2988	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	22,297
2989	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	5,264
2990	SPECIAL CATEGORIES	
	DISTRICT COURT OF APPEAL LAW LIBRARY	
	FROM GENERAL REVENUE FUND	148,116
TOTAL: COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL		
	FROM GENERAL REVENUE FUND	7,708,688
	TOTAL POSITIONS	98
	TOTAL ALL FUNDS	7,708,688
COURT OPERATIONS - 3RD DISTRICT COURT OF APPEAL		
2991	SALARIES AND BENEFITS POSITIONS	75
	FROM GENERAL REVENUE FUND	5,589,719
2992	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	144,257
2993	EXPENSES	
	FROM GENERAL REVENUE FUND	436,811
2994	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	34,845
2995	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	9,066
2996	SPECIAL CATEGORIES	
	DISTRICT COURT OF APPEAL LAW LIBRARY	
	FROM GENERAL REVENUE FUND	142,822
TOTAL: COURT OPERATIONS - 3RD DISTRICT COURT OF APPEAL		
	FROM GENERAL REVENUE FUND	6,357,520

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	TOTAL POSITIONS	75
	TOTAL ALL FUNDS	6,357,520
COURT OPERATIONS - 4TH DISTRICT COURT OF APPEAL		
2997	SALARIES AND BENEFITS POSITIONS	85
	FROM GENERAL REVENUE FUND	6,235,125
2998	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	132,462
2999	EXPENSES	
	FROM GENERAL REVENUE FUND	672,491
3000	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	38,345
3001	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	4,409
3002	SPECIAL CATEGORIES	
	DISTRICT COURT OF APPEAL LAW LIBRARY	
	FROM GENERAL REVENUE FUND	125,196
TOTAL: COURT OPERATIONS - 4TH DISTRICT COURT OF APPEAL		
	FROM GENERAL REVENUE FUND	7,208,028
	TOTAL POSITIONS	85
	TOTAL ALL FUNDS	7,208,028
COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL		
3003	SALARIES AND BENEFITS POSITIONS	69
	FROM GENERAL REVENUE FUND	4,942,746
3004	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	72,792
3005	EXPENSES	
	FROM GENERAL REVENUE FUND	543,630
3006	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	18,359
3007	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	9,349
3008	SPECIAL CATEGORIES	
	DISTRICT COURT OF APPEAL LAW LIBRARY	
	FROM GENERAL REVENUE FUND	110,265
TOTAL: COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL		
	FROM GENERAL REVENUE FUND	5,697,141
	TOTAL POSITIONS	69
	TOTAL ALL FUNDS	5,697,141
PROGRAM: TRIAL COURTS		
COURT OPERATIONS - CIRCUIT COURTS		
3009	SALARIES AND BENEFITS POSITIONS	1,772
	FROM GENERAL REVENUE FUND	136,482,456
	FROM GRANTS AND DONATIONS TRUST FUND . . .	683,745
	FROM FAMILY COURTS TRUST FUND	4,508,453

From the funds in Specific Appropriations 3009, 3010, 3011, 3015 and 3023A, the following is provided for Dependency Court programs:

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\$ 154,054 in recurring General Revenue and 2 FTE for the Fifth Judicial Circuit;
\$ 499,736 in recurring General Revenue and 8 FTE for the Thirteenth Judicial Circuit;
\$ 420,200 in recurring General Revenue and 5 FTE for the Seventeenth Judicial Circuit (CBIR 1852);
\$ 499,736 in recurring General Revenue and 8 FTE for the Eighteenth Judicial Circuit; and
\$ 168,500 in recurring General Revenue to develop an integrated information system for dependency and other court cases.

From the funds and positions provided in Specific Appropriations 3009, 3011, and 3015, \$1,592,002 and 36 positions, \$248,576, and \$117,000, respectively, from General Revenue are contingent upon legislation authorizing new judgeships becoming law.

3010	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	792,337	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,100,614
	FROM FAMILY COURTS TRUST FUND		61,500
3011	EXPENSES		
	FROM GENERAL REVENUE FUND	4,576,585	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		249,477
	FROM FAMILY COURTS TRUST FUND		556,082
3012	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - TRUANCY PROGRAM		
	FROM GENERAL REVENUE FUND	200,000	
3013	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - CIVIL TRAFFIC INFRACTION		
	HEARING OFFICERS		
	FROM GENERAL REVENUE FUND	695,000	
3015	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	219,100	
3017	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MODEL DEPENDENCY COURT		
	PILOT		
	FROM GENERAL REVENUE FUND	186,520	
3018	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FOSTER CARE CITIZEN		
	REVIEW PANEL		
	FROM GENERAL REVENUE FUND	825,296	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		300,000

Funds in Specific Appropriation 3018 are provided to continue and enhance the following Citizen Foster Care Review Panel and/or Board contracts:

\$ 256,000 in recurring General Revenue for the Fourth Judicial Circuit (CBIR 1037);
\$ 200,000 in recurring General Revenue for Marion County (CBIR 414) and
\$ 60,000 in recurring General Revenue for Hernando County in the Fifth Judicial Circuit;
\$ 75,000 in recurring General Revenue and \$ 300,000 in the Grants and Donations Trust Fund for the Eleventh Judicial Circuit;
\$ 121,796 in recurring General Revenue for Manatee County in the Twelfth Judicial Circuit (CBIR 1012); and
\$ 112,500 in recurring General Revenue for the Fifteenth Judicial Circuit.

All funds appropriated to Citizen Foster Care Review programs shall be used to offset the administrative, training and other costs associated with implementing and maintaining these programs, as defined in section 39.702, Florida Statutes, as well as standards of operation which may be promulgated by the Florida Supreme Court.

3018A	SPECIAL CATEGORIES		
	DRUG COURTS		
	FROM GENERAL REVENUE FUND	760,000	

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Funds in Specific Appropriation 3018A are provided to establish or enhance the following drug court programs:

\$ 360,000 in recurring General Revenue for the Brevard County Drug Court (CBIR 978); and
\$ 400,000 in recurring General Revenue for the Pinellas County Drug Court Program (CBIR 2716).

3019	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COURT SYSTEM SERVICES		
	FOR CHILDREN AND YOUTH		
	FROM GENERAL REVENUE FUND		892,656

Funds in Specific Appropriation 3019 are provided for the following programs:

\$ 692,656 in recurring General Revenue is provided to the Voices For Children Foundation for the Guardian Ad Litem Program and TPR Unit in Dade County; and

\$ 200,000 in recurring General Revenue is provided for the Children's Advocacy Center in Hillsborough County.

3020	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FAMILY COURTS		
	FROM FAMILY COURTS TRUST FUND		389,246
3021	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		585,360
3022	SPECIAL CATEGORIES		
	CIRCUIT COURT LAW LIBRARY		
	FROM GENERAL REVENUE FUND		2,000
3023A	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND		108,500
TOTAL: COURT OPERATIONS - CIRCUIT COURTS			
	FROM GENERAL REVENUE FUND	146,325,810	
	FROM TRUST FUNDS		7,849,117
	TOTAL POSITIONS	1,772	
	TOTAL ALL FUNDS		154,174,927

COURT OPERATIONS - COUNTY COURTS			
3024	SALARIES AND BENEFITS	POSITIONS	560
	FROM GENERAL REVENUE FUND		52,423,427

From the funds and positions provided in Specific Appropriations 3024, 3025, and 3025A, \$967,664 and 22 positions, \$153,736 and \$77,000, respectively, from General Revenue are contingent upon legislation authorizing new judgeships becoming law.

3025	EXPENSES		
	FROM GENERAL REVENUE FUND		337,832
3025A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		77,000
3026	SPECIAL CATEGORIES		
	ADDITIONAL COMPENSATION FOR COUNTY JUDGES		
	FROM GENERAL REVENUE FUND		275,855

Funds are provided in Specific Appropriation 3026 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

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3027	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	87,811	
TOTAL:	COURT OPERATIONS - COUNTY COURTS FROM GENERAL REVENUE FUND	53,201,925	
	TOTAL POSITIONS	560	
	TOTAL ALL FUNDS	53,201,925	

PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

3028	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	198,474	3
3029	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	224,522	
3030	EXPENSES FROM GENERAL REVENUE FUND	149,403	
3031	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	1,706	
3032	LUMP SUM LITIGATION EXPENSES FROM GENERAL REVENUE FUND	173,300	

Funds in Specific Appropriation 3032 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

3033	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	3,903	
TOTAL:	JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS FROM GENERAL REVENUE FUND	751,308	
	TOTAL POSITIONS	3	
	TOTAL ALL FUNDS	751,308	

TOTAL OF SECTION 7	POSITIONS	2,989	
FROM GENERAL REVENUE FUND		261,276,334	
FROM TRUST FUNDS		39,228,258	
TOTAL ALL FUNDS		300,504,592	

SECTION 8. SALARIES AND BENEFITS - Fiscal Year 2001-2002

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 2001-2002 salary and benefit increases provided in Specific Appropriations 194 through 197, 214, and 2102. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. For the purpose of calculating and distributing allocations to agencies, all references to "base salary" in this section refer to the base rate of pay as of July 1, 2000, inclusive of the 2000-2001 Fiscal Year appropriated salary increases. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

SECTION 8. SALARIES AND BENEFITS
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Pay Grade Adjustments

It is the intent of the Legislature that minimums and maximums of each pay grade shall be increased by 2.5 percent, effective November 1, 2001; however, minimums and maximums of pay grades applicable to members of the Security Services Bargaining Unit shall be increased by 4.5 percent, effective November 1, 2001.

After the maximum of the pay grade is increased by the competitive pay adjustment, if an employee's base rate of pay is equal to or greater than the adjusted maximum of the employee's pay grade, the employee will be granted a one-time, lump-sum payment in lieu of an increase to the employee's base rate of pay. When an employee's base rate of pay is less than the adjusted maximum of the employee's pay grade, the employee's salary will be increased to the adjusted maximum and the portion of the increase that exceeds the adjusted maximum shall be granted instead in a one-time lump-sum payment.

1. SALARY INCREASES

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 2102 for pay increases for all eligible employees represented by the Florida Police Benevolent Association, the International Union of Police Associations, the Florida Nurses Association, and the American Federation of State, County, and Municipal Employees, Council 79, and all other eligible Career Service employees not included in a represented collective bargaining unit. Funds are to be distributed as follows:

1) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Security Services pay plan to receive a competitive pay adjustment of 4.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

2) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Special Agent pay plan to receive a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

3) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Law Enforcement pay plan to receive a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

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4) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Professional Health Care longevity pay plan to receive an upward competitive pay adjustment of 2.5 percent on each employee's anniversary date. The competitive pay adjustments authorized pursuant to this subparagraph and any lump sum payments agreed to in collective bargaining shall not exceed the cost of an annualized 2.5 percent pay adjustment.

5) From the funds provided in Specific Appropriation 2102, funds are provided to grant each eligible employee represented by the American Federation of State, County, and Municipal Employees, Council 79, a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

6) From the funds in Specific Appropriation 2102, for all eligible Career Service employees not included in a represented collective bargaining unit, funds are provided for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

B. BOARD OF REGENTS OR ITS SUCCESSOR

1) University Support Personnel (USPS)

Effective November 1, 2001, for all eligible USPS unit and non-unit employees, funds are provided in Specific Appropriations 194 through 197, and 214 for a 2.5 percent competitive pay adjustment on each employee's October 31, 2001, base rate of pay.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

2) Administrative and Professional (A&P) Personnel

Effective November 1, 2001, for all eligible A & P unit and non-unit employees, funds are provided in Specific Appropriations 194 through 197 and 214 for a 2.5 percent competitive pay adjustment on each employee's October 31, 2001, base rate of pay.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600,

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each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

3) General Faculty

a. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5 percent competitive pay adjustments on the base salaries of eligible non-unit employees, effective November 1, 2001. These funds are to be distributed as prescribed in salary guidelines issued by the Chancellor.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

b. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5% competitive pay adjustments on the base salaries of eligible unit employees, effective November 1, 2001. These funds shall be distributed in accordance with the negotiated collective bargaining agreement between the Board of Regents and the United Faculty of Florida.

c. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5 percent competitive pay adjustments on the base salaries of graduate assistants (UF, USF, and FAMU) and graduate health profession assistants, effective November 1, 2001. These funds shall be distributed in accordance with the negotiated collective bargaining agreements of the unit graduate assistants between the Board of Regents and the United Faculty of Florida and as prescribed in salary guidelines issued by the Chancellor for the non-unit graduate assistants. Increases for graduate health profession assistants, e.g., residents and other house staff, shall be distributed in accordance with the terms of the contracts required by the appropriate accrediting agencies.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full-time members of commissions:

Specific Appropriation 2102 includes funding to provide salary increases on base salary, effective November 1, 2001. The following officers shall be paid at the annual rate shown below for the period indicated; however, these salaries may be reduced on a voluntary basis:

	7/1/01	11/1/01
Governor.....	\$ 120,171	\$ 123,175
Lieutenant Governor.....	115,112	117,990
Secretary of State.....	118,957	121,931
Comptroller.....	118,957	121,931
Treasurer.....	118,957	121,931
Attorney General.....	118,957	121,931
Education, Commissioner of.....	118,957	121,931
Agriculture, Commissioner of.....	118,957	121,931
Supreme Court Justice.....	150,000	153,750
Judges-District Courts of Appeal.....	138,500	141,963
Judges-Circuit Courts.....	130,000	133,250
Judges-County Courts.....	117,000	119,925
Commissioner-Public Service Commission.....	119,946	122,945
Public Employees Relations Commission Chrm..	85,853	87,999
Public Employees Relations Commission Commissioners.....	81,242	83,273
Commissioner-Parole and Probation.....	81,242	83,273

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State Attorneys:

Circuits with 1,000,000 Population or less..	133,840	137,186
Circuits over 1,000,000 Population.....	133,840	141,963

Public Defenders:

Circuits with 1,000,000 Population or less..	128,484	131,696
Circuits over 1,000,000 Population.....	128,484	136,284

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service:

a. For all eligible Senior Management Service and non-unit Selected Exempt Service employees, funds are provided in Specific Appropriation 2102, for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

b. Based on the funds provided in Specific Appropriation 2102, which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Selected Exempt Service physicians bargaining unit to receive a competitive pay adjustment of 2.5 percent on each employee's anniversary date. The competitive pay adjustments authorized pursuant to this subparagraph and any lump-sum payments agreed to in collective bargaining shall not exceed the costs of an annualized 2.5 percent pay adjustment.

3) CAREER SERVICE EXEMPT AND THE FLORIDA NATIONAL GUARD:

Funds are provided in Specific Appropriation 2102 for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

D. JUDICIAL

Funds are provided in Specific Appropriation 2102, for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work

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schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

E. LOTTERY

Funds are provided in Specific Appropriation 2102, to grant each eligible unit and non-unit Lottery employee a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

F. FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

Funds are provided in Specific Appropriation 2102, for non-career service employees of the School for the Deaf and the Blind to receive competitive pay adjustments of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

G. SPECIAL PAY ISSUES

1) From the funds in Specific Appropriation 2102, \$10,261,944 from the General Revenue Fund and \$5,277,571 from Trust Funds are appropriated for nonrecurring lump-sum performance bonuses, effective June 1, 2002. Such funds shall be distributed to each agency in an amount equal to 0.25 percent of the agency's aggregate base salaries as of June 30, 2001. Each agency shall develop a plan for awarding bonuses and submit such plan to the Office of Policy and Budget. This appropriation is contingent upon HB 369 or SB 466 or similar legislation becoming a law.

2) Effective June 1, 2002, from funds in Specific Appropriation 2102, \$108,778 from the General Revenue Fund are provided to the Department of Law Enforcement to fund the Performance Based Compensation Plan, as developed by the department, to provide a 2 percent performance based increase for those employees who exceed performance expectations outlined in employee work plans.

3) From funds in Specific Appropriation 2102, \$200,846 from the General Revenue Fund are provided to the Department of Law Enforcement to fund on-call fees to be paid to special agents and their supervisors as described in the agency's legislative budget request (issue code 4002A00).

4) From funds in Specific Appropriation 2102, \$143,746 from the General Revenue Fund and \$84,420 from the Administrative Trust Fund are provided to the Department of Revenue to address the restructuring of counter staffing at service centers as described in the agency's legislative budget request (issue code 4500A40).

5)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, \$3,875,847 from the General Revenue Fund is provided

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to the State Attorneys for competitive pay adjustments for employees assigned or appointed to the classes of Assistant State Attorney and Legal Trainee. Such funds shall be distributed as follows:

Judicial Circuit	Salary and Benefits
Circuit 1.....	\$ 127,537
Circuit 2.....	85,606
Circuit 3.....	75,092
Circuit 4.....	144,406
Circuit 5.....	200,742
Circuit 6.....	277,510
Circuit 7.....	129,497
Circuit 8.....	164,704
Circuit 9.....	289,002
Circuit 10.....	152,674
Circuit 11.....	652,874
Circuit 12.....	121,899
Circuit 13.....	180,054
Circuit 14.....	51,671
Circuit 15.....	177,876
Circuit 16.....	31,255
Circuit 17.....	447,653
Circuit 18.....	244,207
Circuit 19.....	139,136
Circuit 20.....	182,452

(b) It is the intent of the Legislature that the State Attorneys adjust their pay plan effective January 1, 2002 to provide the following minimum annual salary rates for full-time equivalent positions:

1. Assistant State Attorney	\$35,931
2. Legal Trainee	\$30,000

The funds provided to each circuit shall be used to compensate any person filling a position in the Assistant State Attorney or Legal Trainee classes at no less than the applicable minimum annual salary rate for the respective class.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the State Attorney, to recruit and retain Assistant State Attorneys to achieve the following outcomes:

1. Reduce turnover of Assistant State Attorneys with less than 5 years of experience; and
2. Increase the compensation of Assistant State Attorneys in a manner commensurate with their performance and their commitment to the State Attorney to continue their employment or appointment with that State Attorney's Office.

For purposes of this paragraph, "turnover" is measured by the number of Assistant State Attorneys who voluntarily separate from employment from the State Attorney's office during the fiscal year.

(d) It is the intent of the Legislature that the State Attorneys shall utilize the applicable provisions of Chapter 216, Florida Statutes, to request the appropriate adjustments of the salary rate and trust fund authority as necessary to implement the minimum annual salary rate adjustments for those Assistant State Attorney and Legal Trainee positions funded by trust funds.

6)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, \$2,277,617 from the General Revenue Fund is provided to the Public Defenders for competitive pay adjustments for employees assigned or appointed to the classes of Assistant Public Defenders and Legal Trainee. Such funds shall be distributed as follows:

Judicial Circuit	Salary and Benefits
Circuit 1.....	\$ 93,103
Circuit 2.....	57,961

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Circuit 2 - Appellate.....	44,080
Circuit 3.....	31,130
Circuit 4.....	193,226
Circuit 5.....	87,744
Circuit 6.....	183,751
Circuit 7.....	131,670
Circuit 7 - Appellate.....	80,278
Circuit 8.....	114,276
Circuit 9.....	142,612
Circuit 10.....	81,738
Circuit 10 - Appellate.....	42,857
Circuit 11.....	159,672
Circuit 11 - Appellate.....	27,297
Circuit 12.....	69,853
Circuit 13.....	116,800
Circuit 14.....	33,226
Circuit 15.....	138,737
Circuit 15 - Appellate.....	41,071
Circuit 16.....	35,741
Circuit 17.....	126,889
Circuit 18.....	83,880
Circuit 19.....	52,415
Circuit 20.....	107,610

(b) It is the intent of the Legislature that the Public Defenders adjust their pay plan effective January 1, 2002, to provide the following minimum annual salary rates for full-time equivalent positions:

1. Assistant Public Defender	\$35,931
2. Legal Trainee	\$30,000

The funds provided to each circuit shall be used to compensate any person filling a position in the Assistant Public Defender or Legal Trainee classes no less than at the applicable minimum annual salary rate for the respective class.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the Public Defender, to recruit and retain Assistant Public Defenders to achieve the following outcomes:

1. Reduce turnover of Assistant Public Defenders with less than 5 years of experience; and
2. Increase the compensation of Assistant Public Defenders in a manner commensurate with their performance and their commitment to the Public Defender to continue their employment or appointment with that Public Defender's Office.

For purposes of this paragraph, "turnover" is measured by the number of Assistant Public Defenders who voluntarily separate from employment from the Public Defender's office during the fiscal year.

(d) It is the intent of the Legislature that the Public Defenders shall utilize the applicable provisions of Chapter 216, Florida Statutes, to request the appropriate adjustments of the salary rate and trust fund authority as necessary to implement the minimum annual salary rate adjustments for those Assistant Public Defenders and Legal Trainee positions funded by trust funds.

6)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, \$1,076,211 from the General Revenue Fund is provided to the Capital Collateral Regional Counsels for competitive pay adjustments for employees assigned or appointed to the classes of Assistant Capital Collateral Regional Counsels, Legal Assistants and Legal Trainees, as follows:

Region	Salaries and Benefits
Northern	21,027
Middle	47,328
Southern	39,266

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(b) It is the intent of the Legislature that the Capital Collateral Regional Councils amend their pay plan, effective January 1, 2002, to provide minimum annual salary rates for the following:

Assistant Capital Collateral Regional Counsel	\$35,931
Legal Assistant	\$30,000
Legal Trainee	\$30,000

The funds provided to each region shall be used to compensate any person filling a position in the Assistant Capital Collateral Regional Counsel, Legal Assistant, or Legal Trainee classes at no less than the applicable minimum annual salary rate for the respective classes.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the Capital Collateral Regional Counsel, to recruit and retain Assistant Capital Collateral Regional Councils to achieve the following outcomes:

1. Reduce turnover of Assistant Capital Collateral Regional Councils with less than 5 years of experience; and
2. Increase the compensation of assistant Capital Collateral Regional Councils in a manner commensurate with their performance and their commitment to the Capital Collateral Regional Counsel to continue their employment or appointment with that Capital Collateral Regional Counsel's office.

For the purposes of this paragraph, "turnover" is measured by the number of Assistant Capital Collateral Regional Councils who voluntarily separate from employment or appointment with that Capital Collateral Regional Counsel's Office.

7) Effective November 1, 2001, from the funds in Specific Appropriation 2102, \$366,883 from the General Revenue Fund are provided to the Judicial Branch to fund a competitive pay adjustment for deputy court administrators, senior deputy court administrators and deputy marshals and to provide for the creation of a chief deputy court administrator class.

2. BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

A. Funds are provided in each agency's budget to continue paying the current state share of life and disability insurance premiums. For the period of July 1, 2001, through October 31, 2001, the state share of the State Group Health Insurance Plan premiums and the state share of the health maintenance organization premiums to the executive, legislative and judicial branch agencies shall continue at \$191.52 per month for individual coverage and \$391.60 per month for family coverage.

Additionally, funds are provided in Specific Appropriation 2104, to pay the state share of the State Group Health Insurance Plan premiums and the state share of health maintenance organization premiums to the executive, legislative and judicial branch agencies which shall increase, effective November 1, 2001, from \$191.52 per month to \$220.24 per month for individual coverage and from \$391.60 per month to \$450.34 per month for family coverage.

B. For the period of July 1, 2001, through October 31, 2001, the employee's share of health insurance premiums shall continue at \$32.30 per month for individual coverage and \$116.20 per month for family coverage.

Effective November 1, 2001, the employee's share of health insurance premiums shall increase from \$32.30 per month to \$37.14 per month for individual coverage and from \$116.20 per month to \$133.62 per month for family coverage.

C. Under the State Employees' Prescription Drug Program, the following shall apply:

- 1) Supply limits shall continue as provided in s. 110.12315, Florida Statutes.

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2) For the period July 1, 2001, through June 30, 2002, co-payments:

- a. \$7 co-payment for generic drugs with card;
- b. \$20 co-payment for preferred brand name drugs with card;
- c. \$35 co-payment for non-preferred brand name drugs with card;
- d. \$10.50 co-payment for generic mail order drugs;
- e. \$30 co-payment for preferred brand name mail order drugs; and
- f. \$52.50 co-payment for non-preferred brand name mail order drugs.

3) The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

D. 1) Under the State Group Insurance Program, the co-payments for physician office visits shall continue at \$10.

2) Co-payments for prescription drugs with health maintenance organizations shall continue at \$7 co-payment for generic drugs, \$20 co-payment for preferred brand name drugs, and \$32.50 co-payment for non-preferred brand name drugs.

E. Any proposed changes in the benefits provided under the State Group Health Insurance Plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless both the chair of the Senate Budget Committee and the chair of the House Fiscal Responsibility Council determine that such a statement is not necessary.

F. The \$100 per calendar year physical examination benefit shall be limited to active employees and COBRA participants covered under the State Group Health Insurance Plan.

G. All State Group Health Insurance Plan benefits as provided in the current State of Florida Employees Group Health Insurance Plan Booklet and Benefit document and other such benefits as approved by the Legislature shall remain in effect.

3. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements:

A. Based on a reduction in funding, the state shall not continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full-time employees on a space available basis. The state shall not provide the tuition-free courses at community colleges.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

D. Continue to pay employees on-call fees at the current level.

4. COLLECTIVE BARGAINING ISSUES AT IMPASSE

A. Collective bargaining issues at impasse between the State of Florida and AFSCME, Council 79, Master Contract Units, for Career Service employees shall be resolved as follows:

1) All collective bargaining issues regarding Article 25 "Wages" shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES" and the relevant provisions of the Conference Report on Senate Bill 2002.

2) All collective bargaining issues regarding Article 27 "Insurance Benefits" shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS" and the relevant provisions of the Conference Report on Senate Bill 2002 .

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3) All collective bargaining issues regarding lump-sum bonus payments for the 2000-2001 fiscal year shall be resolved pursuant the state's last offer.

4) All collective bargaining issues regarding Economic Self-Sufficiency Competency Program for the 2000-2001 and 2001-2002 fiscal years shall be resolved pursuant to the state's last offer.

5) All collective bargaining issues regarding Article 7, "Discipline and Discharge" which do not require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer. All collective bargaining issues regarding Article 7 "Discipline and Discharge" which require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer, contingent upon and consistent with, enactment of the necessary statutory authority to implement these issues of the state's last offer; however, if such statutory authority does not become effective, any such issues not enacted into law shall be resolved herein by maintaining the status quo.

6) All collective bargaining issues regarding Article 8, "Workforce Reduction and Privatization " which do not require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer. All collective bargaining issues regarding Article 7 "Workforce Reduction and Privatization" which require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer, contingent upon and consistent with, enactment of the necessary statutory authority to implement these issues of the state's last offer; however, if such statutory authority does not become effective, any such issues not enacted into law shall be resolved herein by maintaining the status quo.

7) All collective bargaining issues regarding Article 20 "Training Issues" shall be resolved pursuant to the instructions provided in this Section under Item "3. Other Provisions" and Section 2 of this Act.

8) All other collective bargaining issues at impasse between the State of Florida and AFSCME Council 79 for career service employees shall be resolved in accordance with the state's last offer.

B. All other collective bargaining issues at impasse for the 2001-2002 fiscal year which are not contained in this act shall be resolved by maintaining the status quo under the language of the current collective bargaining agreements.

5. STUDIES, REPORTS AND OTHER PROVISIONS

A. All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

B. Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payment for unused annual leave credits accrued on the member's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

C. From the funds in Specific Appropriation 2102, \$300,000 from the General Revenue Fund is provided to the Department of Management Services to contract for legal services and for an independent certified actuarial analysis of the fiscal impact of the options specified below from OPPAGA Report No. 01-21, March 2001, for providing state employee health insurance benefits and establishing contribution rates.

1) Providing a continuum of self-insured plan options with a standard state contribution rate under which the state's contribution toward employee health insurance premiums would be set at the level needed to cover a basic package of benefits and enrollees could choose to obtain the basic package, or opt for lesser or greater benefits with their contribution toward premiums varying depending on the option chosen;

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2) Implementing a high-deductible health insurance plan and encouraging use of Flexible Spending Accounts by enrollees to pay their health care costs up to the deductible level;

3) Discontinuing participation in the self-insured PPO plan for retirees and instead offering an array of fully-insured health insurance plans to Medicare-eligible retirees including traditional fee-for-service, PPO, POS, HMO, and Medicare Supplement plans;

4) Implementing a high-deductible health insurance plan and authorizing enrollees to use Medical Savings Accounts to pay for their health care costs up to the deductible level;

5) Eliminating the state's group health plans and providing state employees a standard benefit payment for health insurance to obtain coverage in the private market;

6) Establishing multi-tiered contribution rates that reflect the number of persons receiving coverage;

7) Adjusting contribution rates for retirees to better reflect their health care costs;

8) Adjusting employee contribution rates to align premiums with the costs of the PPO plan and HMOs.

Each option should be evaluated individually to determine the impact on the financial condition of the State Employee's Group Health Self-Insurance Trust Fund and weighed in combination to the extent the department and contractors anticipate that a combination of options will result in a sum impact greater or lesser than the impact estimated individually. The Department of Management Services shall also contract for a legal review of the specified options. The final report shall be completed and submitted to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Director of OPPAGA no later than January 1, 2002.

SECTION 9. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution, or s. 240.2093, F.S., and are hereby authorized to be subsequently refinanced through the issuance of refunding bonds:

1. University of Florida - Ben Hill Griffin Stadium Skybox Addition - and Skybox & Pressbox Renovation (reauthorization)
2. University of Florida - Basketball Practice Facility
3. Florida State University - Parking Garage Two
4. Florida State University - Parking Improvements
5. Florida State University - New Residence Hall (reauthorization)
6. Florida State University - Renovate/Remodel Cawthon Hall (Reauthorization)
7. Florida State University - Parking Garage Three
8. Florida State University - Research and Development Facilities, new building & renovation
9. Florida State University - Research and Development Facilities, additional new building
10. Florida Agricultural and Mechanical University - Housing, Phase IV (reauthorization)
11. Florida Agricultural and Mechanical University - Bragg Stadium Renovation and Expansion

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12. University of South Florida - Parking Structure II (reauthorization)
13. University of South Florida - Residence Life Renovation, Sarasota
14. University of South Florida - Resident Hall Renovation, Tampa
15. University of South Florida - Student Residence Facility, Tampa
16. University of South Florida - Student Residential Life Facility, Tampa
17. Florida Atlantic University - Parking Garage I, Boca Raton
18. Florida Atlantic University - Parking Garage, Ft. Lauderdale
19. University of Central Florida - Academic Villages Phase II (reauthorization)
20. University of Central Florida - Parking Garage IV
21. Florida International University - Student Housing Complex and Support Services Facilities, Phase II (reauthorization)
22. Florida Gulf Coast University - North Lake Housing Phase IV
23. University of Florida Alumni Hall
24. University of Florida Orthopaedic Surgery and Sports Medicine Facility
25. University of Florida Genetics and Cancer Research Center
26. University of Florida IFAS Agronomy and Soil Science Facility
27. Florida State University Athletic Facilities Within Communications Facility Project and Basketball Practice Facility
28. Florida State University Howser Stadium Renovation, Expansion or Replacement
29. Florida State University Alumni Center Complex
30. University of South Florida Charter School
31. Florida Atlantic University Aristotle Center
32. Florida Atlantic University Alumni House
33. Florida Atlantic University Continuing Education Tower
34. Florida Atlantic University Classroom/Office Building
35. University of Central Florida Intercollegiate Athletics Facility
36. University of Central Florida Intercollegiate Athletic Node
37. University of Central Florida Student Support Center
38. University of Central Florida Civic Theatre Acquisition & Renovation
39. Florida International University Parking Garage Three
40. Florida International University Parking Garage Four
41. Florida State University Study Centers in France, Spain and Panama

SECTION 10. Pursuant to s. 240.299(5), Florida Statutes, the following facilities may be acquired by the direct support organizations indicated.

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- Financing, expansion and renovation of the University of Florida Ben Hill Griffin Stadium spectator seating, skyboxes, and press box by the University of Florida Athletic Association (reauthorization)
- Financing and construction of the University of Florida Basketball Practice Facility and Womens Club Annex by the University of Florida Athletic Association (reauthorization)
- Financing and construction of the University of Florida Alumni Hall facility by the University of Florida Foundation
- Financing and construction of a portion of the Florida State University Communications Facility project by the Seminole Boosters (reauthorization)
- Financing and construction of the Florida State University Howser Stadium Renovation, Expansion or Replacement project by the Seminole Boosters (reauthorization)
- Financing and construction of the Florida State University Alumni Center Complex by the FSU Foundation and Alumni Association (reauthorization)
- Financing and Construction of the Florida State University Campus Landscaping Improvements project by the FSU Foundation (reauthorization)
- Financing and Construction of the Florida State University Ringling Center Storage Facility by the FSU Foundation
- Financing and Construction of the Florida State University Research and Development Facilities including renovation by the FSU Research Foundation
- Financing and Construction of the Florida State University Research and Development Facility by the FSU Research Foundation
- Financing and construction of the USF Charter School by the USF Foundation with funding provided by private donations, federal funds, and state funds (reauthorization)
- Financing and construction of a Aristotle Center at Florida Atlantic University by the FAU Foundation
- Financing and construction of the Florida Atlantic University Continuing Education Tower in Ft. Lauderdale
- Financing and construction of the Office/Classroom Facility at Florida Atlantic University by the FAU Foundation
- Financing and construction of the University of Central Florida Intercollegiate Athletics Building by the UCF Foundation (reauthorization)
- Financing and construction of the University of Central Florida Intercollegiate Athletic Node (outdoor improvements) by the UCF Foundation
- Financing and construction of the University of Central Florida Student Support Center by the UCF Foundation
- Financing and acquisition of a Civic Theater by the UCF Foundation
- Financing and construction of a Florida International University Football Stadium Fieldhouse Facility by the FIU Foundation (reauthorization)
- University of South Florida United States Geological Survey Facility Expansion

SECTION 11. Pursuant to Section 11d, Article VII of the State Constitution, the Board of Regents of the State University System is

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authorized to issue bonds supported by Student Building Fees and Capital Improvement Fees to finance or partially finance projects authorized by the 2001-2002 appropriations. This bond issue is authorized to be subsequently refinanced through the issuance of refunding bonds, if deemed appropriate by the Division of Bond Finance and the Board of Regents.

SECTION 12. The unencumbered balance of funds provided in Specific Appropriation 54A Chapter 99-226, Laws of Florida, for Teaching Academies shall revert on June 30, 2001, and is appropriated for the purposes of the original appropriation to the Panhandle Area Education Consortium. The Panhandle Area Education Consortium shall match these funds with cash from any public or private source.

SECTION 13. The unexpended balance of funds provided to Florida Community College at Jacksonville in the Specific Appropriation 9G of Chapter 2000-166, Laws of Florida, relating to Rem/rem Aviation/Aerospace Ctr. - Cecil Field (3) complete for \$7,100,000, is hereby re-appropriated and authorized to provide planning and construction for initial site development at the Cecil Field Commerce Education Center.

SECTION 14. The unexpended balance of funds provided to Gulf Coast Community College in the Specific Appropriation 37 of Chapter 99-226, Laws of Florida, relating to the Voc Labs - Gulf/Franklin Center/Child Care Labs - Main complete for \$535,000, is hereby re-appropriated and authorized to provide Fire Science/Fire Fighting training facilities at the North Bay Special Purpose Center.

SECTION 15. The unexpended balance of funds up to \$4,000,000 provided to Daytona Beach Community College in the Specific Appropriation 9G of Chapter 2000-166, Laws of Florida, relating to Student Svcs/Admin/Child Serv Bldg 7 West partial (ce) for \$7,860,922, is hereby re-appropriated and authorized to provide planning and construction for initial site development and Classrooms and Lab Buildings at Deltona Center.

SECTION 16. The Executive Office of the Governor may reinstate fixed capital outlay budget authority within the FAMU Contracts and Grants Developmental Research School Trust Fund in an amount equal to the 1998-99 PECO and Classroom First allocations for the FAMU Developmental Research School.

SECTION 17. Funds provided in Specific Appropriation 160 for I-4 Corridor/High Technology Research in Chapter 2000-166 Laws of Florida, which are unexpended on June 30, 2001, shall revert, and are hereby appropriated to the University of Central Florida, the University of South Florida, and other participating SUS Universities for sales tax refund matching pursuant to section 212.08(1)(j), Florida Statutes.

SECTION 18. Funds provided in Specific Appropriation 209A of Chapter 99-226, Laws of Florida, to the University of South Florida for Quinn Hall (C,E) in the amount of \$2,056,765 are hereby reappropriated for that purpose.

SECTION 19. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide General Revenue funds to operate and maintain these facilities. If existing sites are a part of these projects, each such site must be certified to be free of hazardous materials before it may be accepted by the Board:

1. University of Florida - Minor Additions to IFAS Facilities in Gainesville/Alachua County and research centers and outlying units throughout the state
2. University of Florida - Offices, shops and storage for IFAS at Pine Acres Unit in Marion County (reauthorization)
3. University of Florida - Orthopaedic Surgery and Sports Medicine Institute in Alachua County (reauthorization)
4. University of Florida - Genetics and Cancer Research Center
5. University of Florida - Center for Human Brain Function Imaging Technology
6. University of Florida - Psychology Building Addition

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7. University of Florida - Multipurpose Storage Facility
8. University of Florida - Alumni Hall
9. Florida State University - Communications Facility in Leon County (reauthorization)
10. Florida State University - Alumni Center Complex in Leon County (reauthorization)
11. Florida State University - Campus Landscaping Improvements in Leon County (reauthorization)
12. Florida State University - Chemistry Building in Leon County (reauthorization)
13. Florida State University - Ringling Center Storage Facility
14. University of Central Florida - Student Support Center in Orange County
15. University of Central Florida - Engineering Field Station II
16. University of Central Florida - Acquisition of Civic Theater
17. University of South Florida - Clean Room Facility in Hillsborough County (reauthorization)
18. University of South Florida - Alumni Center Expansion
19. Florida Atlantic University - Aristotle Center
20. Florida Atlantic University - Alumni House
21. Florida Atlantic University - Office/Classroom Building
22. Florida Atlantic University - Continuing Education Tower - Ft. Lauderdale
23. Florida International University - Academic Learning Center
24. Florida International University - Expansion of Center for Engineering and Applied Science in Dade County (reauthorization)
25. Florida Gulf Coast University - North Lake Olympic Pool in Lee County (reauthorization)
26. University of Florida IFAS Agronomy and Soil Science Facility

SECTION 20. Pursuant to section 240.327, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide General Revenue funds to operate and maintain these facilities. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property.

1. Santa Fe Community College - Acquire site as a special instructional laboratory/Geological Field Station with small support services facilities.
2. Santa Fe Community College - Acquire annex to the Andrews Special Purpose Center in Starke for enhancement to distance learning, continuing education, dual enrollment, as well as traditional programs.
3. Santa Fe Community College - Acquire annex to the Downtown Center for exhibition and related support space for the center's community arts and education program.
4. Santa Fe Community College - Acquire land and facilities with additional construction for an instructional facility in Archer.
5. Santa Fe Community College - Acquire additional land and possibly other facilities around the Downtown Center for future development.
6. South Florida Community College - Acquire land in or near Wauchula/Zolfo Springs in Hardee County for the new Special Purpose Center.
7. South Florida Community College - Acquire land in or near Arcadia in DeSoto County for the new Special Purpose Center.
8. North Florida Community College - Acquire adjacent land and facilities from the Madison County School Board for future development.
9. North Florida Community College - Acquire Madison County Memorial Hospital Building as an annex to the Main Campus in Madison for nursing and EMT training programs.

SECTION 21. Funds appropriated within item 177A of Chapter 2000-166, Laws of Florida, for the Gladys Davis Pavilion may be expended to

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renovate and expand the current Campus Safety Building to support the Gladys Davis Pavilion, a program for visually impaired students and residents, and up to \$800,000 may be expended to relocate Police/Parking/Traffic departments.

SECTION 22. Funds remaining in Specific Appropriation 2010 of Chapter 94-357, Laws of Florida, are re-appropriated to the Department of Education for Satellite Transponder Related Equipment.

SECTION 23. Funds included in Specific Appropriation 1867A of Chapter 99-226, Laws of Florida, for Article V implementation activities in the amount of \$800,000, are hereby reappropriated to the Joint Legislative Committee on Article V to engage consultants and/or provide funding for staff to support the activities of the Joint Committee.

SECTION 24. Pursuant to section 2 of Chapter 98-286, Laws of Florida, the Comptroller is directed to transfer \$10,200,000 from the Tobacco Settlement Clearing Trust Fund into the General Revenue Fund. This transfer shall satisfy the requirements of Chapter 98-286, Laws of Florida.

SECTION 25. Any funds necessary to implement the provisions of the Federal Cash Management Improvement Act of 1990 shall be provided from the Working Capital Fund. The State Treasurer is authorized to submit a voucher to the Comptroller and based thereon, the Comptroller is authorized to make payment to the federal government in an amount necessary for the payment of interest earned on federal funds.

SECTION 26. The Comptroller is hereby authorized to transfer \$46,900,000 in General Revenue funds to the Budget Stabilization Fund for Fiscal Year 2001-2002, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 27. There is hereby appropriated \$25,000,000 to be transferred from the Insurance Commissioner's Regulatory Trust Fund to the Working Capital Fund.

SECTION 28. There is hereby appropriated the sum of \$93,300,000 in nonrecurring General Revenue, \$199,300,000 in nonrecurring Tobacco Settlement Trust Funds and \$379,000,000 from the Medical Care Trust Fund to the Agency for Health Care Administration to cover FY 2000-01 Medicaid program costs. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 29. It is the policy of the state that with the funds appropriated for FY 2001-02, all state services be performed in the most effective and efficient manner in order to provide the best value to the public. Further, the state recognizes that competition among service providers may improve the quality of service provided. Therefore, any state agency may identify services provided by the state that are available commercially from a private source or through other alternative means for the provision of services, examine the current method of service delivery, assess the feasibility of privatization, outsourcing, or other alternative means for the provision of services. If the agency recommends to the Executive Office of the Governor (EOG) that such services may be better provided through private sources or other alternative means, the state agency shall submit an outsourcing plan to the EOG for approval prior to the implementation of the plan. State employees are encouraged to submit bids or proposals for outsourcing projects. Positions vacated as a result of outsourcing projects shall be placed in reserve by the EOG.

Upon completion of the planning process and prior to the transfer of any appropriated funds to implement a contract or memorandum of agreement related to privatization, outsourcing, or alternative means of provision of state services, the state agency shall provide to the Legislative Budget Commission its recommendations and documentation. Any contract or memorandum of agreement recommended by the state agency related to delivery of a state service pursuant to this section that requires the transfer of any appropriated funds shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes, and subject to the approval of the Legislative Budget Commission.

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Any savings resulting from the outsourcing projects shall be placed in unbudgeted reserve, or may be used for the Incentive and Savings Program provided in SB 1784 or similar legislation.

SECTION 30. Funds in this act may be expended for bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 31. The unencumbered General Revenue balance of funds provided in Specific Appropriation 1925, Chapter 99-226, Laws of Florida, for the West Palm Beach Regional Service Center shall revert on June 30, 2001, and is hereby re-appropriated and authorized to cover expenses associated with final architectural work and permitting costs for the Second District Court of Appeal branch courthouse located in Hillsborough County.

SECTION 32. The unexpended balance of nonrecurring General Revenue funds appropriated in Specific Appropriations 593 through 597, of Chapter 2000-166, Laws of Florida provided for start up operating costs for the Alexander "Sandy" Nininger, Jr. State Veterans' Nursing Home in Pembroke Pines, Florida shall revert and is reappropriated for the purpose of the original appropriation.

SECTION 33. The unobligated balance of the funds provided in Specific Appropriation 489A, Chapter 95-429, Laws of Florida, for a Children's Medical Services clinic in Tampa is hereby reappropriated and may be used as partial funding for a combined Nursing/Health Care and Education Center at the University of South Florida.

SECTION 34. Funds provided in Specific Appropriation 541, Chapter 99-226, Laws of Florida, for Phase I of the joint CMS/USF Health Care and Education Center in Tampa are hereby reappropriated as partial funding for the combined Nursing/Health Care and Education Center at the University of South Florida. These funds are in addition to any other state appropriations for this purpose.

SECTION 35. Of the balance of funds provided in Specific Appropriation 379 and Section 48 of Chapter 2000-166, Laws of Florida, \$18.7 million in General Revenue is hereby reappropriated for the Home and Community-Based Services Waiver for costs incurred in Fiscal Year 2001-2002 to address the needs of individuals with developmental disabilities. The Department may request \$24.2 million in budget authority to expend Medicaid through the consultation provisions of Chapter 216, Florida Statutes.

SECTION 36. Notwithstanding the proviso contained in Specific Appropriations 1129C and 1149A, Chapter 2000-166, Laws of Florida, moneys appropriated for Grants and Aids to Local Governments and Nonprofit Organizations - Fixed Capital Outlay Local Delinquency Intervention Facilities and Legislative Initiatives to Reduce Juvenile Crime, may be released so long as the Department of Juvenile Justice is given a first mortgage lien of ten years or a lease of 10 years on the facility relocated, expanded, constructed, or renovated with such appropriation. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 37. From the unexpended General Revenue funds in Specific Appropriation 626 of Chapter 95-429, Laws of Florida, \$2,448,800 shall revert effective June 30, 2001, and is hereby reappropriated to the Department of Corrections to implement and operate an inventory and cashless payment system for inmate canteens.

SECTION 38. From the unexpended General Revenue funds in Specific Appropriations 1955 and 1957 of Chapter 94-357, Laws of Florida, \$76,255 and \$2,833,860 respectively shall revert effective June 30, 2001 and are hereby reappropriated for the purpose of providing security improvements at Department of Corrections' facilities. The department shall provide a quarterly report to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budget detailing the following: (a) the allocation of these funds to specific institutions and projects; (b) the estimated cost of each project; (c) the projected start and completion date for each project; and (d) the current status of each project expressed in terms of the percentage completed.

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SECTION 39. From the unexpended General Revenue funds in Specific Appropriations 621A and 626 of Chapter 95-429, Laws of Florida, \$278,697 and \$2,046,303, respectively, shall revert effective June 30, 2001, and \$2,325,000 is hereby reappropriated for an electronic medical record system. With these funds the Department of Corrections is directed to competitively procure an electronic medical record system. At a minimum, the electronic medical record system shall:

(a) provide access to clinical, administrative, and financial information on a real-time basis;

(b) provide a comprehensive database to enable healthcare providers to evaluate and compare clinical information and effectiveness of treatment;

(c) offer healthcare providers automated support for routine activities such as placing orders, scheduling appointments, and writing medication orders and prescriptions; and

(d) provide multiple, simultaneous access to patient and administrative information. The Department of Corrections and the Statewide Technology Office shall review proposals and jointly select the successful vendor. The funds hereby appropriated initially shall be placed in reserve and may be released via budget amendment in accordance with the provisions of sections 216.177 and 216.181, Florida Statutes.

SECTION 40. There is hereby appropriated from the General Revenue Fund, \$11,900,000 of nonrecurring funds for payment of supplemental casualty insurance premiums for fiscal year 2000-01. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 41. In any agency where the number of authorized positions as of July 1, 2001 as provided in the General Appropriations Act for 2001-2002 is less than the number of authorized and established positions on June 30, 2001, the following procedures and requirements must be followed to ensure that state employees whose positions have been eliminated receive appropriate reemployment opportunities and assistance:

1. It is the intent of the legislature that priority shall be given to deleting vacant positions when implementing the position reductions associated with the development of the 2001-2002 General Appropriations Act. Where both vacant and filled positions are deleted, vacant positions shall be deleted first.

2. To the extent possible within the constraints of the total funds provided in the General Appropriations Act, 90 days notice shall be given to any employee in a position to be eliminated as a result of the legislative position reductions associated with the development of the 2001-2002 General Appropriations Act.

3. The agency is authorized to temporarily exceed the number of authorized positions to accommodate individual retirement dates or the July 1, 2001 change to retirement vesting provisions within the total level of salary appropriations.

4. In the event that there are not sufficient vacant positions in any given budget entity to fulfill the position reductions required to bring that budget entity in line with the General Appropriations Act, the agency is authorized to request that vacant positions from other budget entities be transferred to fulfill the position reductions. This authorization is limited to instances where the position reductions effected by the legislature were intended to be a reduction of vacant positions. Position reductions related to legislative intent to reduce or eliminate specific programs shall not be subject to this paragraph.

5. Any employees terminated due solely to legislatively effected position reductions shall be provided with the right of first employment interview for any state job vacancy to which they may apply, provided they meet the minimum qualifications for that position. The Secretary of the Department of Management Services and the Director of the Division Human Resources of the Department of Management Services shall be responsible for ensuring that all state agencies adhere to this

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requirement and shall mediate complaints brought by state employees pursuant to this requirement. The agency shall take all reasonable steps to place any adversely affected employees in existing vacancies for which they are qualified.

6. The Department of Management Services shall provide all necessary assistance to state agencies to ensure that terminated employees receive outplacement planning services, referral to available job training, and other employment services. In addition, the Agency for Workforce Innovation, through its existing programs, shall provide all available priority assistance to any state employee adversely affected by legislative position reductions associated with the development of the 2001-2002 General Appropriations Act.

7. Position reductions identified in the agencies' long range program plans shall be specifically identified to the extent possible by the agencies and the incumbents of those positions shall be notified no later than 30 days following submission of the plan.

SECTION 42. The unexpended balance of funds provided in Specific Appropriations 69, 70, and 71 of Chapter 2000-166, Laws of Florida, for replacement of the data management system with a client server environment for the common course numbering system, shall revert and is reappropriated for the purposes of the original appropriations.

SECTION 43. The unexpended balance of funds provided in Specific Appropriation 73A of Chapter 2000-166, Laws of Florida, for migration to common data base software and for the development of the data warehouse, shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 44. Of the unobligated balance in Specific Appropriation 1868 of Chapter Law 2000-166, Laws of Florida, \$957,800 shall be reappropriated to the State Technology Office for the review of existing business process requirements including the State Chart of Accounts as identified in the Analysis of Alternatives for an Integrated Financial System Report of March 13, 2001. Such review shall consist of specific tasks outlined in the scope of services in the ITN for the IFMIS Independent Project Manager and shall include: development of a decision making and escalation procedures model, review of existing business processes including chart of accounts; documentation of information architecture requirements and execution of a change management communication program.

SECTION 45. If, pursuant to the provisions of s. 215.5601(4)(f), Florida Statutes, appropriations from tobacco settlement trust funds are reduced on a prorated basis for the 2001-2002 fiscal year, there are hereby appropriated from the Working Capital Fund established by s. 215.32(1)(c), Florida Statutes, amounts equal to the tobacco settlement trust fund reductions.

SECTION 46. If during the State's 2001-02 fiscal year, the Federal Government applies an Alternative Systems Penalty on the Child Support Enforcement Program for delays in implementing automated Distribution 2000 requirements, the Executive Office of the Governor shall provide additional nonoperating transfer authority, subject to 216.181(12), F.S., to assist in paying that penalty. This additional nonoperating transfer authority to the Grants and Donations Trust Fund shall consist of \$2,735,828 from the Child Support Enforcement Incentive Trust Fund and \$4,000,000 from the Child Support Enforcement Application and User Fee Trust Fund. In addition, the Legislative Budget Commission may approve a loan from the Working Capital Fund to the Child Support Enforcement Program in an amount not to exceed \$9,800,000 to be repaid by no later than June 30, 2003.

SECTION 47. There is hereby appropriated \$450,000 from the General Revenue Fund to the Department of Management Services to be used for costs associated with the implementation of the Department of Management Services plan to outsource human resource services. These costs shall be repaid as the plan is implemented and funds are transferred from the State agencies to the department for this purpose.

The Agency for Workforce Innovation, through its existing programs, shall provide all available assistance to any state employee who is displaced as a result of the outsourcing of the human resource services.

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SECTION 48. The unexpended balance of funds provided in Section 35 of Chapter 2000 - 166, Laws of Florida, for Front Porch Florida shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 49. The unexpended balance of funds provided in Specific Appropriation 2088B of Chapter 2000 -166, Laws of Florida, for the High Impact Performance Incentive Program shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 50. The unexpended balance of funds provided in Section 38 of Chapter 2000 - 164, Laws of Florida, for the Tax Credit for Network Access Point shall revert and is reappropriated for the purposes of the original appropriation

SECTION 51. The unexpended balance of funds provided in Specific Appropriation 2088D of Chapter 2000 - 166, Laws of Florida, for the Rural Infrastructure Program shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 52. The unexpended balance of funds appropriated in Section 163 (4) of Chapter 2000-165, Laws of Florida, shall revert and is hereby reappropriated to the Agency for Workforce Innovation for the purposes of the original appropriation for workforce information systems.

SECTION 53. Of the balance of funds provided in Section 12 (10) (a) of Chapter 2000-290, Laws of Florida, \$10 million for Toolkit for Economic Development shall revert and is hereby reappropriated.

SECTION 54. From funds appropriated in Specific Appropriation 2101, of Chapter 2000-166, Laws of Florida, the unexpended balance shall revert and is hereby reappropriated for the mobile data system for the Florida Highway Patrol to enhance enforcement activities.

SECTION 55. State Technology Office

(1) Each state agency that entered into a Memorandum of Agreement with the State Technology Office by March 15, 2001, regarding consolidation of information technology resources and staff shall transfer the positions identified in the Memoranda and the associated rate and the amount of approved budget to the State Technology Office by October 1, 2001. The total number of positions transferred to the State Technology Office shall not exceed 1,760 FTE's. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(2) Each state agency required to transfer positions pursuant to subsection (1) shall also transfer administrative support personnel and associated rate and the amount of approved budget to the Department of Management Services or to the State Technology Office. The number of administrative support positions transferred by each agency shall not exceed 5% of the number of positions transferred pursuant to subsection (1). Such transfers shall take effect July 1, 2001. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(4) The State Technology Office and the individual agencies may request subsequent transfers of FTE's and associated rate and funds during the fiscal year to meet the levels of service agreed to between the State Technology Office and the agencies. Such transfers shall be authorized, subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(5) The State Technology Office is authorized to charge back to each participating agency an amount equal to the total of all direct and indirect costs of administering the agreement with the agency and the total of all direct and indirect costs of rendering the performances required of the State Technology Office under such agreements.

(6) Any resources transferred to the State Technology Office which were dedicated to a federally-funded system shall remain allocated to that system until the appropriate federal agency or authority confirms in writing that another plan for supporting the system will not result in

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federal sanctions. In addition, any use of such resources to expand services to other agencies must be consistent with an approved cost allocation plan.

(7) The corresponding amounts necessary to execute paragraphs (1), (2) and (4) are appropriated to the state agencies for transfer to the State Technology Office. Such amounts and specific funds shall be equivalent to the amount of approved budget reduced from state agencies in paragraphs (1), (2) and (4) subject to approval by the Legislative Budget Commission.

SECTION 56. There is hereby appropriated \$33,800,000 to be transferred from the Solid Waste Management Trust Fund to the Working Capital Fund.

SECTION 57. There is hereby appropriated \$16,200,000 to be transferred from the Water Management Lands Trust Fund to the Working Capital Fund.

SECTION 58. Pursuant to the provisions of section 440.51(14), Florida Statutes, the Department of Labor and Employment Security may submit a budget amendment request to transfer up to \$750,000 from the Workers' Compensation Trust Fund to the Florida Workers' Compensation Joint Underwriting Association for fiscal year 2000-2001. The budget amendment shall be submitted to the Legislative Budget Commission for approval. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 59. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or Specific Appropriations contained in this act.

SECTION 60. With the exception of Sections 28, 40 and 58, this act shall take effect July 1, 2001, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2001, then it shall operate retroactively to July 1, 2001. Sections 28, 40 and 58, shall take take effect upon the General Appropriations Act becoming law.

TOTAL ALL FUNDS THIS APPROPRIATIONS ACT..... 48331,164,980

APPROPRIATIONS INCLUDED IN STATUTES (BUT NOT IN THIS ACT)

CHILD SUPPORT INCENTIVE TF.....	45,576
CHILD SUPPORT CLEARING TF.....	100,000,000
COUNTY REVENUE SHARING TF.....	336,200,000
FED USE OF STATE LANDS TF.....	1,647,000
FLORIDA RETIREMENT SYSTEM TF.....	2855,191,319
GAS TAX COLLECTION TF.....	271,300,000
GRANTS AND DONATIONS TF.....	88,470
FL RETIREMENT SYS PRESERVATION OF BENEFITS PLAN TF.	50,000
IFAS SUPPL RETIREMENT TF.....	915,663
LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TF...	1390,200,000
MUNICIPAL REVENUE SHARING TF.....	238,800,000
OIL AND GAS TAX TRUST FUND.....	600,000
RETIREE HEALTH INSURANCE SUBSIDY TF.....	227,035,262
SELF INSURANCE ASSESSMENT TRUST FUND.....	2,500,000
SEVERANCE TAX SOLID MINERAL TF.....	4,890,000
UNEMPLOYMENT COMPENSATION BENEFIT TF.....	800,000,000
WORKERS' COMPENSATION ADMINISTRATION TF.....	23,020,026
WORKERS' COMPENSATION SPECIAL DISABILITY TF.....	115,421,987

TOTAL APPROPRIATION AUTHORITY INCLUDED IN STATUTES. 6367,905,303

ADJUSTED TOTAL: ALL APPROPRIATIONS..... 54699,070,283

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 121,772

FROM GENERAL REVENUE FUND 20336,628,948

FROM TRUST FUNDS 27994,536,032

TOTAL ALL FUNDS 48331,164,980

The Conference Committee Report was read and on motion by Senator Horne was adopted. **SB 2000** passed as recommended and was certified

to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Dawson	Lawson	Sebesta
Bronson	Diaz de la Portilla	Lee	Silver
Brown-Waite	Dyer	Meek	Smith
Burt	Garcia	Miller	Sullivan
Campbell	Geller	Mitchell	Villalobos
Carlton	Holzendorf	Peaden	Wasserman Schultz
Clary	Horne	Posey	Webster
Constantine	King	Pruitt	
Cowin	Latvala	Sanderson	
Crist	Laurent	Saunders	

Nays—3

Jones	Klein	Rossin
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DISCLOSURE

In an abundance of caution, pursuant to Senate Rule 1.39, I am disclosing that there are several places in SB 2000 that Nova Southeastern University is designated as the recipient of funds appropriated by the Legislature.

I am a salaried employee of, and the Director of Career Placement for, the Health Professions Division of Nova Southeastern University.

As directed by Senate Rule and as permitted by law, once disclosed, it is my duty to vote on the General Appropriations Bill.

Debbie Wasserman Schultz, 32nd District

CONFERENCE COMMITTEE REPORT ON SB 2002

The Honorable John M. McKay
President of the Senate

May 2, 2001

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2002, same being:

An act relating to implementing appropriations.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from its amendment 1.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

<i>s/Jim Horne</i> Chairman	<i>s/Locke Burt</i>
<i>s/Charlie Clary</i>	<i>s/Anna P. Cowin</i>
<i>s/M. Mandy Dawson</i>	<i>s/Buddy Dyer</i>
<i>s/Rudy Garcia</i>	<i>s/Betty S. Holzendorf</i>
<i>s/Daryl L. Jones</i>	<i>s/James E. "Jim" King, Jr.</i>
<i>s/Jack Latvala</i>	<i>s/John F. Laurent</i>
<i>s/Alfred "Al" Lawson, Jr.</i>	<i>s/Kendrick B. Meek</i>
<i>s/Lesley "Les" Miller, Jr.</i>	<i>s/Richard Mitchell</i>
<i>s/Durell Peaden, Jr.</i>	<i>s/Tom Rossin</i>
<i>s/Debby P. Sanderson</i>	<i>s/Burt L. Saunders</i>
<i>s/Ronald A. Silver</i>	<i>s/Donald C. Sullivan</i>
<i>s/J. Alex Villalobos</i>	<i>s/Daniel Webster</i>

Managers on the part of the of the Senate

<i>s/Carlos Lacasa</i> Vice Chairman	<i>s/JD Alexander</i>
<i>s/Randy J. Ball</i>	<i>s/Gustavo Barreiro</i>
<i>s/Allan Bense</i>	<i>s/Gus Bilirakis</i>
<i>s/Frederick "Fred" Brummer</i>	<i>s/Paula Dockery</i>
<i>s/Frank Farkas</i>	<i>s/Mike Fasano</i>
	<i>s/Carole Green</i>

s/Mark Flanagan
s/Ron Greenstein
s/Wilbert "Tee" Holloway
s/Randy Johnson
s/Bev Kilmer
s/Mark Mahon
s/Matthew Meadows
s/Jefferson "Jeff" Miller
s/Nan Rich
s/Marco Rubio
s/Gary Siplin
s/Joseph Spratt
s/Rob Wallace

s/Chris Hart
s/Ed Jennings, Jr.
s/Charlie Justice
s/Evelyn Lynn
s/Jerry Maygarden
s/Jerry Melvin
s/Sandra Murman
s/Stacy Ritter
s/John "Jack" Seiler
s/Irving Slosberg
s/Dwight Stansel
s/Frederica "Freddi" Wilson

Managers on the part of the of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2001-2002.*

Section 2. *In order to implement Specific Appropriation 171 of the 2001-2002 General Appropriations Act, the funds provided for workforce development shall be initially allocated to the school district or community college as designated. If, for any reason, a program in whole or in part is moved from a community college to a school district or moved from a school district to a community college, the Commissioner of Education or the Executive Director of the Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 2001-2002 appropriation between the affected district and community college. The amount transferred shall be as near as practicable to the actual amount appropriated for the FTE funded for that program. This section expires July 1, 2002.*

Section 3. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, paragraph (k) of subsection (1) and subsection (8) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(k) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. ~~During the 1997-1998, 1998-1999, and 1999-2000 school years of the pilot program authorized in s. 240.116, Students enrolled in the Advanced International Certificate of Education Program shall generate full-time equivalent student membership in a manner that is equitable to the manner in which students enrolled in the International Baccalaureate Program generate full-time equivalent student membership. During 1997-1998, a maximum of 40 students in each participating school district is authorized to generate full-time equivalent student membership in the pilot program, and in 1998-1999 and 1999-2000 a maximum of 80 students per year in each participating school district is authorized to generate full-time equivalent student membership in the pilot program.~~

(8) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 ~~unweighted~~ ^{weighted} FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per ~~unweighted~~ ^{weighted} FTE student which shall include the adjusted FTE dollars as provided in subsection (9),

quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per *unweighted weighted* FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (9) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per *unweighted weighted* FTE to prior year funds per *unweighted weighted* FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per *unweighted weighted* FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

Section 4. *The amendment of paragraph (k) of subsection (1) and subsection (8) of section 236.081, Florida Statutes, by this act shall expire on July 1, 2002, and the text of those provisions shall revert to that in existence on June 30, 2001, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 5. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, subsection (6) of section 240.116, Florida Statutes, is amended to read:

240.116 Articulated acceleration.—

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations. ~~During the 1997-1998, 1998-1999, and 1999-2000 school years, the Department of Education shall assist up to three school districts in conducting a pilot of the Advanced International Certificate of Education Program administered by the University of Cambridge Local Examinations Syndicate. The department shall produce an evaluation report and recommendations regarding the comparability of the Advanced International Certificate of Education Program to the International Baccalaureate Program and submit the report to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2000.~~

Section 6. *The amendment of subsection (6) of section 240.116, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 7. In order to implement Specific Appropriation 178 of the 2001-2002 General Appropriations Act, subsection (7) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(7) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent below and 15 percent above *the combined total* of the fee schedule adopted by the State Board of Community Colleges *and the technology fee adopted by a board of trustees*, provided that any amount from 10 to 15 percent

above the fee schedule is used only to support safety and security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Community Colleges based on criteria approved by the local board of trustees, including but not limited to criteria such as local crime data and information, and strategies for the implementation of local safety plans. For 1999-2000, each community college is authorized to increase the sum of the matriculation fee and technology fee by not more than 5 percent of the sum of the matriculation and local safety and security fees in 1998-1999. However, no fee in 1999-2000 shall exceed the prescribed statutory limit. Should a college decide to increase the matriculation fee, the funds raised by increasing the matriculation fee must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.

Section 8. *The amendment of subsection (7) of section 240.35, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 9. In order to implement Specific Appropriation 93 of the 2001-2002 General Appropriations Act, paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 75 percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

- a. A nonrefundable application fee in an amount not to exceed \$30.
- b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed \$200.
- c. An orientation fee in an amount not to exceed \$35.
- d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.
- e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.
- f. A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.
- g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).
- h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.
- i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and micro-filming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed \$10 per item.

Section 10. *The amendment of paragraph 240.209(3)(e), Florida Statutes, by this act shall expire July 1, 2002, and the text of that paragraph shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 11. In order to implement Specific Appropriation 93 of the 2001-2002 General Appropriations Act, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural

arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 75 ~~50~~ percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 12. *The amendment of subsection 240.35(11), Florida Statutes, by this act shall expire July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 13. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, paragraph (a) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner. Beginning with the 1999-2000 school year, each school district shall also document the daily attendance of each student in membership by school and by district. An average daily attendance factor shall be computed by dividing the total daily attendance of all students by the total number of students in membership and then by the number of days in the regular school year. Beginning with the ~~2002-2003~~ ~~2001-2002~~ school year, the district's full-time equivalent membership shall be adjusted by multiplying by the average daily attendance factor.

Section 14. In order to implement Specific Appropriations 302-466 and 503-637 of the 2001-2002 General Appropriations Act, paragraph (c) is added to subsection (16) of section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(16)

(c) *For the 2001-2002 fiscal year only, funds appropriated to the Department of Children and Family Services in Specific Appropriations 302-466 and the Department of Health in Specific Appropriations 503-637 of the 2001-2002 General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit-cost basis. This paragraph expires July 1, 2002.*

Section 15. *In order to implement Specific Appropriations 408 and 410 of the 2001-2002 General Appropriations Act, notwithstanding the provisions of chapter 216, Florida Statutes, the Department of Children and Family Services is authorized to transfer funds as necessary to achieve a successful transition of staff between that department and the Department of Juvenile Justice. Such transfers of funds shall only require a 3-day consultation period with the House and Senate Appropriations Committees prior to their implementation. The Department of Juvenile Justice is directed to give priority for employment to persons employed at G. Pierce Wood Memorial Hospital (GPW). The Departments of Juvenile Justice and Children and Family Services are also directed to require the contracted Department of Juvenile Justice programs in the catchment area in the contracted sexually violent predator program to give employees from GPW priority for employment. This section expires July 1, 2002.*

Section 16. In order to implement Specific Appropriations 400-402 of the 2001-2002 General Appropriations Act, subsection (8) is added to section 394.908, Florida Statutes, to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of substance abuse and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to:

(8) *For fiscal year 2001-2002 only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year 1998-1999 appropriations shall be allocated, except as specified in this subsection, to the G. Pierce Wood Memorial Hospital catchment area or other districts or counties identified in the 2001-2002 General Appropriations Act. The Department of Children and Family Services is authorized to develop an alternative allocation methodology based on national prevalence data for persons with severe and persistent mental illness for use in the distribution of new funds to the G. Pierce Wood Memorial Hospital catchment area. No district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations, for fiscal year 1998-1999, except for adjustments needed to implement the SunCoast Region. This subsection expires July 1, 2002.*

Section 17. In order to implement Specific Appropriation 480 of the 2001-2002 General Appropriations Act, subsection (1) of section 430.204, Florida Statutes, is amended to read:

430.204 Community-care-for-the-elderly core services; departmental powers and duties.—

(1)(a) The department shall fund, through each area agency on aging, at least one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. Whenever feasible, an area agency on aging shall be the contracting agency of preference to engage only in the planning and funding of community-care-for-the-elderly core services for functionally impaired elderly persons.

(b) *For fiscal year 2001-2002 only, in each county having a population over 2 million, the department shall fund, through each area agency on aging, more than one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. This paragraph expires July 1, 2002.*

Section 18. In order to implement Specific Appropriation 480 of the 2001-2002 General Appropriations Act, subsection (1) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(1)(a) The department, through the area agency on aging, shall fund in each planning and service area at least one community care service system that provides case management and other in-home and community services as needed to help the older person maintain independence and prevent or delay more costly institutional care.

(b) *For fiscal year 2001-2002 only, in each county having a population over 2 million, the department, through the area agency on aging, shall fund in each planning and service area more than one community care service system that provides case management and other in-home and community services as needed to help elderly persons maintain independence and prevent or delay more costly institutional care. This paragraph expires July 1, 2002.*

Section 19. In order to implement Specific Appropriations 348, 350A, and 350C of the 2001-2002 General Appropriations Act, subsection (12) is added to section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(12) *For the 2001-2002 fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, 2002.*

Section 20. In order to implement Specific Appropriation 3018 of the 2001-2002 General Appropriations Act, paragraph (i) of subsection (2) of section 318.21, Florida Statutes, as amended, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(i) For fiscal year ~~2001-2002~~ ~~2000-2001~~ only, and in lieu of the provisions of paragraph (a), five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702. This paragraph ~~expires~~ ~~is repealed on July 1, 2002~~ ~~2001~~.

Section 21. In order to implement Specific Appropriation 2967 of the 2001-2002 General Appropriations Act, subsection (8) of section 925.037, Florida Statutes, is amended to read:

925.037 Reimbursement of counties for fees paid to appointed counsel; circuit conflict committees.—

(8) Notwithstanding any other provision of this section to the contrary, and for the ~~2001-2002~~ ~~2000-2001~~ fiscal year only, funds allocated pursuant to this section shall be distributed to the counties in the designated circuits by the state courts system. This subsection ~~expires~~ ~~is repealed on July 1, 2002~~ ~~2001~~.

Section 22. In order to implement Specific Appropriations 862-1126 of the 2001-2002 General Appropriations Act, section 25.402, Florida Statutes, is amended to read:

25.402 County Article V Trust Fund.—

(1)(a) The trust fund moneys in the County Article V Trust Fund, administered by the Supreme Court, ~~may~~ ~~must~~ be used to compensate counties for the costs they incur under Article V of the State Constitution

in operating the state courts system, including the costs they incur in providing and maintaining court facilities.

(b) The Supreme Court shall adopt an allocation and disbursement plan for the operation of the trust fund and the expenditure of moneys deposited in the trust fund. The Supreme Court shall include the plan in its legislative budget request. A committee of 15 people shall develop and recommend the allocation and disbursement plan to the Supreme Court. The committee shall be composed of:

1. Six persons appointed by the Florida Association of Counties, as follows:

a. Two persons residing in counties with populations ~~fewer less~~ than 90,000 ~~75,000~~.

b. Two persons residing in counties with populations greater than 89,999 ~~74,999~~, but ~~fewer less~~ than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

2. Six persons appointed by the Chief Justice of the Supreme Court, as follows:

a. Two persons residing in counties with populations ~~fewer less~~ than 90,000 ~~75,000~~.

b. Two persons residing in counties with populations greater than 89,999 ~~74,999~~, but ~~fewer less~~ than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

3. Three persons appointed by the Florida Association of Court Clerks and Comptrollers, as follows:

a. One person residing in a county with a population ~~fewer less~~ than 90,000 ~~75,000~~.

b. One person residing in a county with a population greater than 89,999 ~~74,999~~, but ~~fewer less~~ than 700,000.

c. One person residing in a county with a population greater than 699,999.

The allocation and disbursement plan shall include provisions to compensate counties with fewer than 90,000 ~~75,000~~ residents for court facility needs.

(c) Amendments to the approved operating budget for expenditures from the County Article V Trust Fund must be approved in accordance with the provisions of s. 216.181. The total amount disbursed from the County Article V Trust Fund may not exceed the amount authorized by the General Appropriations Act.

(d) Effective July 1, ~~2001~~ ~~1998~~, moneys generated from civil penalties distributed under s. 318.21(2)(h) shall be deposited in the trust fund for the following purposes:

1. Funds paid to counties with populations ~~fewer less~~ than 90,000 ~~75,000~~ shall be grants-in-aid to be used, in priority order, for: *operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B*; consulting or architectural studies related to the improvement of courthouse facilities; improving court facilities to ensure compliance with the Americans with Disabilities Act and other federal or state requirements; other renovations in court facilities; improvements in court security; and expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

2. Funds paid to counties with populations exceeding 89,999 ~~74,999~~ shall be grants-in-aid to be used, in priority order, for *operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B*, costs paid by the county for expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

(2) This section ~~expires is repealed~~ June 30, 2002.

Section 23. In order to implement Specific Appropriation 2968 of the 2001-2002 General Appropriations Act, subsections (1) and (2) of section 29.009, Florida Statutes, are amended to read:

29.009 Contingency fund.—

(1) Any county with a population of less than 90,000 ~~85,000~~, according to the most recent decennial census, may apply to the Office of the State Courts Administrator for additional funding to cover extraordinary criminal-case-related costs.

(2) The Office of the State Courts Administrator, in consultation with the chairs of the appropriations committees of the Legislature, shall develop a process whereby counties may request funds pursuant to this section. Such process shall be consistent with legislative intent regarding this act. The Office of the State Courts Administrator shall review any request for funds by a county under this section and, if the Office of the State Courts Administrator determines that a request is valid, *and contingent upon specific appropriation*, it may provide assistance upon finding a qualifying county's budget is inadequate to cover extraordinary criminal-case-related costs and that the deficiency will result in an impairment of the operations of the county.

Section 24. *The amendment of subsections 29.009(1) and (2), Florida Statutes, by this act shall expire July 1, 2002, and the text of these subsections shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 25. *Consistent with the provisions of section 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of section 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1248, 1259, 1268, 1278, 1280A, 1281, 1289, 1296, and 1302 of the 2001-2002 General Appropriations Act for salary bonuses for departmental employees at the discretion of the executive director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the chairs of the legislative appropriations committees responsible for producing the General Appropriations Act for review before awarding such bonuses. This section expires July 1, 2002.*

Section 26. In order to implement Specific Appropriations 1248-1307 of the 2001-2002 General Appropriations Act, subsection (17) is added to section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(17) *Notwithstanding any other provision of this section to the contrary, and for the 2001-2002 fiscal year only, the Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the chair of the Senate Budget Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection expires July 1, 2002.*

Section 27. *In order to implement proviso language following Specific Appropriation 1225 of the 2001-2002 General Appropriations Act, the Correctional Privatization Commission may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the Correctional Privatization Commission or a facility under the authority of the Department of Juvenile Justice which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality*

or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2002.

Section 28. In order to implement Specific Appropriations 681-788F and 819-848 of the 2001-2002 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2001-2002 ~~2000-2001~~ fiscal year only;

(a) *If the actual inmate population of the Department of Corrections exceeds by 2 percent for 2 consecutive months or more the inmate population projected by the Criminal Justice Estimating Conference on February 16, 2001 ~~March 2, 2000~~, the Executive Office of the Governor may request positions in excess of the number authorized by the Legislature and sufficient funding from the Working Capital Fund to operate the additional prison bed capacity necessary to accommodate the actual inmate population.*

(b) *If, by October 1, 2001, a contract with a private vendor or vendors for the delivery of health care services at institutions located in Department of Corrections Region IV has not been executed, up to 97 positions in excess of the number authorized and appropriate salary rate may be approved, provided that sufficient funds are available to pay salaries and benefits. If a contract for the provision of health care services in the Department of Corrections Region IV is subsequently executed, the Executive Office of the Governor shall place these positions and associated salary rate into reserve.*

(c) *In order to implement a Close Management Consolidation Plan in the Department of Corrections, positions in excess of the number authorized and appropriate salary rate may be approved provided that the Secretary of Corrections certifies that there are no vacant positions that may be used for this purpose.*

Such requests are ~~request is~~ subject to the budget amendment and consultation provisions of this chapter. This subsection ~~expires is repealed~~ ~~on~~ July 1, 2002 ~~2001~~.

Section 29. In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, subsection (1) of section 938.01, Florida Statutes, as amended by section 39 of chapter 2000-171, Laws of Florida, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement for distribution as follows:

1. Two dollars and seventy-five cents of each \$3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the Department of Law Enforcement Operating Trust Fund and shall be disbursed to the Department of Law Enforcement.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the Department of Law Enforcement

Operating Trust Fund and shall be disbursed to the Department of Law Enforcement.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the Department of Law Enforcement Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 30. *The amendment of subsection (1) of section 938.01, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 31. In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, subsection (1) of section 943.25, Florida Statutes, as amended by section 41 of chapter 2000-171, Laws of Florida, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of Law Enforcement may approve, for disbursement from the Department of Law Enforcement Operating Trust Fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 32. *The amendment of subsection (1) of section 943.25, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 33. (1) In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, the Criminal Justice Program shall be transferred from the Department of Community Affairs to the Department of Law Enforcement by a type two transfer, pursuant to section 20.06(2), Florida Statutes. The Criminal Justice Program so transferred is comprised of the Byrne State and Local Law Enforcement Assistance Program, Local Law Enforcement Block Grants, Drug-Free Communities Program, Residential Substance Abuse Treatment for State Prisoners, the Bulletproof Vest Program, the Guantanamo Bay Refugee and Entrant Assistance Program, the National Criminal History Improvement Program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.

(2) In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, from the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to section 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting, in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children and Family Services, and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program.

(3) *This section expires July 1, 2002.*

Section 34. In order to implement Specific Appropriation 1519 of the 2001-2002 General Appropriations Act, subsection (8) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(c) and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

2. For fiscal year 2001-2002 only, the provisions of this subparagraph shall supersede the provisions of subparagraph 1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition. This subparagraph expires July 1, 2002.

Section 35. In order to implement Specific Appropriations 2624-2628A of the 2001-2002 General Appropriations Act, subsection (4) of section 287.161, Florida Statutes, is amended to read:

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.—

(4) Notwithstanding the requirements of subsections (2) and (3) and for the 2001-2002 ~~2000-2001~~ fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection expires July 1, 2002 ~~2001~~.

Section 36. In order to implement Specific Appropriation 1742 of the 2001-2002 General Appropriations Act, subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, \$20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka. *Starting in fiscal year 2001-2002, from the cash balance less approved commitments encumbered that is remaining in the Florida Preservation 2000 Trust Fund, the Legislature shall appropriate up to \$75 million from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund to be used for the acquisition of lands needed for restoration of the Florida Everglades pursuant to s. 373.470. Furthermore, the remaining cash balances available for the Preservation 2000 programs described in paragraphs (a) through (g) shall be adjusted pro rata for the amount appropriated by the Legislature. Additionally, any cash balances less approved commitments encumbered available to the programs described in paragraphs (a) through (g) at the time the first series of Florida Forever Program bonds is issued and proceeds are deposited into the Florida Forever Trust Fund shall be reserved and remain unavailable for expenditure for projects pursuant to the Florida Preservation 2000 Program until and unless the programs receiving an allocation under the Florida Forever Program described in paragraphs 259.105(3)(a)-(h), respectively, have encumbered all funds available from the first Florida Forever Program bond issue. To the extent that projects eligible for Preservation 2000 funds can also be eligible for Florida Forever funds, the proceeds from Florida Forever bonds may be used to complete transactions begun with Preservation 2000 funds or meet cash needs for property transactions begun in fiscal year 2000-2001. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a)-(g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:*

(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Division of State Lands within the Department of Environmental Protection to implement the Green Swamp Land Protection Initiative specifically for the purchase of conservation easements, as defined in s. 380.0677(4), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, \$3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trails systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. The board of trustees shall hold title to land protection agreements and conservation easements that were or will be acquired pursuant to s. 380.0677, and the Southwest Florida Water Management District and the St. Johns River Water Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

Section 37. *The amendment of subsection 259.101(3), Florida Statutes, by this act shall expire July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative*

Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.

Section 38. In order to implement Specific Appropriation 1789 of the 2001-2002 General Appropriations Act, subsection (8) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(8) *Notwithstanding the provisions of this section, for fiscal year 2001-2002 ~~2000-2001~~ only, the department shall provide solid waste management and recycling grants only to counties with populations under 100,000. Such grants must be with at least 80 percent of the level of funding they received in fiscal year 2000-2001 ~~1997-1998~~ for solid waste management and recycling grants. This subsection expires is repealed on July 1, 2002 ~~2001~~.*

Section 39. In order to implement Specific Appropriation 1748 of the 2001-2002 General Appropriations Act, subsection (1) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(1)(a) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements of land titled to the districts, payments in lieu of taxes, debt service on bonds issued prior to July 1, 1999, debt service on bonds issued on or after July 1, 1999, which are issued to refund bonds issued before July 1, 1999, preacquisition costs associated with land purchases, and the department's costs of administration of the fund. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.

(b) *For the 2001-2002 fiscal year only, the use of funds allocated to the Water Management Lands Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, 2002.*

Section 40. In order to implement Specific Appropriation 1748 of the 2001-2002 General Appropriations Act, subsection (2) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(2)(a) All revenues accruing from sources designated by law for deposit in the Internal Improvement Trust Fund shall be used for the acquisition, management, administration, protection, and conservation of state-owned lands.

(b) *For the 2001-2002 fiscal year only, the use of funds allocated to the Internal Improvement Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, 2002.*

Section 41. In order to implement Specific Appropriations 1653 and 1748 of the 2001-2002 General Appropriations Act, subsection (11) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(11) Notwithstanding any provision of this section to the contrary, and for the 2001-2002 ~~2000-2001~~ fiscal year only, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the districts pursuant to subsection (8) for the purpose of carrying out the purposes of s. 373.0361, s. 373.0831 ~~s. 375.0831~~, s. 373.139, or ss. 373.451-373.4595 and for legislatively authorized land acquisition and water restoration initiatives. No funds may be used pursuant to this subsection until necessary debt service obligations, requirements for payments in lieu of taxes, and land management obligations that may be required by this chapter are provided for. This subsection expires is repealed on July 1, 2002 ~~2001~~.

Section 42. In order to implement Specific Appropriation 1543A of the 2001-2002 General Appropriations Act, paragraph (b) of subsection (1) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(1)

(b) Notwithstanding the provisions of paragraph (a), and for the 2001-2002 ~~2000-2001~~ fiscal year only, up to \$2.2 ~~\$4~~ million of the unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund shall be utilized to improve, and increase the number of, disaster shelters within the state and improve local disaster preparedness. This paragraph expires is repealed on July 1, 2002 ~~2001~~.

Section 43. In order to implement Specific Appropriations 2932-2947A of the 2001-2002 General Appropriations Act, subsection (1) of section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.—

(1) CULTURAL INSTITUTIONS TRUST FUND.—There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

(a) For statewide arts grants, \$2.7 million.

(b) For arts in education and visiting arts programs, \$250,000.

(c) For the State Touring Program, \$200,000. First priority for the issuance of State Touring Program grants shall be given to applicants that reside in counties with a population of 75,000 or less.

(d) For local arts agencies or state service organizations, \$400,000.

(e)1. For the officially designated Art Museum of the State of Florida described in s. 240.711, \$2.2 million, and for state-owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, \$500,000.

2. *For fiscal year 2001-2002 only, the provisions of subparagraph 1. relating to state-owned cultural facilities shall not be applicable. This subparagraph expires July 1, 2002.*

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

Section 44. In order to implement Specific Appropriation 2898B of the 2001-2002 General Appropriations Act, subsection (5) is added to section 98.0975, Florida Statutes, to read:

98.0975 Central voter file; periodic list maintenance.—

(5)(a) *For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (1), the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available identifying information of each person included in the central voter file as a registered voter in the supervisor's county whom the division believes may be ineligible to vote based on examination of data obtained from the Florida Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, or any other source that indicates that the person is deceased, has been convicted of a felony and has not had his or her civil rights restored, or has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.*

(b) *For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (3), the division is not required to contract with a private entity to compare information.*

(c) *For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (4), upon receiving the list from the division, the supervisor must attempt to verify the information provided. If the supervisor determines that the information provided by the division is correct, the supervisor must remove from the registration books by the next election the name of any person whom the supervisor confirms is deceased,*

has been convicted of a felony and has not had his or her civil rights restored, or has been adjudicated mentally incapacitated with respect to voting and has not had his or her mental capacity with respect to voting restored.

(d) This subsection expires July 1, 2002.

Section 45. In order to implement Specific Appropriation 1488A of the 2001-2002 General Appropriations Act:

(1) The Department of Agriculture and Consumer Services shall provide compensation to eligible homeowners whose citrus trees have been removed under a citrus canker eradication program. Funds to pay this compensation may be derived from both state and federal matching sources, and shall be specifically appropriated by law. Eligible homeowners shall be compensated subject to the availability of appropriated funds.

(2) To be eligible to receive compensation under the program, a homeowner must:

(a) Be the homeowner of record on the effective date of this act for residential property where one or more citrus trees have been removed as part of a citrus canker eradication program;

(b) Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and

(c) Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.

(3) The amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$100 per tree. If the homeowner's property is eligible for a Shade Dade or a Shade Florida Card, the homeowner may not receive compensation under this section for the first citrus tree removed from the property as part of a citrus canker eradication program.

(4) The specification of a per-tree amount paid for the residential citrus canker compensation program does not limit the amount of any other compensation that may be paid by another entity or pursuant to court order for the removal of citrus trees as part of a citrus canker eradication program.

(5) Of the funds appropriated to the department under this section, the department may use up to \$500,000 to administer the residential citrus canker compensation program. Specifically, the department shall:

(a) Take reasonable steps to identify and notify owners of citrus trees removed as part of a citrus canker eradication program of the availability of the compensation program.

(b) Notify homeowners of the manner in which the owner may request funding.

(c) Develop a compensation request form and make it available to eligible homeowners.

(d) Develop a process to resolve disputes relating to compensation. The department's decision is final and is not subject to chapter 120, Florida Statutes.

(6) The department shall develop a plan to identify, document, and distribute funds in Specific Appropriation 1488A to applicable residents. The department shall submit the plan to the Legislative Budget Commission for review pursuant to section 216.177, Florida Statutes, prior to the release of any funds.

(7) This section expires July 1, 2002.

Section 46. In order to implement section 8 of the 2001-2002 General Appropriations Act, subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the

terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Notwithstanding the provisions of subsections (1) and (2), under the state employees' prescription drug program copayments must be made as follows:

~~(a) For the period July 1, 2000, through December 31, 2000:~~

- ~~1. For generic drug with card \$7.~~
- ~~2. For brand name drug with card \$20.~~
- ~~3. For generic mail order drug with card \$7.~~
- ~~4. For brand name mail order drug with card \$20.~~

~~(a)(b)~~ Effective January 1, 2001:

- 1. For generic drug with card \$7.
- 2. For preferred brand name drug with card \$20.
- 3. For nonpreferred brand name drug with card \$35.
- 4. For generic mail order drug with card \$10.50.
- 5. For preferred brand name mail order drug with card \$30.
- 6. For nonpreferred brand name drug with card \$52.50.

~~(b)(c)~~ The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

This subsection expires July 1, 2002 ~~2001~~.

Section 47. In order to implement section 8 of the 2001-2002 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the 2001-2002 ~~2000-2001~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each revenue estimating conference on health insurance as provided in s. 216.136(1), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires ~~is repealed on~~ July 1, 2002 ~~2001~~.

Section 48. In order to implement sections 2-7 of the 2001-2002 General Appropriations Act, subsections (5) and (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

1. Breakfast—When travel begins before 6 a.m. and extends beyond 8 a.m.
2. Lunch—When travel begins before 12 noon and extends beyond 2 p.m.
3. Dinner—When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Comptroller shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(c) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per-diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2002.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Fifty dollars per diem; or
2. If actual expenses exceed \$50, the amounts permitted in paragraph (b) for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast \$3
2. Lunch \$6
3. Dinner \$12

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(d) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per-diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2002.

Section 49. (1) In order to implement Specific Appropriations 2654-2660B and section 47 of the 2001-2002 General Appropriations Act, the

Department of Management Services shall submit a plan for the outsourcing of human resource services to the Executive Office of the Governor and the President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Appropriations Committee, and the chairman of the House Fiscal Responsibility Council. This plan shall include:

- (a) The costs associated with contracting for outsourcing of human resource services;
- (b) The costs associated with providing those human resource services not outsourced; and
- (c) The cost savings anticipated by the state.

(2) The President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Appropriations Committee, and the chairman of the House Fiscal Responsibility Council must approve the plan submitted by the department for the outsourcing of human resource services before the department may implement the plan. Upon approval of the plan, the department shall contract with a service provider for human resource services on behalf of all state agencies.

(3) The department shall work with each state agency regarding the implementation of the approved plan. During implementation of the outsourced human resource services, agency full-time-equivalent (FTE) service positions and associated rate shall be placed in unbudgeted reserve by the Executive Office of the Governor pursuant to section 216.181, Florida Statutes. Each agency shall transfer any budget associated with the reserved FTE to a special category for human resource services. To the extent necessary to pay an agency's portion of the costs of the outsourced human resource services, the agency shall pay a special assessment fee to the Department of Management Services.

(4) For purposes of this section, the term "state agencies" means all state entities and government branches using the Cooperative Personnel Employment System (COPEs) on March 15, 2001.

(5) Notwithstanding the provisions of sections 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds between agencies to implement the human resource outsourcing plan.

(6) This section expires July 1, 2002.

Section 50. In order to implement Specific Appropriations 2729-2733 and section 55 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, the Executive Office of the Governor, in consultation with the Senate Appropriations Committee and the House Fiscal Responsibility Council, shall develop the initial budget and accounting code structure for the State Technology Office created by section 282.102, Florida Statutes.

Section 51. In order to implement Specific Appropriation 208A of the 2001-2002 General Appropriations Act, subsection (1) of section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1)(a) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice demand continuous educational and training opportunities, state employees may be authorized to receive fundable tuition waivers on a space-available basis or vouchers to attend work-related courses at public universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours.

(b) For the 2001-2002 fiscal year only and notwithstanding the provisions of paragraph (a), state employees may not be authorized to receive fundable tuition waivers on a space-available basis. This paragraph expires July 1, 2002.

Section 52. In order to implement Specific Appropriation 208A of the 2001-2002 General Appropriations Act, subsection (7) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(7)(a) The Board of Regents is authorized to permit full-time State University System employees who meet academic requirements to enroll for up to 6 credit hours of tuition-free courses per term on a space-available basis.

(b) For the 2001-2002 fiscal year only and notwithstanding the provisions of paragraph (a), the Board of Regents is not authorized to permit State University System employees to enroll for tuition-free courses. This paragraph expires July 1, 2002.

Section 53. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2001-2002 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2001-2002 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 54. If any other act passed during the 2001 Regular Session of the Legislature or any extension thereof contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

Section 55. The agency performance measures and standards in the document entitled "Florida's Budget 2001 Agency Performance Measures and Standards Approved by the Legislature for Fiscal Year 2001-02" dated May 1, 2001, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2001-2002, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their Long-Range Program Plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.

Section 56. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 57. This act shall take effect July 1, 2001; or, in the event this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 240.35, F.S.; including technology fees within the calculation of the range of fees allowed to be adopted by each community college board of trustees; providing for future reversion to current text; amending s. 240.209, F.S.; revising provisions governing student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; providing for future reversion to current text; amending s. 240.35, F.S.; revising provisions governing student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; providing for future reversion to current text; amending s. 236.081, F.S.; prescribing a method for determining a school district full-time equivalent membership; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; authorizing a transfer of funds between the Department of Children and Family Services and the Department of

Juvenile Justice relating to transfer of staff between the departments; amending s. 394.908, F.S.; providing for the allocation of certain funds to the G. Pierce Wood Memorial Hospital catchment area or to designated districts or counties; directing the Department of Children and Family Services to develop alternative allocation methodology; amending ss. 430.204, 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and community-care-for-the-elderly services; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funding between certain services; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 29.009, F.S.; revising eligibility criteria for receiving funds for extraordinary criminal-case-related costs; providing for future reversion to current text; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; providing for future reversion to current text; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; providing for use of moneys allocated to the Water Management Lands Trust Fund; amending s. 253.01, F.S.; providing for use of moneys allocated to the Internal Improvement Trust Fund; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 265.2861, F.S.; revising programs supported by the Cultural Institutions Trust Fund; amending s. 98.0975, F.S.; providing for the Division of Elections to compile a list of ineligible voters; requiring the Department of Agriculture and Consumer Services to administer a residential citrus canker compensation program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; requiring the Department of Management Services to submit a plan for outsourcing human resource services; requiring approval before implementation of the plan; providing for development of the initial budget and accounting code structure for the State Technology Office; amending ss. 110.1099, 240.209, F.S.; providing that state employees and State University System employees may not receive tuition waivers or tuition-free courses; providing for future repeal or expiration of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other

legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

The Conference Committee Report was read and on motion by Senator Horne was adopted. **SB 2002** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebasta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

MOTION

On motion by Senator Rossin, the following remarks were ordered spread upon the Journal:

Mr. President: The Senator from the 6th is recognized to explain the bill.

Senator Horne: Thank you, Mr. President. This is our one and only constitutional responsibility that we must carry out. It is our budget. As I have mentioned earlier, I think it is something we can certainly be very proud of. A lot of hard work went into it. I think we laid out the guiding principles from which we have built our budget. I think we have stuck to those guiding principles. I think we have built a budget that we can all hold our heads high, be very proud of. When you go back to your districts you can certainly, I think, answer the call that we met the priority needs of the State of Florida. Again, I urge your very positive vote on this great bill.

Mr. President: We agreed to debate by the Senator from the 35th and the Senator from the 8th. The Senator from the 35th is recognized to debate the bill.

Senator Rossin: Thank you, Mr. President. Senators, our Governor submitted what many of you have heard me say many times, what I believe to be an irresponsible budget that we had to try to fix. I am grateful to the Senators here who have worked so hard and have made significant improvements to the inexcusable proposal sent to us by Governor Bush. Because of them, this budget has improved significantly through the conference process.

But this is not how this process is supposed to work. Our Governor should be submitting a budget to us with so much vision that it challenges us to rise to the occasion and make it a reality.

Let me tell you what the Governor should have been concerned with. The State of Florida is 45th in state and local education spending as a percentage of general spending, 43rd in state health rankings, 46th in state and local spending for our education as a percentage of general spending, 40th in per capita Medicaid spending, 50th in state and local spending for higher education overall, and 43rd in average Medicaid spending per child. But the Governor was not concerned with these things. Our President and Appropriations Chairman were put in the position of being a cleanup crew that had to come behind him and cobble together the best budget possible just to cover the basic needs of the state.

Again, I commend the ingenuity and creativity of this Senate to pull us out of a budgetary hole to the extent that they could. But handicapping us with over \$300 million in proposed tax cuts, when we have a huge Medicaid shortfall, was just too much to entirely recover from. The state is not in as deep a hole as we could be, thanks to Senator Horne and the other members of the Appropriations Committee.

But, make no mistake, we are in a hole. I feel the hole will only get bigger and deeper next year. This budget is held together with fund shifts and projected savings which may or may not totally occur. I honestly cannot imagine where we would be without the Tobacco Trust Fund and the Florida Retirement System or the rebates on that.

Democrats were proud to stand behind our Senate President when he said this was not the year to do tax cuts. I continue to agree with that position. Because of the lack of leadership by the Governor, this budget contains many questions. For example, why, in the education budget, has so much revenue been put into categoricals that limit flexibility at the local level while decreasing control funds? Why has our base student allocation gone down \$3 per child this year, the first drop in eight years? What are we going to do about the skyrocketing gas and utility prices, which are not allocated for in this budget? And why, for the first time, are we funding our charter schools out of PECO?

The Governor has sent us a proposal that balances the budget on the backs of our needy citizens so that the rich could have more tax cuts. Democrats have been stressing, since the Governor submitted this budget proposal, that his responsibility is not just to a select few. His responsibility is to all the people of Florida. The Governor's budget and his legislative priorities simply have not reflected that. If Governor Bush wanted a responsible budget for this state, he would have submitted one to the Legislature and he would be taking a leadership role and ensuring that we pass one now. It is about time Governor Bush realized that he is Governor of all the people, young and old, rich and poor, and everyone in between.

My Senate colleagues around this room have gone to unprecedented lengths to salvage the one bill we are required to pass by law. My vote against this budget is a protest aimed directly at the Governor and in no way should be construed as anything but appreciation and gratitude to the Senate leadership for a job well done.

Mr. President, if I may, on a personal note. Although our Senate President, like I, can be difficult at times, I would like to convey that I believe that people in Florida owe him a debt of gratitude for I sincerely believe that they would have been poorly served in the coming year, if not for his leadership. Thank you, Mr. President.

Mr. President: Thank you, Senator. Thank you. Thank you very much for those kind words, Senator. Let me take the opportunity now, that while I appreciate that credit, I do not think I am deserving of it. I think the membership of this body is deserving of it, because it is 40 people working together representing each about 350,000 people that bring experience to this chamber. I think when we listen to each other, and we have done it in a very collegial manner this year, that we can do good things for the people of the State of Florida. Many of you have said on conference reports that, more than anything, that you want a piece of legislation that you might vote for. I think that is probably all right, because none of us are omnipotent in our views. As I heard, if I can paraphrase, as I heard during the memorial service for Representative Doug Jamerson the other day, you ought to be happy when you have a compromise because you walk away with something. Those were wise words that we all ought to remember. It's not whether I have to win, or they have to win, the Senate has to win, or the House has to win, or the Democrats have win, or the Republicans have to win. We need to work for the State of Florida; that is why we are here. Each of you are to be congratulated for your very hard work during this session and for the sacrifices you make. You honor me by allowing me to be your President. I thank you so very much for that honor. The Senator from the 8th is recognized to speak.

Senator King: Thank you, Mr. President and members. I have just found out that, through whatever course of action, perhaps the high cost of leadership, the high cost of negotiations or whatever, I will this legislative session, have passed two trust funds and one department bill. Everything else is down the old pipe. That is a shame because I worked hard and so did a lot of other people. But that is not the point.

The point is that even with what could be looked at as legislative failure, we have got a budget before us that none of us, none of us, six months ago, five months ago, four months ago, thought we could ever have or ever brag about. I like the old adage, you take the lemons and make lemonade. We have done that this time. We have stretched money further than I ever thought we could stretch. I looked at some of the things that we were cutting in the original cuts. If you remember those,

those \$500 or \$600 million worth of cuts. I said, oh my goodness. How would we ever explain to constituents who are looking at those services, those programs and those entities as not only a lifestyle, but for life.

We plodded ahead. Thank goodness for having an Appropriations Chairman who is a CPA and who found little pods here, and little pods there; and we shifted money here, and we shifted there. The end result is that the people of Florida are so much better served with this budget now than any of us ever imagined. The Senate stood tall. We held our position when it was not popular to hold, and it certainly was not popular for the President to hold it, and yet he did. By doing so, in conference committee, we were able, for the most part, to prevail.

What about the fairness part of it all? If you look at the moneys that were spent, 36 percent of it went to Democrats in the Senate. Senate Democrats represent 35 percent of the body. What could be more fair than a budget that not only matches the partisan lines, but also meets the expectations of the constituents that we serve. We should leave this chamber, when we leave this chamber, with heads held high, shoulders thrown back, proud of the fact, first of all, we are allowed to be Senators. Secondly, happy that we were able to craft the budget. And thirdly, that we were able to look, forever for this year, at our constituents and say, we did the best that we could and what we did was pretty good. Thank you.

Mr. President: The Senator from the 6th is recognized to close on the bill.

Senator Horne: Thank you, Mr. President. I will not say much. I have already said as much as I think I can say. I am very proud of this budget. A lot of blood, sweat, and tears have gone into it, a lot of hard work. Everybody was part of it. I am very proud of the effort of the subcommittee chairmen and the members that were involved in this process. You have made me look good. And, in turn, I think we have made our President look good. We did this together, united. I think, as we leave here we can all walk out arm-in-arm, that we did our best job. This is a very good budget. The people of Florida, I think, will be proud. We have met the priorities. We have done our job.

Mr. President: For what purpose does the Senator from the 35th rise?

Senator Rossin: Just to request that we spread the reasons for the negative votes on the journal.

Mr. President: Senator, why don't we spread on the journal the remarks of all those who spoke either in favor or in opposition to the Appropriations Bill, both before the hour of 6:00 p.m., as well as now? Without objection, show that motion passing.

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, and passed CS for CS for HB 1053 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enter-

prise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals;

directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect

to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

House Amendment 1 (952581)(with title amendment) to Senate Amendment 1—On page 197, between lines 13 and 14 insert:

Section 122. Subsections (1) and (21) of section 316.003, Florida Statutes, are amended, and subsection (82) is added to said section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) **AUTHORIZED EMERGENCY VEHICLES.**—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Department of Environmental Protection, *the Department of Health*, and the Department of Transportation as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

(21) **MOTOR VEHICLE.**—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, *motorized scooter*, or moped.

(82) **MOTORIZED SCOOTER.**—*Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.*

Section 123. Subsections (2) and (3) of section 316.006, Florida Statutes, are amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) **MUNICIPALITIES.**—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. *Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.*

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

(3) COUNTIES.—

(a) Counties shall have original jurisdiction over all streets and highways located within their boundaries, except all state roads and those streets and highways specified in subsection (2), and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

4. *Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.*

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

Section 124. Effective July 1, 2001, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer, *compliance examiner*, or license inspector, or supervisor of the department, ~~as authorized in s. 320.58(1)(a)~~, may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection (1). Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer, *compliance examiner*, or license inspector, or supervisor of the department. Any vehicle found in violation of subsection (1) within 10 days after a previous violation and written notice shall be subject to immediate removal without an additional waiting period.

Section 125. Subsection (4) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 or the *fine amount designated by county ordinance*, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

Section 126. Subsection (2) of section 316.1975, Florida Statutes, is amended to read:

316.1975 Unattended motor vehicle.—

(2) This section does not apply to the operator of:

(a) An authorized emergency vehicle while in the performance of official duties and the vehicle is equipped with an activated antitheft device that prohibits the vehicle from being driven; or

(b) A licensed delivery truck or other delivery vehicle while making deliveries; or

(c) *A solid waste or recovered materials vehicle while collecting such items.*

Section 127. Section 316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle and motorized scooter regulations.—

(1) Every person propelling a vehicle by human power, or operating a motorized scooter as defined in s. 316.003, has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

(3)(a) A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling.

(b) Except as provided in paragraph (a), a bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

(c) A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.

(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department. As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger who violates this subsection. A bicycle rider or passenger who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider or passenger for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

(f) *A person operating a motorized scooter may not carry passengers.*

(4) No person riding upon any bicycle, coaster, roller skates, sled, *motorized scooter*, or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway. This subsection does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer is commercially available and has been designed for such attachment.

(5)(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle, *motorized scooter*, or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, *motorized scooter*, pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle or *motorized scooter* and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle or *motorized scooter* upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6) Persons riding bicycles or *motorized scooters* upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

(7) Any person operating a bicycle or *motorized scooter* shall keep at least one hand upon the handlebars.

(8) Every bicycle or *motorized scooter* in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or *motorized scooter* its rider may be equipped with lights or reflectors in addition to those required by this section.

(9) No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(10) A person propelling a vehicle by human power or operating a *motorized scooter*, upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

(11) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(12) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(14) Every bicycle and *motorized scooter* shall be equipped with a brake or brakes which will enable its rider to stop the bicycle or *motorized scooter* within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(15) A person engaged in the business of selling bicycles or *motorized scooters* at retail shall not sell such any bicycle or *motorized scooter*

unless ~~it the bicycle~~ has an identifying number permanently stamped or cast on its frame.

(16)(a) A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless:

1. The child possesses a bicycle helmet; or
2. The lessor provides a bicycle helmet for the child to wear.

(b) A violation of this subsection is a nonmoving violation, punishable as provided in s. 318.18.

(17) The court may waive, reduce, or suspend payment of any fine imposed under subsection (3) or subsection (16) and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

(18) Notwithstanding s. 318.21, all proceeds collected pursuant to s. 318.18 for violations under paragraphs (3)(e) and (16)(b) shall be deposited into the State Transportation Trust Fund.

(19) The failure of a person to wear a bicycle helmet or the failure of a parent or guardian to prevent a child from riding a bicycle without a bicycle helmet may not be considered evidence of negligence or contributory negligence.

(20) Except as otherwise provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (16) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, they may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

Section 128. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any *commercial* motor vehicle or trailer, ~~except as stated in s. 316.515(7),~~ transporting a load of *unprocessed logs or, long pulpwood, poles, or posts* which ~~load extends~~ extend more than 4 feet beyond the rear of the body or bed of such vehicle, must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. *If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this subsection.* The strobe lamp must flash at a rate of at least 60 flashes per minute and must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. *The projecting load shall also be marked with a red flag as described in subsection (1).*

Section 129. Subsection (9) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(9) Flashing red lights may be used by emergency response vehicles of the Department of Environmental Protection and the Department of Health when responding to an emergency in the line of duty.

Section 130. Section 316.520, Florida Statutes, is amended to read:

316.520 Loads on vehicles.—

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a ~~moving~~ ~~nonmoving~~ violation as provided in chapter 318.

(4) *This section does not apply to vehicles carrying agricultural products locally from a field harvest site to a farm storage site or to a farm feed lot on roads where the posted speed limit is 60 miles per hour or less and the distance driven on public roads is less than 20 miles.*

Section 131. Subsections (1), (2), and (3) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes at least 200 hours of instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized in this paragraph.~~

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of *a state university, a direct support organization of such state university, or any other organization controlled by the state university or a direct support organization of the state university* ~~the State University System~~, except that traffic laws may be enforced off-campus when hot pursuit originates ~~on-campus~~ *on or adjacent to any such property or facilities.*

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-paragraph shall be con-

strued to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle. In addition, the sheriff's office may be required by the county to enforce the traffic laws of this state on any private or limited access road or roads over which the county has jurisdiction pursuant to a written agreement entered into under s. 316.006(3)(b).

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved *in the crash* has committed an offense under this chapter, *chapter 319, chapter 320, or chapter 322* in connection with

the ~~crash accident~~. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized in this paragraph~~.

(c) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3) at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons or have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. In addition, the police department may be required by a municipality to enforce the traffic laws of this state on any private or limited access road or roads over which the municipality has jurisdiction pursuant to a written agreement entered into under s. 316.006(2)(b). However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved in the crash has committed an offense under the provisions of this chapter, *chapter 319, chapter 320, or chapter 322* in connection with the crash. ~~Nothing in~~ This paragraph does not shall be construed to permit the carrying of firearms or other weapons, nor do shall such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized above~~.

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. ~~Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.~~

3. A parking enforcement specialist employed pursuant to this subsection may not carry firearms or other weapons or have arrest authority.

Section 132. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3) Every traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town, shall deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency which has an automated citation issuance system, shall provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator. *If a law enforcement officer distributes additional information, such information shall be a copy of the traffic school reference guide.*

Section 133. Subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who is cited for an infraction under this section other than a violation of s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. ~~A person may make no more than five elections under this subsection.~~ The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

Section 134. Subsection (6) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars *or the fine amount designated by county ordinance, plus court costs* for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a \$5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$12, \$2.50 of which must be deposited into the General Revenue Fund, and \$9.50 of which must be deposited in the Highway Safety Operating Trust Fund. There is hereby appropriated from the Highway Safety Operating Trust Fund for fiscal year 1996-1997 the amount of \$4 million. From this appropriation the department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, 2002 ~~2001~~, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrable financial hardship shall be authorized to satisfy such civil penalties by public works or community service. Each hour of such service shall be applied, at the rate of the minimum wage, toward payment of the person's civil penalties; provided, however, that if the person has a trade or profession for which there is a community service need and application, the rate for each hour of such service shall be the average standard wage for such trade or profession. Any person who fails to comply with the court's requirements as to such civil penalties who does not demonstrate financial hardship may also, at the discretion of the court, be authorized to satisfy such civil penalties by public works or community service in the same manner.

(c) If the noncriminal infraction has caused or resulted in the death of another, the person who committed the infraction may perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

Section 135. Paragraph (b) of subsection (1) and subsection (2) of section 322.0261, Florida Statutes, are amended to read:

322.0261 Mandatory driver improvement course; certain crashes.—

(1) The department shall screen crash reports received under s. 316.066 or s. 324.051 to identify crashes involving the following:

(b) A second crash by the same operator within the previous 2 year period involving property damage in an apparent amount of at least \$2,500 \$500.

(2) With respect to an operator convicted of, or who pleaded *nolo contendere* to, a traffic offense giving rise to a crash identified pursuant to subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a departmentally approved *basic* driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the department, the operator's driver's license shall be canceled by the department until the course is successfully completed.

Section 136. Section 322.02615, Florida Statutes, is created to read:

322.02615 Mandatory driver improvement course; certain violations.—

(1) The department shall screen reports of convictions for violations of chapter 316 to identify operators who:

(a) Are less than 21 years of age and have been convicted of, or pleaded *nolo contendere* to, a noncriminal moving infraction and have also been convicted of, or pleaded *nolo contendere* to, another noncriminal moving infraction since initial license issuance.

(b) Have been convicted of, or pleaded *nolo contendere* to, more than one noncriminal moving infraction in a 12-month period.

(2) With respect to an operator convicted of, or who has pleaded *nolo contendere* to, a noncriminal traffic offense identified under subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a departmentally approved *basic* driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days after receiving notice from the department, the operator's driver's license shall be suspended by the department until the course is successfully completed.

(3) Attendance of a course approved by the department as a driver improvement course for purposes of s. 318.14(9) shall satisfy the requirements of this section. However, attendance of a course as required by this section is not included in the limitation on course elections under s. 318.14(9).

Section 137. Subsection (5) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(5)(a) No governmental entity or court shall provide, issue, or maintain any information or orders regarding driver improvement schools or course providers, with the exception of the *traffic school reference guide*

or course provider list referred to in paragraph (b) directing inquiries or requests to the local telephone directory heading of driving instruction or the traffic school reference guide. However, the department is authorized to maintain the information and records necessary to administer its duties and responsibilities for driver improvement courses. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1). Course providers receiving requests for information about traffic schools from geographic areas that they do not serve shall provide a telephone number for a course provider that they believe services such geographic area.

(b) The department shall prepare for any governmental entity or court to distribute a traffic school reference guide which shall list the benefits of attending a driver improvement school and contain the names of the fully approved course providers with a single telephone number for each such provider, as furnished by the provider. The cost of producing the traffic school reference guide must be assumed equally by providers electing to have their course included in the guide. Clerks of court may reproduce the traffic school reference guide course provider list, provided that each name is rotated on each reproduction so that each provider occupies each position on the list in an equitable manner, but under no circumstance may any list of course providers or schools be included, and shall refer further inquiries to the telephone directory under driving instruction.

Section 138. Section 319.001, Florida Statutes, is amended to read:

319.001 Definitions.—As used in this chapter, the term:

(1) "Department" means the Department of Highway Safety and Motor Vehicles.

(2) "Front-end assembly" means fenders, hood, grill, and bumper.

(3)(2) "Licensed dealer," unless otherwise specifically provided, means a motor vehicle dealer licensed under s. 320.27, a mobile home dealer licensed under s. 320.77, or a recreational vehicle dealer licensed under s. 320.771.

(4) "Motorcycle body assembly" means frame, fenders, and gas tanks.

(5) "Motorcycle engine" means cylinder block, heads, engine case, and crank case.

(6) "Motorcycle transmission" means drive train.

(7)(3) "New mobile home" means a mobile home the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser.

(8)(4) "New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser; however, when legal title is not transferred but possession of a motor vehicle is transferred pursuant to a conditional sales contract or lease and the conditions are not satisfied and the vehicle is returned to the motor vehicle dealer, the motor vehicle may be resold by the motor vehicle dealer as a new motor vehicle, provided the selling motor vehicle dealer gives the following written notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER." The purchaser shall sign an acknowledgment, a copy of which is kept in the selling dealer's file.

(9) "Rear body section" means both quarter panels, decklid, bumper, and floor pan.

(10)(5) "Satisfaction of lien" means full payment of a debt or release of a debtor from a lien by the lienholder.

(11)(6) "Used motor vehicle" means any motor vehicle that is not a "new motor vehicle" as defined in subsection (8)(4).

Section 139. Subsections (1), (2), and (3) of section 319.14, Florida Statutes, are amended, subsections (6), (7), and (8) are renumbered as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to said section, to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles.—

(1)(a) No person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, or a vehicle that has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance thereof or if, subsequent to initial issuance of the title, the use of the vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the vehicle shall surrender the certificate of title or duplicate to the department prior to offering the vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle.

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle unless proper application for a certificate of title for a vehicle that is rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle has been made to the department in accordance with this chapter and the department or its agent has conducted the physical examination of the vehicle to assure the identity of the vehicle *and all major component parts, as defined in s. 319.30(1)(e), which have been repaired or replaced. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt.*

(c) As used in this section:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

2.a. "Short-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one or more persons from time to time for a period of less than 12 months.

b. "Long-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer.

c. "Lease vehicle" includes both short-term-lease vehicles and long-term-lease vehicles.

3. "Rebuilt vehicle" means a motor vehicle or mobile home built from salvage or junk, as defined in s. 319.30(1).

4. "Assembled from parts" means a motor vehicle or mobile home assembled from parts *or combined from parts* of motor vehicles or mobile homes, new or used. "Assembled from parts" does not mean a motor vehicle defined as a "rebuilt vehicle" in subparagraph 3., which has been declared a total loss pursuant to s. 319.30.

~~5. "Combined" means assembled by combining two motor vehicles neither of which has been titled and branded as "Salvage Unrebuildable."~~

5.6. "Kit car" means a motor vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated motor vehicle with a new body kit.

6.7. "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

7.8. "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.

8.9. "Flood vehicle" means a motor vehicle or mobile home that has been declared to be a total loss pursuant to s. 319.30(3)(a) resulting from damage caused by water.

9.10. "Nonconforming vehicle" means a motor vehicle which has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681.

~~10.11. "Settlement" means an agreement entered into between a manufacturer and a consumer that occurs after a dispute is submitted to a program, or an informal dispute settlement procedure established by a manufacturer or is approved for arbitration before the New Motor Vehicle Arbitration Board as defined in s. 681.102.~~

(2) No person shall knowingly sell, exchange, or transfer a vehicle referred to in subsection (1) without, prior to consummating the sale, exchange, or transfer, disclosing in writing to the purchaser, customer, or transferee the fact that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or is a vehicle that is rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle, or is a nonconforming vehicle, as the case may be.

(3) Any person who, with intent to offer for sale or exchange any vehicle referred to in subsection (1), knowingly or intentionally advertises, publishes, disseminates, circulates, or places before the public in any communications medium, whether directly or indirectly, any offer to sell or exchange the vehicle shall clearly and precisely state in each such offer that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or that the vehicle or mobile home is a vehicle that is rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle, or a nonconforming vehicle, as the case may be. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who removes a rebuilt decal from a rebuilt vehicle or who knowingly possesses a rebuilt vehicle from which a rebuilt decal has been removed is guilty of a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 140. Paragraph (c) of subsection (3) and subsection (5) of section 319.23, Florida Statutes, is amended and a new subsection (11) is added to that section to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or county from which the motor vehicle or mobile home was brought into this state. The application shall also be accompanied by:

~~(e) If the vehicle is an ancient or antique vehicle, as defined in s. 320.086, the application shall be accompanied by a certificate of title; a bill of sale and a registration; or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.~~

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. ~~The department shall retain the evidence of title presented by the applicant and based on which the certificate of title is issued.~~ The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

(11) The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title issued.

Section 141. Paragraph (a) of subsection (1) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(1)(a) In the event of the transfer of ownership of a motor vehicle or mobile home by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, attachment, execution or other judicial sale or whenever the engine of a motor vehicle is replaced by another engine or whenever a motor vehicle is sold to satisfy storage or repair charges or repossession is had upon default in performance of the terms of a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, and upon the surrender of the prior certificate of title or, when that is not possible, presentation of satisfactory proof to the department of ownership and right of possession to such motor vehicle or mobile home, and upon payment of the fee prescribed by law and presentation of an application for certificate of title, the department may issue to the applicant a certificate of title thereto. ~~If the application is predicated upon a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, the original instrument or a certified copy thereof shall accompany the application; however, if an owner under a chattel mortgage voluntarily surrenders possession of the motor vehicle or mobile home, the original or a certified copy of the chattel mortgage shall accompany the application for a certificate of title and it shall not be necessary to institute proceedings in any court to foreclose such mortgage.~~

Section 142. Paragraphs (e) and (f) of subsection (1) and paragraph (b) of subsection (3) of section 319.30, Florida Statutes, are amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(1) As used in this section, the term:

(e) “Major component parts” means:

1. *For motor vehicles other than motorcycles: the front-end assembly (fenders, hood, grill, bumper), cowl assembly, rear body section (both quarter panels, decklid, bumper), floor pan, door assemblies, engine, frame, transmission, and airbag.*

2. For trucks, in addition to 1. above: the truck bed.

3. *For motorcycles: body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.*

4. *For mobile homes: the frame. ~~the front-end assembly (fenders, hood, grill, and bumper); cowl assembly; rear body section (both quarter panels, decklid, bumper, and floor pan); door assemblies; engine; frame; or transmission.~~*

(f) “Major part” means ~~the front-end assembly (fenders, hood, grill, and bumper); cowl assembly; or rear body section (both quarter panels, decklid, bumper, and floor pan).~~

(3)

(b) The owner of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle

or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than \$1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide. *An insurer paying a total loss claim may obtain a certificate of destruction for such vehicle.* ~~or~~ When a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine, *the insurer shall obtain a certificate of title in its own name before the vehicle may be sold or transferred.* Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 143. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) “Motor vehicle” means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, *motorized scooters*, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The “travel trailer,” which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The “camping trailer,” which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The “truck camper,” which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The “motor home,” which is a vehicular unit which does not exceed ~~the 40 feet in length, and the height, and the width limitations provided in s. 316.515,~~ is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The “private motor coach,” which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The “van conversion,” which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The “park trailer,” which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from

the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Section 144. Subsections (18) and (19) are added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(18) *The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated, for the purpose of infant hearing screening in Florida.*

(19) *The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.*

Section 145. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contributions if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or ~~attestation report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) ~~The Auditor General and the department~~ *has have* the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) *All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.*

Section 146. Subsections (1) and (2) of section 320.025, Florida Statutes, are amended to read:

320.025 Registration certificate and license plate issued under fictitious name; application.—

(1) A confidential registration certificate and registration license plate *or decal* shall be issued under a fictitious name only for a motor vehicle *or vessel* owned or operated by a law enforcement agency of state, county, municipal, or federal government, the Attorney General's Medicaid Fraud Control Unit, or any state public defender's office. The requesting agency shall file a written application with the department on forms furnished by the department, which includes a statement that the license plate will be used for the Attorney General's Medicaid Fraud Control Unit, or law enforcement or any state public defender's office activities requiring concealment of publicly leased or owned motor vehicles *or vessels* and a statement of the position classifications of the individuals who are authorized to use the license plate. The department may modify its records to reflect the fictitious identity of the owner or lessee until such time as the license plate and registration certificate are surrendered to it.

(2) Except as provided in subsection (1), any motor vehicle owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a license plate of the type prescribed in s. 320.0655. *Any vessel owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a registration number as required in s. 328.56 and a vessel decal as required in s. 328.48(5).*

Section 147. Subsections (1) and (2) of section 320.05, Florida Statutes, are amended read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Except as provided in ss. ~~s.~~ 119.07(3) and 320.025(3), the department may release records as provided in this section.

(2) Upon receipt of an application for the registration of a motor vehicle, *vessel*, or mobile home, as herein provided for, the department shall register the motor vehicle, *vessel*, or mobile home under the distinctive number assigned to such motor vehicle, *vessel*, or mobile home by the department. Electronic registration records shall be open to the inspection of the public during business hours. Information on a motor vehicle *or vessel* registration may not be made available to a person unless the person requesting the information furnishes positive proof of identification. The agency that furnishes a motor vehicle *or vessel* registration record shall record the name and address of any person other

than a representative of a law enforcement agency who requests and receives information from a motor vehicle or vessel registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each such inquiry must be maintained for a period of 6 months from the date upon which the information was released to the inquirer. Nothing in this section shall prohibit any financial institution, insurance company, motor vehicle dealer, licensee under chapter 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees specified in subsection (3) have been paid. The department shall disclose records or information to the child support enforcement agency to assist in the location of individuals who owe or potentially owe child support or to whom such an obligation is owed pursuant to Title IV-D of the Social Security Act.

Section 148. Subsection (5) of section 320.055, Florida Statutes, is amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(5) For a vehicle subject to *apportioned* registration under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the registration period shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month. For a vehicle subject to this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate prorated fees, in order to evenly distribute such registrations on a monthly basis. *For vehicles subject to registration other than apportioned under s. 320.08(4), (5)(a)1., (6)(b), or (14), the registration period begins December 1 and ends November 30. The renewal period is the 31-day period beginning December 1.*

Section 149. Paragraphs (b) and (c) of subsection (1) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced. The fee for such replacement shall be \$10, \$2 of which shall be paid each year before the plate is replaced, to be credited towards the next \$10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month, *license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker is to be placed on the upper right corner of the license plate. This validation sticker shall be placed on the upper left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate.* Such license plate and validation stickers shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(c) Registration license plates equipped with validation stickers shall be valid for not more than 12 months and shall expire at midnight on the last day of the registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the *month and* year of expiration shall be issued upon payment of the proper license tax amount and fees and shall be valid for not more

than 12 months. When license plates equipped with validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under the provisions of s. 320.14 in addition to all other fees. Validation stickers issued for vehicles taxed under the provisions of s. 320.08(6)(a), for any company which owns 250 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company which owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

Section 150. Paragraphs (h) and (i) are added to subsection (2) of section 320.072, Florida Statutes, to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of \$100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fee imposed by subsection (1) shall not apply to:

(h) *Any license plate issued in the previous 10-year period from the date the transaction is being processed.*

(i) *Any license plate issued to a vehicle taxed under s. 320.08(2), (3), and (9)(c) or (d) at any time during the previous 10-year period.*

Section 151. Subsection (6) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(6) A personalized prestige license plate shall be issued for the exclusive continuing use of the applicant. An exact duplicate of any plate may not be issued to any other applicant during the same registration period. An exact duplicate may not be issued for any succeeding year unless the previous owner of a specific plate relinquishes it by failure to apply for renewal or reissuance *for 1 year following the last year of issuance* ~~three consecutive annual registration periods following the original year of issuance.~~

Section 152. Paragraph (h) of subsection (4) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(h) Florida educational license plate, \$25 ~~\$15~~.

Section 153. Paragraph (ff) is added to subsection (4) of section 320.08056, Florida Statutes, and paragraphs (a), (b), and (c) of subsection (8) of that section, are amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ff) *Florida Golf license plate, \$25.*

(8)(a) The department must discontinue the issuance of an approved specialty license plate if:

1. Less than 8,000 plates, *including annual renewals*, are issued for that specialty license plate by the end of the 5th year of sales.

2. Less than 8,000 plates, *including annual renewals*, are issued for that specialty license plate during any subsequent 5-year period.

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has

stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. *An organization is required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and the organization must comply with s. 320.08062 for any period of operation during a fiscal year.*

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3), and (13), (21), and (26).

Section 154. Subsection (32) is added to section 320.08058, Florida Statutes to read:

320.08058 Specialty license plates.—

(32) *FLORIDA GOLF LICENSE PLATES.—*

(a) *The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf license plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, the Florida Sports Foundation, the LPGA and the PGA of America may submit a revised sample plate for consideration by the department.*

(b) *The department shall distribute the Florida Golf license plate annual use fee to the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees are to be annually allocated as follows:*

1. *Up to five percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation for the administration of the Florida Youth Golf Program.*

2. *The Dade Amateur Golf Association shall receive the first \$80,000 in proceeds from the annual use fees for the operation of youth golf programs in Miami-Dade County. Thereafter, 15 percent of the proceeds from the annual use fee shall be provided to the Dade Amateur Golf Association for the operation of youth golf programs in Miami-Dade County.*

3. *The remaining proceeds from the annual use fee shall be available for grants to nonprofit organizations to operate youth golf programs and for the purpose of marketing the Florida Golf License Plates. All grant recipients, including the Dade Amateur Golf Association, shall be required to provide to the Florida Sports Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.*

(c) *The Florida Sports Foundation shall establish a Florida Youth Golf Program. The Florida Youth Golf Program shall assist organizations for the benefit of youth, introduce young people to golf, instruct young people in golf, teach the values of golf, and stress life skills, fair play, courtesy, and self-discipline.*

(d) *The Florida Sports Foundation shall establish a five-member committee to offer advice regarding the distribution of the annual use fees for grants to nonprofit organizations. The advisory committee shall consist of one member from a group serving youth, one member from a group serving disabled youth, and three members at large.*

Section 155. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits and attestation required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether~~

~~expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$25,000 in annual use fee proceeds directly from the department, or from another state agency, may annually attest report, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(2) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) ~~The Auditor General and the department has have~~ the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 156. Subsection (1) of section 320.083, Florida Statutes, is amended to read:

320.083 Amateur radio operators; special license plates; fees.—

(1) A person who is the owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 5,000 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license issued by the Federal Communications Commission shall be issued a special license plate upon application, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d), (e), or (f), or (9); and

(b) An initial additional fee of \$5, and an additional fee of \$1.50 thereafter.

Section 157. Subsections (1), (2), and (3) of section 320.089, Florida Statutes, are amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart"

stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

(b) Notwithstanding any other provision of law to the contrary beginning with fiscal year 2000-2001 and annually thereafter, the first \$50,000 in general revenue generated from the sale of license plates issued under this section which are stamped with the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve" shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund.

(c) *Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued one appropriate special license plate without payment of the license tax imposed by s. 320.08.*

(2) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 ~~5,000~~ pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "EXP-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

(3) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 ~~5,000~~ pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

Section 158. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any license plate or fuel-use tax decal if the owner pays for the license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 159. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (f) is added to said subsection, and subsections (7) and (9) of said section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where both sellers and buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while per-

forming their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(f) *“Bona fide employee” means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.*

(7) **CERTIFICATE OF TITLE REQUIRED.**—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession *or control* a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer’s certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer (“floor plan”); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

(9) **DENIAL, SUSPENSION, OR REVOCATION.**—The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771, upon proof that a licensee has failed to comply with any of the following provisions ~~with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee:~~

(a) Willful violation of any other law of this state, including chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes or willful failure to comply with any administrative rule promulgated by the department. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

(b) Commission of fraud or willful misrepresentation in application for or in obtaining a license.

(c) Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee’s relationship to any manufacturer, importer, or distributor.

(d) Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a “demonstrator,” a “new motor vehicle,” and a “used motor vehicle” shall be defined as under s. 320.60.

(e) Unjustifiable refusal to comply with a licensee’s responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

(f) Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

(g) Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

(h) Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

(i) Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

(j) Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

(k) Requirement by the motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

(l) Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

(m) Either a history of bad credit or an unfavorable credit rating as revealed by the applicant’s official credit report or by investigation by the department.

(n) Failure to disclose damage to a new motor vehicle as defined in s. 320.60(10) of which the dealer had actual knowledge if the dealer’s actual cost of repair, excluding tires, bumpers, and glass, exceeds 3 percent of the manufacturer’s suggested retail price; provided, however, if only the application of exterior paint is involved, disclosure shall be made if such touch-up paint application exceeds \$100.

(o) Failure to apply for transfer of a title as prescribed in s. 319.23(6).

(p) Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

(q) Conviction of a felony.

(r) Failure to continually meet the requirements of the licensure law.

(s) ~~A person who has been~~ ~~When a motor vehicle dealer is convicted of a crime, infraction, or violation as set forth in paragraph (g) which results in his or her being prohibited from continuing in that capacity,~~ ~~the dealer may not serve~~ ~~continue~~ in any capacity within the industry. ~~Such person~~ ~~The offender~~ shall have no financial interest, management, sales, or other role in the operation of a dealership. Further, ~~the person offender~~ may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business. *The license or application of any dealership in which such person has an interest or plays a role in violation of this subsection shall be denied or revoked, as the case may be.*

(t) Representation to a customer or any advertisement to the general public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the general public by the seller using a manufacturer’s statement of origin as permitted in s. 319.23(1).

(u) Failure to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. A single violation of this paragraph is sufficient for revocation or suspension. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

(v) Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

Section 160. Section 320.691, Florida Statutes, is created to read:

320.691 Automobile Dealers Industry Advisory Board.—

(1) **AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.**—*The Automobile Dealers Industry Advisory Board is created within the Department of Highway Safety and Motor Vehicles. The board shall make recommendations on proposed legislation, make recommendations on proposed rules and procedures, present licensed motor vehicle dealer industry issues to the department for its consideration, consider any matters relating to the motor vehicle industry presented to it by the department, and submit an annual report to the Executive Director of the department and file copies with the Governor, President of the Senate, and the Speaker of the House of Representatives.*

(2) **MEMBERSHIP, TERMS, MEETINGS.**—

(a) *The board shall be composed of 12 members. The Executive Director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The Executive Director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida Tax Collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.*

(b)1. *The Executive Director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida Tax Collector, and one representative from the Better Business Bureau.*

2. *The Executive Director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the Division of Motor Vehicles.*

3. *As the initial terms expire, the Executive Director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.*

4. *The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.*

(c) *The board shall meet at least two times per year. Meetings may be called by the chair of the board or by the Executive Director of the depart-*

ment. One meeting shall be held in the fall of the year to review legislative proposals. The board shall conduct all meetings in accordance with applicable Florida Statutes and shall keep minutes of all meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations.

(3) **PER DIEM, TRAVEL, AND STAFFING.**—*Members of the board from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members of the board from the public sector are entitled to reimbursement, if any, from their respective agency. Members of the board may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.*

Section 161. Subsection (26) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(26) “Motor vehicle” means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, motorized scooters, and motorized bicycles as defined in s. 316.003.

Section 162. Subsections (4) and (5) are added to section 322.0261, Florida Statutes, to read:

322.0261 Mandatory driver improvement course; certain crashes.—

(4) *The Department of Highway Safety and Motor Vehicles shall approve and regulate courses that use technology as the delivery method of all driver improvement schools as the courses relate to this section.*

(5) *In determining whether to approve courses of driver improvement schools that use technology as the delivery method as the courses relate to this section, the department shall consider only those courses submitted by a person, business, or entity which receive:*

(a) *Approval for statewide delivery.*

(b) *Independent scientific research evidence of course effectiveness.*

Section 163. Section 322.161, Florida Statutes, is amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated ~~six four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated ~~six four~~ or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee’s 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated ~~six four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee’s accumulation of ~~six four~~ or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also

automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 164. Subsection (4) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of ss. 322.05(2)(a) and (b), 322.09, and 322.16(2) and (3). ~~Any person who applies for a Class D driver's license who is age 16 or 17 years must have had a learner's driver's license or a driver's license for at least 90 days before he or she is eligible to receive a Class D driver's license.~~ The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.

Section 165. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

322.081 Requests to establish voluntary ~~check-off~~ ~~checkoff~~ on driver's license application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contribution, if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report must be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or ~~attestation report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) ~~The Auditor General and the department~~ *has have* the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) *All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.*

Section 166. Present subsections (2) through (7) of section 322.095, Florida Statutes, are renumbered as subsections (4) through (9), respectively, and new subsections (2) and (3) are added to said section, to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(2) *The Department of Highway Safety and Motor Vehicles shall approve and regulate courses that use technology as the delivery method of all driver improvement schools as the courses relate to this section.*

(3) *In determining whether to approve courses of driver improvement schools that use technology as the delivery method as the courses relate to this section, for courses submitted on or after July 1, 2001, the department shall consider only those courses submitted by a person, business, or entity which receive:*

(a) *Approval for statewide delivery.*

(b) *Independent scientific research evidence of course effectiveness.*

Section 167. Section 322.222, Florida Statutes, is created to read:

322.222 *Right to review.—A driver may request an administrative hearing to review a revocation pursuant to s. 322.221(3). The hearing shall be held in accordance with the department's administrative rules that the department shall have promulgated pursuant to chapter 120.*

Section 168. Subsection (7) of section 322.25, Florida Statutes, is amended to read:

322.25 When court to forward license to department and report convictions; temporary reinstatement of driving privileges.—

(7) Any licensed driver convicted of driving, or being in the actual physical control of, a vehicle within this state while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, and whose license and driving privilege have been revoked as provided in subsection (1) may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers and the driver is otherwise eligible for reinstatement of the driving privilege ~~as provided by s. 322.282~~. The court order for reinstatement shall be on a form provided by the department and must be taken by the person convicted to a Florida driver's license examining office, where a temporary driving permit may be issued. The period of time for which a temporary permit issued in accordance with this subsection is valid shall be deemed to be part of the period of revocation imposed by the court.

Section 169. Subsections (1), (3), and (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a *10-day* ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the *10th* ~~30th~~ day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the license of the person arrested should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10* ~~30~~ days after the date of issuance if the driver is otherwise eligible.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or

s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 170. Subsection (5) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(5) The department shall revoke the license of any person designated a habitual offender, as set forth in s. 322.264, and such person shall not be eligible to be relicensed for a ~~minimum of 5~~ years from the date of revocation, except as provided for in s. 322.271. Any person whose license is revoked may, by petition to the department, show cause why his or her license should not be revoked.

Section 171. Subsection (2) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted, effective on the date of conviction, and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 5 years.

3. Upon a third conviction within a period of 10 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 10 years.

For the purposes of this paragraph, a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, and is not otherwise specified by law, the department shall forthwith revoke the driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for any subsequent convictions. The driver may, within 30 days after such revocation by the department, petition the court for further hearing on the period of revocation, and the court may reopen the case and determine the period of revocation within the limits specified in paragraph (a).

(c) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent of depriving the defendant of his or her normal faculties shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for a second or subsequent conviction; however, if the defendant is later convicted of the charge, the period of revocation imposed by the department for such conviction shall not exceed the

difference between the applicable maximum for a first conviction or minimum for a second or subsequent conviction and the revocation period under this subsection that has actually elapsed; upon conviction of such charge, the court may impose revocation for a period of time as specified in paragraph (a). This paragraph does not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

~~(d) When any driver's license or driving privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license, except upon reexamination of the licensee after the expiration of the period of revocation so prescribed. However, the court may, in its sound discretion, issue an order of reinstatement on a form furnished by the department which the person may take to any driver's license examining office for reinstatement by the department pursuant to s. 322.282.~~

(d)(e) The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections. The court shall permanently revoke the driver's license or driving privilege of any person who has been convicted of DUI manslaughter in violation of s. 316.193. If the court has not permanently revoked such driver's license or driving privilege within 30 days after imposing sentence, the department shall permanently revoke the driver's license or driving privilege pursuant to this paragraph. No driver's license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931 was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related traffic offense outside this state is considered a conviction for the purposes of this paragraph.

Section 172. Section 322.282, Florida Statutes, is repealed.

Section 173. Subsection (3) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(3) *DUI programs shall be either governmental programs or not-for-profit corporations.*

Section 174. Section 322.331, Florida Statutes, is repealed.

Section 175. Subsections (8), (9), and (10) are added to section 322.61, Florida Statutes, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(8) *A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:*

(a) *Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.*

(b) *Not less than 1 year nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.*

(c) *Not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.*

(d) *Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have*

committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(9) *A driver who is convicted of or otherwise found to have committed an offense of operating a CMV in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):*

(a) *For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.*

(b) *For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.*

(c) *For drivers who are always required to stop, failing to stop before driving onto the crossing.*

(d) *For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.*

(e) *For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.*

(f) *For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.*

(10)(a) *A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.*

(b) *A driver must be disqualified for not less than 120 days if, during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.*

(c) *A driver must be disqualified for not less than 1 year if, during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.*

Section 176. Subsections (1) and (3) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 10-day 30-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the 10th ~~30th~~ day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires 10 ~~30~~ days after the date of issuance if the driver is otherwise eligible.

Section 177. Section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond within 30 days from the date of the mailing of notice of crash by the department in such form and manner as it may designate. Upon receipt of evidence that an automobile liability policy, motor vehicle liability policy, or surety bond was in effect at the time of the crash or conviction case, the department shall forward by United States mail, postage prepaid, to the insurer or surety insurer a copy of such information and shall assume that such policy or bond was in effect unless the insurer or surety insurer shall notify the department otherwise within 20 days from the mailing of the notice to the insurer or surety insurer; provided that if the department shall later ascertain that an automobile liability policy, motor vehicle liability policy, or surety bond was not in effect and did not provide coverage for both the owner and the operator, it shall at such time take such action as it is otherwise authorized to do under this chapter. Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom such mailing was made and specifying the time, place and manner of mailing.

(2) Each insurer doing business in this state shall immediately give notice to the department of each motor vehicle liability policy when issued to effect the return of a license which has been suspended under s. 324.051(2); and said notice shall be upon such form and in such manner as the department may designate.

(3) *Electronic access to the vehicle insurer information maintained in the department's vehicle database may be provided by an approved third-party provider to insurers, lawyers, and financial institutions in compliance with s. 627.736(9)(a) and for subrogation and claims purposes only. The compilation and retention of this information is strictly prohibited.*

Section 178. Paragraph (b) of subsection (3) of section 328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(3)

(b) If the application for transfer of title is based upon a contractual default, the recorded lienholder shall establish proof of right to ownership by submitting with the application the original certificate of title and a copy of the applicable contract upon which the claim of ownership

~~is made.~~ If the claim is based upon a court order or judgment, a copy of such document shall accompany the application for transfer of title. If, on the basis of departmental records, there appears to be any other lien on the vessel, the certificate of title must contain a statement of such a lien, unless the application for a certificate of title is either accompanied by proper evidence of the satisfaction or extinction of the lien or contains a statement certifying that any lienholder named on the last-issued certificate of title has been sent notice by certified mail, at least 5 days before the application was filed, of the applicant's intention to seek a repossessed title. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days after the date on which the notice was mailed, the certificate of title shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within the 15-day period, the department shall not issue the repossessed certificate for 10 days thereafter. If, within the 10-day period, no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate, the department shall deliver the repossessed certificate to the applicant, or as is otherwise directed in the application, showing no other liens than those shown in the application.

The department shall adopt suitable language that must appear upon the certificate of title to effectuate the manner in which the interest in or title to the vessel is held.

Section 179. Subsection (2) of section 328.42, Florida Statutes, is amended to read:

328.42 Suspension or denial of a vessel registration due to child support delinquency; dishonored checks.—

(2) The department may deny or cancel any vessel registration, *license plate, or fuel-use tax decal if the owner pays for the registration, license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check if the owner pays for the registration by a dishonored check.*

Section 180. Section 328.56, Florida Statutes, is amended to read:

328.56 Vessel registration number.—Each vessel that is used on the waters of the state must display a ~~commercial or recreational~~ Florida registration number, unless it is:

- (1) A vessel used exclusively on private lakes and ponds.
- (2) A vessel owned by the United States Government.
- (3) A vessel used exclusively as a ship's lifeboat.
- (4) A non-motor-powered vessel.
- (5) A federally documented vessel.
- (6) A vessel already covered by a registration number in full force and effect which has been awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel has not been within this state for a period in excess of 90 consecutive days.
- (7) A vessel operating under a valid temporary certificate of number.
- (8) A vessel from a country other than the United States temporarily using the waters of this state.
- (9) An undocumented vessel used exclusively for racing.

Section 181. Subsection (4) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(4) TRANSFER OF OWNERSHIP.—

(a) When the ownership of a registered vessel changes, an application for transfer of registration shall be filed with the county tax collector by the new owner within 30 days with a fee of \$3.25. The county tax collector shall retain \$2.25 of the fee and shall remit \$1 to the department. A refund may not be made for any unused portion of a registration period.

(b) ~~If a vessel is an antique as defined in subsection (2), the application shall be accompanied by either a certificate of title, a bill of sale and a registration, or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vessel description to include the hull identification number and engine number, if appropriate; the year, make, and color of the vessel; the selling price; and the signatures of the seller and purchaser.~~

Section 182. Effective July 1, 2001, subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less \$1.4 million for any administrative costs which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated for the use of the counties pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to \$1.50 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4).

(b) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(c) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(d) Forty percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 183. Subsections (4) and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and ~~documented~~ vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, *the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736*, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) *Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.*

(c)(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, *the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736*, and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ *free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less.*

(d)(e) If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph *and*, subsection (9), ~~and s. 715.05~~, “good faith effort” means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storage remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age and after 50 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less.* The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements

of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 184. *Section 715.05, Florida Statutes, is repealed.*

Section 185. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, 2002 2001, at which time recreational vehicle disputes shall be subject to the provisions of ss. 681.109 and 681.1095. The Attorney General shall report annually to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, and appropriate legislative committees regarding the ~~effectiveness efficiency and cost-effectiveness~~ of the pilot program.

Section 186. Subsections (5) and (7) of section 681.1097, Florida Statutes, are amended to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(5) If the mediation ends in an impasse, or if a manufacturer fails to comply with the settlement entered into between the parties, the program administrator shall schedule the dispute for an arbitration hearing. Arbitration proceedings shall be open to the public on reasonable and nondiscriminatory terms.

(a) The arbitration hearing shall be conducted by a single arbitrator assigned by the program administrator. The arbitrator shall not be the same person as the mediator who conducted the prior mediation conference in the dispute. The parties may factually object to an arbitrator based on the arbitrator's past or present relationship with a party or a party's attorney, direct or indirect, whether financial, professional, social, or of any other kind. The program administrator shall consider any such objection, determine its validity, and notify the parties of any determination. If the objection is determined valid, the program administrator shall assign another arbitrator to the case.

(b) The arbitrator may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence. Subpoenas so issued shall be served and, upon application to the court by a party to the arbitration, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions. Fees for attendance as a witness shall be the same as for a witness in the circuit court.

(c) At all program arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths. The arbitrator may inspect the vehicle if requested by a party or if the arbitrator considers such inspection appropriate.

(d) The program arbitrator may continue a hearing on his or her own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes a waiver of the time period set forth in s. 681.1096(3)(k) for completion of all proceedings under the program.

(e) Where the arbitration is the result of a manufacturer's failure to perform in accordance with a ~~settlement mediation~~ agreement, any relief to the consumer granted by the arbitration will be no less than the relief agreed to by the manufacturer in the settlement agreement.

(f) The arbitrator shall grant relief if a reasonable number of attempts have been undertaken to correct a nonconformity or nonconformities.

(g) The program arbitrator shall render a decision within 10 days of the closing of the hearing. The decision shall be in writing on a form prescribed or approved by the department. The program administrator shall send a copy of the decision to the consumer and each involved manufacturer by registered mail. The program administrator shall also send a copy of the decision to the department within 5 days of mailing to the parties.

(h) A manufacturer shall comply with an arbitration decision within 40 days of the date the manufacturer receives the written decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. If a manufacturer fails to comply within the time required, the consumer must notify the program administrator in writing within 10 days. The program administrator shall notify the department of a manufacturer's failure to comply. The department shall have the authority to enforce compliance with arbitration decisions under this section in the same manner as is provided for enforcement of compliance with board decisions under s. 681.1095(10). In any civil action arising under this chapter and relating to a dispute arbitrated pursuant to this section, the decision of the arbitrator is admissible in evidence.

(i) *Either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the program administrator within 10 days after receipt of the written decision. Technical corrections shall be limited to computational errors, correction of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical correction of a decision shall not toll the time for filing an appeal or for manufacturer compliance.*

(7) *A decision of the arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by s. 681.1095(10) and (12). Section 681.1095(13) and (14) apply to appeals filed under this section. ~~Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business or, if neither party resides or has a place of business in this state, the county where the arbitration hearing was held, for an order confirming, vacating, modifying, or correcting any award, in accordance with the provisions of this section and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such application must be filed within 30 days of the moving party's receipt of the written decision or the decision becomes final. Upon filing such application, the moving party shall mail a copy to the department and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the department. A review of such application by the circuit court shall be confined to the record of the proceedings before the program arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in ss. 682.13 and 682.14, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the stated award, or the findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. The court shall expedite consideration of any application filed under this section on the calendar.~~*

(a) If a decision of a program arbitrator in favor of a consumer is confirmed by the court, recovery by the consumer shall include the pecuniary value of the award, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of \$25 per day for each day beyond the 40-day period following a manufacturer's receipt of the arbitrator's decision. If a court determines the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment, or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.

(b) ~~An appeal of a judgment or order by the court confirming, denying confirmation, modifying or correcting, or vacating the award may be taken in the manner and to the same extent as from orders or judgments in a civil action.~~

Section 187. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter, or that requires a consumer not to disclose the terms of such agreement as a condition thereof, is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

Section 188. Section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles and vessels parked on private property; towing.—

(1) As used in this section, the terms:

(a) ~~term~~ “Vehicle” means any mobile item which normally uses wheels, whether motorized or not.

(b) “Vessel” means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a documented vessel, as defined in s. 327.02(8).

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within 10 miles of the point of removal in any county of 500,000 population or more, and within 15 miles of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles or vessels on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within 20 miles of the point of removal in any county of 500,000 population or more, and within 30 miles of the point of removal in any county of less than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes of completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or the make, model, color, and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. If the registered owner or other legally authorized person in control of the vehicle or vessel arrives at the scene prior to removal or towing of the vehicle or vessel, the vehicle or vessel shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle or vessel without interference upon the payment of a reasonable service fee of not more than one-half of the posted rate for such towing service as provided in subparagraph 6., for which a receipt shall be given, unless that person refuses to remove the vehicle or vessel which is otherwise unlawfully parked or located.

4. The rebate or payment of money or any other valuable consideration from the individual or firm towing or removing vehicles or vessels to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles or vessels, is prohibited.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. Owners or lessees that remove vessels from their properties shall post notice, consistent with the requirements of this subparagraph, that unauthorized vehicles or vessels will be towed at the owner's expense. The words “tow-away zone” must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels, if the property owner, lessee, or person in control of the property has a written contract with the towing company.

d. The sign structure containing the required notices must be permanently installed with the words “tow-away zone” not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating “Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense” in not less than 4-inch high, light-reflective letters on a contrasting background.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(b), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle *or vessel* has been towed or removed pursuant to this section, it must be released to its owner or custodian within one hour after requested. Any vehicle *or vessel* owner, custodian, or agent shall have the right to inspect the vehicle *or vessel* before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle *or vessel* from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle *or vessel* owner, custodian, or agent as a condition of release of the vehicle *or vessel* to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle *or vessel* must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements shall be the minimum standards and shall not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles *or vessels* are towed from private property.

(3) This section does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles *or vessels* which are marked as such or to property owned by any governmental entity.

(4) When a person improperly causes a vehicle *or vessel* to be removed, such person shall be liable to the owner or lessee of the vehicle *or vessel* for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle; attorneys' fees; and court costs.

(5) *Failure to make good faith best efforts to comply with the notice requirement of this section, as appropriate, shall preclude the imposition of any towing or storage charges against such vehicle or vessel.*

(6)(5)(a) Any person who violates the provisions of subparagraph (2)(a)2. or subparagraph (2)(a)6. ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates the provisions of subparagraph (2)(a)7. ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 189. Subsection (3) is added to section 832.09, Florida Statutes, to read:

832.09 Suspension of driver license after warrant or *caapias* is issued in worthless check case.—

(3) *The Department of Highway Safety and Motor Vehicles shall create a standardized form to be distributed to the clerks of the court in each county for the purpose of notifying the department that a person has satisfied the requirements of the court. Notices of compliance with the court's requirements shall be on the standardized form provided by the department.*

Section 190. Subsection (1) of section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.
2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.

And the title is amended as follows:

On page 209, line 8, after the second semicolon, insert: amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; providing that a motorized scooter is not a motor vehicle for traffic control purposes; creating a definition of the term motorized scooter; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.1951, F.S.; amending 316.1967, F.S.; allowing a fine designated by county ordinance; revising provisions related to parking vehicles to display for sale; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; exempting certain vehicles carrying agricultural products; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; authorizing university police officers to enforce state traffic laws violated on or adjacent to property under control of the university or its agents; amending s. 316.650, F.S.; requiring the issuance of a copy of the traffic school reference guide with traffic citations under certain circumstances; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing traffic school reference guide requirements; amending s. 318.18, F.S.; allowing fine amount designated by county ordinance plus court costs; amending the date by which court clerks must electronically transmit to the department specified information; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; amending s. 322.161, F.S.; increasing the number of points that a driver under a specified age may accumulate before the department is required to issue that driver a restricted license; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; revising provisions relating to motor vehicle titles; amending s. 319.28, F.S.; deleting the requirement that a copy of a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; amending s. 320.02, F.S.; requiring application forms for motor vehicle registration and renewal of registration to

include language permitting a voluntary contribution to certain organizations; amending s. 320.023, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary check-off contribution on a motor vehicle registration application to conform to the requirements of ch. 496, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, Florida Statutes, conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; requiring the department to count annual renewals when determining whether to discontinue a speciality license plate; requiring certain organizations to notify the department under certain circumstances; including two more colleges to the discontinuance exemptions provided for collegiate speciality license plates; providing for a Florida Golf license plate; amending s. 320.08058, F.S.; requiring the department to develop the Florida Golf license plate; providing for distribution of proceeds of the annual use fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator speciality license plate; amending s. 320.089, F.S.; providing for the issuance of Pearl Harbor Survivor and Purple Heart license plates without payment to a disabled veteran; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart speciality license plate; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; deleting a requirement for establishing a pattern of wrongdoing; revising requirements for denial, suspension, or revocation of a motor vehicle dealer license; amending s. 320.691 F.S.; creating the Automobile Dealers Industry Advisory Board; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for drivers' licensing purposes; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.095, F.S.; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license

is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of a habitual traffic offender; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending ss. 681.1096 and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement which prohibits disclosure of its terms is void; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses;

House Amendment 2 (390491)(with title amendment) to Senate Amendment 1—On page 196, line 26 through page 197, line 13, remove from the amendment: all of said lines

And the title is amended as follows:

On page 206, lines 25-30, of the amendment remove: all of said lines and insert in lieu thereof: honor of certain individuals; amending s. 316.003, F.S.;

House Amendment 3 (404629)(with title amendment) to Senate amendment 1—On page 162, between lines 28 and 29, insert:

Section 107. *Notwithstanding the proviso contained in Specific Appropriation 2022 of the 2001-2002 General Appropriations Act, the Department of Transportation may use funds for arterial highway construction as appropriated in Specific Appropriation 2022 for all projects including Leon County, whether or not the contingency provided in that specific appropriation is met.*

And the title is amended as follows:

On page 206, line 31, after the semicolon, insert: providing that certain funds may be used for arterial highway construction whether or not certain contingencies are met;

House Amendment 4 (111849) to Senate Amendment 1—On page 171, line 26, through page 172, line 22, remove from the amendment: all of said lines, insert: *Department of Transportation, the administrator of the National Aeronautics and Space Administration, the Deputy Assistant Secretary of the Air Force for Space Plans and Policy, and the ex officio nonvoting council members of the Senate and the House of Representatives.*

(4)(3)(a) The council shall consist of an executive board *consisting, which shall consist* of representatives of governmental organizations *having with* responsibilities for developing or operating space transportation facilities; and a Space Industry Committee, which shall consist of representatives of Florida's space industry.

(b) *The executive board consists of* the following individuals ~~shall serve on the executive board~~:

1. The executive director of the Spaceport Florida Authority or his or her designee.

2. ~~The director of the John F. Kennedy Space Center or his or her designee.~~

~~3. The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

~~4. The Commander of the Naval Ordnance Test Unit or his or her designee.~~

2.5. The Secretary of Transportation or his or her designee.

~~3.6. The president of Enterprise Florida, Inc., or his or her designee, as an ex officio nonvoting member.~~

~~4.7. The director of the Office of Tourism, Trade, and Economic Development or his or her designee, as an ex officio nonvoting member.~~

5. *The chairperson of the Space Industry Committee, or his or her designee.*

6. *The members of the Senate and House of Representatives who serve on the board of supervisors of the Spaceport Florida Authority, who shall be ex officio nonvoting members of the executive board.*

House Amendment 5 (553449) to Senate Amendment 1—On page 194, line 6 through page 196, line 25 remove from the amendment: all of said lines and insert in lieu thereof:

Section 120. *The sum of \$650,000 is appropriated to the Florida Commercial Space Financing Corporation from nonrecurring General Revenue for fiscal year 2001-2002, and the sum of \$650,000 is appropriated to the Spaceport Florida Authority from nonrecurring General Revenue for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation pursuant to this section shall be used solely for funding aerospace infrastructure as defined in this section. These funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, Florida Statutes, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this section, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this section. The funds distributed to the Spaceport Florida Authority pursuant to this section shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, Florida Statutes, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this section, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any*

engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.

House Amendment 6 (480931) to Senate Amendment 1—On page 87, line 23 through page 88 line 22 remove from the amendment: all of said lines and insert in lieu thereof:

(a) The council shall consist of:

1. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Speaker of the House of Representatives.

2. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the President of the Senate.

3. Three representatives of private or governmental interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Governor.

(b) Terms for council members shall be 2 years, and each member shall be allowed one vote.

(c) Initial appointments must be made no later than 60 days after this act takes effect. Vacancies in the council shall be filled in the same manner as the initial appointments.

House Amendment 7 (730927)(with title amendment) to Senate Amendment 1—On page 179, line 13 through page 183, line 4, remove from the amendment: all of said lines and insert in lieu thereof:

Section 116. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 117. Subsection (3) is added to section 30.15, Florida Statutes, to read:

30.15 Powers, duties, and obligations.—

(3) *On or before January 1, 2002, every sheriff shall incorporate an antiracial or other antidiscriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

Section 118. Section 166.0493, Florida Statutes, is created to read:

166.0493 Powers, duties, and obligations of municipal law enforcement agencies.—*On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other antidiscriminatory profiling policy into the agency's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures,*

community education and awareness efforts, and policies for the handling of complaints from the public.

And the title is amended as follows:

On page 207, line 25 through page 208, line 4, of the amendment remove: all of said lines and insert in lieu thereof: certain counties; amending s. 943.1758, F.S.; providing that instruction in interpersonal skills relating to diverse populations shall consist of a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling; amending ss. 30.15 and 166.0493, F.S.; requiring sheriffs and municipal law enforcement agencies to incorporate antiracial or other antidiscriminatory profiling policies into their policies and practices; providing guidelines and requirements for such policies; creating ss. 332.201, 332.202, 332.203,

On motion by Senator Sebesta, the Senate concurred in the House amendments to the Senate amendment.

CS for CS for HB 1053 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	

Nays—1

Mitchell

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1672, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

House Amendment 1 (453059)(with title amendment)—Remove everything after the enacting clause and insert in lieu thereof:

Section 1. *Legislative intent.*—*The purpose of the Passport to Economic Progress Act is to provide incentives and services designed to assist individuals who are recipients of temporary cash assistance or who are former recipients of temporary cash assistance generate family income levels that help foster the achievement and maintenance of economic self-sufficiency. It is the intent of the Legislature to create through this act a demonstration program for the provision of such incentives and services, with the goal of developing a model for the continued evolution and enhancement of the welfare-reform efforts of the state.*

Section 2. *Passport to Economic Progress demonstration program.*—

(1) **AUTHORIZATION.**—*Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress demonstration program by November 1, 2001, consistent with the provisions of this section in Hillsborough and Manatee counties. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the department which serve the demonstration areas and must encourage community input into the implementation process.*

(2) **WAIVERS.**—*If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with section 414.175, Florida Statutes.*

(3) **INCOME DISREGARD.**—*In order to provide an additional incentive for employment, and notwithstanding the amount specified in section 414.095(12), Florida Statutes, for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of section 414.095(12), Florida Statutes, shall continue to apply to such individuals.*

(4) **TRANSITIONAL BENEFITS AND SERVICES.**—*In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:*

(a) *Notwithstanding the time period specified in section 445.030, Florida Statutes, transitional education and training support services as specified in section 445.030, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance;*

(b) *Notwithstanding the time period specified in section 445.031, Florida Statutes, transitional transportation support services as specified in section 445.031, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance; and*

(c) *Notwithstanding the time period specified in section 445.032, Florida Statutes, transitional child care as specified in section 445.032, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance.*

All other provisions of sections 445.030, 445.031, and 445.032, Florida Statutes, shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

(5) **WAGE SUPPLEMENTATION.**—

(a) *The Legislature finds that:*

1. *There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.*

2. *Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.*

3. *It is necessary to supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.*

(b) *Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation,*

shall create a transitional wage supplementation program by November 1, 2001, as a component of the Passport to Economic Progress demonstration program in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. If funds appropriated are insufficient to provide wage supplementation, the board of directors of Workforce Florida, Inc., may limit wage supplementation or otherwise establish priorities for wage supplementation.

(c) To be eligible for wage supplementation under this subsection, an individual must:

1. Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;
2. Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week; and
3. Have an average family income for the 6 months preceding the date of application for wage supplementation which is less than 100 percent of the federal poverty level.

(d) Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.

(e) The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.

(6) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards in the areas designated for this demonstration program, shall conduct a comprehensive evaluation of the effectiveness of the demonstration program operated under this section. By January 1, 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

(7) CONFLICTS.—If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 3. There is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services \$310,000 to provide funds for 9 months to implement the additional income disregard for fiscal year 2001-2002. There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation \$3,222,500 to provide funds for 9 months to extend transitional benefits and services and to implement the wage supplementation program for fiscal year 2001-2002. The source of these funds is the Temporary Assistance for Needy Families block grant.

Section 4. Paragraph (a) of subsection (3) and paragraph (a) of subsection (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of

welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified community-based organizations and faith-based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. These programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds. Funds expended under this paragraph may not be used for religious or sectarian purposes. To provide after-school care programs under this paragraph, a community-based organization or a faith-based organization must be a nonprofit organization that holds a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code or must be a religious organization that is not required to apply for recognition of its exemption from federal taxation under s. 501(c)(3) of the Internal Revenue Code.

Section 5. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. It is the intent of the Legislature that, whenever possible and to the greatest extent practicable, membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 6. Legislative findings and intent; Digital Divide Council; powers and duties; program objectives and goals; review and assessment of program performances; annual report.—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—*The Legislature finds as follows:*

(a) *Frequent access to use of information technology and possession of the knowledge and skills required to use information technology productively is becoming increasingly more important to being competitively qualified for high-skill, high-wage employment.*

(b) *The availability of reasonable opportunities to have frequent access to use of information technology and to obtain the education and training necessary to acquire the knowledge and skills required to use information technology productively is critical to becoming competitively qualified for high-skill, high-wage employment.*

(c) *Families that are living near or below the poverty level are without adequate economic resources to have reasonable opportunities to obtain frequent access to use of information technology or the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment.*

(d) *The absence of such economic resources divides such families from those who have adequate economic resources to have such opportunities, places such families at risk of never realizing their employment and income earning potential, and prevents the state's economy from prospering to the extent possible if such families realized their employment and income earning potential.*

(e) *The divide between the members of such at-risk families and those who have adequate economic resources to have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment could be reduced, and the economy of the state could be enhanced, by designing and implementing programs that provide such opportunities to members of such at-risk families.*

It is the intent of the Legislature to provide the authority and resources reasonably necessary to facilitate design and implementation of such programs.

(2) **DIGITAL DIVIDE COUNCIL.**—*The Digital Divide Council is created in the State Technology Office. The council shall consist of:*

- (a) *The chief information officer in the State Technology Office.*
- (b) *The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.*
- (c) *The president of Workforce Florida, Inc.*
- (d) *The director of the Agency for Workforce Innovation.*
- (e) *The chair of itflorida.com, Inc.*
- (f) *The Commissioner of Education.*
- (g) *The executive director of the State Board of Community Colleges.*
- (h) *The executive director of the State Board for Career Education.*
- (i) *The chair of the Network Access Point of the Americas.*
- (j) *A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.*
- (k) *A representative of the information technology industry in this state appointed by the President of the Senate.*

(l) *Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.*

(m) *Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.*

(3) **TERMS OF APPOINTED MEMBERS OF COUNCIL; VACANCIES; COMPENSATION OF MEMBERS.**—*The appointed members of*

the council shall serve an initial term of 1 year commencing July 1, 2001, and ending June 30, 2002, and successor appointees shall serve a term of 2 years, the first of which shall commence July 1, 2002, and end June 30, 2004. Successive 2-year terms shall commence and end on the same schedule in subsequent years. Any vacancy in the membership of the council resulting from resignation, incapacity, or death shall be filled within 30 days after the date the vacancy is effective. The appointed members of the council shall serve without compensation, but such appointees and the other members of the council shall be entitled to receive per diem and reimbursement for travel expenses as provided in section 112.061, Florida Statutes. Payment of such per diem and reimbursement of such travel expenses may be made from appropriations authorized to be used for such purposes.

(4) **COUNCIL MEETINGS; ELECTION OF OFFICERS.**—*The council shall conduct its initial meeting by August 1, 2001, and shall meet thereafter at least once every 60 days. In its initial meeting, the members of the council shall elect a member to serve as chair and another to serve as vice chair, each for a term of 1 year from the date of the election. Any vacancy in the offices of chair and vice chair resulting from resignation, incapacity, or death shall be filled by similar election within 30 days after the date the vacancy is effective.*

(5) **ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.**—*The State Technology Office shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the State Technology Office related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.*

(6) **POWERS AND DUTIES OF COUNCIL.**—*The council, through the State Technology Office, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The State Technology Office shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.*

(7) **PROGRAM OBJECTIVES AND GOALS.**—*The programs authorized by this section shall have the following objectives and goals:*

(a) *Maximizing efficient and productive use of existing facilities, equipment, personnel, programs, and funds available from federal, state, and local government agencies and from any private person or entity.*

(b) *Using innovative concepts employing newly developed technologies in educating and training those who are enrolled in the programs authorized by this section.*

(c) *Developing viable partnerships between public agencies and private persons and entities based on mutual commitment to responsible and dedicated participation in designing and implementing the programs authorized by this section.*

(d) *Recruiting, enrolling, retaining, and graduating as many at-risk family members as feasible to ensure that they have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to competitively qualify them for high-skill, high-wage employment.*

(e) *Reducing the number of underachieving and failing students in the state's public school systems who are members of at-risk families.*

(f) Reducing the number of underemployed and unemployed members of at-risk families.

(g) Using information technology to facilitate achievement of the Sunshine State Standards by all children enrolled in the state's K-12 school system who are members of at-risk families.

(h) Training teachers in the state's K-12 school system to efficiently and effectively use information technology to plan, teach, and administer all courses of instruction required and available by election of children enrolled in the system.

(i) Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education needed to achieve successful completion of general education development test preparation to earn a high school diploma, an applied technology diploma, a vocational certificate, an associate of arts degree, or a baccalaureate degree.

(j) Bridge the digital divide in developing a competitive workforce to meet the employment needs of state-based information technology businesses and establish this state as having the most information technology ready workforce in the western hemisphere.

(8) **MONITORING, REVIEWING, AND EVALUATING PROGRAM PERFORMANCES; REPORTING RESULTS.**—The council, through the State Technology Office, shall continually monitor, review, and evaluate the progress of performances realized from implementation of the programs authorized by this section. The State Technology Office shall prepare and submit a report to the council at least 10 days before each of its meetings subsequent to its initial meeting and each such report shall, at a minimum, identify and describe the functional elements of each program being implemented and identify and describe the facilities, equipment, personnel, programs, and funds used to design and implement the program. For each such program, the report shall also identify by name, address, age, and sex the school-age children, and their older siblings and parents, who are enrolled in the program, state the educational level achieved by each enrollee as of the date he or she enrolled in the program, state the attendance and achievement level recorded for each enrollee in the program, evaluate the progress each enrollee is making toward successful completion of the program, and identify by name, address, age, and sex each enrollee who successfully completes the program. For each such program that is designed to prepare enrollees for high-skill, high-wage employment, the report shall identify each enrollee who successfully completes the program, describe each such employment position for which each enrollee has applied, identify by name, address, and nature of business each employer based in this state to whom each such application for employment has been addressed, state the results each enrollee obtained from making each such application, and describe the nature of any employment obtained and terms of compensation being earned from such employment by each enrollee as a result of making such applications.

(9) **ANNUAL REPORT.**—By March 1, 2002, the council, through the State Technology Office, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title: the entire title and insert in lieu thereof: A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; amending s. 445.004, F.S.; specifying an additional member of the board

of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an effective date.

WHEREAS, the state has achieved dramatic success in reforms to the welfare system, with more than 200,000 families leaving the welfare rolls since such reforms were enacted in 1996, and

WHEREAS, the majority of those who have left the welfare rolls have done so because of employment and have held no more than two different jobs since leaving welfare, and

WHEREAS, however, many of those who have left the welfare rolls are generating incomes below the federal poverty level, leaving them vulnerable to falling back into the welfare system, and

WHEREAS, there also are families that remain within the welfare system who are at risk of exhausting their eligibility for assistance and who would benefit from greater incentives to increase their earnings, and

WHEREAS, a strategy that encourages employment, training, and education represents the best approach for increasing family incomes and promoting economic self-sufficiency, and

WHEREAS, the Workforce Innovation Act of 2000 restructured the state's workforce system to provide individuals with enhanced opportunities to develop skills to secure, maintain, and advance in employment through training and education, and

WHEREAS, the expansion of incentives for employment, the extension of transitional support services, and the provision of wage supplements will further enhance the ability of families who are participants in the welfare system or who are leaving the welfare system to raise their incomes and achieve economic progress, NOW, THEREFORE,

On motion by Senator Lee, the Senate concurred in the House amendment.

CS for CS for SB 1672 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Webster
Constantine	Klein	Pruitt	
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—King

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

Faye Blanton
Secretary of the Senate

May 4, 2001

Dear Madam Secretary:

Please be advised that the following executive appointments were not acted on by the full Senate upon adjournment of the 2001 Session of the

Florida Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
		Northeast Florida Regional Planning Council, Region 4 Appointee: Laibl, George W. "Chip", Jr.	10/01/2000
Board of Regents		East Central Florida Regional Planning Council, Region 6	
Appointees: Beard, Richard A. III	01/01/2007	Appointee: Diez, Richard F.	10/01/2000
Copeland, Natalie M.	09/01/2001		
Roberts, Carol K.	01/01/2007		
		Central Florida Regional Planning Council, Region 7	
		Appointees: Poole, David L., Sr.	10/01/2003
		Trussell, Tiffany Stanton	10/01/2001
		Southwest Florida Regional Planning Council, Region 9	
Faye Blanton	May 4, 2001	Appointees: Groves, Janice E.	10/01/2000
Secretary of the Senate		Leonard, F. Richard	10/01/2000
Dear Madam Secretary:		Maio, Alan	10/01/2000
The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:		South Florida Regional Planning Council, Region 11	
		Appointee: Cates, Cheryl	10/01/2000
		Board of Trustees of the John and Mable Ringling Museum of Art	
		Appointees: Buchanan, Vernon G.	12/31/2003
		Portnoy, Simon	12/31/2001
Board of Accountancy		Board of Supervisors, Spaceport Florida Authority	
Appointee: Wilson, Carol P.	10/31/2002	Appointee: Morris, Ronald L.	06/30/2004
Florida Black Business Investment Board		Florida Commission on Tourism	
Appointee: Weaver, Ronnie H.	09/30/2004	Appointee: Craven, Mary B.	06/30/2000
Florida Building Commission		Florida Commission on Veterans' Affairs	
Appointee: Carson, Ed	04/05/2001	Appointee: Whibbs, Vince	11/16/2000
Florida Communities Trust		Governing Board of the Northwest Florida Water Management District	
Appointee: Moure, Edwin C.	01/31/2001	Appointee: Stuparich, Nancy	03/01/2001
State Board of Community Colleges		Governing Board of the Southwest Florida Water Management District	
Appointee: Velazquez, Silvia M.	09/30/2000	Appointee: Chance, Edward W.	03/01/2001
Florida Commission on Community Service		Alafia River Basin Board of the Southwest Florida Water Management District	
Appointees: Brooks, Roy	09/14/2002	Appointee: Dominguez, Margarita N.	03/01/2003
Chandler-Thompson, Gwen	09/14/2003		
Charles, Sidney F.	09/14/2001		
Donley, Jeffrey R. W.	09/14/2000		
Morris, Patrick G.	09/14/2000		
Board of Cosmetology		Manasota Basin Board of the Southwest Florida Water Management District	
Appointee: Caetano, Joseph P.	10/31/2000	Appointee: Hooper, Maxine M.	03/01/2001
Education Practices Commission		Withlacoochee River Basin Board of the Southwest Florida Water Management District	
Appointee: Morris, Thomas E.	09/30/2004	Appointee: Kraatz, Karen L.	03/01/2001
Florida Elections Commission		Workers' Compensation Panel	
Appointee: Bogdanoff, Ellyn Setnor	12/31/2000	Appointee: Ostrowski, Norman	Pleasure of Governor
Florida Housing Finance Corporation		The Senate Committee on Ethics and Elections has failed to consider these appointments because:	
Appointees: Bermello, Willy A.	11/13/2002	a) the terms of the following persons have expired: Ed Carson;	
Meyer-Webb, Cindy	11/13/2000	Edwin C. Moure; Silvia M. Velazquez; Jeffrey R. W. Donley;	
Florida Commission on Human Relations		Partick G. Morris; Joseph P. Caetano; Ellyn Setnor Bogdan-	
Appointee: Tyree, Bobby R.	09/30/2004	off; Cindy Meyer-Webb; William M. Ward; Ronald Townsend;	
Gulf States Marine Fisheries Commission		Fred H. Collins; Merel York Shuler; Donald R. Stephens; Jack	
Appointee: Ward, William M.	01/05/2001	Taylor, Jr.; James T. Tompkins; George W. "Chip" Laibl; Rich-	
State Board of Nonpublic Career Education		ard F. Diez; Janice E. Groves; F. Richard Leonard; Alan Maio;	
Appointee: Cox, Alison L.	07/01/2002	Cheryl Cates; Mary B. Craven; Vince Whibbs; Nancy Stup-	
Jacksonville Port Authority		parich; and Edward W. Chance.	
Appointee: Townsend, Ronald	09/30/2000	b) the following persons have resigned: Carol P. Wilson; Ron-	
Apalachee Regional Planning Council, Region 2		nie H. Weaver; Roy Brooks; Gwen Chandler-Thompson; Sid-	
Appointees: Collins, Fred H.	10/01/2000	ney Charles; Thomas E. Morris; Willy A. Bermello; Bobby R.	
Shuler, Merel York	10/01/2000	Tyree; Allison L. Cox; David L. Poole; Tiffany Stanton Trus-	
Stephens, Donald R.	10/01/2000	sell; Ronald L. Morris; Margarita N. Dominguez; Maxine M.	
Taylor, Jack, Jr.	10/01/2000	Hooper Karen L. Kraatz; and Norman Ostrowski.	
North Central Florida Regional Planning Council, Region 3		b) the following persons are no longer required to be confirmed by the Senate: Vernon G. Buchanan and Simon Portnoy.	
Appointee: Tompkins, James T.	10/01/2000		

Based on the foregoing, the Senate Committee on Ethics and Elections respectfully advises and recommends that the Senate take no action on these appointments during the 2001 Regular Session.

Respectfully submitted,
Bill Posey, Chairman
 Committee on Ethics and Elections

Faye Blanton Secretary of the Senate May 4, 2001

Dear Madam Secretary:

Please be advised that the following appointments were not received by the Florida Senate for consideration during the 2001 Regular Session. Therefore, pursuant to s. 114.05(1)(e), F.S., the Senate took no action on these appointments during the Regular Session immediately following the effective date of the appointment.

<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Communities Trust Appointee: Moure, Edwin	02/01/2001
Education Practices Commission Appointee: Orr, Deborah	10/01/2000
Education Standards Commission Appointee: Riley, Barbara	10/01/2000
Board of Hearing Aid Specialists Appointees: Sellers, Joann Skelly, Janet	02/07/2001 02/07/2001
Withlacoochee Regional Planning Council, Region 5 Appointee: Card, Jennifer	02/05/2001

Respectfully submitted,
Bill Posey, Chairman
 Committee on Ethics and Elections

ENROLLING REPORTS

CS for SB 208 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 4, 2001.

Faye W. Blanton, Secretary

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 635, CS for HB 1541; has passed as amended CS for HB 337, HB 915, CS for HB's 1617 and 1487, HB 1861 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Hart and others—

HB 635—A bill to be entitled An act relating to drivers' licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers' licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers' licenses or identification cards; providing an effective date.

—was referred to the Committees on Transportation; and Appropriations.

By the Council for Competitive Commerce; the Committee on Economic Development and International Trade; and Representative Prieguez and others—

CS for HB 1541—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Tourism; and Representative Garcia and others—

CS for HB 337—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; extending the repeal date of a provision authorizing operating grants; requiring the Division of Library and Information Services to facilitate the extension of free library services through interlocal agreement; requiring reports; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Committee on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Ritter—

HB 915—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the cities of Fort Lauderdale and Dania Beach; providing for annexation of specified unincorporated land; providing for an election; providing for an effective date of annexation; providing an effective date.

Proof of publication of the required notice was attached.

(Placed on the Local Bill Calendar and passed this day.)

By the Committee on Local Government and Veterans Affairs; and Representative Dockery and others—

CS for HB's 1617 and 1487—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that certain local government comprehensive plans include a public educational facilities element; requiring notice by the Department of Education; exempting certain municipalities from adopting such elements; requiring a report; requiring such local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; providing for arbitration; specifying the effect

of a local government's failure to enter into an interlocal agreement and of a school board's failure to provide certain information or to enter into an interlocal agreement; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; amending s. 163.3202, F.S.; providing legislative intent regarding electric utilities and substations; providing that local governments may adopt land development regulations that establish standards for substations and providing effect of compliance with such standards; prohibiting local governments from denying a development permit for a substation under certain conditions; amending s. 163.3244, F.S.; extending the repeal date of the sustainable communities demonstration project; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of such plans and community college surveys by the Office of Educational Facilities and approval by the State Board of Education; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring certain school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property

for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending s. 235.218, F.S.; revising provisions relating to adoption of certain evaluation measures by the SMART Schools Clearinghouse; amending ss. 235.321 and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; revising an exception from the definition of "development" for work by certain utilities; amending s. 380.06, F.S., relating to developments of regional impact; providing that the statewide guidelines and standards shall be increased for development in a rural area of critical economic concern; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations.

By the Committee on Elder and Long-Term Care; and Representative Green—

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

(Taken up out of order and passed this day.)

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 94, CS for SB 202, CS for SB 238, CS for CS for SB's 336 and 190, CS for SB 350, CS for CS for CS for SB 446, SB 532, SB 636, CS for SB 658, SB 676, CS for CS for SB 792, CS for SB 800, CS for SB 822, CS for CS for SB 856, CS for SB 892, CS for SB 904, CS for CS for SB 912, SB 958, CS for SB 962, CS for SB 978, CS for SB 1018, SB 1020, CS for CS for SB 1092, CS for SB 1172, CS for CS for SB 1204, CS for SB 1256, SB 1412, CS for SB 1468, CS for SB 1558, SB 1564, CS for SB 1726, SB 1738, CS for SB 1784, SB 1996, CS for SB 2012, SB 2274 and SB 2342.

John B. Phelps, Clerk

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1624 and CS for SB 1720 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendment 1 and passed SB 1162, CS for CS for CS for SB 1202 and CS for SB 1576 as further amended.

John B. Phelps, Clerk

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment to House amendment 2 and passed CS for SB 2 as further amended.

John B. Phelps, Clerk

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Reports as an entirety and passed CS for SB 466, CS for SB 1118, SB 2000 and SB 2002, as amended by the Conference Committee Reports.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 9, HB 21, CS for CS for HB 267, CS for HB 409, CS for HB 475, CS for HB 501, CS for HB 589, HB 757, CS for HB 979, HB 1225, HB 1265, HB 1741 and CS for HB 1803, HB 1821, HB 1903, as amended; and has concurred in Senate amendment 1 and passed HB 251, CS for CS for HB 269, CS for HB 277, CS for HB 367, HB 1157 and HB 1861, as amended.

John B. Phelps, Clerk

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 208 which he approved on May 4, 2001.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 3 was corrected and approved.

CO-SPONSORS

Senator Crist—CS for SB 2, CS for SB 118, SJR 124, CS for SB 200, CS for SB 238, CS for SB 256, SB 342, CS for CS for CS for SB 446, SB 622, SB 638, CS for SB 1306, CS for CS for SB 1312, CS for CS for SB 1456, SB 1650, SB 1914, CS for CS for SB 2008; Diaz de la Portilla—CS for CS for SB 856; Klein—CS for CS for SB 374; Wasserman Schultz—CS for SB 1342

VOTES RECORDED

Senator Constantine was recorded as voting “yea” on the following bills which were considered May 4: **SB 1382, CS for SB 1246, CS for SB 1234, CS for CS for CS for SB 1202, CS for SB 978, CS for SB 846, HB 1811, HB 1717, CS for HB 1253 and CS for HB 501**; and was recorded as voting “nay” on the following bill which was considered May 4: **CS for CS for HB 1053**.

Senator King was recorded as voting “yea” on the following bills which were considered May 4: **CS for SB 846 and SB 1382**.

ADJOURNMENT

On motion by Senator Lee, the Senate adjourned sine die at 8:58 p.m.



Journal of the Senate

Final Reports After Adjournment Sine Die — Regular Session 2001

ENROLLING REPORTS

CS for SB 1118 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 10, 2001.

CS for CS for SB 144, CS for SB 224, CS for SB 232, CS for CS for SB 400, CS for SB 466, SB 1200, CS for CS for CS for SB 1202, CS for SB 1306, CS for SB 1784 and CS for SB 1932 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 14, 2001.

SB 130, SB 226, CS for SB 240, CS for SB 302, CS for SB 350, CS for CS for CS for SB 446, SB 540, SB 666, CS for SB 688, SB 698, SB 708, CS for CS for SB 710, CS for CS for SB 792, SB 814, CS for SB 836, CS for SB 840, CS for SB 888, CS for CS for SB 912, CS for SB 938, CS for SB 978, CS for SB 1018, SB 1166, CS for CS for SB 1180, CS for CS for SB 1214, CS for SB 1274, SB 1324, SB 1400, SB 1516, CS for CS for CS for SB's 1526 and 314, CS for SB 1610, CS for SB 1850, CS for SB 1852 and SB 1986 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 16, 2001.

SB 150, CS for SB 178, CS for SB 202, CS for SB 252, SB 272, SB 330, CS for CS for SB 366, CS for SB 772, SB 810, CS for SB 1012, SB 1020, SB 1066, SB 1142, SB 1198, CS for CS for SB 1282, CS for CS for SB 1376, CS for SB 1540, CS for SB 1562, CS for SB 1576, CS for SB 1720, CS for SB 1836, CS for CS for SB 1878, CS for SB 2054, SB 2104 and CS for SB 2174 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 17, 2001.

CS for SB 1284 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 21, 2001.

CS for SB 408, SB 654, CS for CS for SB 668, CS for SB 684, SB 770, CS for CS for SB 870, CS for SB 1128, CS for CS for SB 1346, CS for SB 1524, CS for SB 1568, CS for CS for SB 1624, CS for CS for SB 1672, CS for SB 1788 and CS for SB 2118 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 22, 2001.

CS for CS for SB's 336 and 190, CS for SB 354, SB 536, SB 766, CS for SB 788, CS for SB 806, CS for SB 838, CS for CS for SB 1258, SB 1428, CS for SB 1662, CS for SB 1726, CS for CS for SB 1880, CS for SB 1956 and CS for SB 2034 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 24, 2001.

CS for SB 94, CS for CS for SB 108, SB 210, CS for SB 238, CS for CS for SB 306, CS for SB 322, SB 428, SB 638, CS for SB 658, CS for CS for SB 784, CS for SB 890, CS for SB 904, CS for SB 962, SB 1162, CS for SB 1256, SB 1564, CS for SB 1642, CS for SB 1684, CS for SB 1872, CS for SB 2012, CS for CS for SB 2092 and CS for SB 2110 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 29, 2001.

CS for SB 2, SB 338, SB 510, SB 532, SB 636, SB 676, CS for SB 778, CS for SB 800, CS for SB 886, SB 1132, SB 1148, CS for SB 1260, CS for SB 1318, CS for SB 1366, SB 1394, SB 1412, CS for SB 1530, CS for SB 1722, SB 1766, SB 1996, CS for CS for SB 2156, CS for SB 2220, SB 2274, SB 2308 and SB 2342 have been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 31, 2001.

SB 2000 and SB 2002 have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 1, 2001.

CS for SB 84, SB 304, CS for SB 822, SB 850, CS for CS for SB 856, CS for SB 892, SB 958, CS for SB 1030, CS for CS for SB 1092, CS for SB 1172, CS for CS for SB 1204, SB 1344, SB 1424, CS for SB 1468, CS for SB 1506, CS for SB 1558, SB 1738, CS for SB 1922, CS for SB 2042 and SB 2240 have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 5, 2001.

SCR 2106 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 4, 2001.

Faye W. Blanton, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bill which will become law without his signature:

SB 2002 on June 17, 2001.

The Governor advised that he had filed with the Secretary of State the following bills which he approved:

CS for SB 1118 on May 10, 2001.

CS for SB 466 on May 14, 2001.

SB 1200 and CS for CS for CS for SB 1202 on May 15, 2001.

CS for SB 224 on May 18, 2001.

CS for CS for SB 400 and CS for SB 1306 on May 23, 2001.

CS for CS for SB 144, CS for SB 232, CS for SB 1784 and CS for SB 1932 on May 25, 2001.

CS for SB 688 and CS for CS for SB 1214 on May 29, 2001.

SB 130, CS for SB 202, CS for SB 302, CS for CS for SB 710, CS for SB 1012, CS for CS for SB 1180 and CS for SB 1274 on May 30, 2001.

SB 226, CS for SB 240, CS for SB 252, SB 272, CS for SB 350, CS for CS for SB 366, CS for CS for CS for SB 446, SB 540, SB 666, CS for CS for SB 668, SB 698, SB 708, CS for CS for SB 792, SB 810, SB 814, CS for SB 836, CS for SB 840, CS for SB 888, CS for CS for SB 912, CS for SB 938, CS for SB 978, SB 1166, SB 1198, CS for CS for SB 1282, SB 1324, SB 1400, SB 1516, CS for CS for CS for SB 1526 and 314, CS for SB 1610, CS for SB 1850, CS for SB 1852 and SB 1986 on May 31, 2001.

SB 150, CS for SB 178, CS for SB 772, SB 1066, SB 1142, CS for CS for SB 1376, CS for SB 1540, CS for SB 1562, CS for SB 1576, CS for SB 1720, CS for SB 1836, CS for CS for SB 1878, CS for SB 2054, SB 2104 and CS for SB 2174 on June 1, 2001.

CS for SB 1284 on June 5, 2001.

CS for SB 408, SB 654, CS for SB 684, SB 770, CS for CS for SB 870, SB 1162, CS for CS for SB 1346, CS for SB 1524, CS for SB 1568, CS for CS for SB 1624, CS for CS for SB 1672, CS for SB 1788 and CS for SB 2118 on June 6, 2001.

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CS for SB 788 and CS for SB 838 on June 7, 2001.

CS for CS for SB's 336 and 190, CS for SB 354, SB 536, SB 766, CS for SB 806, CS for CS for SB 1258, SB 1428, CS for SB 1662, CS for SB 1726, CS for CS for SB 1880, CS for SB 1956 and CS for SB 2034 on June 8, 2001.

CS for SB 238, CS for SB 1256 and CS for SB 1642 on June 12, 2001.

CS for SB 94, CS for CS for SB 108, SB 210, CS for CS for SB 306, CS for SB 322, SB 428, SB 638, CS for SB 658, CS for CS for SB 784, CS for SB 890, CS for SB 904, CS for SB 962, SB 1564, CS for SB 1684, CS for SB 1872, CS for SB 2012, CS for CS for SB 2092 and CS for SB 2110 on June 13, 2001.

CS for SB 2, SB 338 and SB 636 on June 14, 2001.

SB 532, SB 676, CS for SB 778, CS for SB 886, SB 1132, SB 1148, CS for SB 1260, CS for SB 1318, CS for SB 1366, SB 1394, CS for SB 1530, CS for SB 1722, SB 1766, SB 1996, CS for CS for SB 2156, CS for SB 2220, SB 2274, SB 2308 and SB 2342 on June 15, 2001.

CS for SB 84, SB 304, CS for SB 822, SB 850, CS for SB 892, SB 958, CS for SB 1030, CS for CS for SB 1092, CS for CS for SB 1204, SB 1344, SB 1424, CS for SB 1468, CS for SB 1506, CS for SB 1558, SB 1738, CS for SB 1922, CS for SB 2042 and SB 2240 on June 19, 2001.

CS for SB 1172 on June 20, 2001.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 2119, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Thirty-third Regular Session of the Legislature convened under the Constitution as revised in 1968, held from March 6 through May 4, 2001. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.



Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
June 21, 2001

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TO THE

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HOW TO FIND OR TRACE A BILL, RESOLUTION OR MEMORIAL

When the bill, resolution or memorial number is unknown, use the:

SUBJECT INDEX OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The subject matter of each bill is indexed and cross-indexed in an alphabetical arrangement, using topics of catchwords related closely to the subject matter. This is followed by the number of the bill, resolution or memorial.

When the bill, resolution or memorial number is known, use the:

NUMERICAL INDICES OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

Each bill is listed in numerical order. Opposite each bill number is the subject, the name of introducer, the page numbers where the bill involved appears in the journal, and the final status of the bill.

Tracing all Senate and House Actions

It is possible to trace the progress of legislation from introduction to final disposition, step by step, as it is recorded on the various pages of the Senate Journal by looking at the pages referred to in the numerical index.

To follow the progress of Senate legislation passed by the Senate and sent to the House, use the indices contained in the House Journal to trace House action.

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MEMBERS OF THE SENATE; BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED; AND
COMMITTEE ASSIGNMENTS

REGULAR SESSION 2001

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

BRONSON, CHARLIE—18th District

Prime Sponsored: 4, 262, **412**, **536**, 686, 762, 834, 862, 864, 972, 974, **1030**, **1204**, 1206, 1296, 1482, 1508, 1512, 1514, 1628, 1708, 1736, **1738**, 1864, 1946, 2036, **2042**, **2244**

Co-sponsored: 234, **400**, 442, 448, **466**, 670, 830, 854, 1058, 1116, **1118**, 1120, 1122, 1356, **1396**, 1528, 1560, 1758, 1768, 1800, 1820, 1828, **1878**, 2120, **2222**, **2250**, **2372**, 2386

Local Bill—Prime Sponsored: 2366

Committees: Natural Resources, Chairman; Agriculture and Consumer Services; Criminal Justice; Ethics and Elections; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; *Joint Legislative Committee on Everglades Oversight*

BROWN-WAITE, GINNY—10th District

Prime Sponsored: 126, 158, 160, 162, 176, **178**, 214, **232**, 236, 242, 246, 250, 344, 420, 660, 670, 932, 984, **1132**, **1200**, **1202**, 1408, 1768, 1774, 1800, 1802, 1804, 1806, 1848, 2074, 2386

Co-sponsored: 228, 342, 442, 448, **654**, 1022, 1058, 1116, **1118**, 1120, 1122, 1250, **1324**, 1356, **1396**, 1456, 1758, 2030, **2372**

Committees: Rules and Calendar, Vice Chairman; Commerce and Economic Opportunities; Ethics and Elections; Finance and Taxation; Health, Aging and Long-Term Care; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; *Appropriations Steering Group*; *Joint Administrative Procedures Committee*

BURT, LOCKE—16th District

Prime Sponsored: **2**, 122, 124, 234, 388, 402, 514, 524, 528, **540**, 716, 848, **850**, **978**, 980, 982, 994, 996, 998, 1272, **1274**, 1278, 1280, **1282**, 1320, 1322, 1332, 1334, 1336, 1338, 1444, 1446, 1536, 1552, **1562**, 1572, 1580, 1582, 1626, 1634, 1690, 1708, 1744, 1810, 1814, 1844, **1850**, **1852**, 1864, 1898, 1944, 1980, 2026, 2028, 2044, 2086, 2138, 2214, 2236

Co-sponsored: **400**, 442, 1356, **1396**, **1878**, **2372**, 2386

Local Bills—Prime Sponsored: **510**, 922, 2264

Committees: Judiciary, Chairman; Appropriations, Subcommittee on Public Safety and Judiciary; Criminal Justice; Governmental Oversight and Productivity; Rules and Calendar; *Task Force on Tobacco Settlement Revenue*; *Joint Legislative Auditing Committee*

CAMPBELL, WALTER G. "SKIP", JR.—33rd District

Prime Sponsored: 6, 40, 42, 78, 96, 98, 100, 106, 134, 136, 138, 312, 314, 316, 318, 320, **338**, 340, 356, 386, 696, **698**, 700, 706, 842, 844, 846, **888**, **890**, 1070, 1072, 1074, 1076, **1092**, 1094, 1096, **1256**, 1290, 1432, 1434, 1436, 1438, 1440, 1442, **1526**, 1752, 1754, 1782, 1822, 1928, 1930, 2030, 2068, 2072, 2210, 2212

Co-sponsored: 92, 120, 152, 160, 162, 234, **238**, 256, 342, **400**, 442, 620, 670, **836**, 852, 854, 964, 1032, 1296, **1396**, 1456, 1484, 1538, 1574, 1700, 1834, **1878**, 2098, 2194, **2316**, **2330**, **2372**, 2386

Local Bills—Prime Sponsored: 36, 54, 56, 76

Committees: Regulated Industries, Chairman; Banking and Insurance; Finance and Taxation; Health, Aging and Long-Term Care; Judiciary; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Rules and Calendar; *Joint Legislative Committee on Article V*

CARLTON, LISA—24th District

Prime Sponsored: 296, 310, 374, 378, 380, 508, **668**, 720, 992, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1288, 1374, 1398, **1540**, **1564**, **1576**, 1638, **1706**, **1836**, **1872**, 1962, 1974, 1978, 2080, 2082, **2148**, **2200**

Co-sponsored: **210**, 442, 448, 986, 1116, **1118**, 1120, 1122, **1396**, 1700, **1878**, 2114, **2372**, 2386

Local Bills—Prime Sponsored: 2346, 2348, 2370

Committees: Finance and Taxation, Chairman; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting, Chairman; Banking and Insurance; Comprehensive Planning, Local and Military Affairs; *Appropriations Steering Group*

CLARY, CHARLIE—7th District

Prime Sponsored: 8, 60, 182, 186, 188, 190, 192, 194, 196, 198, **306**, **336**, 342, 460, 462, 512, **544**, **546**, **548**, 550, 552, 554, 556, **558**, **560**, **562**, **564**, **566**, **568**, 570, **572**, **574**, **576**, **578**, **580**, **582**, **584**, **586**, 588, **590**, **592**, **594**, **596**, **598**, **600**, **602**, **604**, **606**, **608**, **610**, **612**, **614**, **616**, 618, 634, 692, 704, 744, 748, 928, 930, 934, 968, 970, 1484, 1486, 1488, 1490, 1492, 1494, 1640, 1742, 1840, 1854, 1856, 2032, 2114, 2116, 2176, 2224, 2286, **2322**

Co-sponsored: **238**, 256, 852, 854, 862, 1032, **1172**, **1324**, 1356, **1396**, **1428**, 1560, 1700, 1764, **1788**, **2372**, 2386

Local Bills—Prime Sponsored: 2312, 2318, 2368

Committees: Appropriations, Subcommittee on General Government, Chairman; Banking and Insurance; Comprehensive Planning, Local and Military Affairs; Health, Aging and Long-Term Care; Rules and Calendar; *Appropriations Steering Group*; *Task Force on Tobacco Settlement Revenue*; *Tobacco Settlement Financing Corporation*

CONSTANTINE, LEE—9th District

Prime Sponsored: 310, **336**, **446**, **1142**, 1146, 1152, 1154, 1156, 1186, **1516**, 1518, 1520, 1522, **1524**, **1526**, 1668, 1670, 1896, 1902, 2046

Co-sponsored: 234, 442, 448, 1058, 1116, **1118**, 1120, 1122, 1356, **1396**, 1758, **2372**, 2386

Committees: Comprehensive Planning, Local and Military Affairs, Chairman; Agriculture and Consumer Services; Banking and Insurance; Finance and Taxation; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; *Joint Legislative Committee on Everglades Oversight*

COWIN, ANNA P.—11th District

Prime Sponsored: 156, 680, **684**, 1000, 1002, 1004, 1006, 1008, 1022, 1250, 1362, 1364, **1366**, 1368, 1370, 1372, **1394**, 1470, 1778, 1858, 1860, 1876, 2006, 2040, 2248

Co-sponsored: 106, 120, 128, 160, 162, 234, 344, **400**, **412**, 442, **446**, 634, **636**, 692, 782, 830, 924, **1214**, **1396**, 1408, **1526**, **1568**, **1610**, **1788**, **2372**, 2386

Local Bills—Prime Sponsored: 2298, 2300, **2308**

Committees: Appropriations, Subcommittee on Public Safety and Judiciary, Chairman; Commerce and Economic Opportunities; Education; Health, Aging and Long-Term Care; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; *Appropriations Steering Group*

CRIST, VICTOR D.—13th District

Prime Sponsored: **710**, **770**, 812, **814**, 816, **836**, **1148**, 1348, 1350, 1390, 1392, 1430, 1534, 1652, 1654, **1766**, 1846, 1920, 1948, 1964, **2012**, 2038, 2064, **2104**, **2118**, **2282**

Co-sponsored: **2**, **84**, 118, 124, 128, **144**, 190, 200, **210**, **224**, 234, **238**, 256, **330**, **336**, 342, **354**, 358, **400**, **428**, 442, **446**, 478, 492, 500, 518, 520, 524, **540**, 622, **638**, 674, **676**, 678, 696, 700, 714, 718, 720, 744, **784**, **810**, **856**, 982, **1018**, 1080, 1082, **1092**, **1118**, **1166**, 1194, 1196, **1198**, 1272, **1306**, 1312, 1372, **1396**, 1456, 1470, **1568**, 1644, 1650,

1666, **1672**, **1684**, 1692, 1750, 1778, **1850**, **1852**, 1864, 1914, **1956**, 2008, 2088, 2172, 2210, **2372**, 2386

Local Bills—Prime Sponsored: **1996**, 1998

Local Bills—Co-Sponsored: 1988, 1990, 1992, 1994, 2364

Committees: Criminal Justice, Vice Chairman; Commerce and Economic Opportunities; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Regulated Industries; *Joint Legislative Committee on Article V, Alternating Chairman; Joint Legislative Budget Commission*

DAWSON, M. MANDY—30th District

Prime Sponsored: 152, 154, 220, 222, **224**, **226**, **350**, 410, 434, 774, 780, 954, 1042, 1056, 1098, 1476, 1532, 1786, 1866, **1882**, 2010, **2280**, **2390**

Co-sponsored: 92, **108**, 170, 234, **238**, 256, 442, 514, 742, **836**, 852, 924, 1134, 1342, 1356, 1374, **1396**, 1456, 1538, 1574, 1646, 1820, 1928, 2098, 2194, **2250**, **2372**, 2386

Local Bills—Prime Sponsored: 38, 70, 2270, 2272, **2274**, 2276, 2310, 2326, 2328, 2338, 2340, **2342**, 2352, 2374, 2382

Committees: Health, Aging and Long-Term Care, Vice Chairman; Appropriations, Subcommittee on Public Safety and Judiciary; Banking and Insurance; Natural Resources; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Regulated Industries

DIAZ DE LA PORTILLA, ALEX—34th District

Prime Sponsored: 504, 506, 722, 724, 726, 728, 730, 732, 734, 944, **946**, 956, **962**, 1024, 1252, 1388, 1510, 1770, 1772, 1942, 2008, 2094, **2398**

Co-sponsored: 42, 234, 342, 526, 670, 832, **856**, 924, **1396**, 1820, **1878**, 2138, 2216, **2372**, 2386

Local Bills—Prime Sponsored: 28, 50

Committees: Commerce and Economic Opportunities, Chairman; Agriculture and Consumer Services; Education; Regulated Industries; *Legislative Committee on Intergovernmental Relations*

DYER, BUDDY—14th District

Prime Sponsored: **428**, 430, **822**, 826, 828, 1086, 1594, 1740, 2142, 2144, **2154**, 2194, 2334

Co-sponsored: 92, 120, 234, **238**, 342, 442, 448, **654**, 742, 930, 934, 1058, 1116, **1118**, 1120, 1122, **1396**, 1538, 1574, 1820, 1928, 2098, 2172, **2316**, **2330**, **2372**, 2386

Local Bills—Prime Sponsored: 10, 62

Committees: Judiciary, Vice Chairman; Appropriations, Subcommittee on Education; Education; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Transportation; *Joint Legislative Auditing Committee*

GARCIA, RUDY—39th District

Prime Sponsored: 422, 436, **466**, 468, 648, 650, 872, 874, 876, **892**, 894, 896, 898, 900, 902, **904**, 906, 920, 1010, **1012**, 1014, 1496, 1498, 1500, 1502, 1504, **1506**, 1698, 1700, 1794, 1910, 1918, 1934, 1938, 1940, 1952, 2120, 2122, 2124, 2126, 2128, 2234, **2240**, 2252, **2254**, **2256**, 2262

Co-sponsored: **238**, **330**, **412**, 670, 854, 1022, **1092**, 1356, **1396**, **1878**, 1970, **2372**, 2386

Committees: Governmental Oversight and Productivity, Chairman; Appropriations, Subcommittee on Education; Appropriations, Education Select Subcommittee on Financial Aid; Banking and Insurance; Judiciary; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; *Joint Select Committee on Collective Bargaining, Co-Chair*

GELLER, STEVEN A.—29th District

Prime Sponsored: 102, 104, **108**, 110, 112, 114, 140, 142, **144**, 146, 164, 166, 170, 182, **208**, 258, 260, **322**, 324, 328, 348, 516, 530, 534, **784**, 830, 936, 960, 964, 1078, 1244, 1528, **1530**, 1796, 1798, 1832, **1922**, 1970, 2060, 2076, **2378**

Co-sponsored: 120, 168, 294, 342, 442, 742, **836**, **856**, 914, 924, 1098, **1396**, 1700, **1878**, **2372**, 2386

Local Bills—Prime Sponsored: 52, 2306, 2360

Committees: Agriculture and Consumer Services, Chairman; Banking and Insurance; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; Regulated Industries; Rules and Calendar

HOLZENDORF, BETTY S.—2nd District

Prime Sponsored: 476, **658**, 742, 1218, 1220, 1222, 1224, 1226, 1584, 1646, 1686, 1688, 2170, **2174**, 2188, 2192, 2198, 2226, 2228, **2250**, **2372**

Co-sponsored: 234, **238**, 374, 988, 1098, 1134, **1202**, **1396**, 1466, 1532, 1772, 1820, 2008, 2386

Local Bill—Prime Sponsored: 44

Committees: Banking and Insurance, Vice Chairman; Appropriations, Subcommittee on Education; Appropriations, Education Select Subcommittee on Financial Aid; Commerce and Economic Opportunities; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; Regulated Industries; Rules and Calendar; Transportation; *Joint Administrative Procedures Committee, Alternating Chairman*

HORNE, JIM—6th District

Prime Sponsored: **150**, **218**, **400**, 948, **1174**, 1176, **1722**, 1780, **1784**, **1878**, 2004

Co-sponsored: **238**, **302**, 854, 894, 1136, **1282**, 1356, **1396**, 2108, 2198, **2372**, 2386

Committees: Appropriations, Chairman; Education; Judiciary; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Regulated Industries; *Appropriations Steering Group; Joint Legislative Budget Commission, Zero-Based Budgeting Subcommittee - Department of Revenue*

JONES, DARYL L.—40th District

Prime Sponsored: 424, 1138, 1402, 1588, 1590, 1592, 1730, 1732, 1776, 1838, 1862, 1950, 2098, 2100, 2102, 2132, 2134, 2150, **2284**, 2388, **2396**

Co-sponsored: 92, **238**, 404, 406, 448, 742, 774, 1058, **1118**, 1296, **1396**, 1532, 1636, 1704, **2250**, **2372**

Local Bills—Prime Sponsored: 30, 68, 496, 1890, 2296

Local Bill—Co-Sponsored: 28

Committees: Transportation, Vice Chairman; Appropriations, Subcommittee on General Government; Education; Judiciary; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Rules and Calendar; *Appropriations Steering Group; Joint Legislative Committee on Everglades Oversight, Alternating Chairman; Joint Legislative Budget Commission*

KING, JAMES E. "JIM", JR.—8th District

Prime Sponsored: 128, 172, 200, **252**, 718, 738, 740, 880, 910, 1246, 1248, **1260**, 1286, 1356, 1598, 1622, **1624**, 1678, 1694, 1716, 1718, **1720**, 1760, 1926, 1960, **2052**, 2066, **2078**, **2186**, **2384**, 2392

Co-sponsored: 442, 854, **1396**, 1612, **2222**, **2372**, 2386

Local Bill—Co-Sponsored: **510**

Committees: Regulated Industries, Vice Chairman; Appropriations, Subcommittee on General Government; Banking and Insurance; Natural Resources; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; Rules and Calendar; Transportation; *Appropriations Steering Group; Joint Legislative Auditing Committee; Joint Legislative Budget Commission, Zero-Based Budgeting Subcommittee - Department of Law Enforcement*

KLEIN, RON—28th District

Prime Sponsored: 12, 212, **272**, 332, 334, 470, 678, 736, 820, **886**, 1310, 1342, 1458, 1460, 1462, 1538, 1618, **1684**, 1724, 1750, 1816, **1880**, **2156**, 2190, **2336**, **2380**

Co-sponsored: 92, 120, 122, 256, 342, 374, 420, **654**, 742, **814**, 866, 1098, 1160, **1324**, **1396**, 1574, 1586, 1826, **1878**, 1928, 1966, 2098, 2172, 2194, **2220**, **2372**, 2386

Local Bills—Prime Sponsored: 34, 82

Committees: Commerce and Economic Opportunities, Vice Chairman; Education; Health, Aging and Long-Term Care; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting

tricting; Regulated Industries; *Legislative Committee on Intergovernmental Relations*

LATVALA, JACK—19th District

Prime Sponsored: 228, 440, 442, 444, 884, 1126, **1128**, 1130, 1208, 1210, **1468**, 1578, **1610**, 1612, 1614, 1616, **1642**, 1674, 1868, 1870, 1906, **1956**, 1958, 1960, 1970, 2014, **2034**, 2048, 2130

Co-sponsored: 138, 160, 162, **202**, 234, **238**, 256, **330**, 342, **654**, 670, **684**, 802, 854, 924, **1172**, **1274**, 1304, **1396**, 1456, 1560, 1596, 1768, **1878**, **2222**, **2372**, 2386

Local Bill—Prime Sponsored: 58

Local Bill—Co-Sponsored: 1270

Committees: Banking and Insurance, Chairman; Appropriations, Subcommittee on Education; Natural Resources; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; Regulated Industries; *Joint Legislative Budget Commission*

LAURENT, JOHN F.—17th District

Prime Sponsored: **94**, **806**, 808, **810**, 866, 1134, **1376**, 1378, 1380, 1382, **1662**, 1664, 1666, 1676, 1758, 1790, 1884, 1912, **1932**, **2316**, **2330**

Co-sponsored: 1032, **1396**, 1828, **2222**, **2372**, 2386

Local Bills—Prime Sponsored: 1842, 2332

Committees: Reapportionment, Subcommittee on Legislative Apportionment and Redistricting, Chairman; Appropriations, Subcommittee on General Government; Education; Natural Resources; Rules and Calendar; Transportation; *Joint Legislative Committee on Article V*

LAWSON, ALFRED “AL”, JR.—3rd District

Prime Sponsored: 244, 538, 1292, 1298, 1300, 1302, 1384, 1386, 1808, 1908, 2152, 2182, **2184**, 2216

Co-sponsored: 2, 234, **238**, 256, 264, **350**, 448, 462, 652, 742, 832, 914, 924, 1058, 1116, **1118**, 1120, 1122, 1160, 1296, **1396**, 1532, 1538, 1574, **1610**, 1758, 1820, 1830, 1928, 2098, 2108, 2194, **2222**, **2250**, **2372**, 2386

Local Bills—Prime Sponsored: 24, 72

Committees: Natural Resources, Vice Chairman; Appropriations, Subcommittee on General Government; Education; Governmental Oversight and Productivity; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; *Joint Select Committee on Collective Bargaining*

LEE, TOM—23rd District

Prime Sponsored: 128, **202**, 274, 276, 278, 280, 282, 284, 286, 288, 290, 1276, **1672**

Co-sponsored: **238**, 342, **400**, 442, 672, **870**, **1396**, 1596, **1610**, **2372**, 2386

Local Bills—Prime Sponsored: 1988, 1994

Local Bills—Co-Sponsored: 1990, 1992, **1996**, 1998, 2364

Committees: Rules and Calendar, Chairman; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; Regulated Industries; Transportation; *Appropriations Steering Group*

MCKAY, JOHN M.—26th District

Co-sponsored: **1396**, **2372**

MEEK, KENDRICK B.—36th District

Prime Sponsored: **84**, 86, 88, 90, 92, 148, 526, 620, 646, 1404, 1448, 1554, 1574, 1712, 1904

Co-sponsored: **238**, 404, 406, 742, 1098, **1396**, 1498, 1532, 1646, 1700, 1820, **1878**, **2250**, **2372**, 2386

Local Bills—Prime Sponsored: 14, 48

Committees: Agriculture and Consumer Services, Vice Chairman; Appropriations, Subcommittee on Public Safety and Judiciary; Children and Families; Commerce and Economic Opportunities; Criminal Justice; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting

MILLER, LESLEY “LES”, JR.—21st District

Prime Sponsored: 352, **354**, 358, 368, 370, 376, 404, 406, 458, 518, 520, 522, 776, 1316, 1330, 1834, 2084, **2180**

Co-sponsored: 152, 234, **238**, 256, 264, **330**, **350**, 442, 652, **654**, 670, 672, 742, 924, 930, 934, 954, 1134, **1306**, 1392, **1396**, 1532, 1538, 1574, 1596, **1610**, 1630, **1672**, 1820, 1928, 2098, 2172, 2194, 2216, **2250**, **2372**, 2386

Local Bills—Prime Sponsored: 1270, 2258, 2260, 2354, 2356, 2358

Local Bills—Co-Sponsored: 1988, 1990, 1992, 1994, **1996**, 1998, 2364

Committees: Appropriations, Education Select Subcommittee on Financial Aid, Chairman; Education, Vice Chairman; Appropriations, Subcommittee on Education; Children and Families; Commerce and Economic Opportunities; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Transportation

MITCHELL, RICHARD—4th District

Prime Sponsored: 64, **238**, 256, 472, 474, 628, 630, 672, 682, 690, 712, 832, 908, 914, 1158, 1160, **1172**, 1184, **1258**, 1262, 1264, 1266, 1600, 1602, 1604, 1606, 1608, 1648, 1650, 1812, 1826, 1968, 2050, 2146

Co-sponsored: 2, 92, 120, 234, 264, **350**, **400**, 442, 460, 670, **684**, 868, **1396**, **1428**, 1528, 1560, **1610**, 1758, 1828, 2098, 2134, **2184**, 2216, **2222**, **2250**, **2372**, 2386

Local Bills—Prime Sponsored: 1182, 1352, 1354

Local Bill—Co-Sponsored: 48

Committees: Children and Families, Vice Chairman; Appropriations, Subcommittee on Health and Human Services; Education; Governmental Oversight and Productivity; Natural Resources; *Legislative Committee on Intergovernmental Relations*, *Alternating Chairman*; *Tobacco Settlement Financing Corporation*

PEADEN, DURELL, JR.—1st District

Prime Sponsored: 450, 452, **938**, 976, **1066**, 1150, **1214**, 1230, **1284**, **1324**, 1560, 1680, 1830, 1972, 2062, **2106**, **2136**, 2178, 2266, 2290

Co-sponsored: 128, 228, 234, 374, **400**, **412**, 478, **654**, 692, 802, **836**, **870**, 1022, **1274**, 1356, **1396**, 1456, 1484, 1528, **1610**, 1764, **1788**, 1800, 1828, **1878**, 2114, **2250**, **2372**, 2386

Local Bills—Prime Sponsored: 1888, 1892, 1894, 2302, 2344

Committees: Children and Families, Chairman; Appropriations, Subcommittee on Health and Human Services; Health, Aging and Long-Term Care; Judiciary; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting

POSEY, BILL—15th District

Prime Sponsored: **532**, 542, 644, 1136, 1308, 1358, 1360, **1400**, 1406, 1410, **1412**, 1414, 1416, 1418, 1420, 1422, **1424**, 1426, **1428**, 1478, 1480, 1756, 1762, 1764, **2220**, **2222**, 2292

Co-sponsored: 228, 234, **412**, 442, 448, 478, 622, 652, 854, **870**, 924, 1022, 1058, 1116, **1118**, 1120, 1122, 1124, 1310, 1356, **1396**, **1610**, 1616, 1636, 1758, 1800, **1878**, 1916, **2372**, 2386

Committees: Ethics and Elections, Chairman; Banking and Insurance; Governmental Oversight and Productivity; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; *Joint Administrative Procedures Committee*

PRUITT, KEN—27th District

Prime Sponsored: **302**, **304**, 346, 478, 480, 482, **636**, 854, 940, 942, **1018**, 1032, 1046, 1048, **1180**, 1472, 1474, 1636, 1828, 1924, 2024, 2108

Co-sponsored: 42, 234, 410, 442, **654**, 924, 1134, 1356, **1396**, 1456, 1560, 1638, 1758, 1800, **1878**, **2222**, **2372**, 2386, **2394**

Local Bill—Prime Sponsored: 74

Committees: Education, Chairman; Finance and Taxation; Health, Aging and Long-Term Care; Natural Resources

ROSSIN, TOM—35th District

Prime Sponsored: 120, 488, 490, 492, 494, 652, **778**, 1016, **1020**, 1254, 1728, 1734, 1792, 1954, 2016, 2088, 2140, 2218, 2294

Co-sponsored: 234, **238**, 342, 526, 742, 1134, **1396**, 1538, 1574, 1700, 1928, 2098, 2194, 2236, **2250**, **2372**, 2386

Local Bills—Prime Sponsored: 26, 32

Committees: Finance and Taxation, Vice Chairman; Agriculture and Consumer Services; Banking and Insurance; Comprehensive Planning, Local and Military Affairs; Rules and Calendar; *Appropriations Steering Group*; *Task Force on Tobacco Settlement Revenue*; *Joint Legislative Auditing Committee*; *Joint Legislative Budget Commission*, *Zero-Based Budgeting Subcommittee - Department of Revenue*

SANDERSON, DEBBY P.—31st District

Prime Sponsored: 294, 764, **766**, 768, **772**, 782, 916, 918, 1036, 1038, 1294, **1306**, **1396**, 1464, 1466, 1620, 1824, 1886, 1936, **1986**, 2022, **2092**, **2238**, **2242**

Co-sponsored: 182, **224**, 228, 234, **400**, 442, **466**, 802, **870**, 1022, 1342, 1356, 1616, 1758, 1764, **1788**, 1800, 1820, **1878**, **1956**, 2030, **2110**, **2372**, 2386

Committees: Governmental Oversight and Productivity, Vice Chairman; Appropriations, Subcommittee on Health and Human Services; Commerce and Economic Opportunities; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Regulated Industries; *Joint Legislative Auditing Committee*, *Alternating Chairman*; *Joint Select Committee on Collective Bargaining*

SAUNDERS, BURT L.—25th District

Prime Sponsored: 174, **210**, 248, 254, 308, 326, 360, 362, 364, 372, 622, 624, 626, **654**, 656, 674, 694, 702, **838**, **840**, 860, 1040, 1044, 1144, 1312, 1314, **1318**, 1326, 1328, 1340, **1344**, **1346**, 1454, 1456, **1558**, **1726**, 2070, 2158, 2202

Co-sponsored: 442, **446**, 670, **836**, 1032, 1296, 1356, **1396**, 1700, **2372**, 2386

Local Bills—Prime Sponsored: 2304, 2350, 2362, 2376

Committees: Health, Aging and Long-Term Care, Chairman; Appropriations, Subcommittee on Health and Human Services; Children and Families; Commerce and Economic Opportunities; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; Rules and Calendar

SEBESTA, JIM—20th District

Prime Sponsored: 390, 392, 394, 396, 398, 714, 1068, **1162**, 1164, **1166**, 1168, 1170, 1178, 1232, 1234, 1236, 1238, 1240, 1442, 1542, 1544, 1546, 1548, 1550, 1566, **1568**, 1570, 1586, 1596, 1900, 1916, 1976, **2054**, 2056, 2058, 2204, 2206, 2208, 2278

Co-sponsored: 138, 234, **238**, 442, 448, **466**, 924, 1022, 1058, 1116, **1118**, 1120, 1122, 1144, 1356, **1396**, **1672**, **2372**, 2386

Local Bills—Prime Sponsored: 1990, 1992, 2364

Local Bills—Co-Sponsored: 1988, 1994, **1996**, 1998

Committees: Transportation, Chairman; Education; Ethics and Elections; Judiciary; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; *Legislative Committee on Intergovernmental Relations*

SILVER, RONALD A.—38th District

Prime Sponsored: **130**, 132, 180, 182, 184, **204**, 264, 266, 268, 270, 300, 438, **788**, 790, **792**, 794, 796, 798, **800**, 802, 882, 1034, 1050, 1052, 1054, 1630, 1632, 1696, 1820, 2018, 2020, **2110**, 2164, 2166, 2232, 2268, **2314**

Co-sponsored: **238**, 342, 692, 716, **904**, 1058, **1396**, 1700, **1878**, 2138, **2372**, 2386

Local Bill—Prime Sponsored: 22

Committees: Appropriations, Subcommittee on Health and Human Services, Chairman; Criminal Justice; Ethics and Elections; Health, Aging and Long-Term Care; Judiciary; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Rules

and Calendar; *Appropriations Steering Group*; *Joint Legislative Budget Commission*

SMITH, ROD—5th District

Prime Sponsored: **240**, **408**, **676**, 818, 926, 950, 952, 1080, 1192, 1194, 1196, 1644, 1656, 1658, 1660, 1746, 1914, 2112, 2196, **2230**, **2246**, **2288**

Co-sponsored: 2, 234, **238**, 264, **306**, 316, 342, **366**, **400**, 448, 460, 672, **684**, 854, 1058, **1118**, 1122, **1172**, **1396**, 1456, 1560, 1700, 1758, 2030, 2066, **2222**, **2316**, **2330**, **2372**, 2386

Local Bill—Co-Sponsored: 28

Committees: Ethics and Elections, Vice Chairman; Criminal Justice; Finance and Taxation; Governmental Oversight and Productivity; Natural Resources; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting

SULLIVAN, DONALD C., M.D.—22nd District

Prime Sponsored: 16, 18, 116, 118, **298**, **330**, 664, **666**, **708**, 746, 852, **958**, 966, 986, 988, 990, 1190, 1556, 1682, 1702, 1704, 1874, 1966, 2096, 2172, **2394**

Co-sponsored: 160, 162, **238**, 256, **400**, 442, 670, **684**, 716, 802, 930, 934, 1048, 1134, 1330, 1342, **1396**, 1596, **1610**, 1768, **2222**, **2372**, 2386

Local Bills—Prime Sponsored: 46, 66

Local Bill—Co-Sponsored: 1270

Committees: Appropriations, Subcommittee on Education, Chairman; Children and Families; Education; Natural Resources; Reapportionment, Subcommittee on Congressional Apportionment and Redistricting; Rules and Calendar; *Appropriations Steering Group*

VILLALOBOS, J. ALEX—37th District

Prime Sponsored: 206, 216, 230, **366**, 750, 752, 754, 756, 758, 760, **912**, 1080, 1082, 1084, 1088, 1090, 1140, 1450, 1452, 1982, 1984, 2160, 2162, 2168, **2324**

Co-sponsored: 260, 854, **856**, 1296, **1396**, 1700, **1878**, 2166, **2372**, 2386

Local Bill—Prime Sponsored: 20

Committees: Criminal Justice, Chairman; Agriculture and Consumer Services; Appropriations, Subcommittee on Public Safety and Judiciary; Judiciary; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; *Joint Legislative Committee on Article V*

WASSERMAN SCHULTZ, DEBBIE—32nd District

Prime Sponsored: 168, 292, 464, 498, 500, 502, **638**, 640, 662, 786, 824, **856**, 1228, 1242, 1254, 1268, 1692, **1788**, 1818, 2090, **2320**

Co-sponsored: 234, **238**, 264, 442, **446**, 694, 742, **784**, 832, **836**, 924, 1098, 1136, 1310, 1342, **1396**, 1456, 1538, 1574, **1610**, 1700, 1820, 1928, 2098, 2172, 2194, **2316**, **2330**, **2372**, 2386

Committees: Comprehensive Planning, Local and Military Affairs, Vice Chairman; Banking and Insurance; Health, Aging and Long-Term Care; Reapportionment, Subcommittee on Legislative Apportionment and Redistricting; Regulated Industries

WEBSTER, DANIEL—12th District

Prime Sponsored: 868, **870**, 878, 924, **1198**, 1212, 1304, 1710, 1714

Co-sponsored: 234, 1136, **1396**, 1828, 2030, **2054**, **2372**, 2386

Committees: Reapportionment, Chairman; Appropriations, Subcommittee on Education; Children and Families; Judiciary; Rules and Calendar; Transportation

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INTRODUCED BY COMMITTEES

REGULAR SESSION 2001

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

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Prime Sponsored: **2000, 2002**

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Prime Sponsored: 642, 1026, 1114, 1188

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Prime Sponsored: 858

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Prime Sponsored: 454, 456, 484, 486, 1216

Committee Substitutes: 158, **208, 252, 354**, 460, 500, 650, **668, 718, 784**, 802, **856**, 864, 1136, 1216, 1226, **1282**, 1482, **1526**, 1622, **1624, 1672**, 1750, 1772, 1826, **1880, 1956**, 1976, 2008, 2014, **2034**, 2146

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Prime Sponsored: 382, 384, 432

Committee Substitutes: 126, 162, 294, 310, **336, 442, 446, 474, 834, 870**, 1010, 1068, 1178, 1240, 1276, 1500, 1614, **1642**, 2032, 2062, 2064, **2118, 2124, 2220**

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Prime Sponsored: 804

Committee Substitutes: **84, 86, 144, 180, 232, 238, 240, 268, 306, 322, 360, 366, 388, 444, 492, 524, 714, 716, 812, 832, 842, 846, 888, 912, 954, 1038, 1080, 1092, 1196, 1282, 1318, 1348, 1356, 1518, 1534, 1666, 1708, 1814, 1864, 1914, 1932, 2028, 2036**

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Prime Sponsored: 418, 426

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Prime Sponsored: 448, 1058, 1116, **1118**, 1120, 1122, 1124

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Prime Sponsored: 632, 1028

Committee Substitutes: **2**, 296, 316, 436, **466**, 478, 694, **710, 822, 870, 872, 874, 876, 892, 894, 906, 972, 1012, 1042, 1172**, 1356, 1368, 1410, **1468**, 1470, **1506**, 1762, 1970, 2056, 2178

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Prime Sponsored: 414, 416, **688**, 1748

Committee Substitutes: 6, 416, 420, **684, 688**, 786, **792, 828, 840, 904, 924, 962**, 1096, **1128, 1202**, 1208, **1256, 1258**, 1272, **1306**, 1312, 1404, 1456, 1476, 1520, **1558**, 1652, **1726, 1788**, 1848, 1910, 1960, **2092, 2110**, 2146, **2156**, 2158

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Prime Sponsored: 1060, 1062, 1064

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JOURNAL OF THE SENATE

SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER
WITH SUBJECT, SPONSOR AND DISPOSITION

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution
HR — House Resolution

Final Disposition:

Adopted
CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee/Council
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
UHC — Unfavorable Report, House Committee/Council
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232 Controlled Substances/Hydrocodone (Criminal Justice) (FR)19, (CR)132, (CS)134, (MO)194, (CR)228, (BA)239, (BA)**267**, 1256 Ch. 2001-55
- 234 FRS/Special Risk/Prior Service (Burt and others) (FR)19, (CO)131, (CO)280, (CO)293, (CO)407 DSC
- 236 Motor Fuel Marketing Practices (Brown-Waite) (FR)20, (CR)327 USCLTS
- 238 Death Penalty/Mental Retardation (Criminal Justice and others) (FR)20, (CS)58, (CR)60, (MO)200, (CR)228, (BA)237, (BA)**248**, (MO)296, (BA)310, (BA)662, (BA)**663**, 2118, (CO)2119 Ch. 2001-202
- 240 Sentencing (Criminal Justice) (FR)20, (CS)58, (CR)60, (MO)240, (CR)285, (BA)302, (BA)**319**, 792 Ch. 2001-93
- 242 Nursing Homes/Recording Devices (Brown-Waite) (FR)20 DSC
- 244 Relief/Patsy & Valentino Baucco (Lawson) (FR)20, (CR)148, (CR)270, (CR)305 DCS
- 246 Delinquency or Dependency of Child (Brown-Waite) (FR)20, (MO)220 WS
- 248 Domestic Violence (Judiciary) (FR)20, (CS)58, (CR)61, (CR)148, (CS/CS)176, (MO)282, (CR)326, (BA)353, (BA)354, (BA)**370** DCH/CSP-CS/SB 1284
- 250 Domestic Violence/Character Evidence (Brown-Waite) (FR)20 DSC
- 252 Law Officer/Background Investigation (Commerce and Economic Opportunities) (FR)20, (CR)137, (CS)145, (CR)200, (CR)228, (BA)266, (BA)**285**, 964 Ch. 2001-94
- 254 Public Medical Assistance (Saunders) (FR)20, (CR)60, (MO)574, (CR)951, (BA)1115 DCS
- 256 Transportation Disadvantaged TF (Transportation and others) (FR)21, (CO)131, (CO)293, (CR)328, (CS)331, (CR)423, (MO)662, (CR)951, (BA)1043, (BA)**1295**, (BA)**1308**, (CO)2119 DM
- 258 Handgun Licenses (Geller) (FR)21 DSC
- 260 Motor Vehicle Airbags (Transportation and others) (FR)21, (CR)137, (CS)146, (MO)194, (CR)240, (MO)368, (CR)652, (BA)751 LTS/CSP-CS/HB 157
- 262 Rip Current Warning Signs (Bronson) (FR)21, (CR)132, (MO)194 DSC
- 264 Law Officers/Firefighters/Child/Educ (Silver and others) (FR)21, (CR)59, (CR)543 DSC
- 266 Campaign Financing (Silver) (FR)21 DSC
- 268 DNA Testing & Analysis (Appropriations) (FR)21, (CR)132, (CS)134, (CR)200, (CR)305, (MO)313, (CS/CS)331, (CR)395, (CR)652, (BA)751, (BA)833, (BA)835, (BA)**971** DM/CSP-CS/CS/SB 366
- 270 Public Records/DNA Testing/Analysis (Silver) (FR)21 DSC
- 272 Law Enforcement Officers (Klein) (FR)21, (CR)111, (BA)198, (CR)200, (BA)**219**, 964 Ch. 2001-95
- 274 Official Florida Statutes Adoption (Lee) (FR)21, (CR)60, (CR)395, (CR)569, (BA)601, (BA)650 LTS
- 276 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)108, (BA)109, (BA)433 LTS/CSP-HB 659
- 278 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)109, (BA)433 LTS/CSP-HB 661
- 280 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)109, (BA)110, (BA)433 LTS/CSP-HB 663
- 282 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)110, (BA)434 LTS/CSP-HB 665
- 284 Florida Statutes (Lee) (MO)3, (FR)22, (CR)59, (CR)60, (BA)110, (BA)434 LTS/CSP-HB 667
- 286 Florida Statutes (Lee) (FR)22 DSC
- 288 Florida Statutes (Lee) (MO)3, (FR)23, (CR)59, (CR)60, (BA)110, (BA)434 LTS/CSP-HB 669
- 290 Florida Statutes (Lee) (MO)3, (FR)23, (CR)59, (CR)60, (BA)110, (BA)435 LTS/CSP-HB 671
- 292 Relief/Estate of Frank Lee Smith (Wasserman Schultz) (FR)23 DSC
- 294 Fair Housing Act (Judiciary and others) (FR)23, (CR)149, (CS)176, (CR)424, (CS/CS)425, (MO)673, (CR)951, (BA)1071, (BA)1383 LTS/CSP-CS/HB 19, HB 1225, CS/CS/CS/SB 446
- 296 Marine Biotechnology Development (Governmental Oversight and Productivity) (FR)23, (CR)132, (CR)221, (CS)222 DSC
- SR
298 Shaken Baby Syndrome Awareness Week (Sullivan) (FR)452, **453** Adopted
- SJR
300 Windstorm Insurance Rate Increases (Silver) (FR)23, (CR)326 DSC
- SB
302 Higher Educational Facilities (Appropriations and others) (FR)23, (CR)60, (CO)192, (CR)221, (CR)304, (CR)329, (MO)395, (CS)398, (CR)465, (BA)521, (BA)561, (BA)575, **580**, 1256 Ch. 2001-79
- 304 Deferred Compensation Programs (Pruitt) (FR)23, (CR)59, (CR)132, (BA)197, (CR)200, (BA)**217**, 1863, (BA)1864, **1865** Ch. 2001-265
- 306 Public Protection (Appropriations and others) (FR)23, (CR)271, (CS)272, (CR)357, (MO)368, (CS/CS)398, (BA)464, (CR)465, (BA)**557**, (MO)640, (BA)661, 1256 Ch. 2001-209 CSP-CS/HB 245
- 308 Political Committee (Saunders) (FR)24, (CR)270, (CR)285, (BA)303, (BA)**321** DM
- 310 Growth Management (Appropriations) (FR)24, (CR)328, (CS)331, (MO)350, (CR/CS/CS)447, (CR)569, (MO)575, (CS/CS/CS)652, (CR)951, (BA)1008, (BA)1030, (BA)1258, (BA)1259, (BA)1779, **1780** DM/CSP-HB 1225, CS/SB 1872
- 312 Insurance Rate Filings (Campbell) (FR)24 DSC
- 314 Money Transmitter's Code (Campbell) (FR)24, (CR)221, (CS)226, (CR)271, (CS/CS)276, (CR)356, (CS/CS/CS)361, (MO)368, (CR)395, (BA)435, (CO)451, (BA)529, (BA)530, **531**, 792 Ch. 2001-119 CSP-CS/SB 892
- 316 Sovereign Immunity/Self-Insurance (Governmental Oversight and Productivity and others) (FR)24, (CS)59, (CR)61, (CR)132, (CR)220, (MO)368 DCS
- 318 Water Resources (Campbell) (FR)24 DSC
- 320 Tattooing (Campbell) (FR)24, (MO)200 WS
- 322 Disposition of Offenders (Criminal Justice) (FR)24, (CR)149, (CS)176, (MO)313, (CR)465, (BA)523, (BA)**562**, (MO)640, (BA)661, 1256 Ch. 2001-210
- 324 Sentencing of Juveniles (Geller) (FR)25 DSC
- 326 Public School/Student Transportation (Saunders) (FR)25, (MO)446 WS
- 328 Hurricane Loss Projection Method (Geller) (FR)25, (CR)328, (CS)331, (CR)396, (BA)463, (BA)464, (CR)465, (CO)478, (BA)**553**, (MO)640 DM
- 330 H. Lee Moffit Cancer Center (Sullivan and others) (FR)25, (CR)148, (CR)220, (CR)329, (MO)651, (CR)787, (BA)834, (BA)835, (BA)**973**, (BA)**1863** Vetoed
- 332 Technology Development (Klein) (FR)25 DSC
- 334 Health-technology Industry (Klein) (FR)25 DSC
- 336 Florida Building Code (Appropriations and others) (FR)25, (CR)221, (CS)223, (MO)409, (MO)421, (CR)467, (CS/CS)470, (CR)569, (BA)649, (BA)682, (BA)691, (BA)798, (BA)970, (BA)1283, **1293**, 2118 Ch. 2001-186 CSP-SB 850, CS/SB 1030
- 338 Bryant Peney Act (Campbell) (FR)25, (CR)111, (MO)282, (CR)326, (BA)352, (BA)353, (BA)**370**, 1256 Ch. 2001-236
- 340 Movers Regulation Act (Regulated Industries) (FR)25, (CS)59, (CR)60 DSC
- 342 Drugs/Generic & Brand-Name (Clary and others) (FR)26, (CR)59, (CR)111, (CO)147, (CR)222, (CR)466, (CR)569, (BA)601, (BA)691, (CO)2119 LTS/CSP-HB 69
- 344 Water & Wastewater Systems (Brown-Waite and others) (FR)26, (CR)136, (MO)236, (MO)282, (MO)368, (CR)395, (BA)445, (CR)787, (BA)836, (BA)837, (BA)838 LTS/CSP-CS/HB 41
- 346 Sale of Flare Pistol to Minors (Pruitt) (FR)26 DSC
- 348 DBPR/Regulation & Duties (Regulated Industries) (FR)26, (CR)466, (CS)470, (CO)478, (MO)662, (CR)951, (BA)1074, (BA)1085, (BA)1383, (BA)1474, (BA)1515, **1556** DM/CSP-CS/HB 501, CS/CS/SB 336, SB 958, SB 1738
- 350 Individual Development Accounts (Children and Families and others) (FR)26, (CO)135, (CR)137, (CS)146, (CR)220, (CR)329, (MO)368, (BA)464, (CR)465, (BA)557, (BA)**563**, (BA)661, 2118 Ch. 2001-96
- 352 Commission on Human Relations (Miller) (FR)26, (MO)194 WS
- 354 Civil Rights/Complaints (Commerce and Economic Opportunities and others) (FR)26, (CO)147, (CR)149, (CS)176, (CR)327, (BA)383, (CR)395, (BA)**414**, 1256 Ch. 2001-187
- 356 Public Libraries/Computers/Obscenity (Campbell) (FR)26, (CR)395, (MO)967 DCS
- 358 Alcoholic Beverages/Nonprofit Orgs. (Miller and others) (FR)26, (CR)148, (CR)270 DSC
- 360 Cruelty to Animals (Criminal Justice) (FR)26, (CR)149, (CS)176, (MO)282, (CR)326, (BA)374, (CR)395, (BA)**411** DM
- 362 Florida Patient's Bill of Rights (Saunders) (FR)27, (CR)221 DSC/CSP-CS/HB 475

- SB
 364 State Lottery Commission (Regulated Industries) (FR)27, (CR)137, (CS)146, (MO)673 DSC/CSP-CS/HB 501
 366 DNA Evidence (Appropriations and others) (FR)27, (CR)149, (CS)176, (MO)282, (CR)357, (MO)368, (CS/CS)398, (CR)569, (BA)581, (BA)583, (BA)666, 964 Ch. 2001-97
 368 State Inmate/HIV Testing & Treatment (Miller) (FR)27, (MO)194 WS
 370 Schools/African-American History (Education) (FR)27, (CR)201, (CS)213, (CR)395, (CR)543 DSC
 372 DEP Study/Gasoline Additive/MTBE (Natural Resources) (FR)27, (CR)136, (CS)146 DSC
 374 Elderly & Disabled/Public Guardians (Judiciary and others) (FR)27, (CR)137, (CS)146, (CR)467, (CS/CS)470, (CR)569, (BA)598, (BA)599, (BA)669, (CO)793, (BA)1505, (CO)2119 DM
 376 FRS/Regular Class/Monthly Benefit (Miller) (FR)27 DSC
 378 FRS/School Personnel/Benefits (Carlton) (FR)27, (MO)200 WS
 380 Growth Management (Carlton) (FR)27, (CR)328, (CS)331, (MO)350, (CR)(CS/CS)447, (CR)569, (MO)575, (CS/CS/CS)652, (CR)951, (BA)1008, (BA)1030, (BA)1258, (BA)1259, (BA)1779, **1780** DM/CSP-HB 1225, CS/SB 1872
 382 Public Records/Sealed Bids (Comprehensive Planning, Local and Military Affairs) (FR)28, (CR)60, (CR)136, (MO)409, (CR)465, (BA)523, (BA)525 LTS/CSP-HB 385
 384 Public Records/"911" Telephone Calls (Comprehensive Planning, Local and Military Affairs) (FR)28, (CR)60, (CR)136, (MO)409, (CR)569, (BA)605 LTS/CSP-HB 399
 386 Uniform Commercial Code (Judiciary) (FR)28, (CR)356, (CS)359, (MO)662, (CR)951, (BA)1030, (BA)1031, (BA)1032 LTS/CSP-HB 579
 388 Parole Commission Reform Act of 2001 (Criminal Justice) (FR)28, (CR)132, (CS)134, (CR)220, (MO)313, (CR)787, (BA)841 LTS/CSP-CS/HB 245, CS/CS/SB 306
 390 Highway Safety (Sebesta) (FR)28 DSC
 392 Highway Safety (Sebesta) (FR)28 DSC
 394 Transportation (Sebesta) (FR)29 DSC
 396 Transportation (Sebesta) (FR)29 DSC
 398 Transportation (Sebesta) (FR)29 DSC
 400 Support of Dependents (Appropriations and others) (FR)29, (CO)131, (CO)135, (CR)137, (CS)146, (CO)192, (CR)240, (CO)280, (CR)305, (MO)313, (CS/CS)332, (BA)371, (BA)386, (CR)395, (CO)407, (BA)409, (BA)421, (BA)1490 Ch. 2001-51
 402 Probate (Judiciary) (FR)29, (CR)149, (CS)176, (MO)662, (CR)951, (BA)1050, (BA)1052, (BA)1054 LTS/CSP-CS/HB 137, CS/CS/HB 107
 404 Former Felons' Right to Vote (Miller and others) (FR)30, (CO)147, (MO)325 WS
- SJR
 406 Felon's Right to Vote (Miller and others) (FR)30, (CO)147, (MO)325 WS
- SB
 408 Electric Utilities/Interruptions (Regulated Industries) (FR)31, (CR)137, (CS)146, (CR)466, (CR)569, (BA)615, (BA)681, (BA)682, (BA)692, 964 Ch. 2001-165
 410 Schools/Emergency Preparedness (Dawson and others) (FR)31, (CR)111, (BA)197, (CR)200, (BA)218 DHC
 412 Civil Actions/Firearms & Ammunition (Bronson and others) (FR)31, (CR)111, (CR)136, (CR)285, (BA)303, (BA)322, (CR)326, (CO)348, (BA)350, 477, 548, 787 Ch. 2001-38
 414 Public Records/Antitrust Issues (Health, Aging and Long-Term Care) (FR)31, (CR)221, (MO)454, (CR)569, (BA)600, (BA)670 LTS/CSP-HB 401
 416 Medicaid/Medically Needy Program (Health, Aging and Long-Term Care) (FR)31, (CR)221, (CS)223 DSC
 418 Public Records & Meetings (Education) (FR)31, (CR)60, (CR)221, (MO)282, (CR)285, (BA)298 LTS/CSP-HB 407
 420 Pharmacy Discount Program (Health, Aging and Long-Term Care and others) (FR)31, (CR)149, (CS)178 DSC
 422 Pre-K Early-Intervention Program (Children and Families) (FR)31, (CR)305, (CR)466, (CS)470, (MO)574, (CR)787, (BA)838, (BA)975 DM
 424 Retired Judges or Justices (Judiciary) (FR)31, (CR)137, (CS)146, (CR)326, (BA)354, (BA)370 DCH
 426 Univ. Health Services Support Org. (Education) (FR)31, (CR)60, (CR)285, (BA)298 DCS
 428 Building Construction (Dyer and others) (FR)32, (CR)136, (CO)227, (MO)282, (CR)326, (BA)393, (CR)395, (BA)418, **421**, (BA)1564, **1565** Ch. 2001-211
- SB
 430 Driving Under Influence (Dyer) (FR)32, (CR)136, (CR)465, (MO)673, (CR)951, (BA)1050 LTS/CSP-HB 29
 432 Growth Management (Comprehensive Planning, Local and Military Affairs) (FR)32, (CR)465, (MO)673, (CR)951, (BA)1093, (BA)1193, (BA)1475, (BA)1478 DM/CSP-HB 1225
- SJR
 434 Felon's Right to Vote (Dawson) (FR)32, (CR)270, (MO)673, (MO)795 DSC
- SB
 436 Public Employee Optional Retirement (Governmental Oversight and Productivity) (FR)32, (CR)424, (CS)425, (MO)651, (CR)787, (BA)837, (BA)880, (BA)974 LTS/CSP-CS/CS/HB 503
 438 Health Care Consumer Advocate Office (Silver) (FR)32 DSC
 440 Medicaid Eligibility (Latvala) (FR)32, (CR)148 DSC/CSP-CS/CS/SB 792
 442 Florida Mobile Home Act (Comprehensive Planning, Local and Military Affairs and others) (FR)32, (CR)137, (CS)146, (CO)147, (CR)221, (CS/CS)223, (CR)395, (MO)639, (CR)787, (BA)834 LTS/CSP-CS/CS/HB 411, HB 1265
 444 Offenses Against Children (Criminal Justice) (FR)33, (CR)136, (CS)146, (MO)368, (CR)395, (BA)443, (BA)444, (BA)532, (MO)549 DCH/CSP-SB 304
 446 Homelessness (Appropriations and others) (FR)33, (CR)132, (CS)134, (CR)148, (CS/CS)178, (MO)215, (CR)222, (CS/CS/CS)223, (CR)228, (BA)237, (BA)238, (BA)249, (CO)280, 2118, (CO)2119 Ch. 2001-98 CSP-CS/HB 19, HB 1225
 448 Absentee Ballots (Ethics and Elections and others) (FR)33, (CR)149, (CS)178, (MO)454 DCS/CSP-CS/SB 1118
 450 Child Protection (Peadar) (FR)33 DSC
 452 Proceedings Relating to Children (Children and Families) (FR)33, (CR)148, (CS)179, (MO)282, (CR)326, (BA)376, (CR)395, (BA)413 DM
 454 Public Records/Sports Industry/Donor (Commerce and Economic Opportunities) (FR)33, (CR)60, (CR)136, (MO)574, (CR)787, (BA)843 LTS/CSP-HB 387
 456 Public Records/Trade Secrets (Commerce and Economic Opportunities) (FR)33, (CR)60, (CR)136, (MO)574, (CR)787, (BA)836 LTS/CSP-HB 393
 458 Transition to Teaching Pilot Program (Miller) (FR)33, (CR)326, (CR)543 DSC/CSP-CS/SB 1684
 460 Economic Development (Finance and Taxation and others) (FR)34, (CR)271, (CS)272, (CR)(CS/CS)447, (MO)673, (CR)951, (BA)1093, (BA)1096, (BA)1193, (BA)1194, (BA)1475 LTS/CSP-HB 1225, CS/HB 19, CS/HB 501, CS/CS/CS/SB 446, CS/CS/SB 668, SB 1132, CS/SB 1922
 462 Schools/Construction Projects (Clary and others) (FR)34, (CR)136, (CO)182, (CR)220, (CR)272, (MO)282, (BA)371, (BA)372, (CR)395 LTS/CSP-CS/HB 1
 464 Health Insurance/Infertility (Wasserman Schultz) (FR)34 DSC
 466 Public Employment (Governmental Oversight and Productivity and others) (FR)34, (MO)313, (CR)396, (CS)398, (CO)430, (MO)569, (MO)651, (BA)691, (BA)692, (BA)708, (BA)722, (BA)797, (BA)830, **831**, (BA)1255, (BA)1256, (BA)1765, 2119 Ch. 2001-43
 468 State Employees/Tax-Sheltered Plan (Garcia) (FR)34 DSC/CSP-CS/SB 466
 470 Campaign Financing (Klein) (FR)34, (CR)148 DSC
- SJR
 472 Ad Val Tax/Law Officers/Firefighters (Mitchell) (FR)34, (CR)148 DSC
- SB
 474 Ad Val Tax/Law Officers/Firefighters (Comprehensive Planning, Local and Military Affairs) (FR)34, (CR)149, (CS)179 DSC
 476 Education Investment Act (Holzendorf) (FR)34, (MO)325 WS
 478 FRS/Public School Member (Appropriations and others) (FR)35, (CO)227, (CO)245, (CR)328, (CS)332, (MO)350, (CR)543, (MO)575, (CS/CS)653, (CR)787, (BA)837, (BA)974, (CO)1256 DM
 480 Richard Mashler Memorial Beach (Pruitt) (FR)35, (MO)110 WS
 482 Statutory Accounting Principles (Pruitt) (FR)35, (CR)466, (CR)569, (BA)615, (BA)618, (BA)692, (BA)694, (BA)1256 DM/CSP-CS/SB 658

- SB
484 Public Records/Economic Development (Commerce and Economic Opportunities) (MO)3, (FR)35, (CR)60, (CR)327, (MO)574, (CR)787, (BA)859, (BA)984, (BA)990, (BA)991, (BA)1295, (BA)1557 LTS/CSP-CS/HB 1541
- 486 Public Records/Business Info./Taxes (Commerce and Economic Opportunities) (FR)35, (CR)60, (CR)327, (CR)466, (MO)574, (CR)787, (BA)843, (BA)982, (BA)989 DM
- SJR
488 Terms of Office/Legislators (Rules and Calendar) (FR)35, (CR)241, (CS)244, (MO)282, (CR)329, (CS/CS)332 DCS
- SB
490 Firearms/Trigger Lock (Rossin) (FR)35 DSC
492 Firearm at School/Possession (Criminal Justice and others) (FR)35, (CR)328, (CS)332, (CO)348, (MO)446, (CR)787, (BA)839, (BA)975 DM
494 Sheriffs/Nonpartisan Election (Rossin) (FR)35 DSC
496 City of Marathon/Police Powers (Jones) (FR)35
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498 Schools/Capital Outlay Revenue (Wasserman Schultz) (FR)36 DSC
500 Unemployment Comp./Birth & Adoption (Commerce and Economic Opportunities and others) (FR)36, (CR)149, (CS)179, (CO)227, (CR)326 DSC
502 School District Capital Outlay TF (Wasserman Schultz) (FR)36 DSC
504 Relief from Overcrowded Schools (Diaz de la Portilla) (FR)36 DSC
506 Economic Development/Airport Auth. (Diaz de la Portilla) (FR)36, (CR)466, (MO)951 DCS
- SR
508 DNI/CSP HR 9043, SR 2200
- SB
510 Basic Life Support Service/Licensure (Burt and others) (FR)36, (BA)913, (CR)951, 1256 Vetoed
512 Rural Economic Development Account (Clary) (FR)36 DSC
514 Use of Public Record Information (Burt and others) (FR)36, (CR)136, (MO)313, (CR)395, (CO)407, (CR)787, (BA)880, (BA)989 DM
516 Driver's License/Revoking/HSMV (Geller) (FR)36 DSC
518 Obtaining Property/False Personation (Miller and others) (FR)37, (CR)200, (CO)227, (MO)313, (BA)375, (CR)395, (BA)411 DM
520 Reading/Kindergarten Through Grade 4 (Miller and others) (FR)37, (CR)111, (BA)393, (CR)395, (BA)421, (CO)451 DM
522 Community-Based Development Act (Miller) (FR)37, (CR)326 DSC
524 Criminal Use of Personal Information (Criminal Justice and others) (FR)37, (CR)271, (CS)273, (MO)652, (CR)951, (BA)1032 LTS/CSP-HB 1845
- SJR
526 Supervisors of Elections (Ethics and Elections and others) (FR)37, (CR)241, (CS)244, (CR)327, (MO)511, (CR)569, (BA)601, (BA)671 DM
- 528 Parole Commission (Burt) (FR)37, (CR)111 DSC
- SB
530 Agricultural Issues (Geller) (FR)37 DSC
532 Outcome-Based Total Accountability (Posey) (FR)37, (CR)148, (MO)282, (CR)326, (BA)354, (BA)372, (CR)395, (BA)410, 2118 Ch. 2001-238 CSP-CS/SB 1784
534 Consumer Issues (Geller) (FR)37 DSC
536 Demineralization Concentrate (Bronson) (FR)37, (CR)132, (BA)197, (BA)198, (CR)200, (BA)218, 1256 Ch. 2001-188
538 FRS/Avg. Final Compensation/Vesting (Lawson) (FR)37 DSC
540 White Collar Crime Victim Protection (Burt and others) (FR)38, (CR)200, (CO)227, (MO)313, (BA)372, (BA)374, (CR)395, (BA)410, 661 Ch. 2001-99
542 Health Care/Certificates-of-Need (Posey) (FR)38 DSC
544 Administrative TF/Lottery Dept. (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101, 293, 407, 477 Ch. 2001-4
546 Administrative Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101, 293, 407, 477 Ch. 2001-5 CSP-SB 548
548 Administrative Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101, 293, 407, 477 Ch. 2001-6 CSP-SB 546
550 Architects Incidental Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)101 DM
552 Bureau of Aircraft Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102 DM
554 Communications Working Capital TF (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102 DM
- SB
556 Working Capital Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102 DM
558 Facilities Pool Working Capital TF (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102, 293, 407, 477 Ch. 2001-7 CSP-SB 560
560 Facilities Pool Working Capital TF (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)102, 293, 407, 477 Ch. 2001-8 CSP-SB 558
562 Grants & Donations Trust Fund/DMS (Clary) (MO)3, (FR)38, (CR)59, (CR)61, (BA)103, 293, 407, 477 Ch. 2001-9
564 Wireless Emergency Telephone System (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)103, 293, 407, 477 Ch. 2001-10 CSP-SB 566
566 Wireless Emergency Telephone System (Clary) (MO)3, (FR)39, (CR)59, (CR)61, (BA)103, 293, 407, 477 Ch. 2001-11 CSP-SB 564
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 1630 Florida Golf License Plate (Silver and others) (FR)162, (CO)280, (CR)396, (CR)466, (MO)967 DCS
 1632 Excise Tax on Documents (Silver) (FR)162, (CR)466, (CR)569, (BA)648, (BA)783, (BA)**784**, (BA)1256 DM
 1634 Unlawful Activities/Driver's License (Burt) (FR)162, (CR)270, (CR)326, (MO)652, (CR)951, (BA)1057, (BA)1359, **1360** DM
 1636 Community Colleges/Degree Programs (Pruitt and others) (FR)162, (CR)304, (MO)350, (CR)395, (BA)439, (BA)440, (BA)441, (CO)451, (BA)**530** DM/CSP-SB 1162
 1638 Sales & Use Tax Administration (Finance and Taxation and others) (FR)162, (CR)357, (CS)361, (CO)407, (BA)463, (CR)465, (BA)**553**, (MO)640 DM/CSP-HB 21
 1640 Professional Development Academies (Education) (FR)163, (CR)327, (CS)339, (MO)395, (MO)432, (CR)447, (CR)652, (BA)758, (BA)779, (BA)783, (BA)**804** DM/CSP-CS/CS/HB 1193
- SB
 1642 Homestead Exemption/Disabled Person (Comprehensive Planning, Local and Military Affairs) (FR)163, (CR)328, (CS)339, (CR)423, (CR)465, (BA)526, (BA)527, (BA)564, (BA)**568**, (MO)640, (BA)661, 1256 Ch. 2001-204 CSP-CS/SB 1366
 1644 Schools/Teachers & Administrators (Smith and others) (FR)163, (CR)304, (MO)313, (BA)382, (BA)383, (CR)395, (BA)**413**, (CO)451, (BA)548 DCH/CSP-CS/CS/HB 1193
 1646 Economically Distressed Communities (Holzendorf and others) (FR)163, (CR)270 DSC/CSP-HB 1225
 1648 Onsite Sewage Treatment & Disposal (Mitchell) (FR)163, (CR)270, (CR)305, (MO)368, (CR)951, (BA)1113 LTS/CSP-HB 1863
 1650 Clearinghouse on Disability Info. (Mitchell and others) (FR)163, (MO)194, (CR)326, (CR)327, (MO)454, (CR)467, (CR)652, (BA)726, (CO)2119 LTS
 1652 Nursing Homes & Health Care Facility (Health, Aging and Long-Term Care) (FR)163, (CR)271, (CS)276, (MO)409, (CR)569, (BA)600, (BA)601, (BA)**671** DM
 1654 Offenders/Community Control (Crist) (FR)163 DSC/CSP-SB 1148
 1656 Campaign Finance (Ethics and Elections) (FR)163, (CR)447, (CS)450 DSC
 1658 Jurors (Smith) (FR)163, (CR)327 DCS
 1660 Absentee Ballots (Smith) (FR)164 DSC
 1662 Lake Okeechobee Protection Program (Natural Resources) (FR)164, (CR)329, (CS)340, (CR)356, (MO)454, (CR)569, (BA)648, (BA)**783**, 965 Ch. 2001-193
 1664 Environmental Control (Judiciary) (FR)164, (CR)329, (CS)340, (CR)396, (CS/CS)402, (MO)574, (CR)787, (BA)867 LTS/CSP-HB 1635
 1666 Sex Crimes (Appropriations Subcommittee on Public Safety and Judiciary and others) (FR)164, (CR)329, (CS)340, (MO)350, (CO)364, (CR)467 DSC
 1668 Taxation (Constantine) (FR)164 DSC
 1670 Security for Public Deposits (Banking and Insurance) (FR)164, (CR)305, (CS)307, (CR)466, (MO)639, (CR)951, (BA)1113, (BA)1114 LTS/CSP-HB 625
 1672 Welfare Transition (Appropriations and others) (FR)164, (CR)271, (CS)276, (CR)356, (MO)421, (CR)424, (CS/CS)450, (BA)459, (BA)462, (BA)463, (CR)465, (BA)**550**, (MO)640, (BA)2112, **2115** Ch. 2001-175
 1674 Assisted Living Facilities (Latvala) (FR)164 DSC
 1676 Wine/Out of State/Charitable Orgs. (Laurent) (FR)165 DSC
 1678 Public Records/State Employees (King) (FR)165 DSC
 1680 Sexually Violent Offenders (Children and Families) (FR)165, (CR)326, (CR)447, (CS)450, (CR)787, (BA)842, (BA)**976** DM
 1682 Student Financial Assistance (Sullivan) (FR)165 DSC
 1684 Transition to Teaching Program (Appropriations and others) (FR)165, (CR)304, (CR)329, (MO)368, (CS)402, (BA)463, (CR)465, (BA)**553**, (CO)573, (MO)640, (BA)**1501** Ch. 2001-219
 1686 St. Johns River Water Mgmt. District (Holzendorf) (FR)165 DSC
 1688 Police Reports/Access (Holzendorf) (FR)165 DSC
 1690 Repeat Sexual Batterers (Burt) (FR)165 DSC
 1692 Greyhound Adoptions (Regulated Industries and others) (FR)165, (CR)271, (CS)277, (CR)327, (CO)348, (BA)387, (BA)389, (BA)390, (CR)395, (BA)**416** DM
 1694 Homestead Exempt/Disabled/Physicians (King) (FR)165, (CR)270 DSC/CSP-CS/SB 1366, CS/SB 1642
 1696 Admissions Taxes/Pari-mutuel Events (Silver) (FR)165 DSC
 1698 Enrique Valledor Way (Garcia) (FR)166 DSC
- SJR
 1700 County Home Rule Charter (Garcia and others) (FR)166, (CO)311, (CR)327, (CO)348, (MO)446, (MO)528, (CR)787, (BA)833, (BA)834, (BA)971, (BA)973 LTS/CSP-CS/HJR 471
- SB
 1702 School Advisory Councils (Sullivan) (FR)166 DSC
 1704 Education/Teachers & Educators (Education and others) (FR)166, (CR)305, (CS)307, (MO)313, (CR)395, (BA)440, (CO)451, (BA)531, (BA)550, (BA)575, (BA)663, (BA)783 LTS/CSP-CS/CS/HB 1193
- SR
 1706 Colorectal Cancer Awareness Month (Carlton) (FR)**194** Adopted

- SB
 1708 Department of Corrections (Criminal Justice) (FR)166, (CR)305, (CS)307, (MO)409, (CR)951, (BA)1057, (BA)1062, (BA)**1360** DM
 1710 Schools/Performance Reporting (Webster) (FR)166, (CR)395, (CR)543, (MO)574, (CR)951, (BA)999 LTS/CSP-HB 1545
 1712 Absentee Ballots/Requests (Meek) (FR)166, (CR)326 DSC
 1714 Legislature/Convening Date/2002 (Webster) (FR)167, (CR)327, (CR)395, (CR)465, (BA)522 LTS/CSP-HB 1935
 1716 State Planning & Budgeting (King) (FR)167 DSC/CSP-HB 1743
 1718 Governmental Efficiency (King) (FR)167 DSC
 1720 Administrative Trust Fund (Appropriations) (FR)167, (CR)326, (CR)543, (MO)550, (CS)653, (CR)787, (BA)867, (BA)905, (BA)**987**, 2118 Ch. 2001-138
 1722 Surety Bonds/Reserve Amount (Banking and Insurance) (FR)167, (CR)329, (CS)340, (BA)386, (CR)395, (BA)**415**, 1256 Ch. 2001-248
 1724 Children & Families/AHCA/Funding (Children and Families) (FR)167, (MO)194, (CR)328, (CS)340, (CR)396, (CR)424, (CR)466, (CR)652, (BA)758, (BA)778, (BA)779, (BA)**804** DM
 1726 Public Records/Elderly Affairs Dept. (Health, Aging and Long-Term Care) (FR)167, (CR)328, (CS)340, (MO)368, (CR)569, (BA)649, (BA)**784**, 2118 Ch. 2001-194
 1728 Workers' Comp./Sports Officials (Rossin) (FR)167 DSC/CSP-CS/HB 1803
 1730 Workers' Compensation (Jones) (FR)167 DSC
 1732 Boulevard Designation/Miami-Dade Co. (Jones) (FR)167 DSC
 1734 Public Records/Personal/Medical (Banking and Insurance) (FR)168, (CR)271, (CS)277, (MO)574, (MO)639, (CR)951, (BA)1063, (BA)1064, (BA)1068, (BA)**1361** DM
 1736 Easements Of Necessity/Utilities (Bronson) (FR)168 DSC
 1738 Information Technology (Bronson) (FR)168, (CR)326, (CR)395, (MO)574, (CR)787, (BA)867, (BA)872, (BA)905, (BA)939, (BA)**987**, **988**, 2118 Ch. 2001-278 CSP-SB 958
 1740 Unemployment Comp./Alternative Base (Dyer) (FR)168, (CR)395 DSC
 1742 Condominiums (Clary) (FR)168 DSC
 1744 Judgments & Liens (Judiciary) (FR)168, (CR)356, (CS)362, (CR)395, (MO)454, (CR)569, (BA)648 LTS/CSP-HB 601
 1746 Correctional Officers Memorial Hwy. (Smith) (FR)168 DSC
 1748 Long-term Care (Health, Aging and Long-Term Care) (FR)168 DSC
 1750 Economic Development (Commerce and Economic Opportunities and others) (FR)168, (CR)271, (CS)277, (CO)311, (MO)356, (CR)423, (MO)574, (CR)787, (BA)872, (BA)879, (BA)905, (BA)913, (BA)**988** DM/CSP-HB 1225
 1752 Public Utilities/Wholesale Electric (Campbell) (FR)169 DSC
 1754 Telecommunications Services (Campbell) (FR)169 DSC
 1756 Construction Contracts (Posey) (FR)169 DSC/CSP-SB 428
 1758 Rural & Family Lands Protection Act (Finance and Taxation and others) (FR)169, (CO)182, (CO)192, (CO)227, (CO)235, (CR)271, (CS)277, (CO)293, (CR)328, (CS/CS)340, (CR)543, (CS/CS/CS)544, (MO)673 DCS/CSP-CS/SB 1922
 1760 Limited Benefit Policies/Contracts (King) (FR)169, (CR)397, (CS)403, (CR)466, (CS/CS)474, (MO)639, (CR)951, (BA)1068, (BA)1191, (BA)1192, (BA)1362 LTS
 1762 Public Records/Communication Systems (Governmental Oversight and Productivity) (FR)169, (CR)397, (CS)402, (CR)466, (MO)1486 DCS
 1764 Sales Tax/Tangible Personal Property (Posey and others) (CO)147, (FR)170, (CR)327 DSC
 1766 Public Records (Crist) (FR)170, (CR)327, (MO)454, (CR)652, (BA)767, (BA)768, (BA)**829**, (BA)**1502** Ch. 2001-249
- SJR
 1768 Ad Val Exemption/Personal Property (Brown-Waite and others) (FR)170, (CO)280, (CO)293 DSC
- SB
 1770 Compulsory Attendance/Miami-Dade (Diaz de la Portilla) (FR)170 DSC
 1772 Black Business Investment Board (Commerce and Economic Opportunities and others) (FR)170, (MO)368, (CR)397, (CS)402, (MO)662, (CR)951, (BA)1043, (CO)1256 LTS
 1774 Motor Vehicle Service Warranties (Brown-Waite) (FR)170 DSC
 1776 NASA's Small Aircraft Transportation (Transportation) (FR)170, (CR)328, (CS)340, (MO)967 DCS
- SB
 1778 Domestic Violence (Children and Families and others) (FR)170, (CR)326, (CR)328, (CS)340, (CO)348, (CR)423, (MO)454, (CR)569, (BA)600, (BA)670 LTS/CSP-HB 1673
 1780 Sharpening the Pencil Act (Appropriations) (FR)170, (CR)270, (CR)305, (MO)574, (CS)653, (CR)951, (BA)999, (BA)1065 LTS/CSP-CS/CS/HB 269
 1782 Medical Negligence (Campbell) (FR)171 DSC
 1784 State Planning & Budgeting (Appropriations) (FR)171, (MO)409, (CR)467, (CS)473, (MO)967, (MO)985, (BA)1163, (BA)1295, (BA)1304, **1305**, (BA)1780, **1781**, 2118 Ch. 2001-56 CSP-SB 532, CS/SB 822
 1786 Life Insurance (Dawson) (FR)171, (CR)241, (CR)285, (BA)303, (BA)304, (BA)**322** DM
 1788 Dentistry (Health, Aging and Long-Term Care and others) (FR)171, (CR)272, (CS)278, (CR)285, (BA)298, (BA)**317**, 1256 Ch. 2001-176 CSP-CS/SB 1558, CS/CS/SB 2156
 1790 Water Supply 2020 (Laurent) (FR)171 DSC
 1792 Apportionment/Standards (Rossin) (FR)171, (CO)245 DSC
- SJR
 1794 Judiciary (Garcia) (FR)171 DSC
- SB
 1796 Community Associations (Geller) (FR)171 DSC
 1798 DNI/CSP CS/SB 1922
 1800 Sales Tax/Industrial Machinery (Brown-Waite and others) (CO)147, (FR)171, (CR)270 DSC
 1802 School Readiness (Brown-Waite) (FR)172 DSC/CSP-CS/HB 501, SB 1162
 1804 School Readiness Trust Fund (Brown-Waite) (FR)173 DSC
 1806 District Cost Differentials (Brown-Waite) (FR)173, (MO)194 DSC
 1808 Shellfish Processors (Lawson) (FR)173 DSC
 1810 State Agencies/Victim of Crimes/FDLE (Burt) (FR)173, (CR)466, (MO)673 DCS
 1812 Technology Enterprise Trust Fund (Appropriations) (FR)174, (CR)326, (CR)543, (MO)575, (CS)654, (CR)951, (BA)1097 DCS/CSP-HB 1811
 1814 Substance Abuse Treatment Programs (Criminal Justice) (FR)174, (CR)356, (CS)362, (CR)543, (CS/CS)544, (MO)652, (CR)951, (BA)1064 LTS/CSP-CS/HB 199, CS/CS/SB 912
 1816 Insurer Rehabilitation & Liquidation (Banking and Insurance) (FR)174, (CR)543, (CS)544, (MO)639, (CR)951, (BA)1047, (BA)1048, (BA)1360, **1361** DM
 1818 Health Insurance (Wasserman Schultz) (FR)174 DSC
 1820 Instant Bingo Games (Silver and others) (CO)147, (FR)174, (CO)182, (CO)227, (CR)326, (MO)350, (CR)569, (BA)642, (BA)694, (BA)**704** DM
 1822 Public Utilities Regulation/Monopoly (Campbell) (FR)174 DSC
 1824 Electrical/Alarm System Contracting (Regulated Industries) (FR)174, (CR)467, (CS)473 DSC
 1826 Florida Rural Heritage Act (Commerce and Economic Opportunities and others) (FR)175, (CR)270, (CO)293, (CR)328, (CS)341, (CR)423 DSC
 1828 Tax Exemption/Farm Equipment (Pruitt and others) (FR)175, (CR)326 DSC
 1830 Red Light Safety Act (Peaden and others) (FR)175, (CO)182 DSC
 1832 Judgments (Geller) (FR)175, (MO)673 DSC
 1834 Farm Labor Contractors (Miller and others) (FR)175, (CO)293, (CR)326, (CR)327, (CR)395, (BA)422, (BA)423, (BA)**432** DM
 1836 Public Records/Communications Tax (Finance and Taxation) (FR)175, (CR)328, (CS)341, (MO)543, (CR)569, (BA)642, (BA)**694**, 965 Ch. 2001-139 CSP-CS/CS/SB 1878
 1838 Public Records/State Bidder/Finances (Jones) (FR)176, (MO)423 WS
 1840 David Levitt School Anti-Hunger Act (Clary) (FR)176, (MO)194, (CR)270, (MO)282, (BA)386, (CR)395, (BA)**415** DCH
 1842 Southwest Fla. Water Mgmt. District (Laurent) (FR)183 DSC
 1844 Drug-Free Workplaces (Burt) (FR)183 DSC
 1846 Ad Val Tax/Refund of Filing Fees (Crist) (FR)183 DSC
 1848 Public Rec./Nursing Home/Liability (Health, Aging and Long-Term Care) (FR)183, (CR)397, (CS)403, (MO)543, (CR)652, (BA)728, (BA)786, (BA)787, (BA)**798** DM/CSP-CS/CS/SB 1202
 1850 Dept. of Revenue Clerks of Court TF (Finance and Taxation and others) (FR)183, (CR)271, (CS)278, (MO)313, (CR)465, (BA)522, (BA)**561**, (BA)(CO)661, 792 Ch. 2001-121 CSP-CS/SB 1852

- SB
1852 State Revenue Collection/Court Clerk (Finance and Taxation and others) (FR)183, (CR)271, (CS)278, (MO)313, (CR)465, (BA)522, (BA)**561**, (BA)(CO)661, 792 Ch. 2001-122 CSP-CS/SB 1850
- 1854 Trust Funds/DMS (Clary) (FR)183 DSC
1856 Services Trust Fund/DMS (Clary) (FR)184 DSC
1858 Child Welfare/Protective Custody (Cowin) (FR)184 DSC
- SJR
1860 Judicial Vacancies/Nominations (Cowin) (FR)184 DSC
- SB
1862 Education Funding (Jones) (FR)184, (MO)423 WS
1864 Violent Crime & Drug Control Council (Criminal Justice and others) (FR)184, (CR)328, (CS)341, (CO)348, (MO)368, (MO)454, (CR)569, (BA)587, (BA)597, (BA)667, (BA)**668** LTS/CSP-CS/HB 1425, CS/CS/HB 267
- 1866 Subsidized Child Care (Children and Families) (FR)184, (CR)466, (CS)473 DSC
- 1868 Insurance (Latvala) (FR)184, (CR)465, (MO)673 DCS
1870 Insurance/Self-Insurance (Latvala) (FR)184 DSC
1872 District School Tax (Finance and Taxation) (FR)184, (CR)305, (CR)356, (CS)362, (MO)454, (CR)569, (BA)645, (BA)**706**, (BA)**1855** Ch. 2001-220
- 1874 Postsecondary Education/Work Product (Education) (FR)185, (CR)424, (CS)428, (CR)543, (MO)574 DCS
1876 Teacher Protection Act (Cowin) (FR)185 DSC
1878 Taxation/Communications Services (Appropriations and others) (CO)147, (FR)185, (CO)280, (CR)328, (CS)341, (CO)348, (CO)407, (MO)409, (CO)478, (CR)543, (CS/CS)545, (CR)569, (BA)643, (BA)644, (BA)703, **704**, 965 Ch. 2001-140 CSP-CS/SB 1540, CS/SB 1836
- 1880 Corporations (Judiciary) (FR)185, (CR)328, (CS)342, (CR)467, (CS/CS)474, (CR)652, (BA)767, (BA)778, (BA)**828**, 965 Ch. 2001-195
- SR
1882 Kids Voting Broward, Inc. (Dawson) (FR)**246** Adopted
- SB
1884 Career Criminals Registration (Laurent) (FR)185 DSC
1886 Governmental Reorganization (Sanderson) (FR)186, (CR)326 DSC
- 1888 Pensacola/Pension & Retirement Fund (Peaden) (FR)186, (BA)**913**, (CR)951 DM
1890 Monroe Co./Key West Utility Board (Jones) (FR)186 DSC/CSP-HB 763
- 1892 Pensacola/Civil Service System (Peaden) (FR)186, (BA)**913**, (CR)951 DM
1894 City of Pensacola/Elections (Peaden) (FR)186 DSC/CSP-HB 937
- 1896 Mortgage Brokers & Lenders (Banking and Insurance) (FR)186, (CR)305, (CS)307, (MO)639, (CR)951, (BA)1097 LTS/CSP-CS/HB 455
- 1898 State Technology Office (Burt) (FR)187 DSC
1900 Defense of Scouting Act (Sebesta) (FR)187, (MO)220 WS
1902 Food Service Employee Training (Regulated Industries) (FR)187, (CR)396, (CS)403, (MO)574, (CR)951, (BA)1162 LTS/CSP-HB 1471, CS/HB 475
- 1904 Teacher Certification (Meek) (FR)187 DSC
1906 Insurance (Latvala) (FR)187, (CR)327, (CR)787, (BA)843, (BA)991 DCS
- 1908 Resource Recovery (Lawson) (FR)187 DSC
1910 Medical Practice/Clinics (Health, Aging and Long-Term Care) (FR)187, (CR)356, (CS)362 DSC/CSP-CS/CS/SB 1092, CS/SB 1558
- 1912 Citrus Archive (Laurent) (FR)187, (CR)327, (MO)574 DCS/CSP-CS/SB 1922
- 1914 Juvenile Justice (Criminal Justice and others) (FR)187, (CR)328, (CS)342, (MO)409, (MO)652, (CR)951, (BA)1097, (BA)1110, (BA)1111, (CO)2119 LTS/CSP-CS/CS/HB 267, CS/HB 1425, HB 1743
- 1916 Elderly/Disabled Adults/Bingo (Sebesta and others) (FR)188, (CR)326, (CO)348, (MO)368, (CR)569, (BA)642, (BA)694, (BA)**706** DM
- 1918 Schools/Aftercare Pilot Program/DOE (Garcia) (FR)188 DSC
- 1920 Fla. Mobile Home Relocation TF (Regulated Industries) (FR)188, (CR)271, (CS)278, (MO)423, (CR)466, (MO)639, (CR)787, (BA)835, (BA)836, (BA)974 LTS/CSP-HB 1265, CS/CS/HB 411
- 1922 Agriculture & Consumer Services (Agriculture and Consumer Services) (FR)188, (CR)328, (CS)342, (MO)423, (MO)454, (CR)569, (BA)610, (BA)615, (BA)674, **681**, (BA)722, **726**, 965 Ch. 2001-279 CSP-CS/HB 501, CS/CS/HB 719, HB 1225, CS/SB 2, CS/SB 1956, SB 2002
- SB
1924 Funeral & Cemetery Services (Pruitt) (FR)188 DSC/CSP-CS/SB 1610
- 1926 Workers' Compensation (Banking and Insurance) (FR)189, (CR)328, (CS)343, (MO)574, (MO)639, (CR)787, (BA)843, (BA)859, (BA)895, (BA)896, (BA)897 LTS/CSP-CS/HB 1803, CS/SB 1284
- 1928 Elections (Campbell and others) (CO)182, (FR)189 DSC
1930 Public Records/Central Voter File (Campbell) (FR)189, (MO)200 WS
- 1932 Drug Traffic Program/Orange Co. (Criminal Justice) (FR)189, (CR)328, (CS)344, (MO)454, (CR)569, (BA)597, (BA)**667**, 965 Ch. 2001-57
- 1934 Bay of Pigs/Operation Mongoose (Garcia) (FR)190 DSC
1936 Pari-mutuel Wagering (Sanderson) (FR)190 DSC
1938 Charitable Organizations (Garcia) (FR)190 DSC
1940 Schools/Relocatable Classrooms (Garcia) (FR)190 DSC
1942 Employment Screening/Medical Clinics (Diaz de la Portilla) (FR)190, (CR)270, (CR)285, (BA)303, (BA)**321** DM
- 1944 State Technology Systems (Burt) (FR)190, (CR)466 DSC
1946 Student Educational Improvement (Bronson) (FR)190 DSC
- 1948 Drivers' Licenses/Selective Service (Crist) (FR)190, (CR)327, (CR)466, (MO)651, (CR)951, (BA)1040, (BA)1308 LTS/CSP-HB 635
- 1950 Voter Registration/High Schools (Jones) (FR)190, (CR)326, (MO)454 DSC
- 1952 Contaminated Sites/Corrective-Action (Garcia) (FR)190 DSC
- 1954 Small-School Requirement/Population (Rossin) (FR)191, (CR)424, (CS)427, (MO)454, (CR)569, (BA)645, (BA)**706** DM
- 1956 Motor Vehicles (Commerce and Economic Opportunities and others) (FR)191, (CR)326, (CO)407, (CR)424, (CS)428, (CR)466, (CO)548, (CR)569, (BA)597, (BA)598, (BA)668, (BA)**669**, (BA)1765, **1779** Ch. 2001-196 CSP-HB 757, CS/SB 822, CS/SB 1922
- 1958 Public Records/Judges/Comp. Claims (Latvala) (FR)191, (CR)327, (CR)466, (MO)574, (CR)787, (BA)843, (BA)893, (BA)982, (BA)**989** DM
- 1960 Health Care (Health, Aging and Long-Term Care) (FR)201, (CR)397, (CS)403, (CR)466, (CS/CS)474, (MO)639, (CR)951, (BA)1068, (BA)1191, (BA)1192, (BA)1362 LTS
- 1962 RV Mediation & Arbitration Program (Carlton) (FR)201 DSC/CSP-CS/SB 1956
- 1964 Assault & Battery/Enhanced Penalties (Crist) (FR)201 DSC
- 1966 Cardiac Arrest Survival Act (Judiciary and others) (FR)201, (CR)424, (CS)428, (MO)574, (CR)787, (BA)879, (BA)880, (CO)1256 LTS/CSP-HB 1429
- 1968 Law Enforcement Radio Operating TF (Appropriations) (FR)201, (CR)326, (CR)543, (MO)575, (CS)654, (CR)951, (BA)1062, (BA)**1486** DM
- 1970 Governmental Reorganization (Banking and Insurance and others) (FR)201, (CR)271, (CS)278, (CR)305, (CS/CS)307, (MO)350, (CR)395, (BA)441, (BA)531, (BA)550, (BA)575, (BA)663 LTS
- 1972 Charter Schools (Education) (FR)202, (CR)424, (CS)429, (CR)543, (MO)985 DCS/CSP-CS/CS/HB 269
- 1974 Long-Term-Care Facilities (Carlton) (FR)202 DSC
1976 Spaceport Florida Authority (Commerce and Economic Opportunities) (FR)202, (CR)424, (CS)429, (MO)639, (MO)967 DCS
- 1978 Tax Administration (Finance and Taxation) (FR)202, (CR)326, (CR)543, (CS)546, (CR)652, (BA)758, (BA)759, (BA)777, (BA)805 LTS/CSP, HB 21, CS/SB 1784, CS/SB 1872
- 1980 Criminal Justice Programs (Burt) (FR)202, (CR)326, (CR)396, (CR)466, (MO)639, (CR)951, (BA)1062 LTS/CSP-HB 1731, HB 1741, SB 2002
- 1982 Elections (Villalobos) (FR)202 DSC
1984 Workers' Compensation (Villalobos) (FR)203 DSC
1986 Public Employees/Volunteers/Ins. (Sanderson) (FR)203, (CR)327, (MO)409, (CR)MO)465, (BA)480, (BA)**558**, (BA)661, 792 Ch. 2001-123
- 1988 Hillsborough Co./Tourist Development (Lee and others) (FR)203 DSC/CSP-HB 867
- 1990 Tampa/Employees' Retirement Plan (Sebesta and others) (FR)203, (BA)**914**, (CR)951 DM
- 1992 Hillsborough Co./Tampa (Sebesta and others) (FR)203 DSC/CSP-HB 911

- SB
1994 Hillsborough Co./Hospital Liens (Lee and others) (FR)204 DSC/CSP-HB 885
- 1996 Tampa/Firefighters & Police Pension (Crist and others) (FR)204, (BA)914, **916**, (CR)951, 2118 Ch. 2001-288
- 1998 Tampa Firefighters & Police Officers (Crist and others) (FR)204, (BA)916, (CR)951 DSC
- 2000 Appropriations (Appropriations) (FR)228, (CR)240, (MO)248, (BA)249, (BA)262, (BA)265, (BA)269, (BA)282, (BA)283, **284**, (BA)313, (BA)314, (BA)407, 477, (BA)784, (BA)1557, 1866, (BA)**2073**, 2074, 2119 Ch. 2001-253 CSP-SB 2002
- 2002 Appropriations Implementing Bill (Appropriations) (FR)228, (CR)240, (MO)248, (BA)265, (BA)266, (BA)268, (BA)269, (BA)283, **284**, (BA)314, (BA)407, 477, (BA)784, 2074, **2086**, 2119 Ch. 2001-254 CSP-SB 2000, HB 1731, HB 1741, CS/SB 1922
- 2004 Education (Horne) (FR)204, (CR)326, (CR)395, (CR)543, (MO)549, (CR)951, (BA)1102, (BA)1105, (BA)**1485** DM/CSP-HB 1225
- 2006 Public Records/Juvenile Justice (Cowin) (FR)204, (CR)285 DSC
- 2008 Economic Development (Appropriations and others) (FR)204, (CR)271, (CS)278, (CR)329, (CR)543, (CS/CS)546, (CR)652, (BA)760, (BA)767, (BA)824, (BA)828, (BA)940, **949**, (CO)965, (CO)2119 DM/CSP-HB 489, HB 1225
- 2010 Nurse & Allied Health Professions (Dawson) (FR)204, (CR)326 DSC
- 2012 Character Evidence/Child Molestation (Judiciary) (FR)204, (CR)467, (CS)474, (CR)787, (BA)842, (BA)**976**, 2118 Ch. 2001-221
- 2014 Elevator Safety Act (Commerce and Economic Opportunities) (FR)205, (MO)368, (MO)395, (CR)396, (CS)403, (CR)447 DSC/CSP-CS/CS/SB 336
- 2016 Traffic Infraction/Citation/Appear (Rossin) (FR)205 DSC
- 2018 Local Govt./Financial Emergency (Silver) (FR)205, (CR)327, (MO)1251 DCS
- 2020 Regional Cultural Facilities (Silver) (FR)205, (CR)396, (CR)465, (MO)967 DCS
- 2022 Legislative Oversight (Sanderson) (FR)205, (CR)396, (MO)574, (MO)795 DCS/CSP-CS/SB 822, CS/CS/HB 269, CS/SB 1956
- 2024 Fish & Wildlife Conservation Comm. (Finance and Taxation) (FR)206, (CR)270, (CR)305, (CS)308, (MO)368, (CR)652, (BA)728, (BA)739, (BA)**799** DM/CSP-CS/CS/SB 1204
- 2026 Waiver of Sovereign Immunity (Burt) (FR)207 DSC
- 2028 Corporation/Production of Records (Criminal Justice) (FR)207, (MO)285, (CR)396, (CR)543, (CS)547, (CR)787, (BA)843, (BA)**983** DM
- 2030 Electrologists/Laser/Light Devices (Campbell and others) (FR)207, (CO)235, (CO)245, (CR)396 USC/LTS
- 2032 Recreational Facilities (Comprehensive Planning, Local and Military Affairs) (FR)207, (CR)397, (CS)404 DSC
- 2034 Rural Electric Cooperatives (Commerce and Economic Opportunities) (FR)207, (CR)327, (CS)344, (CR)396, (CR)465, (BA)521, (BA)560, **561**, (BA)661, 1256 Ch. 2001-197
- 2036 Criminal Justice Standards Comm. (Criminal Justice) (FR)207, (CR)328, (CS)344, (MO)409, (MO)951 DCS
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- 2040 School Financial Accountability (Cowin) (FR)207, (MO)262 WS
- 2042 Pest Control Operators (Agriculture and Consumer Services) (FR)208, (CR)271, (CS)278, (MO)313, (BA)390, (BA)391, (CR)395, (BA)**417**, (BA)1502, **1504** Ch. 2001-280
- 2044 Wrecker Liens (Transportation) (FR)208, (CR)357, (CS)362, (CR)423, (CR)466, (MO)639, (CR)951, (BA)1098, (BA)1102, (BA)1482 LTS/CSP-HB 757, CS/SB 1956
- 2046 School District Guarantee Program (Constantine) (FR)208, (CR)396, (CR)466, (MO)673 DSC
- 2048 Tax Exemption/Brownfield Area Rehab. (Latvala) (FR)208 DSC
- 2050 Health Insurance/Low Income Families (Mitchell) (FR)208 DSC
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2052 St. Johns County Day/March 22, 2001 (King) (FR)215, **216** Adopted
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2054 Designations/University Buildings (Education and others) (FR)208, (CO)293, (CR)327, (CS)344, (MO)454, (CR)569, (BA)642, (BA)643, (BA)694, (BA)706, **707**, 1256 Ch. 2001-287
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- 2058 Dangerous Dogs (Judiciary) (FR)209, (CR)271, (CS)278, (CR)424, (CS/CS)429, (CR)466, (CR)652, (BA)768, (BA)779, (BA)829, (BA)830, (BA)**833** DM
- 2060 Insurance Department (Banking and Insurance) (FR)209, (CR)305, (CS)308, (MO)368, (CR)395, (BA)435, (BA)439, (BA)529, **530**, (MO)672, (BA)1645 DCS/CSP-CS/SB 1558, CS/CS/SB 2092, CS/SB 2174
- 2062 Local Water or Wastewater Utilities (Comprehensive Planning, Local and Military Affairs) (FR)209, (CR)357, (CS)362 DSC
- 2064 Water Supply Policy (Comprehensive Planning, Local and Military Affairs) (FR)209, (CR)397, (CS)404 DSC
- 2066 Athlete Agents (Judiciary and others) (FR)209, (CR)357, (CS)362, (CO)364, (CR)467, (CS/CS)474, (MO)639, (MO)651, (CR)951, (BA)1113, (BA)**1510** DM
- 2068 Community College Aviation Program (Campbell) (FR)210 DSC
- 2070 Disposition of Body (Saunders) (FR)210 DSC/CSP-CS/SB 1610
- 2072 Utility Poles/Rights-of-Way (Campbell) (FR)210, (MO)325 WS
- 2074 Environmental Control (Natural Resources) (FR)210, (CR)328, (CS)344, (CR)466, (CR)951, (BA)1102, (BA)**1484** DM
- 2076 Parental Kidnapping Prevention Act (Geller) (FR)210 DSC
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2078 Kalfas, Chris J. (King) (FR)**216** Adopted
- SB
2080 Insurance (Banking and Insurance) (FR)210, (CR)328, (CS)344 DSC/CSP-CS/HB 1803
- 2082 Public Records/HMO Public Meetings (Banking and Insurance) (FR)210, (CR)270, (CR)305, (CS)308 DSC
- 2084 HS Activities Assn./Minority Student (Miller) (FR)211 DSC
- 2086 Criminal Justice Programs (Burt) (FR)211, (CR)328, (CS)341, (MO)368, (MO)454, (CR)569, (BA)587, (BA)597, (BA)667, (BA)**668** LTS/CSP-CS/HB 1425, CS/CS/HB 267
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- 2090 School Boards/Surtax/Real Property (Wasserman Schultz) (FR)211 DSC
- 2092 Health Care (Appropriations) (FR)211, (CR)271, (CS)279, (CR)326, (MO)421, (CS/CS)450, (CR)465, (CR)467, (BA)524, (BA)525, (BA)563, (BA)**568**, (BA)661, 1256 Ch. 2001-222 CSP-CS/CS/SB 792, CS/SB 840, CS/SB 1558, CS/SB 2174
- 2094 Fictitious-name Registration (Diaz de la Portilla) (FR)211 DSC
- 2096 CPA/License Reinstatement (Regulated Industries) (FR)211, (CR)356, (CS)362, (MO)662, (CR)951, (BA)999, (BA)**1305** DM/CSP-SB 958
- 2098 Elections/Voter's Bill Of Rights (Ethics and Elections and others) (FR)211, (CR)329, (CS)345 DCS/CSP-CS/SB 1118
- 2100 Electors/Valid Signatures/Internet (Jones) (FR)211, (MO)423 WS
- 2102 Supervisors of Elections (Jones) (FR)211 DSC
- 2104 Hiring or Leasing Personal Property (Crist) (FR)212, (CR)326, (CR)327, (BA)375, (CR)395, (BA)**412**, 1256 Ch. 2001-141
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2106 Dr. Ed Haskell Legislative Clinic (Peaden) (FR)212, (MO)350, (BA)391, **392**, (CR)395, 965 Adopted
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- 2110 Medicaid Services (Health, Aging and Long-Term Care and others) (FR)213, (CO)280, (CR)328, (CS)345, (MO)350, (BA)392, (BA)393, (CR)395, (BA)417, **418**, 1256 Ch. 2001-223 CSP-CS/SB 1558
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- 2114 Historic Preservation (Clary and others) (FR)241, (CO)293, (CR)326, (CR)465, (MO)651, (CR)951, (BA)999, (BA)1000 LTS/CSP-HB 1419

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2136 Doctors' Day/March 30, 2001 (Peaden) (FR)246, **247** Adopted
- SB
2138 State Motor Vehicles (Burt and others) (FR)242, (CO)280 DSC
- 2140 Excise Tax on Documents (Rossin) (FR)243, (CR)326, (CR)466 DSC
- 2142 Solid Waste Collection (Natural Resources) (FR)243, (CR)327, (CR)396, (CR)467, (CS)475, (CR)569, (BA)642, (BA)**694** DM
- 2144 Toll-free School Safety Hotline (Dyer) (FR)243 DSC
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- SR
2148 Mote, Mr. William Russell (Carlton) (FR)294, **295** Adopted
- SM
2150 Florida Keys (Jones) (FR)243 DSC/CSP-SR 2396
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- SB
2156 Dentist/Palliative/End-of-Life Care (Judiciary) (FR)243, (CR)329, (CS)345, (CR)467, (CS/CS)476, (CR)652, (BA)751, (BA)**802**, (BA)**1504** Ch. 2001-250 CSP-CS/SB 1558, CS/SB 1788
- 2158 Health Care (Health, Aging and Long-Term Care) (FR)243, (MO)368, (CR)424, (CS)429, (MO)454, (MO)985 DCS/CSP-CS/HB 475, CS/CS/SB 792, CS/SB 1256, CS/SB 1558, CS/SB 1788, CS/CS/SB 2156
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- 2174 Insurance Agents (Banking and Insurance) (FR)286, (CR)424, (CS)430, (CR)466, (CR)652, (BA)768, (BA)**829**, 965 Ch. 2001-142 CSP-CS/SB 1558, CS/CS/SB 2092
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- 2178 Public Meetings & Public Records (Governmental Oversight and Productivity) (FR)286, (CR)356, (CS)363, (CR)467, (CS/CS)476, (MO)574, (CR)787, (BA)842, (BA)880 LTS/CSP-CS/HB 1385
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2180 Prostate Cancer Awareness Month (Miller) (FR)**313** Adopted
- SB
2182 State Council on Competitive Govt. (Lawson) (FR)287 DSC
- SR
2184 N. Fla. Christian School Football (Lawson and others) (FR)**453** Adopted
- 2186 F.S.U. Day/March 29, 2001 (King) (FR)**247** Adopted
- SB
2188 Education Investment Act (Holzendorf) (FR)287, (CR)326 DSC
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- 2192 Nursing Homes/Staffing Requirements (Holzendorf) (FR)287, (CR)326 DSC
- 2194 Elections/Voter-education Projects (Dyer and others) (FR)287, (CR)447 DSC/CSP-CS/SB 1118
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- 2216 Food Stamp Eligibility/Vehicles (Lawson and others) (FR)289, (CO)348, (CR)423, (MO)639, (CR)951, (BA)1068, (BA)**1510** DM
- 2218 Public Records/Insurers (Banking and Insurance) (FR)289, (CR)467, (CS)477, (MO)673 DCS
- 2220 Governmental Data Processing (Comprehensive Planning, Local and Military Affairs and others) (FR)289, (CO)348, (CR)356, (CS)363, (MO)409, (MO)454, (CR)569, (BA)643, (BA)**695**, 1256 Ch. 2001-251
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- 2226 Insurance/Assisted Living Facilities (Holzendorf) (FR)289 DSC
- 2228 Public Records/Long-Term-Care Assoc. (Holzendorf) (FR)290 DSC
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2230 Baird, Officer Scott M. (Smith) (FR)**365** Adopted
- SB
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- SR
2238 Child Abuse Prevention Month (Sanderson) (FR)**282** Adopted
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2240 Warranty Associations/Motor Vehicles (Garcia) (FR)329, (CR)396, (MO)409, (MO)454, (CR)569, (BA)605, (BA)610, (BA)672, **673**, (BA)1504, **1505** Ch. 2001-281
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- 2244 Fla. 4-H Youth Development Program (Bronson) (FR)295, **296** Adopted

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- 2312 Ft. Walton Beach Area Bridge Auth. (Clary) (FR)467
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- 2316 University of Florida Day (Laurent and others) (FR)366,
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- 2390 Orr, Dr. Dorothy Jackson (Dawson) (FR)**967** Adopted
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